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AGENDA COVER MEMO

DATE: August 15, 2005 (Date of Memo)
August 31, 2005 (Date of First Reading)
September 14, 2005 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Jerry Kendall ^{JK} Land Management Division

AGENDA ITEM TITLE: ORDINANCE NO. PA 1224 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "FOREST LAND" TO "NONRESOURCE", REZONE THAT LAND FROM "F-2/IMPACTED FOREST LANDS" TO "RR-5/RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 04-5738; Hagen)

I. MOTION

1. AUGUST 31, 2005: I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE NO. PA 1224 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 14, 2005, AT 1:30 P.M. IN HARRIS HALL.

2. SEPTEMBER 14, 2005: ALTERNATIVE MOTIONS AFTER THE PUBLIC HEARING:

A. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1224

OR

B. I MOVE TO TENTATIVELY DENY THE APPLICATION IN FILE PA 04-5738 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

II. ISSUE OR PROBLEM

A privately-initiated minor amendment to the Rural Comprehensive Plan (RCP), and companion rezoning request, has been recommended for approval by the Lane County Planning Commission at a density of RR-5. This Ordinance sets the matter before the Board for adoption, modification, or denial.

III. DISCUSSION

A. Background

In June of 2004, application was made to redesignate a vacant 71-acre privately owned tract, from "Forest Land" to "Nonresource" and rezone it from "F-2/Impacted Forest Lands" to "RR-5/Rural Residential". The property involved is identified as tax lot 1702 of map 17-12-36.3. The subject property is located on the south side of Mercer Lake Road, approximately 1/2 mile east of Highway 101. Refer to the map on the following page.

The entire tract is also within the "Beaches and Dunes Combining Zone" (LC 16.243). This overlay zone will remain in effect.

On November 16, 2004, the Lane County Planning Commission held a public hearing on the proposal. Only one letter expressing concerns over the proposal was received, from a nearby landowner (it is attachment #2 within the Staff Report for the LCPC, Attachment #2 of this memo). Those general concerns were addressed by staff in the LCPC report (p.3).

Of note is the response from the DLCD (see attachment 1 of the attached LCPC report), commenting that approval of the request "...may well be appropriate..." in light of the low soil productivity, surrounding development, topographic features, and water availability via the Heceta Water District.

The Planning Commission recommended approval of the proposal by a 6-0 vote.

B. Analysis

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

If approved, the Nonresource plan designation is accompanied by a Rural Residential zone designation of a five or ten-acre minimum (RR-5 or RR-10). The requested RR-5 designation would allow the applicant to subsequently apply for a 14-lot subdivision.

The Staff report and other documents produced for the Planning Commission's review of this proposal are attached; -- please refer to it for additional details on the proposal, location of the property, etc. Also attached is Ordinance PA 1224 with exhibits, including the draft findings prepared by the applicant, with minor editing by staff.

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

Resource Suitability

As stated in the attached findings, the site is appropriately characterized as Nonresource land with natural characteristics consisting of stabilized dunes, some with slopes of over 25 percent.

Old sand dunes have become stabilized as a result of the establishment of overgrowth brush which includes blackberry, salal, scotch broom, huckleberry, rhododendron, manzanita and other brush species. Timber types on these sandy soils are of poor quality and exhibit sparse stocking of primarily shore pines with a scattering of slow growing and wind (and salty air) damaged conifers such as Red Cedar, Douglas fir and Hemlock.

The terrain consists of several parallel ridges and valleys similar to the nearby densely populated subdivisions. About one third of the area is flat with slopes of less than 12 %, especially the NW portion of the property adjacent to Mercer Lake Road.

A Nonresource plan designation requires findings that the subject property is not available for resource goal utilization. Two primary resource goals are that of farm and forest use. Farm land in western Oregon is defined as land having a predominance of soils in Agricultural capability classes I-IV. The subject tract is entirely composed of soils in the class 6-8 range. Forest land is defined by Lane County as those lands with soils with productivity ratings of 50 cubic feet per acre annual or above. Only 1% (one acre) of the tract falls into this category, for an overall rating of .76 cubic feet per acre per year for Douglas fir. The Applicant's methodology (soils data coupled with on site borings) was reviewed and approved by the Oregon Department of Forestry. The applicant supplemented his initial submittal with additional information on other tree species. Of the trees on the parcel, approximately 70% are Shore pine, 20% Doug fir, and the remainder Red Cedar and Hemlock (scarce). Borings of those trees showed even slower growth than the Doug fir.

The compatibility of the proposal with other resource goals, primarily but not limited to goals 5 (water resources, open/scenic/historic designations, wildlife), 6 (water quality), 7 (natural disasters), and 18 (Beaches and Dunes) are adequately dealt with in the findings (see pages 13-15 of the findings for more details).

Water Supply

The tract is served by the Heceta Water District, which has expressed no concern over the proposal and states that they will serve the parcel.

Goal 2, Policy #19 (Density)

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

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

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

The applicant addresses this policy at page 7 of the findings. Noting the adjacent RR zoning density of one acre (existing development pattern), coupled with his responses to the other six factors, the applicant rightfully concludes that a 5 acre density is justified.

Goal 12/Transportation

The eventual subdivision would take access off of Mercer Lake and Collard Lake Roads. Both County Transportation Planning and ODOT have reviewed the application, and have no concerns over this redesignation to Rural Residential, five acre minimum.

General Comments of Findings

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

Lane County Planning Commission (LCPC) Action

The issues were presented to LCPC for its evaluation in a public hearing on November 16, 2004. Following the public hearings the Commission voted (6-0) to recommend approval of the Plan Amendment, with a zone designation of RR-5. Commission reasoning is set forth in the Minutes of the meetings, attached to this packet.

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

C. Alternatives/Options

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

D. Recommendations

If the Board concludes that the applicants' case has adequately been made, alternative 1 is the appropriate action to take. If not, the Ordinance either will need to be supplemented/revised to respond to any issues raised by the Board, or denied (alternative 3). Staff recommends alternative 1.

E. Timing

The Ordinance does not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

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

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

ATTACHMENTS

1. Ordinance PA 1224 with Exhibits "A" through "C"--60 pp.
2. LCPC Staff Report dated November 9, 2004. [Applicants' statements are now part of Exhibit "C".] --19pp.
3. Minutes of LCPC meeting of November 16, 2004--2pp.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1224) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN TO REDESIGNATE LAND FROM "FOREST LAND"
) TO "NONRESOURCE", REZONE THAT LAND FROM
) "F-2/IMPACTED FOREST LANDS" TO
) "RR-5/RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 04-5738; Hagen)**

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 June, 2004, application no. PA 04-5738 was made for a minor amendment to redesignate tax lot 1702 of map 17-12-36.3, from "Forest Land" to "Nonresource" and concurrently rezone the property from "F-2/Impacted Forest Lands" to "RR-5/Rural Residential"; and

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

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

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 1702 of map 17-12-36.3, from "Forest Land" to "Nonresource", such territory depicted on Plan Plots 20 and 28 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lot 1702 of map 17-12-36.3, is rezoned from "F-2/Impacted Forest Lands" (Lane Code 16.211) to "RR-5/Rural Residential" (Lane Code 16.231), such territory depicted on Rural Zoning Plots 20 and 28 and further identified as 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.

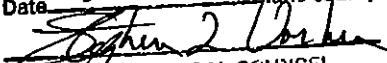
The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

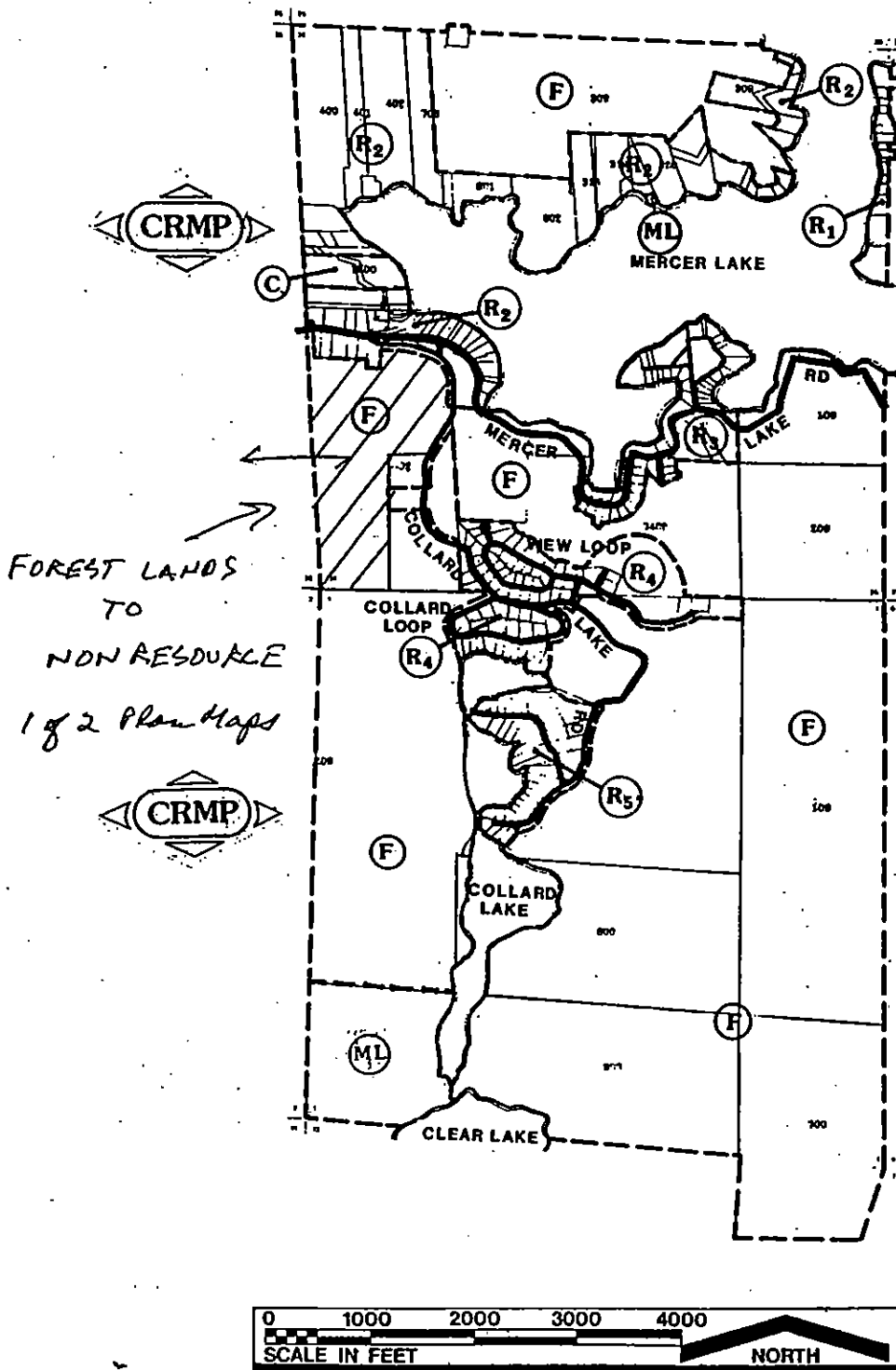
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the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

ENACTED this _____ day of _____, 2005.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 8-22-2005 Lane County

