

W-7-a.

AGENDA COVER MEMO

DATE: July 12, 2006 (Date of Memo)
August 2, 2006 (Date of Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Public Works Department/Land Management Division

PRESENTED BY: Bill Sage, Associate Planner

AGENDA ITEM TITLE: **ORDINANCE No. PA 1236 – In the Matter of Adopting a Conformity Determination Amendment Pursuant to RCP General Plan Policies – Goal Two, Policy 27. a. vii. and Goal Four, Policy 15, Adopting the Plan Designation of Forest (F) and the Zoning Designation of Impacted Forest Land (F2) for 37.5 Acres Located in Section 32, Township 20, Range 2 West, Willamette Meridian, and Identified as a Portion of Tax Lot 1700 of Lane County Assessor Map 21-02-06, and Adopting Savings and Severability Clauses (PA 06-5476 Symbiotics LLC, USACE)**

I. MOTION

MOVE APPROVAL OF ORDINANCE NO. PA 1236.

II. ISSUE

The Lane County Rural Comprehensive Plan includes General Plan Policies specific to each of the Statewide Planning Goals One through Nineteen as they are implemented in Lane Code. Goal Two policies address Land Use Planning, which includes amendment processes for the Plan and Zoning designations of all properties within the rural lands of Lane County. Policy 27 Conformity Determinations of Goal Two provides for the processing of a Conformity Determination Amendment by the Planning Commission and the Board of Commissioners for specific properties when a citizen, public agency or LMD staff finds that the plan and /or zoning designations or lack thereof meets one of eight circumstances articulated in Policy 27.a.i.-viii.

The applicant Symbiotics LLC, and the owner, United States Army Corps of Engineers, request that the Board of County Commissioners designate approximately 37.5 acres of tax lot 1700 of TRS 21-02-06 from an unzoned status to a plan designation of Forest (F) and a zoning designation of Impacted Forest Land (F-2, RCP). Tax lot 1700 in its entirety is approximately 970.71 acres and includes the open-water, Dorena Reservoir. The subject 37.5 acres include the Dorena Dam and spillway and the land located north of the Dorena Dam and spillway and Row River, south of Row River Road, and east of the developed & committed exception area Plot #453-R1. The eastern boundary of the subject property is identified as depicted on Lane County Assessor’s Map TRS 20-02-32.

The eastern boundary of the lands included in this plan amendment extend south of Row River Road and north of the shoreline of Dorena Reservoir to the eastern boundary of Official Plan Plot # 453 and Official Zoning Plot # 453 as depicted on Exhibit “A” and Exhibit “B”,

respectively. The “lands” include the right-of-way of the Oregon Pacific Electric Railroad (OPERR) and the southern right-of-way of Row River Road within Plot # 453.

General Plan Policies: Goal Two – Policy 27.a.vii.

The applicant seeks a determination under RCP Goal Two - Policy 27.a.vii.

vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.

The inconsistency in this instance is articulated in the applicant’s Introduction on page 2 of Attachment C: Application for a Conformity Determination to Attachment “B” – Staff Report to Lane County Planning Commission.

“In 1984, Lane County enacted Ordinance No. 884 with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to all land outside of urban growth boundaries. A copy of that ordinance (including the relevant portions of the appendices attached to the ordinance) is attached as Appendix G. Although the ordinance applied new RCP designations and zoning to surrounding properties, there was an apparent oversight with respect to the ACOE parcel—the ordinance failed to apply any RCP designations or zoning to any portion of the ACOE parcel, including the Subject Property. That might suggest that the Subject Property is still subject to the FF-20 (Lane Code Chapter 10) zoning applied to it in 1978 pursuant to Ordinance No. 688. However, 1984 Ordinance No. 884 went beyond merely applying new designations and zoning to properties described in the ordinance—Section 2 of the ordinance (with exceptions not relevant here) specifically *repealed all prior plan and zone designations*. As a result, 1984 Ordinance No. 884 caused the ACOE parcel that includes the Subject Property to be stripped of any RCP designation and to become un-zoned.”

This proposal is a Minor Amendment pursuant to Policy 27.a.vii and Lane Code 16.400(6)(h) and involves application of a plan and zoning designation subject to Lane Code 16.252 processes. No exception to any Goal, resource or otherwise, is necessary. This is simply a proposed correction from unzoned land to a Forest Land (F) Plan designation and Impacted Forest Land (F2) Zoning designation.

Lane Code 16.400(6) Plan Adoption or Amendment – General Procedures. *The Rural Comprehensive Plan or any component of such Plan, shall be adopted or amended in accordance with the following procedures:*

(h) Method of Adoption and Amendment.

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

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

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

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

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

(i-i) necessary to correct an identified error in the application of the Plan; or
(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(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.

(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.

(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.

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

Pursuant to LC 16.400(6)(h)(iii)(bb)(i-i), Ordinance No. PA 1236 is a minor amendment necessary to correct an identified error in the application of the Plan. In this case, the discovery of unzoned land in the rural area of Lane County and the intent to apply the appropriate resource designations in conformity with similar actions at the time of adoption of the Rural Comprehensive Plan in 1984.

Portions of Lane Code 16.400(8) are also applicable to the amendment process.

Lane Code 16.400(8) Additional Amendment Provisions.

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

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

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

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

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

(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.

- (ii) *An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.*
- (iii) *An assessment of the probable impacts of implementing the proposed amendment, including the following:*
 - (aa) *Evaluation of land use and ownership patterns of the area of the amendment;*
 - (bb) *Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;*
 - (cc) *Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;*
 - (dd) *Natural hazards affecting or affected by the proposal;*
 - (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;*
 - (ff) *For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;*
 - (gg) *For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).*

The applicant has submitted a complete application in compliance with the requirements of Lane Code 16.400(8)(b). The Planning Director has waived the requirement for the applicant to supply documentation concerning Lane Code 16.400(8)(c)(iii)(aa)-(gg), above.

RCP General Plan Policies, Goal Four – Policy 15

Amendment criteria for the designations to Forest Land (F) and Impacted Forest Land (F2) are found in Goal Four – Policy 15, which are reproduced below.

Goal Four – Policy 15. Lands designated with the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). D decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

- a. *A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.*
- b. *Non-impacted Forest Land Zone (F-1, RCP) Characteristics:*
 - (1) *Predominantly ownerships not developed by residences or nonforest uses.*
 - (2) *Predominantly contiguous, ownerships of 80 acres or larger in size.*
 - (3) *Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.*
 - (4) *Accessed by arterial roads or roads intended primarily for forest management. Primarily under commercial forest management.*
- c. *Impacted Forest Land Zone (F-2, RCP) Characteristics:*

- (1) *Predominantly ownerships developed by residences or nonforest uses.*
- (2) *Predominantly ownerships 80 acres or less in size.*
- (3) *Ownerships general contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.*
- (4) *Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

The applicant's findings of fact and conclusions addressing Goal Four - Policy 15 are included in Exhibit "C" - Findings of Fact and Conclusions of Law to Ordinance No. PA 1236.

III. ANALYSIS

Two questions and an objective review of the record form the basis for making a decision on the proposal:

1. How were similar resource lands designated as Farm Forest 20 (FF20) within Plot # 453 from 1976 to 1984, amended by the Board of Commissioners in February 1984?

The zoning designations for lands within the vicinity of the subject property are illustrated on Attachment "D". Lands designated from 1976 to 1984 as FF20 were predominantly amended to Impacted Forest Land (F2). Exceptions to this 1984 policy within Plot # 453 resulted in amendments to Rural Residential (RR10), Marginal Lands (ML) or Exclusive Farm Use (E40). Refer to Attachment "D" -- Lane County Zoning Map T 20 South, R 2 West: Feb 1976 - Feb 1984, (Ordinance # 571/587, 2-25-76), and Attachment "E" -- Current Lane County zoning designations overlaid on 1976 zoning boundaries (Ordinance No. PA 884, 2-29-84).

2. Do the circumstances of this particular proposal predominantly (more closely) comply with Goal 4 -Policy 15.b., for Nonimpacted Forest Land (F-1) zoning designation; or Policy 15.c., for granting the request for the Impacted Forest Land (F-2) zoning designation?

The applicant has provided Findings of Fact and Conclusions of Law in Exhibit "C" to Ordinance No. PA 1236, addressing RCP General Plan Policy – Goal 2, Policy 27(a)(vii) criteria and Goal 4, Policy 16 standards, in support of the request for a Plan designation of Forest (F) and a Zoning designation of Impacted Forest Land (F2).

IV. LANE COUNTY PLANNING COMMISSION RECOMMENDATION

On June 20, 2006, the Lane County Planning Commission held a public hearing on the proposed conformity determination application PA 06-5476 (Ordinance No. PA 1236) and in deliberations thereafter unanimously forwarded a recommendation to the Board of County Commissioners for approval of the applicant's request for a Plan designation of Forest (F) and a Zoning designation of Impacted Forest Land (F2) for the subject 37.5 acres, being a portion of tax lot 1700 of Lane County Assessor's Map TRS 21-02-06, as depicted on Exhibits "A" and "B" of Ordinance No. PA 1236.

V. IMPLEMENTATION AND FOLLOW-UP

A. Alternatives/Options

1. Approved Ordinance No. PA 1236.
2. Do not approve Ordinance No. PA 1236.
3. Direct staff to provide additional findings and documentation.

B. Recommendation

Staff recommends Option 1.

C. Timing

If approved by the Board, Ordinance No. PA 1236 will go into effect 30 days from the date of adoption.

D. Notice

Notice of the action will be provided to DLCD and parties with standing.

VI. ATTACHMENTS

A – Ordinance No. PA 1236

Exhibit A -- Official Plan Map: Plot # 453

Exhibit B -- Official Zoning Map: Plot # 453

Exhibit C -- Findings of Fact and Conclusions of Law

B – Staff Report to Lane County Planning Commission:

A. Official Plan Map: Plot # 453

B. Official Zoning Map: Plot # 453

C. Application PA 06-5476

*D. Lane County Zoning Map T 20 South, R 2 West: Feb 1976 - Feb 1984
(Ordinance # 571/587, 2-25-76)*

*E. Current Lane County zoning designations overlaid on 1976 zoning boundaries
(Ordinance No. PA 884, 2-29-84)*

F. Lane County Assessor's Map TRS 20-02-32

C – June 20, 2006 Minutes: Lane County Planning Commission.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1236 [IN THE MATTER OF ADOPTING A CONFORMITY
[DETERMINATION AMENDMENT PURSUANT TO RCP
[GENERAL PLAN POLICIES – GOAL TWO, POLICY 27.a.vii.
[AND GOAL FOUR, POLICY 15, ADOPTING THE PLAN
[DESIGNATION OF FOREST (F) AND THE ZONING
[DESIGNATION OF IMPACTED FOREST LAND (F2) FOR 37.5
[ACRES LOCATED IN SECTION 32, TOWNSHIP 20, RANGE 2
[WEST, WILLAMETTE MERIDIAN, AND IDENTIFIED AS A
[PORTION OF TAX LOT 1700 OF LANE COUNTY ASSESSOR
[MAP 21-02-06, AND ADOPTING SAVINGS AND
[SEVERABILITY CLAUSES. (File: PA 06- 5476, Symbiotic LLC,
[USACOE).**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 1192 and amended thereafter, has adopted the Conformity Determination Amendment process as Goal 2, Policy 27 of the General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

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

WHEREAS, on March 24, 2006, a Conformity Determination Amendment application (PA 06-5476 Symbiotic LLC, USACOE) was submitted to Lane County proposing a plan designation of Forest (F) and a zoning designation of Impacted Forest Land (F-2, RCP) pursuant to RCP General Plan Policies - Goal Two, Policy 27.a.vii. and Goal 4, Policy 15; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on June 20, 2006; and

WHEREAS, the Lane County Planning Commission on June 20, 2006, recommended approval of the proposed plan and zoning designations; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on August 2, 2006; 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 adding a designation for a 37.5 acre portion of tax lot 1700 of Lane County Assessor's map 21-02-06 and additional lands consisting of adjoining road and railroad right-of-way as Forest (F), such territory depicted on Official Plan Plot 453 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. A 37.5 acre portion of tax lot 1700 of Lane County Assessor's map 21-02-06 and additional lands consisting of adjoining road and railroad right-of-way are zoned Impacted Forest Land F-2, RCP (Lane Code 16.211), such territory depicted on Official Zoning Plot 453 and further identified as Exhibit "B" attached and incorporated herein.