OFFICE OF LEGAL COUNSEL



lane county



OFFICIAL PLAN MAP

PLOT# 028

Township Range Section

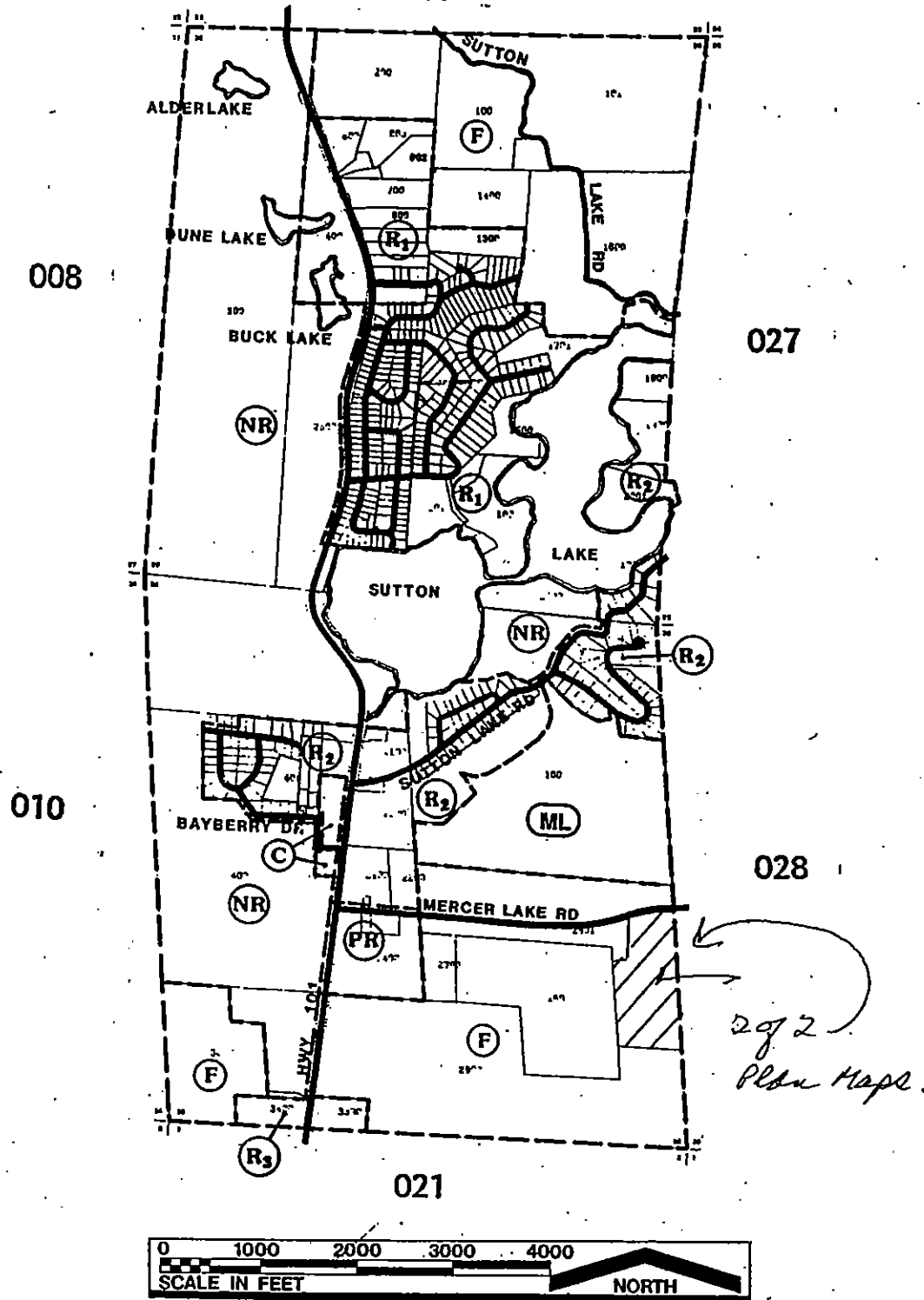
17 12 36

18 12 01

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

REVISION # ORD. # DATE FILE #

019



OFFICIAL PLAN MAP

PLOT # 020

Township Range Section
17 12 26

Township Range Section
17 12 35

ORIGINAL ORD. # PA 884

DATE 2/29/1984

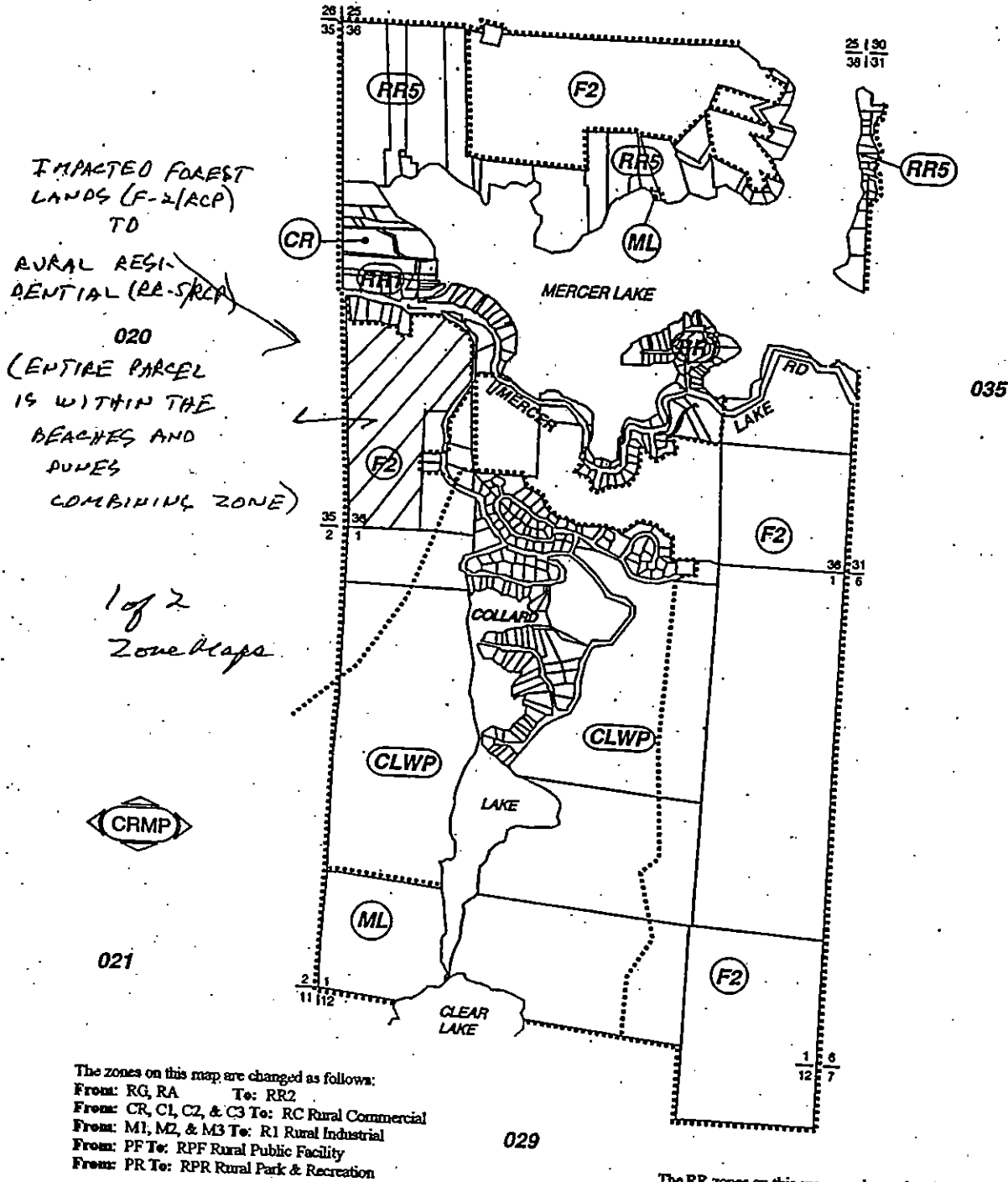
FILE #

REVISION # 1 ORD. # PA1079

DATE 3/16/96

FILE # PA1518-95

BOOK 165 PAGE 1295



lane county



OFFICIAL ZONING MAP

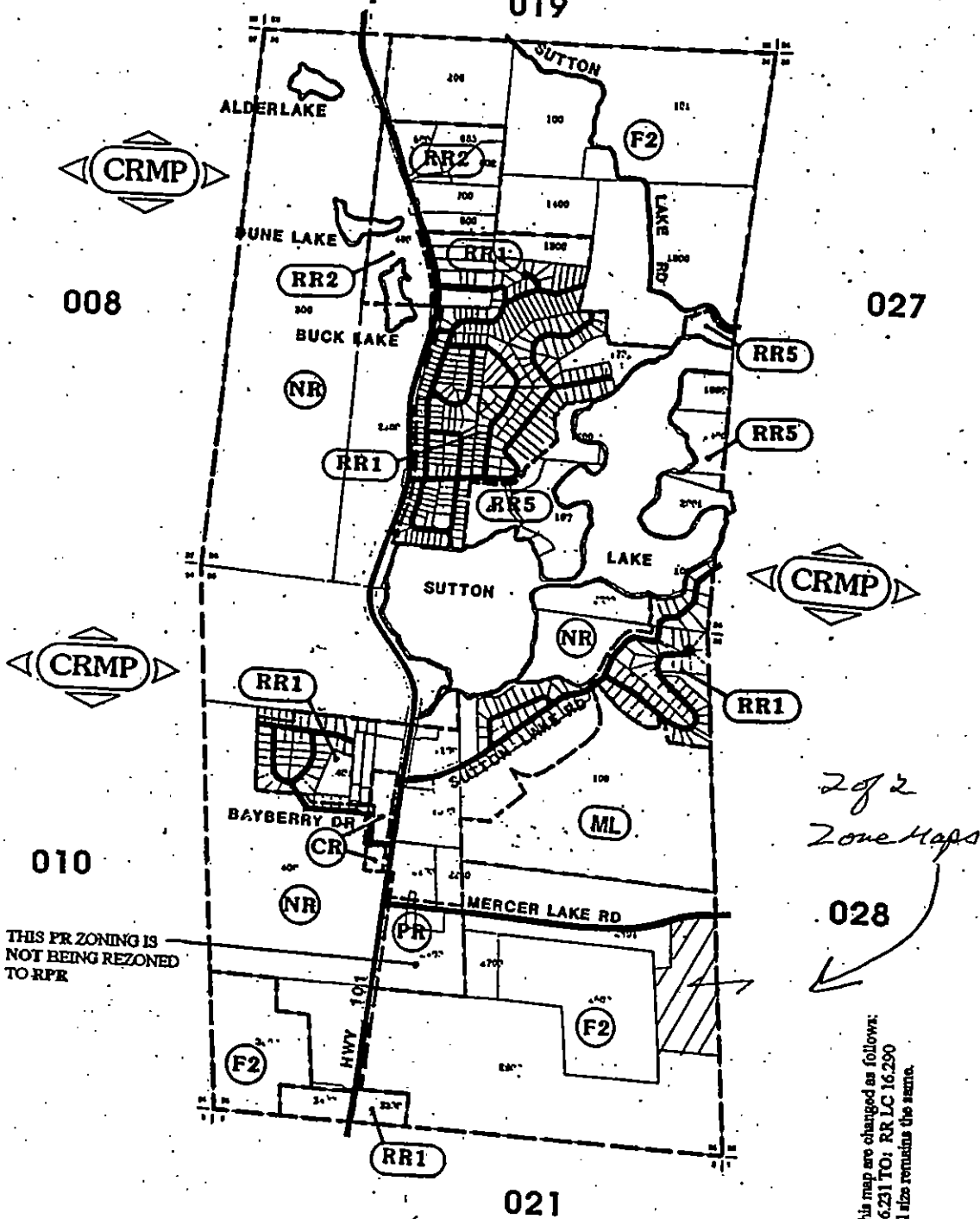
PLOT #028

Township Range Section
17 12 36

18 12 01

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

019



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



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

OFFICIAL ZONING MAP PLOT # 020

Township Range Section
17 12 26

Township Range Section
17 12 35

INAL ORD. # PA 884

DATE 2/29/1984

FILE #

SION # 1 ORD. # PA1079

DATE 3/16/96

FILE # PA1512.05

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
WILHEM HAGEN PLAN AMENDMENT AND ZONE CHANGE
FILE NO. PA 04-5738 (ORDIN. NO. PA 1224)**

The following findings of fact and conclusions of law support an affirmative decision by the Board to approve the proposed plan amendment and concurrent zone change for the "Subject Property." Additional information is provided in the attached Applicant's statement (AS) dated June 24, 2004, and supplemental information (SI) as provided for the Planning Commission Hearing on November 16, 2004. Those two documents are incorporated as part of these findings.

I. SUMMARY OF ISSUES

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

General overview:

1. The Statewide Planning Goals and the Rural Comprehensive Plan ("the Plan") protect resource lands while allowing other, nonresource lands to develop. The proposed amendment allows rural residential development on a documented nonresource tract and will not affect any adjacent or nearby resource lands.
2. This application implements RCP Goal 2 Policy 16 by designating the Subject Property as nonresource land and zoning it RR-5. The Plan provides for designating lands that are not farm or forest lands as defined by Statewide Planning Goals 3 and 4 as nonresource lands. Nonresource lands by definition do not require an exception to the goals.
3. The current plan designation of the Subject Property as forest land is in error. Goal 2 mandates that an adequate factual base be used in land use decision making. This amendment and zone change request provides a factual base to show the Subject Property does not meet the state definition of forest land or warrants protection by the F-2 zone. The proposed rural residential zoning of RR-5 can be accommodated by an adequate water supply, access to public roads, and availability of all necessary services.

Site characteristics:

4. The Subject Property consists of 71 acres of F-2 land located south of Mercer Lake Road and west of Collard Lake Road in Western Lane County about one-half mile East of Hwy 101. Good access exists to Hwy 101 from Mercer Lake Road, a county road designated as a major collector. Access points exist along 0.7 miles of frontage on Mercer Lake Road and Collard Lake Road.
5. The property is within the Rural Comprehensive Plan Area. The site is bordered on the north and east by lands with RR-1 zone designations and on the south and west by open sand dunes and lands currently zoned F-2 and NR with direct access to public roads.
6. The property is typical of most properties located within a two-mile range of the Oregon coastline in the Florence area. The site is appropriately characterized as NonResource land with natural characteristics consisting of stabilized dunes, some with slopes of over 25 percent. Old sand dunes have become stabilized as a result of the establishment of overgrowth brush which includes blackberry, salal, scotch broom, huckleberry, rhododendron, manzanita and other brush species. Timber types on these sandy soils are of

poor quality and exhibit sparse stocking of primarily shore pines with a scattering of slow growing and wind damaged conifers such as Red Cedar, Douglas Fir and Hemlock.

7. When the forest ground is disturbed, dunal sand is exposed and susceptible to potential erosion. Dunal areas have been impacted by motorcycle and ATV use for many years and have little resource value for commercial timber or farm use. Unauthorized dumping, trespass, litter, vandalism and illegal campfires are continuous problems. Scotch broom has invaded disturbed areas and presents a potential fire hazard that requires continuous suppression.

Primary Issues:

The Subject Property is not resource land.

8. Approximately 99% of the Subject Property has soils which are nonresource, as they exist on the site. This determination was based on a professional evaluation and an independent analysis by Lane County. Only

1 % of the parcel contains soils rated at 76 cu.ft./ac./year. The remaining soils have no rating for forest use resulting in a theoretical average of 0.76 cf/a/y. These sandy soils have non-agricultural ratings of VI-VIII.

9. To obtain more accurate productivity data than estimated by the soil ratings, a sufficient sampling of dominant and co-dominant Douglas fir were measured in height and age by increment boring. The results of these measurements resulted in an average productivity of 1.8 cf/a/y.

10. Shore pine were found to grow 5 % better than Douglas fir, still far below the 50 cf/a/y employed by Lane County as commercially viable forest land. Red cedar was measured to grow about 10 % slower than Douglas fir and hence does not provide an alternative. The situation for Hemlock is even worse because its economic value is less than one half that of Douglas fir.

11. This evaluations were reviewed by Oregon Department of Forestry staff, who agreed with the conclusion that the subject property is not forest land (AS Exhibit H-5).

12. The Subject Property does not have significant grazing, watershed, wildlife or scenic values that require maintaining a resource designation

13. This factually supported Nonresource designation is consistent with Oregon's land use policy as it helps preserve land that is truly Resource land in large blocks necessary for maintaining the farm and forest economy of the state. A Nonresource designation acknowledges certain lands are so poor that they do not meet the definition in the goals of either farm or forest land.

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

The proposed development density of the Subject Property is consistent with the Rural Comprehensive Plan, county policies, county plan amendment and zone change approval criteria, and statewide planning goals.

14. The proposed five acre rural residential zoning may result in a development of 14 dwellings on the Subject Property. This request does not propose any land divisions. Future land division will be subject to a

separate land division application and process that meets the requirements of Lane Code 16.231 Rural Residential Zone and LC 13.050, Land Divisions, and compliance with any conditions of approval.

15. The density of development proposed for the Subject Property will be less than the adjacent area to the north and east, which consists of rural residential development zoned RR-1 for a one acre lot size.

II. GENERAL FINDINGS RELATING TO THE PROPERTY AND APPLICATION

1. This application is for a plan amendment redesignating 71 acres of land from Forest Land to Nonresource Land with concurrent rezoning from Impacted Forest Land (F-2) to Rural Residential (RR-5). These findings provide factual support for the proposed Nonresource Land designation and therefore do not require exceptions to the statewide planning goals.

2. The Subject Property is identified as tax lot 1702 on Assessor's Map No. 17-12-36-30 located on Lane County Zoning Plot # 021 and 028. It is a 71 acre tract located south of Mercer Lake Road and west of Collard Lake Road in Western Lane County about one-half mile east of Hwy 101 and five miles north of Florence. Good access exists to Hwy 101 from Mercer Lake Road, a county road designated as a major collector. Access points exist along 0.7 miles of frontage on Mercer Lake Road and Collard Lake Road.

3. The Subject Property is a legal lot as verified by Lane County Legal Lot Verification PA 00-5745.

4. The site is appropriately characterized as NonResource land with natural characteristics consisting of stabilized dunes, some with slopes of over 25 percent. Old sand dunes have become stabilized as a result of the establishment of overgrowth brush which includes blackberry, salal, scotch broom, huckleberry, rhododendron, manzanita and other brush species. Timber types on these sandy soils are of poor quality and exhibit sparse stocking of primarily shore pines with a scattering of slow growing and wind damaged conifers such as Red Cedar, Douglas Fir and Hemlock.

5. The terrain consists of several parallel ridges and valleys similar to the nearby densely populated subdivisions. About one third of the area is flat with slopes of less than 12 %, especially the NW portion of the property adjacent to Mercer Lake Road. There are ample of relatively flat areas and low grades for dwellings and septic systems on 5 acre parcels.

6. The Subject Property is provided the following public services:

WATER:	Heceta Water District
ELECTRICITY:	Central Lincoln PUD
FIRE:	Siuslaw Rural Fire Protection District
TELEPHONE:	Q-West
SCHOOL:	Siuslaw School District 97-J
POLICE:	Oregon State Police, Lane County Sheriff
SOLID WASTE:	Florence Solid Waste Transfer Site
ACCESS:	Highway 101, Mercer Lake Road and Collard Lake Road

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

7. National Wetlands Inventory Map "Mercer Lake OR. J3-3" indicates there are no wetland resources located on the Subject Property. The site is not within a flood plain or watershed.

8. The site has no fish or waterfowl habitat. There are no identified rare or endangered species habitats on this site. The site is not within a managed Major Big Game Range. The big game habitat is impacted by nearby subdivisions and dense development of over 100 homes on about one half acre lots. These housing developments preclude wildlife management, viable big game populations and reduce the area to the lowest quality habitat according to the March 1982 Flora and Fauna Working Paper. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area.

9. There are no county inventories or specific site evidence that indicates the site is necessary to be preserved for wildlife, or to meet wildlife requirements for food, water, shelter, reproduction, wildlife migration corridors, big game range, nesting or roosting sites.

10. No historical, archaeological, scenic or other resource features have been identified on the Subject Property by county inventories.

11. There are about 100 dwellings within approximately one-half mile of the Subject Property. There are no industrial, commercial or agricultural tracts that are located in the vicinity.

12. Zoning Plots #021 and 028 indicate the zoning of the surrounding area consists of Rural Residential RR-1 and Impacted Forest Land F-2. All adjacent F-2 parcels have direct road access. Only the 44 acre F-2 parcel (tax lot 400 map 17-12-35.4) adjacent west of the subject property has some timber productivity because of its lower elevation reaching the water table at a wetland. This parcel has over 1600 feet of frontage on Mercer Lake Road and four accesses to that road. The subject property was never used for any forest operations on adjacent F-2 land and hence is not needed to provide access or allow timber management on the adjacent 44 acre or any other parcel.

13. The 1987 Soil Survey for Lane County Area, Oregon, map sheet # 68 and the Lane County Soil Ratings of August 1997 indicates the property has the following soil classifications. "Ag" refers to NRCS agricultural class, while "Forest" refers to the forest capability rating for Douglas-fir in cu.ft./ac./year.

Map#	Soil type	Ag	Forest	% of site
94E	Netarts fine sand, 12 to 30 % slopes	VI	0	58
131G	Waldport fine sand, 30 to 70 % slopes	VII	0	21
44	Dune land	VIII	0	17
94C	Netarts fine sand, 3 to 12 % slopes	VI	0	3
21G	Bullards-Ferrelo loams 30 to 60 % slopes	VI	76	1

14. Based on this evaluation all of the site area is properly classified as Agricultural Class VI to VIII. These classifications are not suitable for agricultural use. The ratings for forest use result in an average productivity of 0.76 cf/a/y. Height and age measurements on Douglas fir result in 1.8cf/a/y that is far below the 50 cf/a/y employed by Lane County as commercially viable forest land.

15. The Lane County Land Management planning staff reviewed the applicant's statements and evidence, and recommended approval of the proposed Nonresource designation with a Rural Residential RR-5 zone. DLCD commented that approval of the request "...may well be appropriate..."

16. On November 16, 2004 the Lane County Planning Commission conducted an evidentiary public hearing.

17. The Planning Commissioners expressed their support for the application and voted 6:0 to recommend the Board of County Commissioners approve the plan amendment and designate the Subject Property Nonresource Land with a Rural Residential RR-5 zone.

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

Lane Code 16.400(6)(h)(iii) provides 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.

1. The Board finds this application proposes to amend the Rural Comprehensive Plan from Forest Land to Nonresource Land with evidence that addresses the applicable requirements of the Lane Code, Rural Comprehensive Plan (RCP) policies, 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*
- (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.*

2. The Board finds this amendment implements three of the five standards listed above.

- a. The amendment implements *(i-i)*, as there is an identified error in designating the Subject Property as Forest Land. Evidence provided as part of the amendment request has provided factual information showing the characteristics of this property are inconsistent with County plan policies and Statewide planning goal requirements for the designation and protection of forest land.
- b. The amendment implements *(iv-iv)*, specifically RCP Goal 2, Policy 26. This policy provides for designating lands as rural residential when the site does not meet the definition of farm or forest land as provided by Statewide Planning Goals 3 and 4. As previously stated, the site does not qualify as farm or forest land requiring protection by the statewide planning goals, and therefore qualifies as nonresource land.
- c. The amendment implements *(v-v)*, as based upon the reasons set forth in these findings, the Board finds it is desirable, appropriate and proper to designate this 71 acre parcel as Nonresource Land. Rural residential development is appropriately directed to areas like this site, which are

severely limited or precluded from any substantial resource use. This action relieves the strain of similar development on other county lands that are more suitable for farm and forest resource use.

3. The Board finds the Subject Property is not farm or forest land as defined or requiring protection by the Goals, and therefore implements RCP Goal 2 Policy 16, which provides for designating lands that are not farm or forest lands as rural residential, provided the subject land:

a) is not farm or forest land as defined by the statewide planning goals;

4. The Board finds the Subject Property is not farm or forest land as defined and protected by Goal 3 Agricultural Lands and Goal 4 Forest Lands.

5. The Board finds the Subject Property is not predominantly agricultural land as defined by Goal 3 and OAR 660-33-020(1)(a), and is therefore not needed to be preserved for farm use. The Board finds the following analysis applies to the entire Subject Property.

OAR 660-33-020(1)(a) states that lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon are considered agricultural. The Subject Property is not agricultural land by this part of the test, as all soils are Class VI to VIII.

6. The Board finds the Subject Property is not predominantly forest land as defined by Goal 4. Only 1 % of the area of the Subject Property is listed by NRCS as having a forest capability rating of 76 cf/a/y, for a theoretical average of 0.76 cf/a/y. The excessive drainage caused by the sandy, permeable soil is harmful for commercial timber production. The property has no historic use as forest land.

The RCP has not identified the Subject Property as forest land necessary for watershed protection, special wildlife or fisheries habitat or for recreation purposes.

7. The Board finds the entire Subject Property is subject to the requirements of the /BD combining zone. Compliance with these regulations will ensure the maintenance of vegetative cover to protect against natural resource impacts. The Subject Property is not located in an urban area and is not identified as being forest land necessary for urban buffers, windbreaks, scenic values or livestock habitat.

8. The Board adopts the forest land analysis of the Subject Property reviewed by Oregon Department of Forestry staff. The Board finds this analysis accurately identifies the constraints posed by the predominate soil type on the site, including excessive drainage. The Board finds no prudent forest manager would utilize this area for commercial forest production, given the impacts associated with this location.

9. The Subject Property has a theoretical average forest capability of 0.76 cf/a/y, based on the published forest capability rating. Evidence has shown no commercial forest stands are present on this soil type in the general area, and the Subject Property has extremely sandy and permeable soils. Based on this evidence, the Board finds the soil type and sandy, excessively drained conditions that are present make it impossible for the Subject Property to meet the 50 cf/a/y threshold adopted by Board Order 84-9-12-3, September 12, 1984, as consisting of commercial forest land.

b) that an exception is not required;

10. The Board finds the above Goal 3 and Goal 4 findings demonstrate the Subject Property is not agricultural land that requires protection by either Goal 3 or Goal 4 and no exception to goal requirements is required.

c) that a small isolated nonresource area is not created where surrounded by resource uses; and

11. The Board finds the Subject Property is bordered by a county road and eight developed rural residential parcels. Land zoned RR-1 is located north and east of the site. The Subject Property is not surrounded by resource uses.

12. The Board finds poor soil conditions render the Subject Property as not being capable or suitable for agricultural or forest resource use, and its designation as Nonresource land will not create an isolated area.

d) a rural residential use will be consistent with other RCP policies.

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

Goal 2, Policy 16 provides that property that is not farm or forest lands may be designated rural residential upon a factual demonstration that the Subject Property is not farm or forest land as defined by Goals 3 and 4; does not require an exception; does not create a small, isolated nonresource tract that would be incompatible with surrounding farm and forest land; and is consistent with other plan policies.

As previously addressed, the Subject Property is not farm or forest land as defined by Goals 3 and 4, and therefore does not require an exception.

Goal 2, Policy 19 provides rural development densities for nonresource lands shall be one residence per five or ten acres upon consideration of:

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

The Board finds the adjacent development consists of 23 RR-1 lots where 14 lots are less than 0.5 acres in size. The requested RR-5 density is fully justified in light of the much higher density of nearby subdivisions and Rural Residential zoned land. The partition of the site into 5-acre lots will not have a significant negative impact on the surrounding much higher parcelization densities.

The property is not isolated or surrounded by a large area of resource lands.

The proposed RR-5 zoning is consistent with the overall -residential land use pattern in the area.

b) subsurface sewage disposal suitability:

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

c) domestic water supply availability:

The Board finds that potable water is available from the Heceta Water District.

d) access:

Suitable access to the Subject Property is provided by Mercer Lake Road and Collard Lake Road. Lane County Transportation Planning waived a traffic impact analysis because of the low traffic volume produced by the potential 14 lot development. ODOT has reviewed the proposal and has no objections.

e) public services:

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

f) lack of natural hazards; and

The site is outside of a 500-year floodplain, has no wetlands and no inundation, groundwater, seepage or unstable subsurface conditions. The only dangerous condition present on the site is steep slopes. Virtually no development will be permitted in hazard areas on the site through compliance with the provisions of the Lane County Land Division, Building Codes and Beaches and Dunes Combining Zone (LC 16.243).

g) effect on resource lands.

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

Goal 5, Water Resource Policies 3 and 5 require adequate water supplies to support proposed development, and application of a plan designation and zoning consistent with groundwater aquifer capacities.

13. The Board finds an adequate water supply can be supplied by the Heceta Water District to serve the proposed residential zoning of one dwelling per five acres. The site is not located within a water quantity or quality limited area as identified by Lane Code 13.010.

14. The Board finds the Subject Property is provided a level of service consistent with Goal 11 Public Facilities and Services Policy 6 k, which is appropriate for rural residential lands. Specific service providers have been previously addressed, and include schools, on-site sewage disposal, public water supply, electrical service, telephone service, rural level fire and police protection, and access to solid waste disposal facilities.

(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.

15. The Board finds this application identifies various policies that provide policy support for this amendment. 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 is consistent with the unamended portions or elements of the Plan.

16. The Board finds the proposed plan amendment is consistent with the intent and structure of the Rural Comprehensive Plan to choose between competing uses. As previously indicated, this amendment is consistent with county policies that provide for designating lands that do not have a farm or forest capability as nonresource land. Approval of this amendment does not conflict with unamended portions of the plan and is therefore consistent with the plan.

LANE CODE 16.400(8):

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

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

17. The Board finds this application proposes a minor amendment to the Plan Diagram from Forest Land to Nonresource Land. The detailed, site-specific soils analysis prepared for the Subject Property indicates that it predominantly consists of agriculture Class VI and VIII soils with no commercial forest capability. Therefore, no exception to the statewide planning goals is required.