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

The prior policies, zoning base designations and plan diagram base designations repealed or changed 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 affect the validity of the remaining portions thereof.

ENACTED this _____ day of _____, 2006.

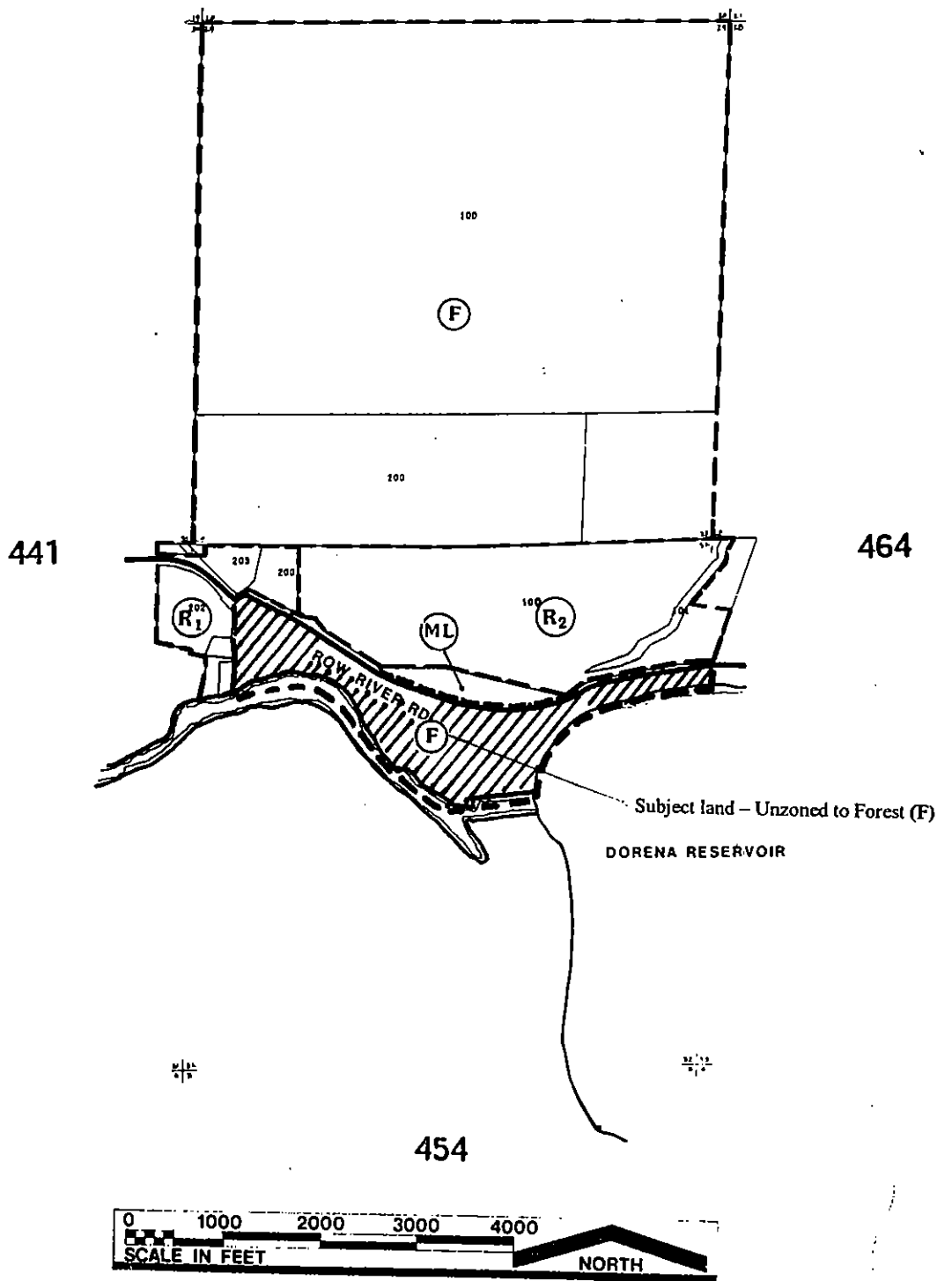
Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____, Lane County

OFFICE OF LEGAL COUNSEL



ne county

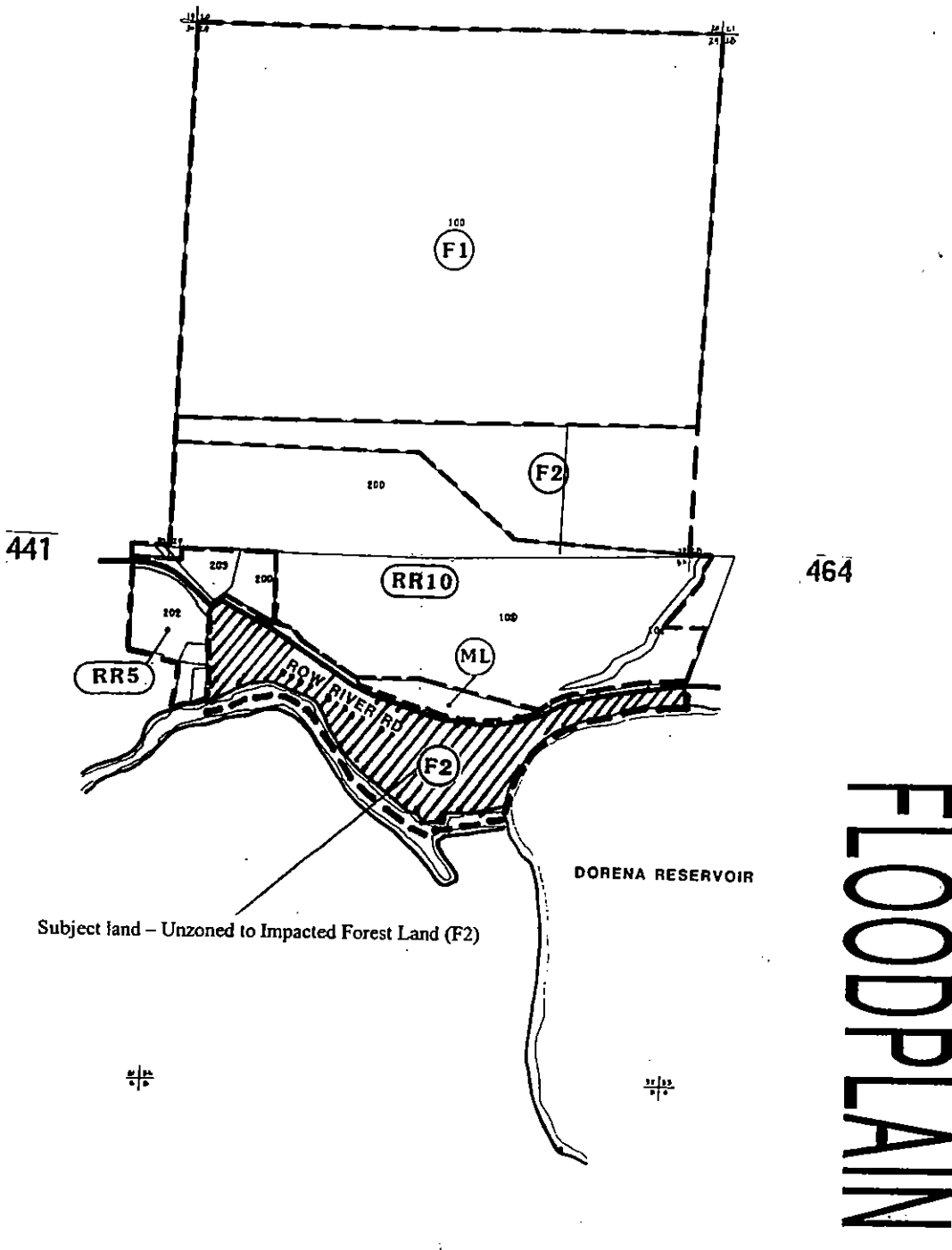
OFFICIAL PLAN MAP

PLOT # 453

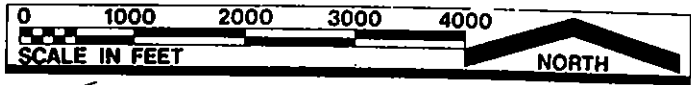
Twnshp	Range	Section	
20	02	29	20 02 32 ()

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

REVISION # 1 ORN # PA 911 _____ DATE 3/14/86 FILE # _____



FLOODPLAIN



Subject land - Unzoned to Impacted Forest Land (F2)



OFFICIAL ZONING MAP

PLOT # 453

Twshp	Range	Section	
20	02	29	20 02 32

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____
 REVISION # 1 ORD # PA 911 DATE 3/14/86 FILE # _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW

for

A CONFORMITY DETERMINATION AMENDMENT
PURSUANT TO RCP GENERAL PLAN POLICIES – GOAL TWO, POLICY 27. a. vii.

ADOPTING THE PLAN DESIGNATION OF FOREST (F)
AND THE ZONING DESIGNATION OF IMPACTED FOREST LAND (F-2)
FOR 37.5 ACRES LOCATED IN SECTION 32, TOWNSHIP 20, RANGE 2 WEST,
WILLAMETTE MERIDIAN, AND IDENTIFIED AS A PORTION OF TAX LOT 1700 OF
LANE COUNTY ASSESSOR MAP 21-02-06

and

ADOPTING SAVINGS AND SEVERABILITY CLAUSES

APPLICATION NO. PA 06-5476

ORDINANCE NO. PA 1236

Applicant: Symbiotics, LLC
Owner : U.S. Army Corp of Engineers
Applicant's Agent: Erik Steimle
Ecosystems Research Institute
Applicant's Attorney: Paul Vaughan
Hershner Hunter, LLP

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In support of our adoption and enactment of Ordinance No. PA 1236, we make the following findings of fact and conclusions of law.

GENERAL FINDINGS AND CONCLUSIONS:

The property subject to this Conformity Determination Amendment (the Subject Property) is located north of the centerline thread of the Row River, south of Row River Road and east of the Developed and Committed Exception Area Plot #453-R1 (which exception area is located east of the intersection of Row River Road and Shoreline Drive). The property includes the Dorena Dam and spillway. The eastern boundary of the property extends south of Row River Road and north of the shoreline of Dorena Reservoir to the eastern boundary of Official Plan Plot # 453 and Official Zoning Plot #453 as depicted on Attachment "A" and Attachment "B", respectively. The property includes the right-of-way of the Oregon Pacific Electric Railroad (OPERR) and the southern right-of-way of Row River Road within Official Zoning Plot # 453. The property is approximately six miles east of Cottage Grove and is outside of the City of Cottage Grove urban growth boundary.

The Subject Property is an approximately 37.5 acre portion of a 970.71-acre parcel owned by the U.S. Army Corp of Engineers (ACOE) that is tax lotted on Assessor's Map 21-02-06-00 as Tax Lot 1700. The 970.71-acre ACOE parcel was developed between approximately 1942 and 1949 with the Dorena Dam which impounded waters of the Row River and created the Dorena Reservoir, which occupies most of the 970.71 acre ACOE parcel.

On August 29, 1978, Lane County enacted Ordinance No. 688 that zoned lands within the Row River-London Subarea that included the Subject Property. The Subject Property was zoned FF-20 (Farm-Forest District—20 acre minimum parcel size) pursuant to that 1978 ordinance.