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

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

18. The Board finds the required description has been previously provided in the attached Applicant's submittal. The proposed use of the Subject Property is for rural residential development at a zoning of one dwelling per five acres. A Nonresource designation is applied to the property through an evaluation that the Subject Property does not qualify as farm or forest land as previously described.

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

19. The Board finds the required analysis is addressed above.

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

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

20. The Board finds an identification and analysis of the surrounding land use pattern has been adequately provided.

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

21. The Board finds the property will be served by on-site individual sewage systems and accessed from a public roads. The Board finds the applicant's evidence shows these facilities are adequate to serve the proposed residential use. All other public facilities and services, including fire protection and utility service, are available to serve the Subject Property.

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

22. The Board finds the Rural Comprehensive Plan does not identify any historic, archaeological or sensitive wildlife habitat sites on or near the Subject Property. The county's wildlife inventory indicates the property is located within an Impacted Big Game Range. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area. The National Wetland Inventory does not identify any jurisdictional wetlands on the Subject Property. No apparent conflict exists with Goal 5 resources. Therefore, the Board finds an ESEE analysis is not applicable to this amendment.

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

23. The Board finds no development will be permitted in hazard areas on the site through compliance with the provisions of the Lane County Land Division, Building Codes and Beaches and Dunes Combining Zone (LC 16.243).

(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;

24. The Board finds this criterion is not applicable since the proposed amendment is for a residential designation.

(ff) For a proposed amendment to 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;

25. The Board finds this criterion is not applicable because the proposed amendment is for a residential designation.

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

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

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

26. The Board finds the Subject Property is not capable of or suitable for commercial forest production. No other forest values were identified that would require maintenance of the property as forest land.

2. The land is not needed for watershed protection.

27. The Board finds the Subject Property does not need to be designated for Agriculture or Forest use for watershed protection, as discussed under Goals 4 and 5.

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

28. The Board finds the proposed residential zoning of one dwelling per five acres will not adversely affect management of big game or other wildlife, fish or waterfowl habitat. The Rural Comprehensive Plan has not designated the property as within a sensitive fish or wildlife area. The property does not contain any significant wetlands, marshes or ponds necessary or suitable for fish and waterfowl habitat.

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

29. The Board finds the entire Subject Property is within the /BD combining zone, which will adequately maintain existing vegetative cover.

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

30. The Board finds the Subject Property is not located within an urban growth boundary nor is it agricultural land within the meaning of Goal 3. It has not been identified as necessary to provide urban buffers; wind breaks, wildlife, fisheries or livestock habitat; scenic corridors or recreational uses.

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

31. The Board finds the Subject Property is entirely Class VI to VIII soils.

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

32. The Board finds the Subject Property is not suitable for farm use or grazing. Constraints for agricultural use are poor sandy soils and steep slopes. Any farm use or grazing on the site would require substantial clearing that would be in conflict with the intent of the /BD combining zone. The Board finds the Subject Property is therefore not agricultural land necessary for protection by Goal 3.

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

33. The Board finds the current Forest Land designation is not necessary to permit farm practices on adjacent or nearby lands. There are no farm practices taking place on adjacent or nearby lands.

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

Lane Code 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 to Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

1. The Board finds the proposed rezoning is consistent with the purpose of Chapter 16, Lane County Land Use and Development Code and properly implements the Nonresource Land designation of the Lane County Rural Comprehensive Plan.
2. The Board further finds rezoning the Subject Property from F-2 to RR-5 is consistent with Lane Code 16.003. This section has 14 broadly-worded purpose statements that include a provision to insure development is commensurate with the character and physical limitations of the land.
3. The Board finds the public interest is appropriately served by recognizing the Subject Property is neither farm or forest land. Rural residential development is properly oriented to lands with no viable farm/forest capability and removes the pressure to develop bonafide farm and forest land.
4. The Board finds the proposed RR-5 Zone is compatible with the overall development/density pattern of the lands in the vicinity of the Subject Property to the north, northeast, east and southeast.
5. The Board finds the proposed RR-5 Zone is consistent with the purpose of the Rural Residential Zone District and provides opportunities for people to live in a rural area; allows primary and accessory residential uses that are compatible with primary residential uses; and implements Plan policies related to nonresource lands.
6. The Board finds the application is consistent with applicable Plan policies and with the Goal 2 Land Use Planning Policy 19, which has been addressed above.
7. The Board finds the proposed RR-5 zoning appropriately implements the proposed Nonresource designation. The Board further finds the proposed RR-5 zone is consistent with the General Purpose of Chapter 16, the Purpose statement of the Rural Residential Zone, and applicable Rural Comprehensive Plan Policies, all of which were previously addressed.
8. The Board finds zoning the Subject Property RR-5 is consistent with the documented carrying capacity of the Subject Property, consistent with the existing development pattern of the area and is an appropriate use of nonresource land.

V. FINDINGS AND CONCLUSIONS RELATING TO THE STATEWIDE PLANNING GOALS

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

GOAL 1 Citizen Involvement

Requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change. Public notification in the form of mailed public notice was sent by Lane County to affected agencies, including the Department of Land Conservation and Development and owners of record within 750 feet of the Subject Property.

The Lane County Planning Commission and Board of Commissioners have conducted two public hearings to receive comments on the plan amendment and zone change request.

GOAL 2 Land Use Planning

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

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

GOAL 3 Agricultural Lands

Goal 3 strives to preserve and maintain agricultural lands. In western Oregon agricultural land consists of predominantly Class I-IV soils as identified by the NRCS. It includes other lands which are suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, required technological and energy inputs, or accepted farming practices. Lands in other soil classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands will be included as agricultural lands.

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

GOAL 4 Forest Lands

Goal 4 requires the conservation of forest land for forest uses. Forest land is defined by Statewide Planning Goal 4 as lands suitable for commercial forest uses including adjacent and nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

The Board finds the Subject Property is not forest land required for conservation by Goal 4, and an

exception to Goal 4 is not required based on the analysis discussed previously.

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

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

The following Goal 5 resources are addressed in an inventory done as part of a Countywide legislative planning process: Federal wild and scenic rivers, Oregon scenic waterways, approved Oregon recreational trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, historic resources, open space, and scenic views and sites.

The Board finds the Subject Property is not listed on any county inventory for these resources. The site has no Riparian, Wetland or Big Game Resources. The Subject Property is served potable water by the Heceta Water District.

GOAL 6 Air, Water and Land Resource Quality

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

The Subject Property will be served by individual on-site sanitation systems. As a condition of any land divisions and prior to residential development, each parcel will be required to gain approval of an on-site sanitation system in accordance with DEQ rules. Lane County Environmental Health has concluded that the 5-acre minimum lot size will likely be approvable for some type of septic system.

The Beaches and Dunes Combining Zone (LC 16.243) provides additional protection.

GOAL 7 Areas Subject to Natural Disasters or Hazards

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

The only dangerous condition present on the site is steep slopes. Proposed development will be reviewed in hazard areas on the site through compliance with the provisions of the building codes and Beaches and Dunes Combining Zone (LC 16.243) through the Preliminary Investigation process.

No other natural hazards have been identified by county inventories.

GOAL 8 Recreational Needs

This goal addresses the recreational needs of Oregon residents and visitors

The proposed change from F-2 Forest Land to RR-5 Rural Residential has no impact on Goal 8.

GOAL 9 Economy of the State

The purpose of Goal 9 is to diversify and improve the economy of the State.

This goal is primarily applicable to commercial and industrial development and is not pertinent to this redesignation and rezoning.

GOAL 10 Housing

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

This plan amendment request will facilitate the construction of housing on the site; however, it's primarily implemented through provisions of the Rural Comprehensive Plan.

GOAL 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning and development of public facilities and services in a timely, orderly and efficient manner, in order to support rural and urban development.

The Subject Property is rural land and will remain rural land after approval of this request. The RCP Goal 11 Policy 6 (e)(k) describes the minimum level of services for Nonresource lands. As stated earlier, the site receives a full range of rural facilities and services that can serve the proposed rural residential development on the property. No additional public facilities and services are required to serve the proposed residential use of the site.

GOAL 12 Transportation

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

Highway 101 provides primary access to the Subject Property via Mercer Lake Road and Collard Lake Road. Lane County Transportation Planning waived a traffic impact analysis because of the low traffic volume produced by the potential 14 lot development. The roads have ample capacity and are within the acceptable level of service established by the county and state. Lane County Transportation staff has reviewed the proposal and has no objections.

Goal 13 Energy Conservation

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

Goal 14 Urbanization

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

Goal 14 prohibits urban uses on rural lands. The proposed amendment and zone change to allow five acre rural residential parcels does not constitute an urban density or is located within an urban growth boundary or urban transition area. The Board finds this request is consistent with Goal 14.

Goals 15 – 17 and 19

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

Goal 18 Beaches and Dunes

This Goal is intended to conserve, protect, appropriately restore and/or develop, and reduce hazards associated with coastal beach and dune areas.

The Board finds the entire Subject Property is and will remain within the /BD Combining Zone and must comply with the regulations of LC 16.243, implementing Goal 18.

CONCLUSIONS OF LAW

The Board finds that the subject 71 acre tract qualifies for a Nonresource plan designation and is appropriately zoned Rural Residential RR-5.

The Board concludes the Subject Property is located in an area that is primarily composed of soils that are not suitable for agriculture or forest use as they occur on the site.

The Board further concludes this application corrects a plan error, properly identifies and implements the proper plan designation and zone district, and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.

The Board concludes this application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The Subject Property has been evaluated within the context of the Rural Comprehensive Plan, Lane Code and Statewide Planning Goals. The Board concludes the Subject Property consists predominantly of land that is not agriculture or forest land as defined by the Goals. The Board concludes this application will have no significant adverse impact on existing or planned uses in the area. It is therefore appropriately designated as nonresource land.

Finally, the Board concludes that based on the extensive documentation and factual evidence presented in the Applicant's statement, including Exhibits, Supplemental Information, evidence received at public hearings and made part of the record, and findings provided herein, the plan amendment and zone change conforms with all applicable criteria to justify a redesignation from Forest Land to Nonresource Land and rezoning from F-2 Impacted Forest Land to Rural Residential RR-5.

**REQUEST FOR NON-RESOURCE LAND DESIGNATION AND
REZONING FROM F-2 TO RR-5.
6/24/2004**

APPLICANT/ Wilhelm F. Hagen
OWNER: 88643 Collard Lake Road
Florence, OR 97439

PROPERTY: 17-12-36-30-1702
A&T Account # 1133766
Area 71 acres
Zoning Plot 020 and 028
F-2 vacant
Legal Lot PA 00-5745

PROPOSAL: Amend the Rural Comprehensive Plan from Forest Land to NonResource Land and the zoning map from Impacted Forest Land (F-2) to Rural Residential (RR-5) for a 71 acre site (subject property) located about 5 miles North of Florence as shown in Exhibit A

The LCDC statewide planning goals and Lane Code are intended to preserve resource lands and other areas with special characteristics while allowing other, non-resource lands to develop. The requested amendment meets this intent.

The subject property is not suitable for the current forest land designation. This site does not have any wetlands, is not impacted by flood plains or other environmental constraints. The proposed land use change will allow much lower density development of the site with single family, rural residential lots than the adjacent RR-1 areas and the developed subdivisions of Mercer Lake Heights and Collard Lake Heights. Specific development plans for the property will be subject to County Land Division regulations and Lane Code 16.231.

LOCATION: The property is located South of Mercer Lake Road and West of Collard Lake Road in Western Lane County about one-half mile East of Hwy 101 as shown in Exhibit B. Good access exists to Hwy 101 from Mercer Lake Road, a county road designated as a major collector. Access points exist along 0.7 miles of frontage on Mercer Lake Road and Collard Lake Road.

The property is within the Rural Comprehensive Plan Area. The site is bordered on the North and East by lands with RR-1 zone designations and on the South and West by open sand dunes and lands currently zoned F-2 and NR that are not being used and managed for resource purposes (Exhibit C).

SITE CHARACTERISTICS: The property is typical of most properties located within a two-mile range of the Oregon coastline in the Florence area. The site is appropriately characterized as NonResource land with natural characteristics consisting of stabilized dunes, some with slopes of over 25 percent. Old sand dunes have become stabilized as a result of the establishment of overgrowth brush which includes blackberry, salal, scotch broom, huckleberry, rhododendron, manzanita and other brush species. Timber types on these sandy soils are of poor quality and exhibit sparse stocking of primarily shore pines with a scattering of slow growing and wind damaged conifers such as Red Cedar, Douglas Fir and Hemlock.

When the forest ground is disturbed, dunal sand is exposed and susceptible to potential erosion. Dunal areas have been impacted by motorcycle and ATV use for many years and have no resource value. Unauthorized dumping, trespass, litter, vandalism and illegal campfires are continuous problems. Scotch broom has invaded disturbed areas and presents a potential fire hazard that requires continuous suppression.

PLAN - AMENDMENT CRITERIA AND ANALYSIS :

The proposed amendment of the Plan diagram for the subject property from Impacted Forest Land (F-2) to NonResource Land qualifies as a Minor Amendment per Lane Code 16.400(8)(a)(i) and requires compliance with the criteria set out in Lane Code 16.400(6)(h)(iii):

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.

The NonResource designation must meet a special set of evaluation criteria, fundamentally proving that the land involved in the proposal has no significant resource value within the definitions of the statewide planning goals. These criteria are not in Lane Code but are found in the County's Working Paper for Marginal and NonResource Lands. The NonResource designation does not require an exception to Statewide Planning Goals, since by its nature it obviates goal mandates.