In 1984, Lane County enacted Ordinance No. 884 with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to all land outside of urban growth boundaries. Although the ordinance applied new RCP designations and zoning to surrounding properties, there was an apparent oversight with respect to the ACOE parcel—the ordinance failed to apply any RCP designation or zoning to any portion of the ACOE parcel, including the Subject Property. Although that might suggest that the Subject Property is still subject to the FF-20 (Lane Code Chapter 10) zoning applied to it in 1978 pursuant to Ordinance No. 688, 1984 Ordinance No. 884 went beyond merely applying new designations and zoning to properties described in the ordinance—Section 2 of the ordinance (with exceptions not relevant here) specifically repealed all prior plan and zone designations. As a result, we find that 1984 Ordinance No. 884 caused the ACOE parcel that includes the Subject Property to be stripped of any RCP designation and to become unzoned.

LCDC has acknowledged Lane County's Rural Comprehensive Plan and implementing regulations that included the designations and zoning applied by 1984 Ordinance No. 884. Since the 1984 ordinance did not apply any designation or zoning to the Subject Property, arguably the use and development of the Subject Property is not regulated by Lane County zoning ordinances.

However, where a property is not subject to any zoning district, it is unclear what, if any, standards apply to the use and development of the property. In order to fill that vacuum and clarify the situation, Symbiotics filed an application for a Conformity Determination requesting that Lane County apply a plan designation and zoning of Impacted Forest Land (F-2, RCP) to the Subject Property. That resource designation, which does not require that the county take a Goal exception, is consistent with the FF-20 designation and zoning that was applied to the Subject Property in 1978 but subsequently repealed in 1984. It is also consistent with the aerial photographs attached as Appendix D to the application that show the current use of the Subject Property.

GENERAL PLAN POLICIES: GOAL TWO – POLICY 27:

The Lane County Rural Comprehensive Plan includes General Plan Policies specific to each of the Statewide Planning Goals One through Nineteen as they are implemented in Lane Code. Goal Two policies address Land Use Planning, which includes amendment processes for the Plan and Zoning designations of all properties within the rural lands of Lane County. Policy 27 of Goal Two pertaining to Conformity Determinations provides for the processing of a Conformity Determination Amendment by the Planning Commission and the Board of Commissioners for specific properties when a citizen, public agency or LMD staff shows that the plan and/or zoning designations satisfy one of the eight criteria set out in Policy 27.a.i.-viii.

a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:

i. Lawful, structural development existing prior to September 12, 1984 and use of the structures at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.

ii. Inappropriate Non-impacted Forest Land (F-1, RCP-zoning designation, where criteria of RCP Forest Land Policy 15 indicate that Impacted Forest Land (F-2, RCP) zoning designation is more suitable.

iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary, use was adopted on an Official Plan or Zoning Plot in 1984.

iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.

v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.

vi. Compliance by a public jurisdiction or agency with a deed restriction on public land.

vii. *Correction of an inconsistency between the text of an order or ordinance adopted by the board of Commissioners and an Official Plan or Zoning diagram.*

vii. *A circumstance other than as listed in Policy 27. a.i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.*

We find that a Conformity Determination Amendment applicable to the Subject Property is appropriate under and consistent with General Plan Policy: Goal Two – Policy 27.a.vii. As stated in the General Findings, pursuant to 1978 Lane County Ordinance No. 688, the Subject Property was zoned FF-20 (Farm-Forest District–20 acre minimum parcel size). However, in 1984, Lane County enacted Ordinance No. 884 which effectively removed any RCP designation from the Subject Property and caused the property to become unzoned. Although the 1984 ordinance was enacted with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to *all land outside of urban growth boundaries*, through an apparent oversight, the ordinance failed to apply any new RCP designation or zoning to the Subject Property. The property was simply omitted from the designation/zoning maps attached to the ordinance. Moreover, to compound the oversight, the 1984 ordinance specifically *repealed all prior plan and zone designations*. This is exactly the type of oversight and circumstances that the Conformity Determinations Policy was intended to address. This Conformity Determination Amendment restores a forestland resource designation to the Subject Property and zoning consistent therewith in accordance with the Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15 criteria discussed below. We also note that Subsection e. of Policy 27 recognizes that a Conformity Determination Amendment may be initiated by a private applicant in addition to being initiated by the county and find that the subject application was appropriately initiated by the applicant in accordance with that subsection.

We find that this Conformity Determination Amendment is a Minor Amendment pursuant to Policy 27.a.vii and Lane Code 16.400(6)(h) and involves applying a plan and zoning designation subject to Lane Code 16.252 processes. We find that no exception to any Statewide Goal, resource or otherwise, is necessary, and that this Minor Amendment is consistent with all applicable Statewide Goals. This Minor Amendment merely corrects an oversight—it causes currently undesignated and unzoned land to be designated for forest resource use and zoned Impacted Forest Land (F-2) in accordance with the county’s Goal 4: Forest Land – Policy 15.

CONFORMITY DETERMINATION AMENDMENT – GENERAL PROCEDURES:

Lane Code 16.400(6) Plan Adoption or Amendment – General Procedures. The Rural Comprehensive Plan or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

* * * * *

(h) *Method of Adoption and Amendment.*

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

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

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

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

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

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

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

(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.

(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.

(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.

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

We find that this Minor Amendment is adopted by ordinance as required by Lane Code 16.400(6)(h)(i).

We find that pursuant to LC 16.400(6)(h)(iii)(bb)(i-i), Ordinance No. PA 1236 is a Minor Amendment (processed as a Conformity Determination Amendment) necessary to correct an identified error in the application of the Plan. In this case, the discovery of unzoned land in the rural area of Lane County and the intent to apply the appropriate resource designation in conformity with similar actions at the time of adoption of the Rural Comprehensive Plan in 1984.

As noted above, the Conformity Determination Amendment applicable to the Subject Property is appropriate under and consistent with General Plan Policy: Goal Two – Policy 27.a.vii. We also find that the amendment is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan. We also incorporate herein our findings and conclusions set out below addressing Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15.

We also find that a change of zoning to implement the Conformity Determination Amendment was considered concurrently with the amendment, and the Board has made the final zone change decision from unzoned land to Impacted Forest Land (F-2) zoning. Accordingly, we find and conclude that the Hearings Official's consideration need not occur.

ADDITIONAL LANE CODE PROCEDURES FOR PLAN AMENDMENT:

Portions of Lane Code 16.400(8) are also applicable to the amendment process.

Lane Code 16.400(8) Additional Amendment Provisions.

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

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

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

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

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

(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.*

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

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

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

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

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

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

(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;*

(ff) *For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;*

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

We find that this amendment is a Minor Amendment because it is limited to the Plan Diagram only and does not require an exception to any Statewide Planning Goal.

We further find that the applicant submitted a complete application in compliance with the requirements of Lane Code 16.400(8)(b). The Planning Director waived the requirement for the applicant to supply documentation concerning Lane Code 16.400(8)(c)(iii)(aa)-(gg), above. We find that waiver to be appropriate because this Minor Amendment is a Conformity Determination Amendment to correct an inconsistency between the text of 1984 Ordinance No. 884 adopted by the Board of Commissioners and the Official Plan and Zoning diagram; and because the

amendment applies a forest resource designation to forest land and does not require any exception to any Statewide Goal.

We find that similar resource lands designated as Farm Forest 20 (FF20) within Plot # 453 from 1976 to 1984, and amended by the Board of Commissioners in February 1984 by 1984 Ordinance No. 884, were predominantly designated for forest use and zoned Impacted Forest Land (F-2). Specifically, the zoning designations for lands within the vicinity of the subject property were illustrated on Attachment "D" to the staff report. Lands designated from 1976 to 1984 as FF20 were predominantly amended to Impacted Forest Land (F-2). We also find, based on the evidence in the record, that the Subject Property is predominantly forested, that it is not in a farm use, and that it is appropriately designated for forest use.

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING APPLYING THE RURAL COMPREHENSIVE PLAN DESIGNATION AND ZONING OF IMPACTED FOREST LAND (F-2, RCP) TO THE SUBJECT PROPERTY:

We find that the county previously recognized that the Subject Property is forest resource land when it enacted 1978 Lane County Ordinance No. 688. A forest resource land designation is also consistent with what is shown by the evidence in the record including the aerial photographs of the Subject Property that are attached to the application.

We find that the issue to be decided in connection with this Conformity Determination Amendment (which will restore a forest resource designation and zoning to the Subject Property) is whether the designation and zoning should be Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). We find unequivocally that the Subject Property qualifies for an Impacted Forest Lands (F-2, RCP) designation and zoning under the applicable criteria.

Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15 sets out the criteria for deciding whether forest land shall be designated and zoned as Non-impacted Forest Lands or Impacted Forest Lands as follows:

15. Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non Impacted Forest Lands (F 1, RCP) or Impacted Forest Lands (F 2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.

b. Non impacted Forest Land Zone (F-1, RCP) Characteristics:

(1) Predominantly ownerships not developed by residences or non-forest uses.

(2) Predominantly contiguous, ownerships of 80 acres or larger in size.

(3) *Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.*

(4) *Accessed by arterial roads or roads intended primarily for forest management.*

(5) *Primarily under commercial forest management.*

c. *Impacted Forest Land Zone (F 2, RCP) Characteristics*

(1) *Predominantly ownerships developed by residences or non-forest uses.*

(2) *Predominantly ownerships 80 acres or less in size.*

(3) *Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.*

(4) *Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

We find that the characteristics of the Subject Property do not correspond closely with the Non-impacted Forest Land Zone (F-1, RCP) characteristics:

Policy 15.b.(1):

Predominantly ownerships not developed by residences or non-forest uses.

We find that the Subject Property does not have this characteristic. It is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Specifically, we find that most of the area of the ACOE parcel is developed with the Dorena Reservoir. In addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. We find that the assessor's records also reflect that there are a number of manufactured structures on the parcel including a single family dwelling.

We conclude that the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.b.(2):

Predominantly contiguous, ownerships of 80 acres or larger in size.

The Subject Property is approximately 37.5 acres in size and therefore does not correspond to this characteristic.

With respect to ownerships contiguous to the Subject Property, the tax lots referred to in these findings are shown on Appendix C to the application. We find that that portion of the ACOE parcel located contiguous to the south and east of the Subject Property is larger than 80 acres, although as noted above, the vast majority of that land is developed with non-forest uses, most of it having been developed with Dorena Reservoir.

There is one other ownership 80 acres or larger in size that is north of the Subject Property and separated from it only by Row River Road and the abandoned railway right-of-way. That property, which consists of two tax lots (Tax Lots 100 and 208), is owned by the Verek Trust et al. and contains slightly over 207 acres. However, Lane County already designated and zoned that property for Rural Residential (RR-10) use. Furthermore, Lane Code Section 16.090 defines "contiguous" as having one common boundary greater than eight feet in length and the definition makes clear that even if the land is in the same ownership, it is not "contiguous" if it is separated by a public road. The Verek Trust property is separated from the Subject Property by Row River Road so it is not technically contiguous for the purpose of this analysis.

Other ownerships located directly north of the Subject Property (but also separated from it by Row River Road) are smaller than 80 acres: (i) Tax Lot 203 is a 4.85 acre parcel zoned RR-5; (ii) Tax Lot 200 is a 5.8 acre parcel zoned RR-5; and Tax Lot 500 is a 16.20 acre parcel zoned ML (Marginal Lands).

All of the other contiguous ownerships are much smaller than 80 acres. (See Appendix C to the application.) Those contiguous ownerships are as follows:

1. Tax Lot 201 – 1.1 acres;
2. Tax Lot 202 – 12.14 acres; and
3. Tax Lot 401 – .97 acres.

In summary, we find that neither the Subject Property itself (which is 37.5 acres in size) nor the contiguous ownerships to the Subject Property (which are predominantly smaller than 80 acres) correspond closely to the stated Non-Impacted Forest Land characteristic, thereby supporting our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.b.(3):

Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.

As is reflected in the maps attached as Appendix A, Appendix B and Appendix C to the application, the ownerships contiguous to the Subject Property are predominantly *not* utilized for commercial forest or commercial farm uses.

Also, as discussed above, the ownerships to the north of the Subject Property are not technically "contiguous" because they are separated from the Subject Property by Row River Road. Nevertheless, even if those ownerships were deemed to be contiguous, not one of those ownerships is used for commercial forest or commercial farm uses. Those ownerships are all zoned and designated for either Rural Residential (RR-5; RR-10) uses or as Marginal Land (ML).

The contiguous ownerships to the west of the Subject Property are also not used for commercial forest or commercial farm uses. All of those ownerships are designated and zoned for Rural Residential (RR-5) use, and all are developed with residential dwellings.

The contiguous ownership to the south of the Subject Property is that portion of the ACOE parcel that is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River). The entire ACOE parcel became unzoned as a result of 1984 Ordinance No. 884. However, the county previously recognized that the portion of the ACOE parcel south of the Subject Property was not forest resource land when, pursuant to 1978 Ordinance No. 688, it included that property within the Public Reserve (PR) zone described in Lane Code Chapter 10, which is a zone that allows such uses as public parks, playgrounds, hunting and fishing lodges, government buildings and other non-forest uses. We find that the contiguous ownership to the south of the Subject Property is not used for commercial forest or commercial farm uses.

Finally, the contiguous ownership to the east of the Subject Property is that portion of the ACOE parcel that is developed with Dorena Reservoir, and which is not used for commercial forest or commercial farm uses.

Since the ownerships contiguous to the Subject Property are predominantly if not exclusively utilized for purposes other than commercial forest or commercial farm uses, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.b.(4):

Accessed by arterial roads or roads intended primarily for forest management.

We find that the Subject Property is not accessed by arterial roads or roads intended primarily for forest management.

Access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County's Transportation System Plan (TSP) as a Rural Local road to the point it enters the Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access at the westerly boundary of the Subject Property. We also find that from the point Spillway Road enters the Subject Property; it is not open to the public. That portion of the road provides access through the Subject Property to the base of Dorena Dam on the northwest bank of the Row River. That portion of the road was built for the purpose of providing access for the operation and maintenance of Dorena Dam; it was not built for the purpose of commercial forestry.

Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector.

Neither Spillway Road nor Shoreview Drive is classified as an arterial road, and neither road is intended primarily for forest management. Accordingly, the response to this criterion also strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.b.(5):

Primarily under commercial forest management.

We find that the primary use of the ACOE parcel that includes the Subject Property is for the operation and maintenance of Dorena Dam and Reservoir. The dam and reservoir provide flood control, irrigation, recreational opportunities, and improved downstream passage. The Subject Property is not under commercial forest management. Accordingly, the response to this criterion similarly strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

We find that the characteristics of the subject property do correspond closely with the Impacted Forest Land Zone (F-2, RCP) characteristics:

Policy 15.c.(1):

Predominantly ownerships developed by residences or non-forested uses.

We find that the characteristics of the Subject Property correspond closely with this characteristic. The Subject Property is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Almost the entire ACOE parcel is developed with Dorena Reservoir. In addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. The assessor's records also reflect that there are a number of manufactured structures on the parcel including a single family dwelling. Moreover, Subject Property is not managed as a commercial forest operation and is developed with portions of the Dorena Dam infrastructure and the access roadway that provides access for inspection and maintenance of the dam and the spillway.

In short, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.c.(2):

Predominantly ownerships 80 acres or less in size.

While the entire ACOE parcel is much larger than 80 acres, this Conformity Determination only pertains to the Subject Property. The Subject Property is approximately 37.5 acres in size and accordingly, the predominant ownership of the property under consideration is well under the 80-acre threshold. Moreover, as was explained previously, the vast majority of the entire ACOE parcel is developed with non-forest uses, most of the parcel having been developed with Dorena Reservoir and park, camping and recreation facilities. Finally, even if the Subject Property is deemed not to conform to this characteristic because the entire ACOE parcel is larger than 80 acres, this is only one of the four Impacted Forest Land characteristics and we find that the Subject Property corresponds closely with each of the other three Impacted Forest Land

characteristics (Policy 15.c.(1), (3) and (4)). In addition, the Subject Property does not closely conform to any of the five Non-Impacted Forest Land characteristics.

Policy 15.c.(3):

Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

As is reflected in the map attached as Appendix C to the application, the Subject Property is generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

As is shown by the map attached as Appendix C to the application, the tracts to the north of the Subject Property are not technically "contiguous" because they are separated from the Subject Property by Row River Road. Nevertheless, except for the tract owned by the Verek Trust et al. that is zoned RR-10 and is part of a rural residential exception area, each of those tracts is substantially smaller than 80 acres: the Richards tract (TL 203) is 4.85 acres; the Bettis tract (TL 200) is 4.85 acres; and the McCarthy tract (TL 500) is 16.20 acres. Furthermore, each of those tracts (except the McCarthy tract that is zoned Marginal Land) is part of an "adjacent" developed and committed area for which an exception has been taken. Finally, except for the Verek Trust tract, each of the other tracts to the north of the Subject Property, including the McCarthy tract, is developed with a residence.

The contiguous tracts to the west of the Subject Property are each substantially smaller than 80 acres. In addition, those tracts are zoned for Rural Residential (RR-5) use and development and are part of developed or committed area for which an exception has been taken in the Rural Comprehensive Plan. Finally, all of those tracts are developed with residences.

The contiguous "tract" to the south and east of the Subject Property is that portion of the ACOE parcel that to the south of the Subject Property is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) and that to the east of the Subject Property is developed with the Dorena Reservoir and the associated Baker Bay Park recreational amenities described in our findings above. That "tract" is larger than 80 acres, but as noted previously, it is not designated in the RCP and is unzoned.

In short, the majority of the tracts contiguous to the Subject Property contain substantially less than 80 acres, are developed with residences, and are within developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan. Accordingly, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 15.c.(4):

Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.

As discussed in our findings in response to Policy 15.b.(4), access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County's Transportation System

Plan (TSP) as a Rural Local road to the point it enters the Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access at the westerly boundary of the Subject Property. Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector. Spillway Road and Shoreview Drive are intended primarily to serve the rural residential development in the area and the Dorena Reservoir parks and recreation areas.

While the Subject Property is not in an urban area and therefore is not served by municipal water or sewer services, we find that it is provided with the following public facilities and services:

1. Emergency Services: Cottage Grove Fire and Ambulance Department;
2. Schools: District 45J – South Lane

The Subject Property also has access to electric utility and telephone service.

In summary, the Subject Property conforms closely to this characteristic which also supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

CONCLUSION REGARDING IMPACTED FOREST LAND ZONE (F-2, RCP) DESIGNATION AND ZONING:

In summary, we find, conclude and decide that the Subject Property does not conform to the Non-Impacted Forest Land Zone (F-1, RCP) characteristics and that the Subject property does conform closely to the Impacted Forest Land Zone (F-2, RCP) characteristics. Accordingly, we find, conclude and decide that the Subject Property should, through the enactment of Ordinance No. PA 1236, be designated and zoned Impacted Forest Land (F-2, RCP).

DATE: June 12, 2006
TO: Lane County Planning Commission
FROM: Bill Sage, Associate Planner

APPLICATION: PA 06-5476
ORDINANCE No. PA 1236 -- In the Matter of Adopting a Conformity Determination Amendment Pursuant to RCP General Plan Policies – Goal Two, Policy 27. a. vii., Adopting the Plan Designation of Forest (F) and the Zoning Designation of Impacted Forest Land (F2) for 37.5 Acres Located in Section 32, Township 20, Range 2 West, Willamette Meridian, and Identified as a Portion of Tax Lot 1700 of Lane County Assessor Map 21-02-06, and Adopting Savings and Severability Clauses (Ordinance No. PA 1236

APPLICANT: Symbiotics, LLC
OWNER: U.S. Army Corp of Engineers
AGENT: Paul Vaughn – Hershner Hunter, LLP

I. ISSUE

The Lane County Rural Comprehensive Plan includes General Plan Policies specific to each of the Statewide Planning Goals One through Nineteen as they are implemented in Lane Code. Goal Two policies address Land Use Planning, which includes amendment processes for the Plan and Zoning designations of all properties within the rural lands of Lane County. Policy 27 Conformity Determinations of Goal Two provides for the processing of a Conformity Determination Amendment by the Planning Commission and the Board of Commissioners for specific properties when a citizen, public agency or LMD staff finds that the plan and /or zoning designations or lack thereof meets one of eight circumstances articulated in Policy 27.a.i.-viii.

The applicant Symbiotics LLC, and the owner, United States Army Corps of Engineers, seek a recommendation from the Planning Commission to the Board of County Commissioners for the redesignation of approximately 37.5 acres of tax lot 1700 of TRS 21-02-06 from an unzoned status to Impacted Forest Land (F-2, RCP). Tax lot 1700 in its entirety is approximately 970.71 acres and includes the open-water, Dorena Reservoir. The subject 37.5 acres include the Dorena Dam and spillway and the land located north of the Dorena Dam and spillway and Row River, south of Row River Road, and east of the developed & committed exception area Plot #453-R1. The eastern boundary of the subject property is identified as depicted on Lane County Assessor's Map TRS 20-02-32. Refer to Attachment "F".

The eastern boundary of the lands included in this plan amendment extend south of Row River Road and north of the shoreline of Dorena Reservoir to the eastern boundary of Official Plan Plot # 453 and Official Zoning Plot # 453 as depicted on Attachment "A" and Attachment "B", respectively. The "lands" include the right-of-way of the Oregon Pacific Electric Railroad (OPERR) and the southern right-of-way of Row River Road within Plot # 453.

General Plan Policies: Goal Two – Policy 27.a.vii.

The applicant seeks a determination under RCP Goal Two - Policy 27.a.vii.

vii. *Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.*

The inconsistency in this instance is articulated in the applicant's Introduction (page 2 of Attachment "C").

"In 1984, Lane County enacted Ordinance No. 884 with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to all land outside of urban growth boundaries. A copy of that ordinance (including the relevant portions of the appendices attached to the ordinance) is attached as Appendix G. Although the ordinance applied new RCP designations and zoning to surrounding properties, there was an apparent oversight with respect to the ACOE parcel—the ordinance failed to apply any RCP designations or zoning to any portion of the ACOE parcel, including the Subject Property. That might suggest that the Subject Property is still subject to the FF-20 (Lane Code Chapter 10) zoning applied to it in 1978 pursuant to Ordinance No. 688. However, 1984 Ordinance No. 884 went beyond merely applying new designations and zoning to properties described in the ordinance—Section 2 of the ordinance (with exceptions not relevant here) specifically *repealed all prior plan and zone designations*. As a result, 1984 Ordinance No. 884 caused the ACOE parcel that includes the Subject Property to be stripped of any RCP designation and to become un-zoned."

This proposal is a Minor Amendment pursuant to Policy 27.a.vii and Lane Code 16.400(6)(h) and involves application of a plan and zoning designation subject to Lane Code 16.252 processes. No exception to any Goal, resource or otherwise, is necessary. This is simply a proposed correction from unzoned land to a Forest Land (F) Plan designation and Impacted Forest Land (F2) Zoning designation.

Lane Code 16.400(6) Plan Adoption or Amendment – General Procedures. The Rural Comprehensive Plan or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(h) *Method of Adoption and Amendment.*

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

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

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

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

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

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

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

(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.

(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.

(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.

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

Pursuant to LC 16.400(6)(h)(iii)(bb)(i-i), Ordinance No. PA 1236 is a minor amendment necessary to correct an identified error in the application of the Plan. In this case, the discovery of unzoned land in the rural area of Lane County and the intent to apply the appropriate resource designations in conformity with similar actions at the time of adoption of the Rural Comprehensive Plan in 1984.

Portions of Lane Code 16.400(8) are also applicable to the amendment process.

Lane Code 16.400(8) Additional Amendment Provisions.

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

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

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

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

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

(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.

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

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

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

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

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

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

(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;*

(ff) *For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;*

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

The applicant has submitted a complete application in compliance with the requirements of Lane Code 16.400(8)(b). The Planning Director has waived the requirement for the applicant to supply documentation concerning Lane Code 16.400(8)(c)(iii)(aa)-(gg), above.