WORKING PAPER (WP) :

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

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

The Soil Survey of the Lane County Area describes and shows the soils of the site (Exh.D). The predominant area consists of well drained sandy soils on stabilized sand dunes that have a moderately rapid permeability. Runoff is slow and the hazard of water erosion is slight. Soil blowing is high when the vegetation is removed. The site has no wetlands because the sandy soils are about 100 feet thick according to the 1982 North Florence Dunal Aquifer Study and the water table is over 40 feet below the surface. The sandy soil is rather droughty, which retards growth of timber but is favorable for subsurface sewage disposal.

The predominantly sandy soils on this site produce primarily brush-like vegetation with a scattered stand of Shore Pine mixed with a component of slow growing Douglas Fir. Douglas Fir is more sensitive to growth retarding effects of onshore winds than Shore Pine. Wind throw, breakage and seedling mortality are serious site constraints for forest use. Shore Pine grows slowly, typically produces a poorly formed log, and has little commercial value. Douglas Fir on these non-forest soils grows slowly and mortality usually occurs prior to the trees reaching commercial saw log sizes. Because of these conditions, the site is not capable or suitable for commercial forest production. The Soil Survey report and the Lane County Soil Ratings of Aug. 20, 1997 accurately describe the soils of almost the entire area as non-forest land.

A detailed Soils Productivity Analysis (Exh.E) provided by the Forestry Consultant Ward North West Inc. determined that the non-forest soils on the site comprised 95 % of the total area. These soils support primarily non-commercial plant species. Only 5 % of the original parcel had forest soils with an estimated productivity of 76 cf/a/y (cubic feet per acre per year). After lot line adjustments, the productive forest land was reduced to 1 %, or less than one acre of the site, as shown in the independent analysis by Lane County (Exh.F). The average yield of less than 1 cf/a/y is far below the 50 cf/a/y threshold adopted by the Board Order 84-9-12-3 as suitable for commercial forest production.

An earlier attempt of obtaining federal assistance through the Oregon State Forestry Department (Exh.G) recognized this problem. The application for tree planting was denied because it was considered futile, leading only to a future stand of dwarf and defective trees due to prevailing onshore winds (Exhibit H-1). Evidence of that can be seen, as tops of many trees are dead. Hence, the subject property is not suitable for reforestation according to ORA 629-610 0010 because it is not capable of annual wood production of at least 20 cf/a/y.

Similar conclusions were drawn in the Siuslaw National Forest Plan that considers the adjoining National Forest System (NFS) land unsuitable for timber production and recognizes that coastal shore pine stands grow less than 20 cf/a/y of timber with little or no commercial value. In contrast average forest land can produce over 200 cf/a/y of Douglas Fir according to the SNF Plan.

Examples of the slow growth are provided in the extreme close growth rings shown in Exh.H-2. These 36 and 32 feet tall Douglas Fir were over 110 and 101 years old and reached only a diameter of 6.5 inches at breast height, which represents an average diameter growth of about 0.06 inches per year. Typical growth rates are at least four times greater. Minimum log specifications in most species are 10 inches at breast height. That makes any forest production for this site uneconomical and not viable because of premature mortality and slow growth rates.

To obtain more accurate productivity data than estimated by the soil ratings, a sufficient sampling of dominant and co-dominant Douglas Fir were measured in height and age by increment boring. Twelve core samples are shown in Exhibit H-3 and the locations of the site trees are marked on Exhibit D in the form of Douglas Fir 100-Year Site Index (SI) Numbers, covering the entire site and all soil types.

The measured tree heights were converted into SI and productivity values using published data as shown in Exhibit H-4. All the trees measured fall into the NON- forest land regime, far below the lowest site quality (site class) V. Extrapolations of the site quality curves were necessary to determine the SI value of the individual trees. Since most of the trees measured were close to 100 years old only minor corrections to the measured heights were necessary to determine their SI values.

The local SI variations indicate that productivity depends not only on soils but is also influenced by micro-site genetics and other undeterminable factors. In general the east facing slopes seem to provide better growth conditions because of wind shelter. There are also small pockets of improved growth at the bottom of draws where groundcover provides better moisture retention and increased biomass. Overall five small areas of about one acre were identified to have a SI of greater than 50. The average SI of these five small areas is $(60+63+57+71+63)/5 = 63$ that corresponds to a productivity of about 25 cf/a/y or 125 cf/y for all 5 pockets totaling about 5 acres.

The results of these measurements indicate that most of the # 94 Netarts fine sand and # 131 Waldport fine sand soils have a SI of less than 50 and are essentially non-productive. Hence, the interpretation of the 1997 Lane County Soil Ratings as 0 cf/a/y is justified. The Lane County Board of Commissioners have confirmed such findings of facts of 0 cf/a/y for Waldport fine sand in Ordinance PA 1147. These soils comprise over 80 % of the subject area. No trees grow on the # 44 dune land and hence the productivity is zero. The measurement on the # 21 G Bullards-Ferrello loam soil has a SI of 60 with a productivity of about 20 cf/a/y. This value is much lower than the 76 cf/a/y published in the 1997 LC Soil Ratings.

Similar discrepancies have been observed on a property less than one half of a mile north of the subject property. In that case (PA 1518-95) the measured average productivity of 4.21 cf/a/y was over a factor 20 lower than the estimated 87.9 cf/a/y using the Lane County Forest Soils Ratings.

The measured productivity on Netarts fine sand soils at that site was 2.3 MBF per acre for 70-year old 45 feet tall Douglas Fir. This corresponds to a productivity of 2.7 cf/a/y, which is comparable to the measurements on the subject site. On Bullards-Ferrelo loam productivity for Douglas Fir of 30 MBF per acre was determined for the PA 1518-95 site, which translates into 25 cf/a/y and is essentially identical to the productivity measured on the subject property.

The measured average productivity of the subject property is $125 \text{ cf/y} / 71\text{a} = 1.8 \text{ cf/a/y}$. Another method of evaluating the average productivity is simply to average all measured SI values for the entire site, which amounts to $675/16 = 42$. Such a low SI value has essentially no productivity according to the published data of Exhibit H-4.

These measurements are comparable to the 1 cf/a/y estimated from the soil analysis and are far below the minimum of 50cf/a/y considered by Lane County as commercial forest land.

Shore Pine is less sensitive to onshore winds than Douglas Fir. In order to compare its growth potential a dominant Shore Pine on the same soil and same level was measured just 13 feet south of site tree # 10. This Shore Pine is 123 years old and 50 feet high, which corresponds to a SI of 45. The adjacent Douglas Fir is 115 years old and 46 feet high with a SI of 43. This indicates that Shore Pine grows only about 5 % better than Douglas Fir. The commercial value of Shore Pine is much lower and provides no economically viable alternative for wood fiber production. There are no other viable industrial tree species that could improve wood fiber production on this site.

Jim Hall, Stewardship Forester at ODF has inspected the site, reviewed the data and concluded that the site is not commercial forest land according to Goal 4 requirements (Exh. H-5).

The extreme low average yield of less 2 cf/a/y and the separated small areas of about one acre are not suitable for commercial forest production and operation because these are uneconomical units. The subject property is not marketable as forest land and never received a forest tax deferral. The site is not forest land as defined in Goal 4 and is far below the Lane County productivity threshold of 50 cf/a/y. There is no justification to retain this property as forest land and hence the present plan designation and F-2 zoning is erroneous.

2. *The land is not needed for watershed protection.*

The site is outside the Clear Lake Watershed Protection Area (Exh.C). A small area in the southeast corner of the original tax lot 1702 was in the CLWP zone, but that small area was eliminated from the present site by the lot line adjustment documented in Exhibit I.

The Heceta Water District provides water to this area.

There are no known wells for potable water in this area that could be affected.

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

The site has no fish or waterfowl habitat. There are no identified rare or endangered species habitats on this site. The site is not within a managed Major Big Game Range. The big game habitat is impacted by nearby subdivisions and dense development of over 100 homes on about one half acre lots as shown in exhibit A. These housing developments preclude wildlife management,

viable big game populations and reduce the area to the lowest quality habitat according to the March 1982 Flora and Fauna Working Paper. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area.

The low development density of one dwelling per 5 acres would require only about 2 % of the land for 0.1 acre home-sites. Hence, over 95 % of the land remains in its natural state to support the sparse wildlife of deer, rabbits, chipmunks, quail and other birds. Deer browse freely throughout the nearby densely populated subdivisions, benefiting from the extra vegetation and flowers of gardens, to the delight of some and dislike of others. No County inventories or other information has identified the need to maintain the site as forest land to provide wildlife habitat or other forest uses as required by Goal 4 and 5. No apparent conflict exists with Goal 5 resources and therefore, an ESEE analysis is not applicable for this request.

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

No extreme soil or climate conditions exist that would have been covered by the present impacted forest land designation. Maintenance of existing vegetative cover can be adequately addressed by the provisions of the Lane County Land Division, Building Codes and conditions of approval.

5. *The land is not located in an agricultural or urban area and providing needed urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational uses.*

The site is not located in an agricultural area, has no fisheries habitat and is 3 miles beyond any UGB. No scenic resources and recreational uses have been identified on the site.

No livestock grazing or operations are present in the area and no livestock habitat exists.

The RCP does not inventory or indicate the site is necessary to protect any of the uses cited.

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

The SCS data (Exh.D,E,F) indicates that the overwhelming majority (99 %) of the soils on the site are classified as Class V - VIII.

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

The site is and has not been used for farm use or grazing. The site is not suitable for farm use or grazing because only 1 % and hence less than one acre of the total area has a class III agricultural soil capability that is considered severely limited within the definition of class I - IV agricultural soils. The overwhelming 99 % of the area is not suitable for agricultural use.

Other constraints for agricultural use are steep slopes and the lack of contiguous agricultural uses on neighboring properties. There are no agricultural uses in the surrounding area. Any farm use or grazing on the site would require substantial clearing that would be in conflict with the desire to maintain vegetative cover of WP - 4. The site is not farm land as defined in Goal 3.

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

The site is currently designated Forest Land and not Agriculture Land. No adjacent or nearby lands are in agricultural use.

Land designated as NON-RESOURCE / NON-EXCEPTION LAND shall be zoned RR-5 or RR-10. The determination as to the appropriate density shall take into account the following factors:

a) *Suitability for subsurface sewage disposal*

The site has soils suitable for subsurface sewage disposal systems to support the proposed residential density. Septic systems have been approved on over 25 nearby lots where most range in size from 0.2 to 0.8 acres and have less favorable soils. The soils of the site (Exh.E,F) have excellent drainage conditions as discussed in the Soil Survey of the Lane County Area and all of the much larger 5-acre parcels qualify for on-site sewage disposal without reasonable doubt. Specific sewage disposal criteria will be addressed as part of the land partition process and during site evaluation.

According to the North Florence Dunal Aquifer Study the subject property is outside the Clear Lake Watershed and on the opposite side of the ground water divide as shown in Exhibit J.

None of the nutrients associated with on-site sewage disposal can get into Clear Lake because the ground water flow is toward the northwest and away from the Clear Lake Watershed. The nutrients would primarily be adsorbed and slowly discharge into the ocean.

b) *Domestic water supply availability*

Potable water is available from the Heceta Water District (Exh.K)

c) *Transportation system*

Highway 101 provides primary access to the subject property. In the vicinity of Mercer Lake Road, the highway is three lanes wide with a posted speed of 55 miles per hour. The roadway consists of a 14-foot travel lane with a 6-foot shoulder in each direction and a 14-foot two-way center lane. The center lane is striped as an exclusive left-turn lane for southbound traffic and a 250-foot tapered deceleration lane for the northbound traffic. Sight alignment is straight for 2,000 feet on either side of the intersection with Mercer Lake Road.

A driver entering the highway from Mercer Lake Road would have unrestricted views of 1,300 feet to the south and 2,000 feet to the north. Mercer Lake Road and HWY 101 are considered a major intersection with developed traffic pattern, which are designed to handle large amounts of traffic.

Mercer Lake Road, a county road designated as a major collector is paved to a width of 26 feet and has two 11-foot travel lanes, each with a two-foot wide shoulder. Collard Lake Road, a county maintained road, is paved to a width of 20 feet and starts its southward extension from Mercer Lake Road at about 0.7 miles east of Hwy 101.

Access points to the subject property are found along 0.7 miles of frontage on Mercer Lake Road and Collard Lake Road with adequate visibility and visual clearance zones greater than the required 15 feet. Up to four access points into the site are considered, two from Mercer Lake Road and two from Collard Lake Road. The primary access has a sight distance of 300 feet in both directions. The speed limit on Collard Lake Road and at one access point on Mercer Lake Road is 25 mph. At that speed the brake reaction distance for a slow reaction time of 2.5 seconds is 92 feet and the actual braking distance on a wet pavement is 60 feet. This leads to a stopping sight distance of 152 feet to anticipate and avoid collisions as shown in the insert of Exhibit L-1 from the American Association of State Highway and Transportation Officials (AASHTO) manual. To enhance traffic operations, intersection sight distances that exceed stopping sight distances along the major road are desirable but are not required.

Highway 101, in the vicinity of Mercer Lake Road, carried an average daily traffic (ADT) volume of 5,000 vehicles in 1998 according to the Lane County PA 00-6466 and 6618 based on the McKinney traffic analysis. Mercer Lake Road had an ADT of about 1,000 during the same reporting period. A manual traffic count taken at the intersection of Highway 101 and Mercer Lake Road on November 11, 1999 showed a peak afternoon traffic hour between 4 and 5 p.m. During this period, 162 southbound through trips and 202 northbound through trips were counted. In addition, four southbound trips and 25 northbound trips turned into Mercer Lake Road. Finally, 18 trips originating from Mercer Lake Road turned south and one turned north.

To reflect seasonal August traffic the counts were adjusted according to the ODOT permanent traffic count station on Hwy 101. With a two percent annual increase in traffic, the counts were estimated to be as follows:

Hwy 101 through trips:	265 southbound and 331 northbound,
trips turning into Mercer Lake Road:	7 southbound and 41 northbound,
trips originating from Mercer Lake Road:	29 southbound and 2 northbound.