RCP General Plan Policies, Goal Four – Policy 15

Amendment criteria for the designations to Forest Land (F) and Impacted Forest Land (F2) are found in Goal Four – Policy 15, which are reproduced below.

Goal Four – Policy 15. Lands designated with the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). D decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

- a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.*
- b. Non-impacted Forest Land Zone (F-1, RCP) Characteristics:*
 - (1) Predominantly ownerships not developed by residences or nonforest uses.*
 - (2) Predominantly contiguous, ownerships of 80 acres or larger in size.*
 - (3) Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.*
 - (4) Accessed by arterial roads or roads intended primarily for forest management. Primarily under commercial forest management.*
- c. Impacted Forest Land Zone (F-2, RCP) Characteristics:*
 - (1) Predominantly ownerships developed by residences or nonforest uses.*
 - (2) Predominantly ownerships 80 acres or less in size.*
 - (3) Ownerships general contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.*
 - (4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

The applicant's findings of fact and conclusions addressing Goal Four - Policy 15 are included in Attachment "C" - Application PA 06-5476.

II. ANALYSIS

Two questions and an objective review of the record form the basis for making a decision on the proposal:

1. How were similar resource lands designated as Farm Forest 20 (FF20) within Plot # 453 from 1976 to 1984, amended by the Board of Commissioners in February 1984?

The zoning designations for lands within the vicinity of the subject property are illustrated on Attachment "D". Lands designated from 1976 to 1984 as FF20 were predominantly amended to Impacted Forest Land (F2). Exceptions to this 1984 policy within Plot # 453 resulted in amendments to Rural Residential (RR10), Marginal Lands (ML) or Exclusive Farm Use (E40). Refer to Attachment "D" -- Lane County Zoning Map T 20 South, R 2 West: Feb 1976 - Feb 1984, (Ordinance # 571/587, 2-25-76), and Attachment "E" -- Current Lane County zoning designations overlaid on 1976 zoning boundaries (Ordinance No. PA 884, 2-29-84).

2. Do the circumstances of this particular proposal predominantly (more closely) comply with Goal 4 - Policy 15.b., for Nonimpacted Forest Land (F-1) zoning designation; or Policy 15.c., for granting the request for the Impacted Forest Land (F-2) zoning designation?

The applicant has provided findings of fact and conclusions in Attachment "C" supporting the request for a Plan designation of Forest (F) and a Zoning designation of Impacted Forest Land (F2).

III. RECOMMENDATION

Staff recommends that the unzoned 37.5-acre, subject property, being a portion of tax lot 1700 of Lane County Assessor's Map TRS 21-02-06, be designated Forest Land (F) and zoned Impacted Forest Land (F-2, RCP).

IV. ATTACHMENTS

Attachment A – Official Plan Map: Plot # 453

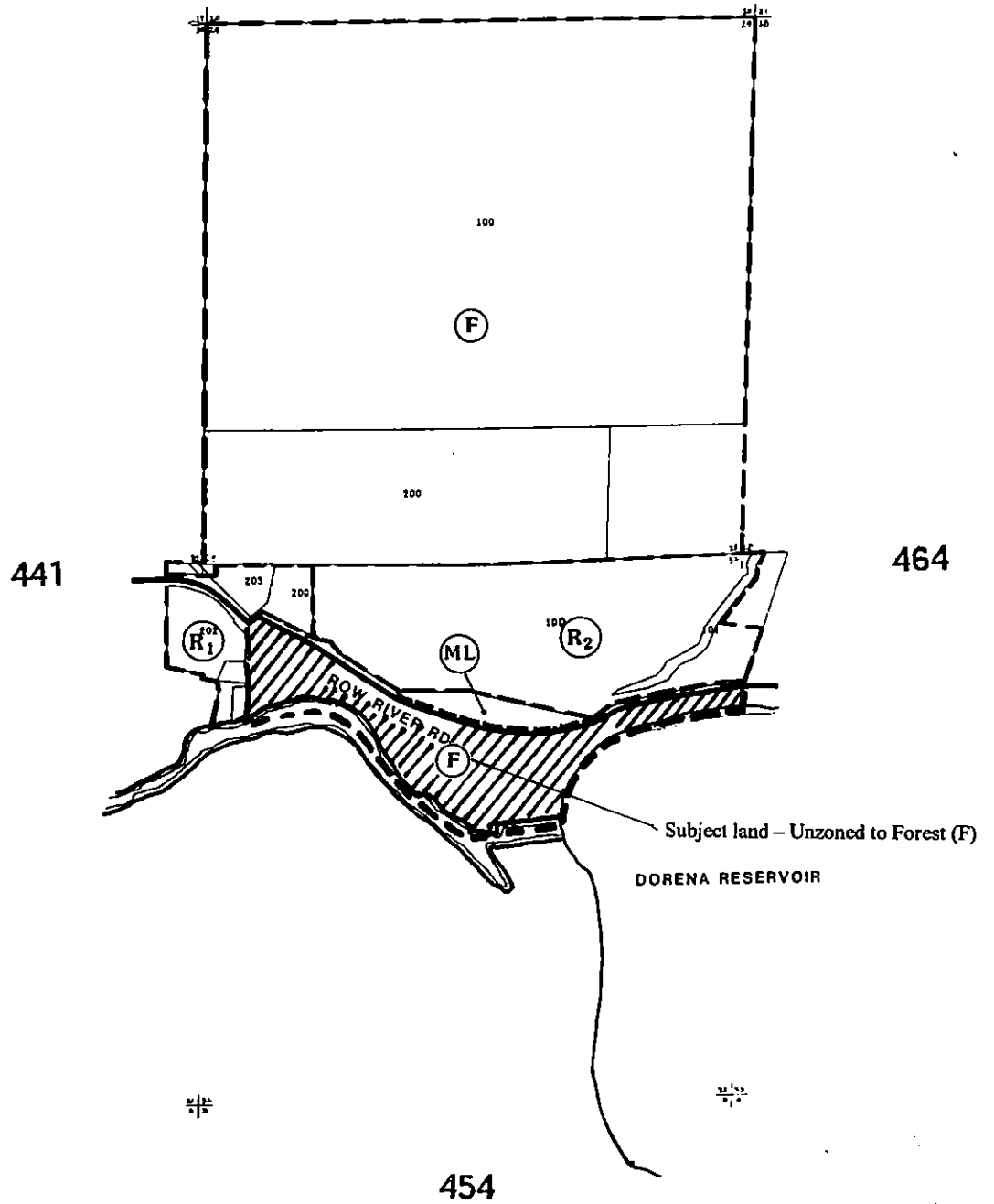
Attachment B – Official Zoning Map: Plot # 453


Attachment C – Application PA 05-5476

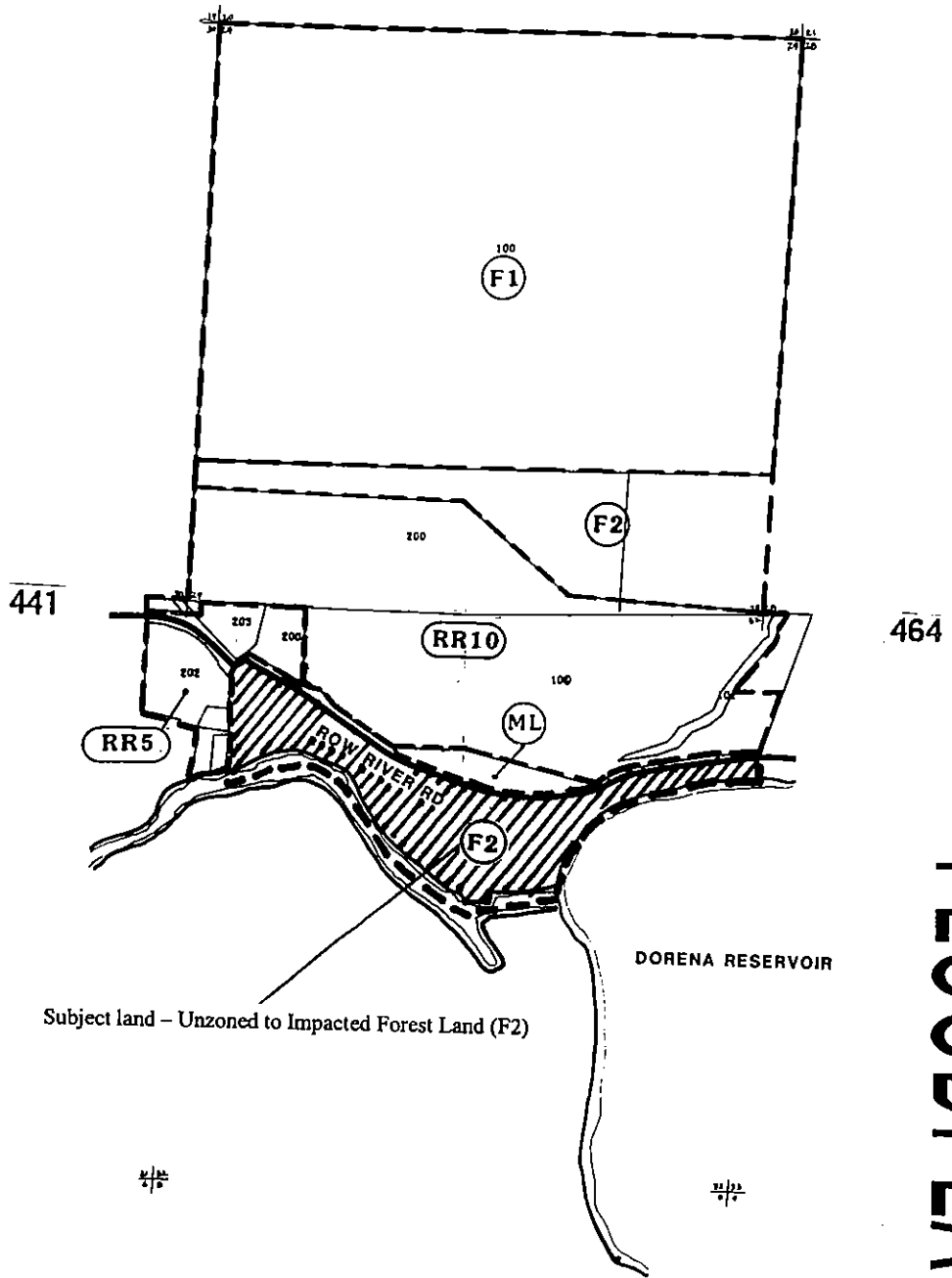
Attachment D – Lane County Zoning Map T 20 South, R 2 West: Feb 1976 - Feb 1984
(Ordinance # 571/587, 2-25-76)

Attachment E – Current Lane County zoning designations overlaid on 1976 zoning
boundaries (Ordinance No. PA 884, 2-29-84)

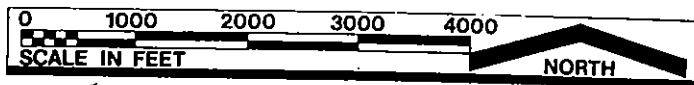
Attachment F – Lane County Assessor's Map TRS 20-02-32



	OFFICIAL PLAN MAP		PLOT # 453
	Twnshp Range Section <u>20 02 29</u> / <u>20 02 32</u> ()		
ORIGINAL ORD. # <u>PA 884</u>	DATE <u>2/29/1984</u>	FILE # _____	
REVISION # <u>1</u>	ORD. # <u>PA 911</u>	DATE <u>3/14/86</u>	FILE # _____



FLOODPLAIN



lane county

OFFICIAL ZONING MAP

PLOT# 453

Twtnsh Range Section
 20 02 29 / 20 02 32 ()

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

REVISION # 1 ORD # PA 911 _____ DATE 3/14/86 FILE # _____

COPY

APPLICATION FOR A CONFORMITY DETERMINATION APPLYING TO CURRENTLY UN-ZONED LAND AN RCP DESIGNATION AND ZONING OF IMPACTED FOREST LAND (F-2, RCP)

Applicant: Symbiotics, LLC (Symbiotics)

Property Owner: United States Army Corps of Engineers (ACOE)

Property Location: The subject property is located north of the centerline thread of the Row River, west of the Dorena Reservoir and a line extended due north from the northerly terminus of the Dorena Dam structure to Row River Road, south of Row River Road and east of the RR-5 exception area that is located east of the intersection of Row River Road and Shoreline Drive. The property is outlined in red on the map attached as Appendix A. The property is approximately six miles east of Cottage Grove and is outside of the City of Cottage Grove urban growth boundary.

Assessors Map and Lot: The subject property is an approximately 37.5 acre portion of a 970.71-acre parcel owned by the ACOE that is tax lotted on Assessor's Map 21-02-06-00 as Tax Lot 1700. Although the subject 37.5-acre property is tax lotted on Assessor's Map 21-02-06-00, it is located in Section 32, Township 20, Range 2 West, Willamette Meridian.

Current Lane County Zoning: The property currently does not have a Lane County Rural Comprehensive Plan designation and it is not currently zoned.

Applicant's Consultant/Agent:

Erik Steimle
Ecosystems Research Institute
975 South State Highway
Logan UT, 84321
(435) 752-2580

Applicant's Attorney:

Paul Vaughan
Hershner Hunter, LLP
180 East 11th Avenue, Eugene, OR 97401
P.O. Box 1475, Eugene, OR 97440
Telephone: (541) 686-8511

INTRODUCTION

The property subject to this Conformity Determination application (the Subject Property) is an approximately 37.5-acre portion of a 970.71-acre parcel owned by the United States Army Corps of Engineers (ACOE). The ACOE parcel was developed between approximately 1942 and 1949 with the Dorena Dam which impounded waters of the Row River and created the Dorena Reservoir. The Subject Property is located north of the centerline of the thread of the Row River; west of the Dorena Reservoir and a line extended due north from the northerly terminus of the Dorena Dam structure to Row River Road; south of Row River Road; and east of the RR-5 exception area that is located east of the intersection of Row Rover Road and Shoreline Drive. The Subject Property is outlined in red on the map attached as Appendix A. The entire ACOE parcel that includes the Subject Property is shown on the map attached as Appendix B. The Subject Property and property in the vicinity is shown on the aerial photographs attached as Appendix D.

On August 29, 1978, Lane County enacted Ordinance No. 688 that zoned lands within the Row River-London Subarea that included the Subject Property. The Subject Property was zoned FF-20 (Farm-Forest District—20 acre minimum parcel size) pursuant to that 1978 ordinance. A recorded copy of the 1978 ordinance and the map that shows the zoning applied to the Subject Property is attached as Appendix E. An enlargement of a portion of the 1978 zoning map that shows the Subject Property in more detail is attached as Appendix F.

In 1984, Lane County enacted Ordinance No. 884 with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to all land outside of urban growth boundaries. A copy of that ordinance (including the relevant portions of the appendices attached to the ordinance) is attached as Appendix G. Although the ordinance applied new RCP designations and zoning to surrounding properties, there was an apparent oversight with respect to the ACOE parcel—the ordinance failed to apply any RCP designation or zoning to any portion of the ACOE parcel, including the Subject Property. That might suggest that the Subject Property is still subject to the FF-20 (Lane Code Chapter 10) zoning applied to it in 1978 pursuant to Ordinance No. 688. However, 1984 Ordinance No. 884 went beyond merely applying new designations and zoning to properties described in the ordinance—Section 2 of the ordinance (with exceptions not relevant here) specifically *repealed all prior plan and zone designations*. As a result, 1984 Ordinance No. 884 caused the ACOE parcel that includes the Subject Property to be stripped of any RCP designation and to become un-zoned.

LCDC has acknowledged Lane County's Rural Comprehensive Plan and implementing regulations that included the designations and zoning applied by 1984 Ordinance No. 884. Since the 1984 ordinance did not apply any designation or zoning to the Subject Property, arguably the use and development of the Subject Property is not regulated by Lane County zoning ordinances. However, where a property is not subject to any zoning district, it is unclear what, if any, standards apply to the use and development of the property. In order to fill that vacuum and clarify the situation, Symbiotics has filed this application for a Conformity Determination requesting that Lane County apply a plan designation and zoning of Impacted Forest Land (F-2, RCP) to the Subject Property. That resource designation, which does not require that the county take a Goal exception, is consistent with the FF-20 designation and zoning that was applied to the Subject Property in 1978 but subsequently repealed in 1984. It is also consistent with the aerial photographs attached as Appendix D that show the current use of the Subject Property.

For the reasons discussed below, the requested Conformity Determination is consistent with the standards and criteria set out in the county's Rural Comprehensive Plan and the application should be approved.¹

CONFORMITY DETERMINATION

Lane County Rural Comprehensive Plan Policies govern whether an application for a change in the RCP plan designation and zoning of a property may be processed as a Conformity Determination. Goal Two: Land Use Planning - Policy 27 sets out the criteria that qualify an application for a Conformity Determination. Subsection e. of Policy 27 recognizes that a Conformity Determination may be initiated by a private applicant in addition to being initiated by the county.

Subsection a. of Policy 27 sets out the criteria qualifying an application for consideration by the Board of Commissioners under the Conformity Determinations Policy.

a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:

i. Lawful, structural development existing prior to September 12, 1984 and use of the structures at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.

ii. Inappropriate Non-impacted Forest Land (F-1, RCP-zoning designation, where criteria of RCP Forest Land Policy 15 indicate that Impacted Forest Land (F-2, RCP) zoning designation is more suitable.

iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary, use was adopted on an Official Plan or Zoning Plot in 1984.

iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.

v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.

¹ The applicant seeks a Conformity Determination only with respect to the Subject Property and not the balance of the ACOE parcel. Most of the area of the ACOE parcel is developed with Dorena Reservoir (see Appendix B). However, there are improvements on other portions of the parcel including the dam and associated infrastructure and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, parking areas and recreational commercial facilities. A Conformity Determination with respect to such areas might result in portions of the ACOE parcel being designated and included within the Public Facilities Zone (PF/RCP), the Rural Public Facilities Zone (RPF/RCP) and/or the Rural Park and Recreation Zone (RPR/RCP). Again, however, this application only seeks a Conformity Determination with respect to the Subject Property.

vi. *Compliance by a public jurisdiction or agency with a deed restriction on public land.*

vii. *Correction of an inconsistency between the text of an order or ordinance adopted by the board of Commissioners and an Official Plan or Zoning diagram.*

vii. *A circumstance other than as listed in Policy 27. a.i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.*

This application qualifies for a Conformity Determination under subsection 27.a.vii. As noted in the Introduction, pursuant to 1978 Lane County Ordinance No. 688, the Subject Property was zoned FF-20 (Farm-Forest District: 20-acre minimum parcel size). However, in 1984, Lane County enacted Ordinance No. 884 which effectively removed any RCP designation from the Subject Property and caused the property to become un-zoned. Although the 1984 ordinance was enacted with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to *all land outside of urban growth boundaries*, through an apparent oversight, the ordinance failed to apply any new RCP designation or zoning to the Subject Property. The property was simply omitted from the designation/zoning maps attached to the ordinance. Moreover, to compound the oversight, the 1984 ordinance specifically *repealed all prior plan and zone designations*. This is exactly the type of oversight and circumstances that the Conformity Determinations Policy was intended to address. This application seeks to restore a forestland resource designation to the Subject Property and zoning consistent therewith.

APPLYING THE RURAL COMPREHENSIVE PLAN DESIGNATION AND ZONING OF IMPACTED FOREST LAND (F-2, RCP) TO THE SUBJECT PROPERTY

The county previously recognized that the Subject Property is forest resource land when it enacted 1978 Lane County Ordinance No. 688 (see Appendix E and Appendix F). A forest resource land designation is also consistent with what is shown by the aerial photographs of the Subject Property that are attached as Appendix D.

The issue to be decided in connection with this Conformity Determination (which will restore a forest resource designation and zoning to the Subject Property) is whether the designation and zoning should be Non-impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-1, RCP). For the reasons set out below, the Subject Property clearly qualifies for an Impacted Forest Lands (F-2, RCP) designation and zoning.

Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 16 sets out the criteria for deciding whether forest land shall be designated and zoned as Non-impacted Forest Lands or Impacted Forest Lands as follows:

16. Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

a. *A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.*

b. *Non-impacted Forest Land Zone (F-1, RCP) Characteristics:*

(1) *Predominantly ownerships not developed by residences or non-forest uses.*

(2) *Predominantly contiguous, ownerships of 80 acres or larger in size.*

(3) *Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.*

(4) *Accessed by arterial roads or roads intended primarily for forest management.*

(5) *Primarily under commercial forest management.*

c. *Impacted Forest Land Zone (F-2, RCP) Characteristics*

(1) *Predominantly ownerships developed by residences or non-forest uses.*

(2) *Predominantly ownerships 80 acres or less in size.*

(3) *Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.*

(4) *Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

THE CHARACTERISTICS OF THE SUBJECT PROPERTY DO NOT CORRESPOND CLOSELY WITH THE NON-IMPACTED FOREST LAND ZONE (F-1, RCP) CHARACTERISTICS

Policy 16.b.(1):

Predominantly ownerships not developed by residences or non-forest uses.

The Subject Property does not have this characteristic. It is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Specifically, most of the area of the ACOE parcel is developed with the Dorena Reservoir (see Appendix B). In addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a

swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. The assessor's records also reflect that there are a number of manufactured structures on the parcel including a single family dwelling.

In short, the response to this criterion strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 16.b.(2):

Predominantly contiguous, ownerships of 80 acres or larger in size.

The Subject Property is approximately 37.5 acres in size and therefore does not correspond to this characteristic.

With respect to ownerships contiguous to the Subject Property, that portion of the ACOE parcel located contiguous to the south and east of the Subject Property is larger than 80 acres, although as noted above, the vast majority of that land is developed with non-forest uses, most of it having been developed with Dorena Reservoir.

There is one other ownership 80 acres or larger in size that is north of the Subject Property and separated from it only by Row River Road and the abandoned railway right-of-way. That property, which consists of two tax lots (Tax Lots 100 and 208), is owned by the Verek Trust et al. and contains slightly over 207 acres. However, the county has already designated and zoned that property for Rural Residential (RR-10) use (see Appendix C). Furthermore, Lane Code Section 16.090 defines "contiguous" as having one common boundary greater than eight feet in length and the definition makes clear that even if the land is in the same ownership, it is not "contiguous" if it is separated by a public road. The Verek Trust property is separated from the Subject Property by Row River Road so it is not technically contiguous for the purpose of this analysis.²

All of the other contiguous ownerships are much smaller than 80 acres (see Appendix C). Those contiguous ownerships are as follows:

1. Tax Lot 201 – 1.1 acres;
2. Tax Lot 202 – 12.14 acres; and,
3. Tax Lot 401 – 0.97 acres.

In summary, neither the Subject Property itself (which is 37.5 acres in size) nor the contiguous ownerships to the Subject Property (which are predominantly smaller than 80 acres) correspond closely to the stated Non-Impacted Forest Land characteristic, thereby supporting a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

² Other ownerships located directly north of the Subject Property (but separated from it by Row River Road) are smaller than 80 acres: (i) Tax Lot 203 is a 4.85-acre parcel zoned RR-5; (ii) Tax Lot 200 is a 5.8-acre parcel zoned RR-5; and, (iii) Tax Lot 500 is a 16.20 acre parcel zoned ML (Marginal Lands).

Policy 16.b.(3):

Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.

As is reflected in the maps attached as Appendix A, Appendix B and Appendix C, the ownerships contiguous to the Subject Property are predominantly *not* utilized for commercial forest or commercial farm uses.

As noted above, the ownerships to the north of the Subject Property are not technically “contiguous” because they are separated from the Subject Property by Row River Road. Nevertheless, even if those ownerships are deemed to be contiguous for the purpose of this analysis, not one of those ownerships is used for commercial forest or commercial farm uses. Those ownerships are all zoned and designated for either Rural Residential (RR-5; RR-10) uses or as Marginal Land (ML).