This analysis reflects a worst case scenario for a 90-space development that was reduced to a 55-space RV park, but does not reflect the impact from the Elks Lodge RV Park that has been authorized for 50 RV spaces. The full build out of the RV parks would generate a total of 41 vehicle trips during the PM Peak Hour.

The resulting Level of Service (LOS) for all directions on Hwy 101 and on Mercer Lake Road would remain at "A", the highest rated level. By the Year 2020, the only movement that is estimated to drop to a LOS B is the southbound (from Mercer Lake Road) left-turn movement onto Hwy 101 according to the McKenney Engineering report of Nov. 19, 1999.

This analysis was accepted by the Lane County Hearing Official in the Findings of Fact for PA 00-6466 and PA 00-6618 on April 30, 2001.

According to the Lane County Public Works Traffic ADT the ADT on Mercer Lake Road fluctuated significantly over the years from a high of 2700 in the year 1990 followed by a low of 750 in 2000 and rebounding to 1150 in 2001 as shown in Exhibit L-1. Collard Lake Road serves over 65 single-family dwellings. The ADT on Collard Lake Road was 100 in 1992 and 430 in 1999 as determined by the difference in ADT counts west and east of the Mercer Lake Road intersection. Later data is not available. The average ADT on Collard Lake Road from 1991 to 1999 was about 302, or less than 5 ADT per dwelling.

According to the Institute of Transportation Engineers, Trip Generation Manual, 1991, a single-family dwelling unit will generate about ten trips per day and one trip during peak hour. The observed traffic volume on Collard Lake Road is less than one half of this typical rate, which can be explained by the fact that most residents are retired and many are single.

Any planned development would also attract retirees that do not contribute significantly to peak hour traffic and hence an excellent LOS A would be maintained for many years, far in excess of a minimum LOS D.

In addition, the 55-space Gardens RV Park has not been built and the 50-space Elks RV Park is far below capacity. These facts reduce the estimated traffic to such a degree that the relatively small additional traffic generated by the maximum 14 homes on the subject property is insignificant and would not have a significant effect on the existing and future traffic patterns. The LOS A would be maintained for at least 10 to 15 years. A more detailed traffic analysis would be meaningless and frivolous in light of the observed fluctuations in ADT.

ODOT has reviewed the transportation assessment and agreed with the LOS conclusion (Exh.L-2).

d) *Public services*

WATER:	Heceta Water District (Exh.K)
ELECTRICITY:	Central Lincoln PUD (Exh.M)
FIRE:	Siuslaw Rural Fire Protection District (Exh.N)
TELEPHONE:	Q-West
SCHOOL:	Siuslaw School District 97-J
POLICE:	Oregon State Police, Lane County Sheriff
SOLID WASTE:	Florence Solid Waste Transfer Site
ACCESS:	Highway 101, Mercer Lake Road and Collard Lake Road (Exh.L-2+3)

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

e) *Natural hazards*

The site is outside of a 500-year floodplain, has no wetlands and no inundation, groundwater, seepage or unstable subsurface conditions. The National Wetlands Inventory Map, Mercer Lake OR. J3-3 (Exh.O) does show two wetlands at much lower elevations on neighboring F-2 parcels. This evidence indicates that the groundwater level is much lower than the elevation of the subject property. A 40-foot deep seasonally drywell on the lowest elevation near the site confirms this conclusion.

The only dangerous condition present on the site is steep slopes as shown on Exhibit A and O. Virtually no development will be permitted in hazard areas on the site through compliance with the provisions of the Lane County Land Division, Building Codes and conditions of approval. Scotch broom has invaded the site and does pose a potential fire hazard. It requires continuous removal and control. Existing firebreaks and roads are maintained to reduce this hazard and provide access for fire fighting equipment. Development of this site would reduce this hazard with better maintenance, reduce uncontrollable destruction of vegetation cover by trespassing ATV's and improve security by preventing illegal campfires.

All the requirements outlined in the Working Paper are satisfied and hence the request qualifies as a Minor Amendment of the Rural Comprehensive Plan Diagram from Impacted Forest Land to NonResource / NonException Land. Economical efficient forest practices as required by Goal 4 are not possible on the subject property. The forest land designation on the subject property is not necessary to maintain sound management of soil, air, water, and fish and wildlife resources on other adjacent or nearby forested lands. The county's comprehensive plan and resource inventory does not designate or list the properties as needed to maintain soil, air, water, and fish and wildlife resources.

According to LC 16.400(6)(h)(iii)(bb)(i-i) the Plan amendment

"is necessary to correct an identified error in the application of the Plan".

This correction of the Plan Diagram implements RCP Goal 2 policy 18 that provides for rural residential designation of lands that are not farm or forest lands as defined by Statewide Planning Goals #3 and #4. The suitability for subsurface disposal, availability of domestic water supply, satisfactory transportation system, adequate public services and lack of natural hazards fully justify the requested RR-5 zoning.

COMPLIANCE WITH APPLICABLE STATEWIDE PLANNING GOALS:

Goal 1 *Citizen Involvement*

Is satisfied by the Lane County notification and hearing process.

Goal 2 *Land Use Planning*

Compliance is established by the Lane County plan amendment process.

Policy 8: It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs...
A consolidated application is filed without cumbersome repetitions of answers for similar questions in various laws and regulations in order to streamline the process.

Policy 19: Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:

a) Existing development pattern and density of any adjacent committed area.

The intent of the landowner is to partition the property over several years into a series of 5-acre parcels as allowed within the NonResource lands designation. A specific parcel pattern has yet to be determined. Existing development patterns surrounding the subject property are illustrated in the tax lot map (Exh.B) and detailed listing (Exh.P).

The adjacent development consists of 23 RR-1 lots where 14 lots are less than 0.5 acres in size. The requested RR-5 density is fully justified in light of the much higher density of nearby subdivisions and Rural Residential zoned land. The partition of the site into 5-acre lots will not have a significant negative impact on the surrounding much higher parcelization densities. On the contrary, greater security could be expected by a development with better maintenance.

b) through f) have been addressed in the Working Paper a) through e)

g) Effect on resource lands.

The majority of the site is neither utilized for intensive resource use, nor is capable of sustaining such use. The adjoining resource land is composed of similar poor soil types that are present on the subject property. According to the Siuslaw National Forest Plan Table IV-3, the adjoining NFS land is unsuitable for timber production. The potential parcelization of the site will have no effect on adjoining resource lands that are presently not managed and used as such. There is no access to other adjoining resource land available through this site.

The subject property is adjacent to subdivisions and other developments. The NonResource Lands designation will not create an isolated tract of development within the middle of resource land. No historical, archeological, scenic, recreational or other resources exist and none have been identified or inventoried by the County.

The requested RR-5 zoning is fully justified and in compliance with Goal 2 Policy 19.

Goal 3 *Agricultural Lands*

see WP - 7

Goal 4 *Forest Lands*

see WP - 1 - 5 + Goal 6

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

see WP - 3 + 5 + Goal 2 g

Goal 6 *Air, Water and Land Resource Quality*

see WP - 2 + 4 + a

The proposed low residential density of one dwelling per 5 acres will not produce or discharge any product or by-product that would degrade such resources anywhere close to their carrying capacity. Even the nearby developments with ten times higher density have not caused any significant impact on these resources. Conformity is generally implemented during the comprehensive planning process, site evaluations and by conditions of approval.

Goal 7 *Areas Subject to Natural Disasters or Hazards*

see WP - e

Goal 8 *Recreational Needs*

see WP - 5

Goal 9 *Economy of the State*

The development would improve the economy and facilitate the construction of housing.

Goal 10 *Housing*

Goal 11 *Public Facilities and Services*

see WP - d

Goal 12 *Transportation*

see WP - c

Goals 13 through 19 do not apply or are not affected by the Plan amendment and rezoning.

No exceptions to Statewide Planning Goals are required and hence the request qualifies as a Minor Amendment according to LC 16.400(8)(a)(i). According to LC 16.400(8)(c) adequate documentation has been provided to allow complete evaluation of the proposal. All applicable requirements of LC 16.400(6)(h)(iii) are satisfied and the findings can be affirmed to adopt the proposal.

The plan amendment is necessary to correct an identified error in the application of the Plan and the RR-5 rezoning is justified by the adjacent high-density developments.

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 to Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be affected 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.*

Rezoning the site from F-2 to RR-5 implements the proposed plan amendment from Forest Land to NonResource Land in order to recognize the NonResource character of the site. The public interest is appropriately served by recognizing that the site is not forest land, nor is it required for protection by Statewide Goals 3 or 4. Rural residential development, such as what is proposed for the site, is oriented to land with no viable farm or forest capability and to sites that serve to infill existing rural residential areas, thereby removing the pressure to develop bona fide forest land.

The proposed RR-5 zone is consistent and less intensive than the R-1 zoning that borders the site on its north and east boundaries, and is generally consistent with the existing rural residential development present in the areas to the north and east. Therefore, approval of this rezoning request is consistent with the proposed LRCP designation, and implements the general purpose of Lane Code 16.

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

The policies of the RCP serve as the basis of the Plan by directing land use decisions and fulfilling the mandates of the LCDC statewide planning goals. Goal 2, Land Use Planning Policy 25 explicitly provides that land use designations shall be implemented by specified zoning districts. Upon approval of the requested Plan designation, this policy supports concurrent adoption of the Rural Residential RR-5 zoning.

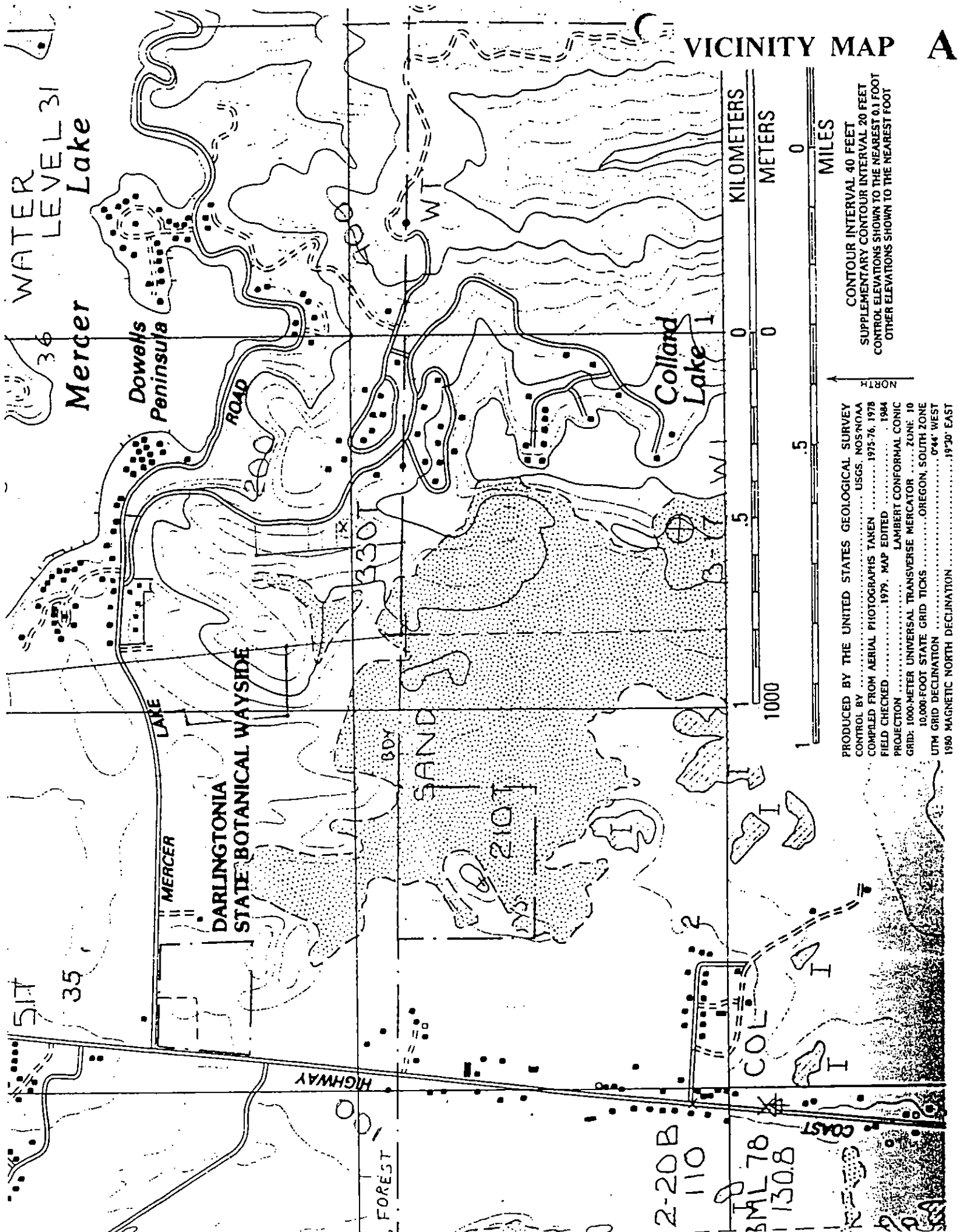
This application corrects an error in the Plan and is consistent with the intent and purposes of the RCP and County policies.

CONCLUSION

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

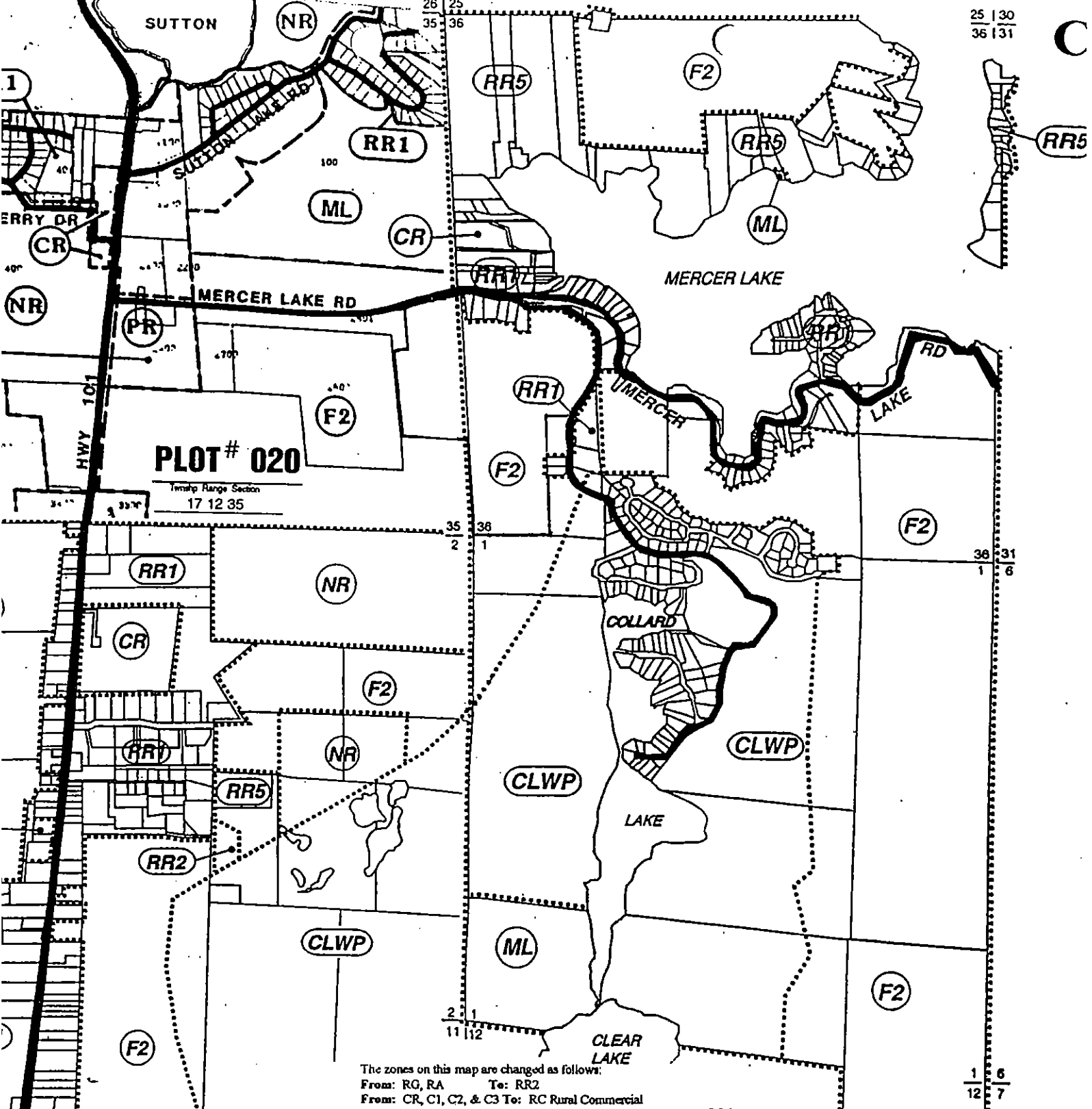
VICINITY MAP

A



CONTOUR INTERVAL 40 FEET
 SUPPLEMENTARY CONTOUR INTERVAL 20 FEET
 CONTROL ELEVATIONS SHOWN TO THE NEAREST 0.1 FOOT
 OTHER ELEVATIONS SHOWN TO THE NEAREST FOOT

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1975-76, 1978
 FIELD CHECKED 1979, MAP EDITED 1984
 PROJECTION LAMBERT CONFORMAL CONIC
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE: 10
 10,000-FOOT STATE GRID Ticks OREGON, SOUTH ZONE
 UTM GRID DECLINATION 0°44' WEST
 1980 MAGNETIC NORTH DECLINATION 19°30' EAST



OFFICIAL ZONING MAP

PLOT #021

Twship Range Section
18 12 02

BOOK 165 PAGE 1089

lane county

BOOK 165 PAGE 1095

OFFICIAL ZONING MAP

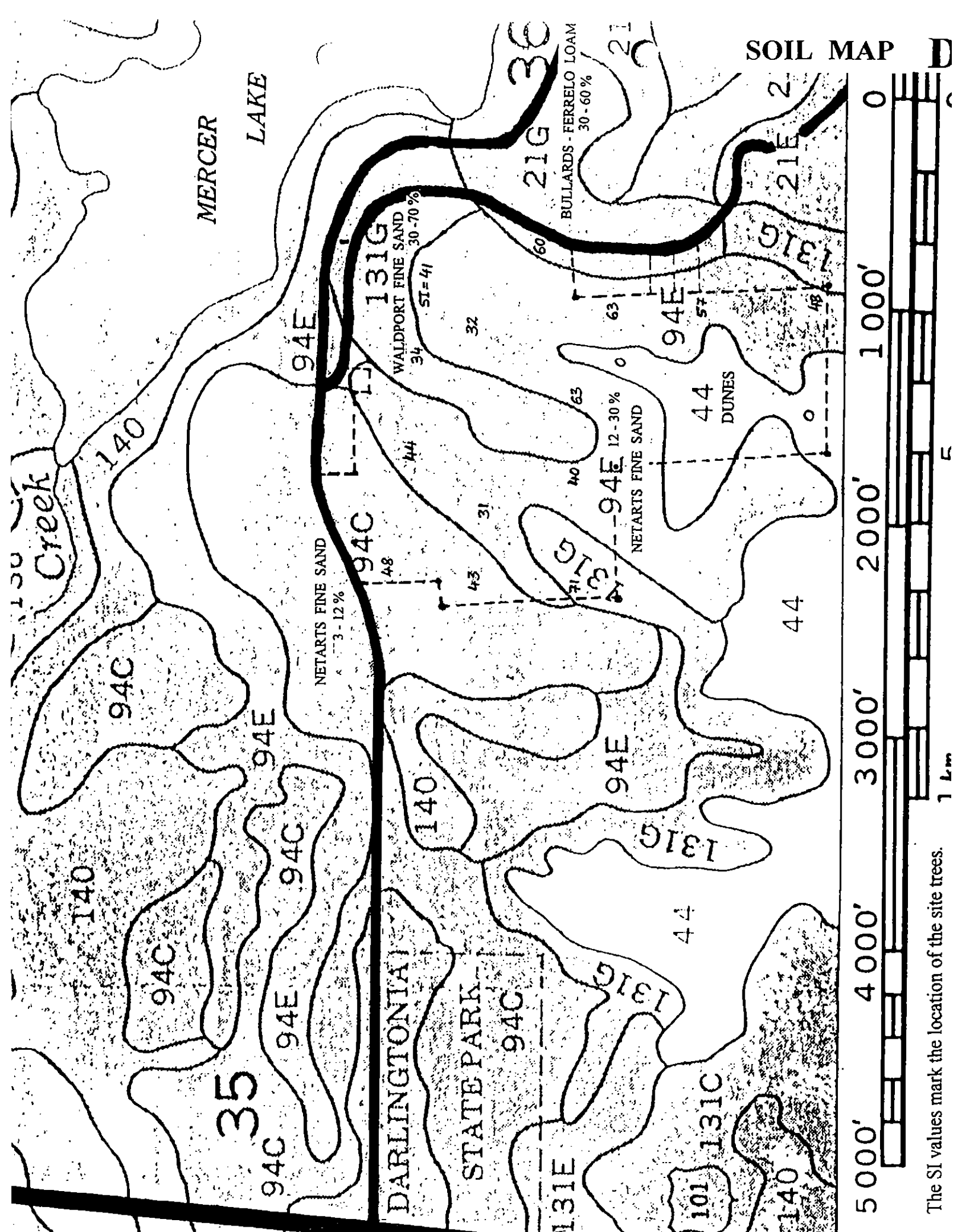
PLOT #028

Twship Range Section
17 12 36 / 18 12 01

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

REVISION # ORD# DATE

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



Soils Productivity Analysis
Utilizing the "Lane County Soils ratings for Forestry and Agriculture
August 1997 Edition

Date: 4/16/99

Subject Property: Map No. 17-12-35-40 Tax Lot 500
 Map No. 17-12-36-30 Tax Lot 1702

Soil Type	% of Total Area	Site Index	Cubic Feet per Year	Agricultural Capability Class
21E-Bullards-Ferrelo loams	1	0	76	4
21G-Bullards-Ferrelo loams	4	0	76	6
44-Dune Land	11	0	0	8
94C-Netarts fine sand	10	0	0	6
94E-Netarts fine sand	47	0	0	6
131G-Waldport fine sand	24	0	0	7
140-Yaquina loamy fine sand	3	0	0	4

Average Cubic Feet per Acre yield = 4, for the entire site.

Average Agricultural Capability Class for the entire site = 6.4

Soils types were determined using the Soil Survey of Lane County Area, Oregon, dated September 1987.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 17-12-36-30-01702

Special Interest Code:

A & T Account #: 1133766

Environmental Findings

Please verify environmental information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number:

41039C0940F

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Code:

Description:

X

Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:

Soil Type Description:

Percentage
of Tax Lot:

94E

NETARTS FINE SAND, 12 TO 30 PERCENT SLOPES

58 $\frac{cf}{a\ y}$

131G

WALDPORT FINE SAND, 30 TO 70 PERCENT SLOPES

21 0

44

DUNE LAND

17 0

94C

NETARTS FINE SAND, 3 TO 12 PERCENT SLOPES

3 0

21G

BULLARDS-FERRELO LOAMS, 30 TO 60 PERCENT SLOPES

1 76

Lane County Assessor's Office | Account Number: 1133766 | Map & Tax Lot: 17-12-36-30-01702

Property Owner

Owner1 Name: HAGEN WILHELM F

Average yield = 0.76 $\frac{cf}{a\ y}$

Owner Address: 88643 COLLARD LAKE RD

Total Acreage for this Account: 66.13

Fire Acres: 71.13

2003 Tax Code Area (Levy Code): 09719 Lane County Assessment and Taxation 2003-2004 Measure 50 Billing Rates

CENTRAL LINCOLN PEOPLE'S UTILITY DISTRICT

HECETA WATER DISTRICT

LANE COMMUNITY COLLEGE

LANE COUNTY

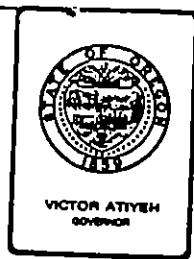
LANE EDUCATION SERVICE DISTRICT

PORT OF SIUSLAW

SIUSLAW PUBLIC LIBRARY DISTRICT

SIUSLAW SCHOOL DISTRICT 97J

WESTERN LANE AMBULANCE DISTRICT



Wells - Chapman = FORMER OWNERS

G

Forestry Department
WESTERN LANE DISTRICT

P.O. BOX 157, VENETA, OREGON 97487 PHONE 935-2283

August 3, 1987

Mr. Don Wells
PO Box 161
Florence, OR 97439

Dear Mr. Wells;

The following is a technical assessment of your application for federal cost-share assistance for the planting of trees. Your 60 acre tract is composed primarily of two soil types, a Netarts fine sand on the gentler terrain, and a Waldport fine sand on the steeper portions.

The Netarts soils are relatively deep and well-drained, formed over stabilized sand dunes. Slopes for this soil on this property range from 12 to 30 percent. Native vegetation consists of shore pine, sitka spruce, salal and rhododendron with scattered Douglas-fir and western hemlock. The hazards of soil erosion from wind and rainfall are severe when surface cover is removed. In general these soils are used for wildlife, timber production, water supply, recreation, and homesites. Site index for Douglas-fir is estimated by the USDA Soil Conservation Service to be between 125 and 135, or site class III-.

The Waldport soils are deep and well-drained, formed over steeply stabilized sand dunes. Slopes for this soil on this property range between 30 and 70 percent. Native vegetation consists of sitka spruce, shore pine, manzanita, and huckleberry. Soil erosion is high when surface cover is removed. These soils are principally used for homesites, wildlife habitat, and recreation. Site index for Douglas-fir is estimated by the Soil Conservation Service at an average of 120, or site class IV+.

The growth expectations of commercial species such as Douglas-fir, western hemlock, and shore pine are severely retarded when these sites are exposed to prevailing onshore winds and salt spray. Evidence of this can be seen on your property as tops of virtually all trees above reidge lines are dead. The heights of trees throughout the property are limited by the amount of protection that can be found from the winter windstorms. The better formed trees are those along the east property boundary and along the bottom of draws. Heights of these trees, however, seldom exceed 50 feet.

I feel that any attempt to produce commercial stands of conifers on this property would be futile due to these environmental limitations. As such, I will recommend to the Lane County ASCS Committee that your application for tree planting be denied based on the high probability that such an activity will result in the unnecessary erosion of soil and a future stand of dwarf and defective trees.

Sincerely,

Doug Tistadt

Doug Tistadt
Service Forester

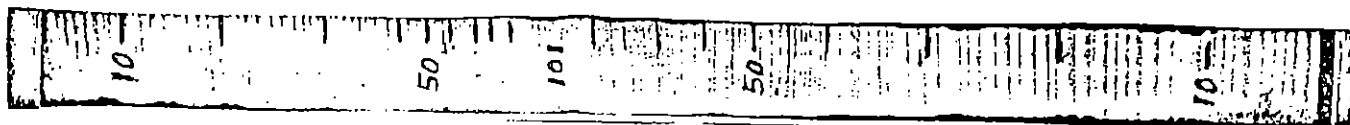
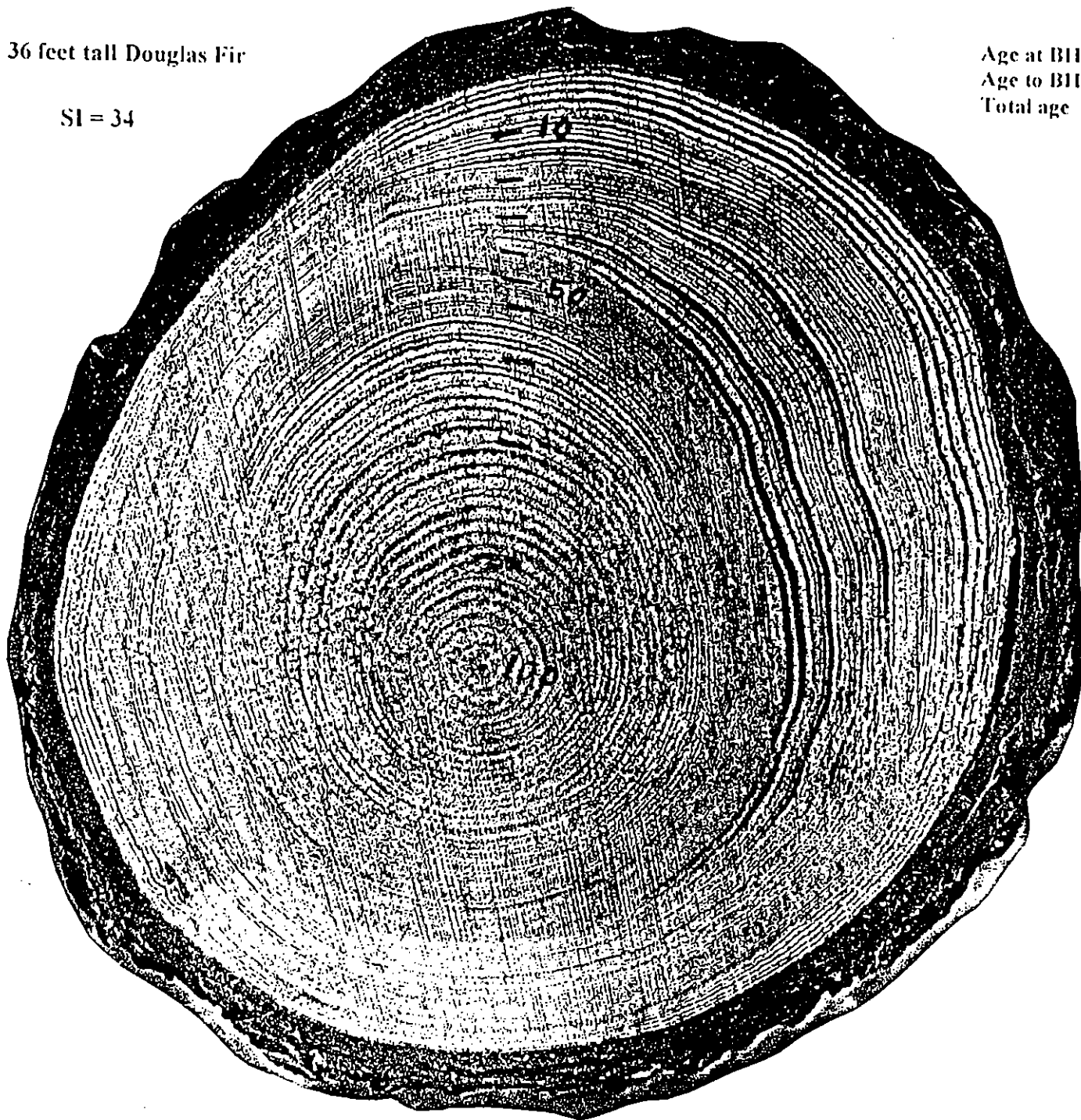
copy: USDA Agricultural & Stabilization Service



36 feet tall Douglas Fir

SI = 34

Age at BH = 100 y
 Age to BH = 10 y
 Total age = 110 y



32 feet tall Douglas Fir SI = 32 Total age = 101 y

DOUGLAS FIR INCREMENT BORING

H-3

TREE # / HEIGHT (feet)

SI

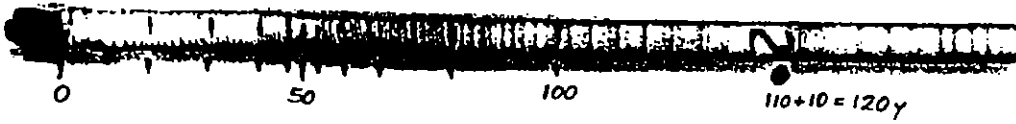
#1 - 39.4'

44



#2 - 45'

41

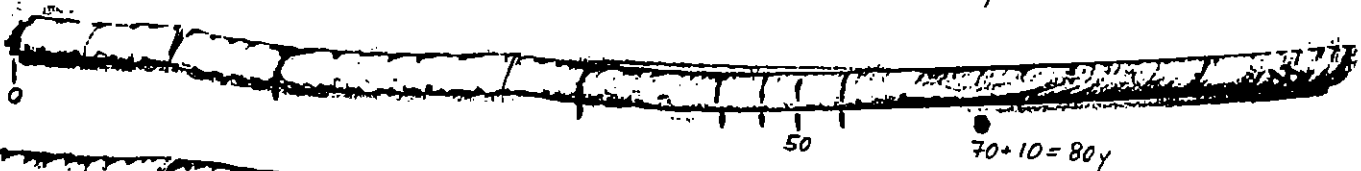


#3 - 59'

60

#4
53'

57

#5
59'

63



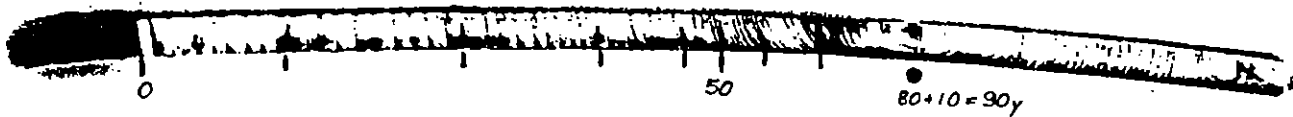
#6 - 41'

40



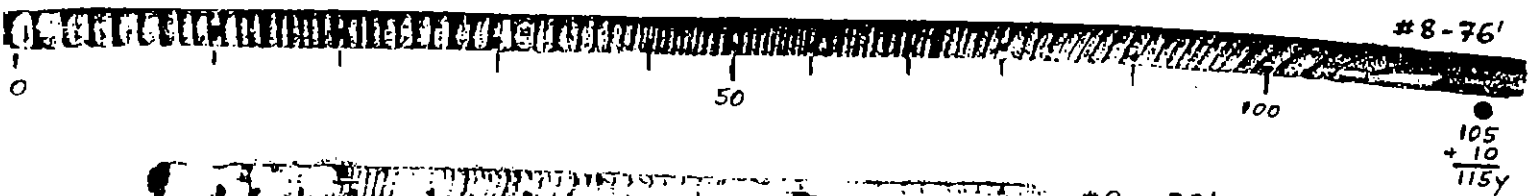
#7 - 46'

48



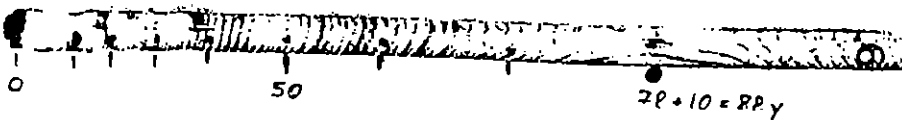
#8 - 76'

71

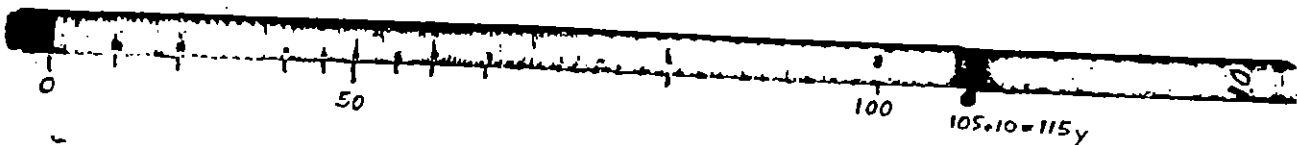


#9 - 29'

31

#10
46'

43

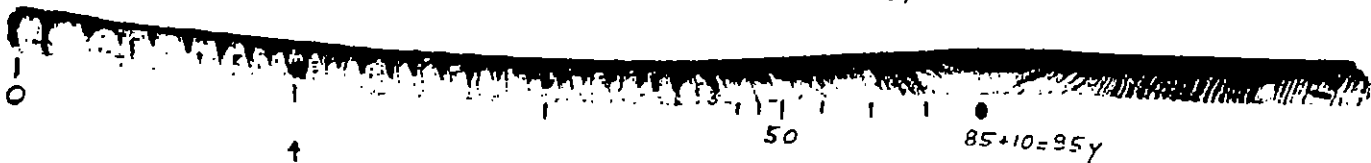


#11 - 46'

48

#12
62'

63



10 YEAR MARKERS

AGE TO BREAST HEIGHT = 10 YEARS

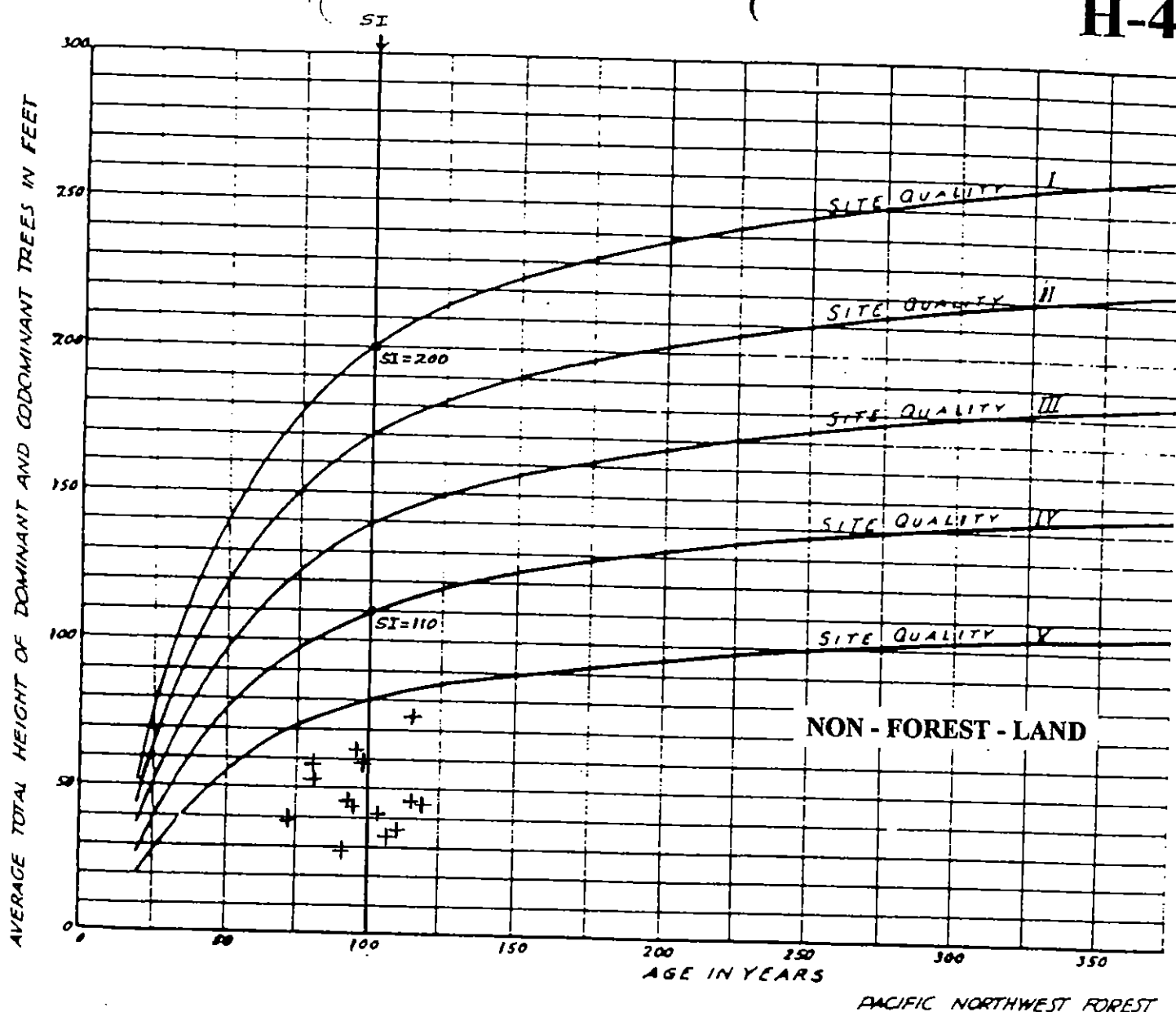


Figure 74. Site Index Curves for Douglas-fir-McArdle.

SITE INDEX/CLASS COMPARISON TABLE
DOUGLAS-FIR

100 Yr. Site Index ^{1/}	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220
50 Yr. Site Index ^{2/}				55-74		75-95			96-115			116-135			136+			
Site Class ^{2/}				V		IV			III			II			I			
Cubic Ft. Site Class	7	6		5		4			3						2			1
Cubic Ft./Acre (MAI)	0-19	20-49		50-84		85-119			120-164					165-224				225+

^{1/} Source: Technical Bulletin No. 201, Yield of Douglas-fir in the Pacific Northwest, Richard E. McArdle; Revised May 1961

^{2/} Source: Weyerhaeuser Forestry Paper No. 8; Site Index Curves for Douglas-fir in the Pacific Northwest; by James E. King; July 1966