The contiguous ownerships to the west of the Subject Property are also not used for commercial forest or commercial farm uses. All of those ownerships are designated and zoned for Rural Residential (RR-5) use, and all are developed with residential dwellings.

The contiguous ownership to the south of the Subject Property is that portion of the ACOE parcel that is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River). As pointed out previously, the entire ACOE parcel became un-zoned as a result of 1984 Ordinance No. 884. However, the county previously recognized that the portion of the ACOE parcel south of the Subject Property was not forest resource land when, pursuant to 1978 Ordinance No. 688, it included that property within the Public Reserve (PR) zone described in Lane Code Chapter 10, which is a zone that allows such uses as public parks, playgrounds, hunting and fishing lodges, government buildings and other non-forest uses (see Appendix E).

Finally, the contiguous ownership to the east of the Subject Property is that portion of the ACOE parcel that is developed with Dorena Reservoir, and which is not used for commercial forest or commercial farm uses.

Since the ownerships contiguous to the Subject Property are predominantly if not exclusively utilized for purposes other than commercial forest or commercial farm uses, the response to this criterion strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 16.b.(4):

Accessed by arterial roads or roads intended primarily for forest management.

The Subject Property is not accessed by arterial roads or roads intended primarily for forest management.

Access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County’s Transportation System Plan (TSP) as a Rural Local road to the point it enters the

Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access at the westerly boundary of the Subject Property.³

Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector.

Neither Spillway Road nor Shoreview Drive is classified as an arterial road, and neither road is intended primarily for forest management. Accordingly, evaluation of the application against this criterion also strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 16.b.(5):

Primarily under commercial forest management.

The primary use of the ACOE parcel that includes the Subject Property is for the operation and maintenance of Dorena Dam and Reservoir. The dam and reservoir provide flood control, irrigation, recreational opportunities, and improved downstream passage. The Subject Property is not under commercial forest management. Accordingly, the response to this criterion similarly strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

THE CHARACTERISTICS OF THE SUBJECT PROPERTY DO CORRESPOND CLOSELY WITH THE IMPACTED FOREST LAND ZONE (F-2, RCP) CHARACTERISTICS

Policy 16.c.(1):

Predominantly ownerships developed by residences or non-forested uses.

The characteristics of the Subject Property correspond closely with this characteristic. The Subject Property is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Most of the area of the ACOE parcel is developed with Dorena Reservoir (see Appendix B). Moreover, as was explained above, in addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. The assessor's records also reflect that there are a number of manufactured structures on the parcel including a single family dwelling. Moreover, Subject Property is not managed as a commercial forest operation and is developed with portions of the Dorena Dam infrastructure and the access roadway that provides access for inspection and maintenance of the dam and the spillway.

³ From the point Spillway Road enters the Subject Property; it is not open to the public. That portion of the road provides access through the Subject Property to the base of Dorena Dam on the northwest bank of the Row River (see Appendix D). That portion of the road was built for the purpose of providing access for the operation and maintenance of Dorena Dam; it was not built for the purpose of commercial forestry.

In short, the response to this criterion strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 16.c.(2):

Predominantly ownerships 80 acres or less in size.

While the entire ACOE parcel is much larger than 80 acres, this Conformity Determination only pertains to the Subject Property. The Subject Property is approximately 37.5 acres in size and accordingly, the predominant ownership of the property under consideration is well under the 80-acre threshold. Moreover, as was explained previously, the vast majority of the entire ACOE parcel is developed with non-forest uses, most of the parcel having been developed with Dorena Reservoir and park, camping and recreation facilities. Finally, even if the Subject Property is deemed not to conform to this characteristic because the entire ACOE parcel is larger than 80 acres, this is only one of the four Impacted Forest Land characteristics and the Subject Property corresponds closely with each of the other three Impacted Forest Land characteristics (Policy 16.c.(1), (3) and (4)). In addition, the Subject Property does not closely conform with any of the five Non-Impacted Forest Land characteristics.

Policy 16.c.(3):

Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

As is reflected in the map attached as Appendix C, the Subject Property is generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

As is shown by the map attached as Appendix C, the tracts to the north of the Subject Property are not technically "contiguous" because they are separated from the Subject Property by Row River Road. Nevertheless, except for the tract owned by the Verek Trust et al. that is zoned RR-10 and is part of a rural residential exception area, each of those tracts is substantially smaller than 80 acres: the Richards tract (TL 203) is 4.85 acres; the Bettis tract (TL 200) is 4.85 acres; and the McCarthy tract (TL 500) is 16.20 acres. Furthermore, each of those tracts (except the McCarthy tract that is zoned Marginal Land) is part of an "adjacent" developed and committed area for which an exception has been taken. Finally, except for the Verek Trust tract, each of the other tracts to the north of the Subject Property, including the McCarthy tract, is developed with a residence.

The contiguous tracts to the west of the Subject Property are each substantially smaller than 80 acres. In addition, those tracts are zoned for Rural Residential (RR-5) use and development and are part of developed or committed area for which an exception has been taken in the Rural Comprehensive Plan. Finally, all of those tracts are developed with residences.

The contiguous "tract" to the south and east of the Subject Property is that portion of the ACOE parcel that to the south of the Subject Property is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) and that to the east of the Subject Property is developed with the Dorena Reservoir and the associated Baker Bay Park recreational amenities described above. That "tract" is larger than 80 acres, but as noted previously, it is not designated in the RCP and is un-zoned.

In short, the majority of the tracts contiguous to the Subject Property contain substantially less than 80 acres are developed with residences, and are within developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan. Accordingly, the response to this criterion strongly supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

Policy 16.c.(4):

Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.

As noted in the response to Policy 16.b.(4), access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County's Transportation System Plan (TSP) as a Rural Local road to the point it enters the Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access at the westerly boundary of the Subject Property. Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector. Spillway Road and Shoreview Drive are intended primarily to serve the rural residential development in the area and the Dorena Reservoir parks and recreation areas.

While the Subject Property is not in an urban area and therefore is not served by municipal water or sewer services, according to the assessor's records, it is provided with the following public facilities and services:

1. Emergency Services: Cottage Grove Fire and Ambulance Department;
2. Schools: District 45J – South Lane

The Subject Property also has access to electric utility and telephone service.

In summary, the Subject Property conforms closely to this characteristic which also supports a finding and decision that the Subject Property be designated and zoned as Impacted Forest Land.

CONCLUSION

For the reasons discussed in detail above, the characteristics of the Subject Property do not conform closely with the Non-impacted Forest Land Zone characteristics. On the other hand, the characteristics of the Subject Property do conform closely with the Impacted Forest Land Zone characteristics. Accordingly, the Subject Property should be designated and zoned Impacted Forest Land (F-2, RCP) in connection with this Conformity Determination.

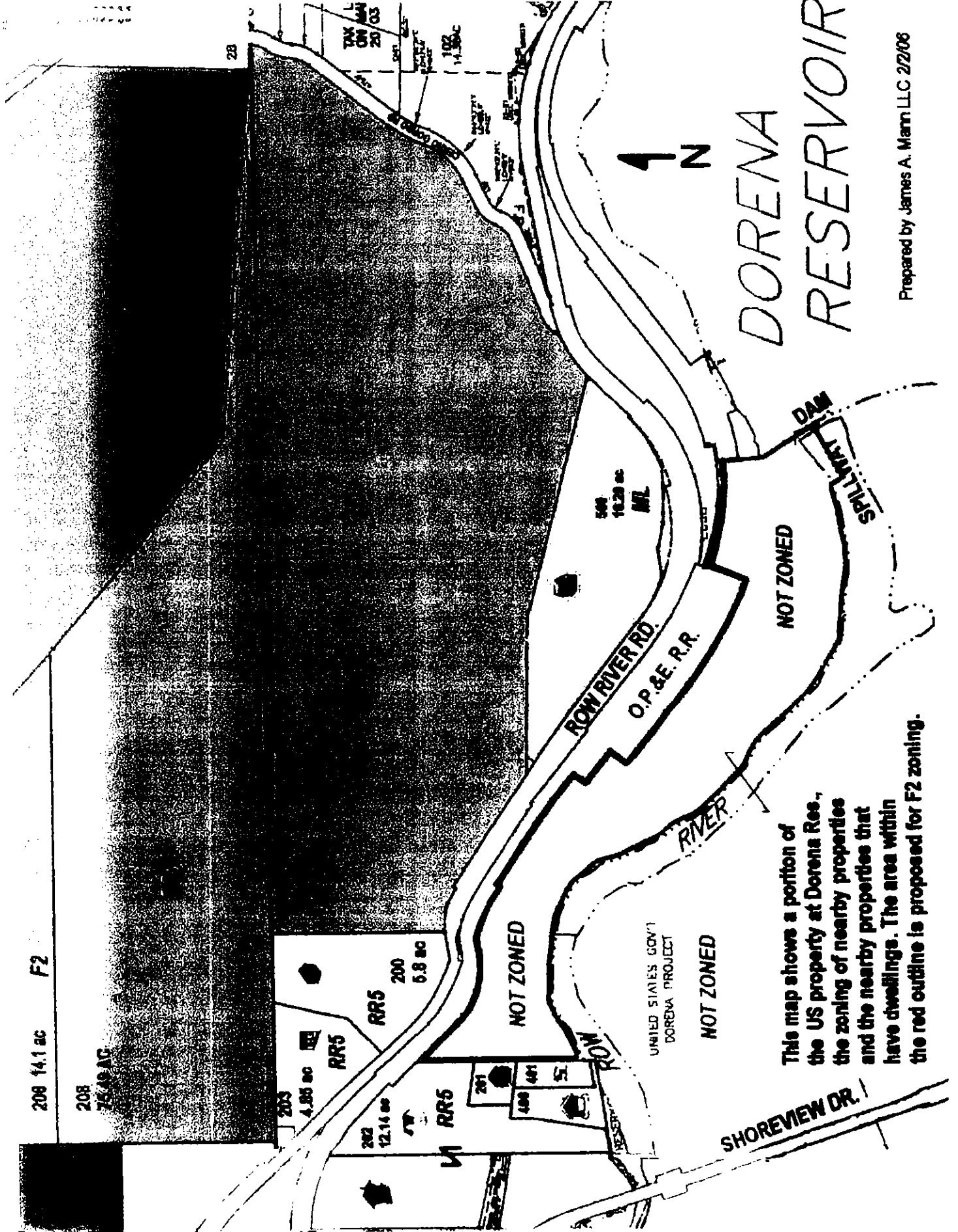
Respectfully submitted:

/s/ PAUL V. VAUGHAN

Paul V. Vaughan
Hershner Hunter, LLP
180 East 11th Avenue
Eugene, OR 97401

APPENDIX A

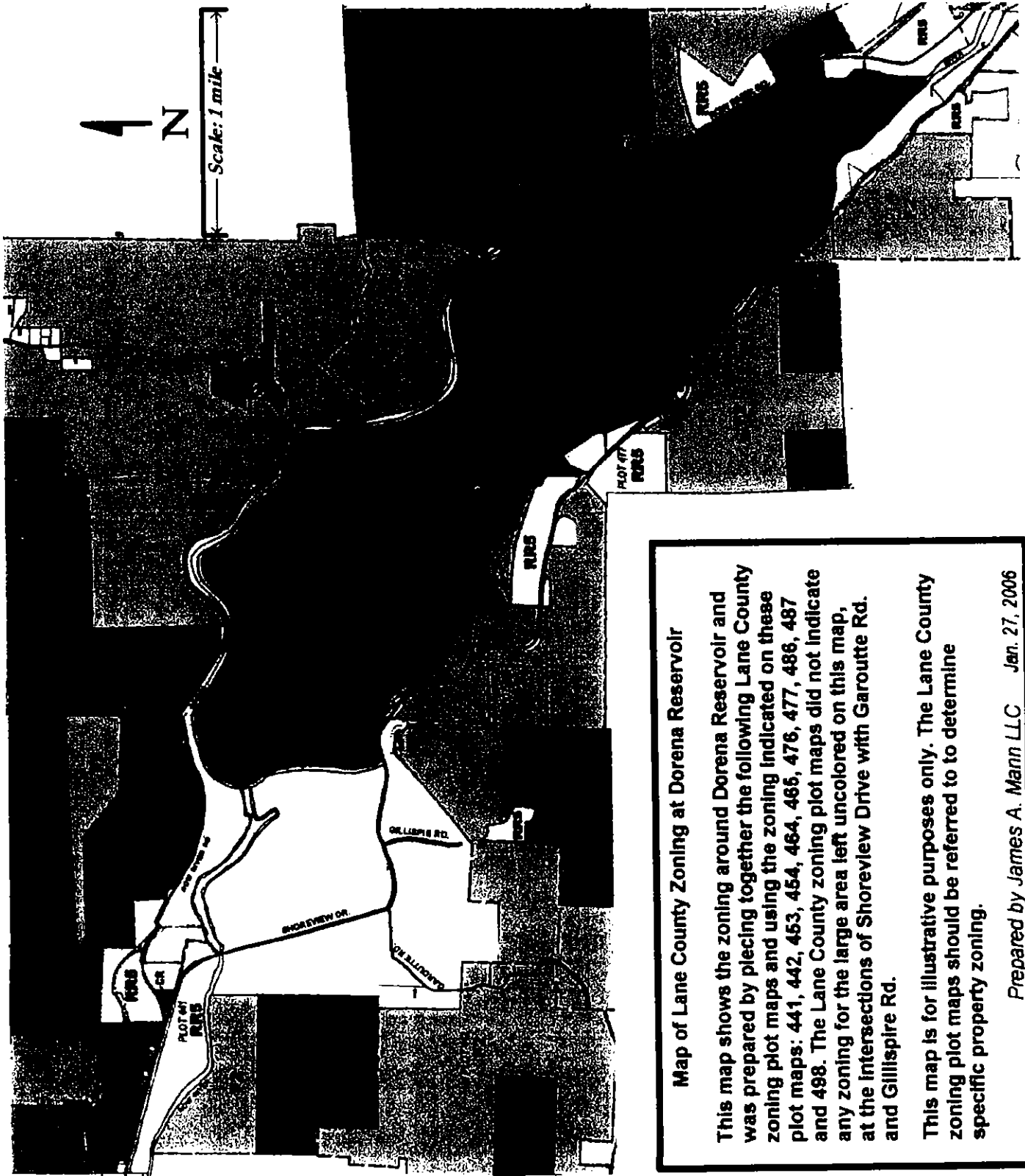
**ZONING DISTRICT MAP SHOWING SUBJECT PROPERTY
AND SURROUNDING PROPERTIES**



This map shows a portion of the US property at Dorena Res., the zoning of nearby properties and the nearby properties that have dwellings. The area within the red outline is proposed for F2 zoning.

APPENDIX B

**ZONING DISTRICT MAP SHOWING UNITED STATES ARMY
CORPS OF ENGINEERS DORENA RESERVOIR AND
SURROUNDING AREA**



Map of Lane County Zoning at Dorena Reservoir

This map shows the zoning around Dorena Reservoir and was prepared by piecing together the following Lane County zoning plot maps and using the zoning indicated on these plot maps: 441, 442, 453, 454, 464, 466, 476, 477, 486, 487 and 488. The Lane County zoning plot maps did not indicate any zoning for the large area left uncolored on this map, at the intersections of Shoreview Drive with Garoutte Rd. and Gillispire Rd.

This map is for illustrative purposes only. The Lane County zoning plot maps should be referred to to determine specific property zoning.

Prepared by James A. Mann LLC Jan. 27, 2006

APPENDIX C

**ZONING DISTRICT MAP SHOWING SUBJECT PROPERTY
AND SURROUNDING TRACTS WITH OWNERSHIP AND
ACREAGE INFORMATION**

AND

RLID PRINTOUTS SHOWING OWNERSHIP INFORMATION

208 141.80

F2 Lewis/Confield et al 205 177.90

208

205 177.90

28

203 Bettis
4.85 ac
RR5

Richards
RR5 200
5.8 ac

202
12.14 ac
RR5

201
400
401
51
Meyer

NOT ZONED

UNITED STATES GOV'T
DORENA PROJECT

NOT ZONED

SHOREVIEW DR.

Tax lots
201, 400
and 401

TL 201
Steele
1.1 ac

TL 400
Shepard/Weber
1.61 ac

TL 401
Steele
.97 ac

McCarthy
ROW RIVER RD.
O.P.&E. R.R.

500
18.28 ac
ML

NOT ZONED



ALC
DORENA
RESERVOIR

DAM
SPILLWAY

This map shows a portion of the US property at Dorena Res., the zoning of nearby properties and the nearby properties that have dwellings. The area within the red outline is proposed for F2 zoning.

Assessment Map and Tax Lot Number Search Results

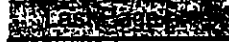
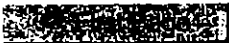
Map and Tax Lot



19 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
MID OHIO SECURITIES CORP CUSTODIAN						0880383	20-02-32-00-00100	
REID FRED A ETAL						0880383	20-02-32-00-00100	
LINDSAY VUREK TRUST						0880383	20-02-32-00-00100	
CERRO GORDO COOPERATIVE INC						1171741	20-02-32-00-00101	
RALPH GRAY TRUST						1284338	20-02-32-00-00102	
RICHARDS CHARLES H & LILA A	34921 ROW RIVER RD	COT				97424 0880391	20-02-32-00-00200	
RICHARDS CHARLES H & LILA A						1311644	20-02-32-00-00200	
STEELE JOHN W	34901 SPILLWAY RD	COT				97424 0880417	20-02-32-00-00201	
HETTWER GENE J & DARLENE J						0880425	20-02-32-00-00202	
HETTWER GENE J & DARLENE J	34871 SPILLWAY RD	COT				97424 1311651	20-02-32-00-00202	



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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



19 record(s) selected. Record numbers 11 - 19 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
DAVIS GARY						4212765	20-02-32-00-00202	
HETTWER GENE J						4212765	20-02-32-00-00202	
HETTWER DARLENE J						4212765	20-02-32-00-00202	
BETTIS WILLIAM & RHODA	34919 ROW RIVER RD	COT				97424 0880433	20-02-32-00-00203	
SHEPPARD SUSAN L	34898 SPILLWAY RD	COT				97424 0880441	20-02-32-00-00400	
WEBB DAVID W	34898 SPILLWAY RD	COT				97424 0880441	20-02-32-00-00400	
STEELE JOHN W	34882 SPILLWAY RD	COT				97424 0880458	20-02-32-00-00401	
CUTTING GEOFFREY W & JUDY MCCARTHY	35235 ROW RIVER RD	COT				97424 1397288	20-02-32-00-00500	
CUTTING GEOFFREY W & JUDY MCCARTHY						1688595	20-02-32-00-00500	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
VERHEIDEN BRAD						0879856	20-02-28-00-00100	
JARRELL GLORIA J						0879856	20-02-28-00-00100	
LINCOLN TRUST CO 87.4%						0879856	20-02-28-00-00100	
MID-OHIO SECURITIES 12.6%						0879856	20-02-28-00-00100	
CERRO GORDO COOPERATIVE INC						1171824	20-02-28-00-00101	
CERRO GORDO COOPERATIVE INC						1171832	20-02-28-00-00102	
CERRO GORDO SILVICULTURE LLC						1366317	20-02-28-00-00105	
CERRO GORDO SILVICULTURE LLC						1366325	20-02-28-00-00106	
CERRO GORDO SILVICULTURE LLC						1366333	20-02-28-00-00107	
CERRO GORDO SILVICULTURE LLC						1366341	20-02-28-00-00108	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

141 record(s) selected. Record numbers 11 - 20 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB Zip	Account	Map and Tax Lot	SIC
CERRO GORDO SILVICULTURE LLC					1366358	20-02-28-00-00109	 
CERRO GORDO SILVICULTURE LLC					1366366	20-02-28-00-00110	 
CERRO GORDO SILVICULTURE LLC					1420668	20-02-28-00-00111	 
CERRO GORDO SILVICULTURE LLC					1420676	20-02-28-00-00112	 
HAINES ASSOCIATES					1420684	20-02-28-00-00113	 
CERRO GORDO SILVICULTURE LLC					1420700	20-02-28-00-00114	 
CERRO GORDO SILVICULTURE LLC					1420726	20-02-28-00-00115	 
CERRO GORDO SILVICULTURE LLC					1420775	20-02-28-00-00116	 
DESIENA ANTHONY P	35693 ROSS LN	COT			97424 1420833	20-02-28-00-00117	 
ADDAMS MARY A	35693 ROSS LN	COT			97424 1420833	20-02-28-00-00117	 









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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 21 - 30 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
ADDAMS MARY A						1567088	20-02-28-00-00117	
DESIENA ANTHONY P						1567088	20-02-28-00-00117	
RICHARDS JAMES A III	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
ALLEN EDWARD LOUIS	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
CANFIELD ERIC I ET AL	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
SANNES CHARLES W	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
CANFIELD ERIC I	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
HUEBNER SUZANNE B	78625 CERRO GORDO RD	COT			97424	0879864	20-02-28-00-00200	
CANFIELD DANIEL S						0879880	20-02-28-00-00201	
MEYERS BARRY M						0879898	20-02-28-00-00202	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot 



141 record(s) selected. Record numbers 31 - 40 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
HERTZBERG RICHARD				0879898	<u>20-02-28-00-00202</u>	 
LEWERT EVELYN A				0879898	<u>20-02-28-00-00202</u>	 
BROWN LIANE				0879898	<u>20-02-28-00-00202</u>	 
LEMKE HELGA				0879898	<u>20-02-28-00-00202</u>	 
PUGH KENNETH H				0879898	<u>20-02-28-00-00202</u>	 
SMYSER MARTHA M				0879898	<u>20-02-28-00-00202</u>	 
CANFIELD ASSOCIATES				0879898	<u>20-02-28-00-00202</u>	 
BIRCH LORNE S 111 & G A				0879898	<u>20-02-28-00-00202</u>	 
JONES JOHN A				0879898	<u>20-02-28-00-00202</u>	 
CLARK KIMBERLY F				0879898	<u>20-02-28-00-00202</u>	 









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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 41 - 50 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	UGB Zip	Account	Map and Tax Lot	SIC
BUMPAS LINDA C				0879898	<u>20-02-28-00-00202</u>	i
KILLEEN LESLIE A				0879898	<u>20-02-28-00-00202</u>	i
FABIAN BARBARA				0879898	<u>20-02-28-00-00202</u>	i
NICHOLSON MARILYN LEE				0879898	<u>20-02-28-00-00202</u>	i
HEISE GEORGE A & B F				0879898	<u>20-02-28-00-00202</u>	i
LUDWIG BEV				0879898	<u>20-02-28-00-00202</u>	i
ADAMS HOPE E				0879898	<u>20-02-28-00-00202</u>	i
BURCK GORDON M				0879898	<u>20-02-28-00-00202</u>	i
NITTA TERI				0879898	<u>20-02-28-00-00202</u>	i
BURNETT DORSET M				0879898	<u>20-02-28-00-00202</u>	i



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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot 



141 record(s) selected. Record numbers 51 - 60 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
BLACKBURN MARGARET HALL JANE				0879898	<u>20-02-28-00-00202</u>	 
HERMEYER DAVID P				0879898	<u>20-02-28-00-00202</u>	 
KAMM DELORES				0879898	<u>20-02-28-00-00202</u>	 
MID-OHIO SECURITIES 12.6%				0879906	<u>20-02-28-00-00203</u>	 
LINCOLN TRUST CO 87.4%				0879906	<u>20-02-28-00-00203</u>	 
JARRELL GLORIA J				0879906	<u>20-02-28-00-00203</u>	 
VERHEIDEN BRAD				0879906	<u>20-02-28-00-00203</u>	 
VERHEIDEN BRAD				0879914	<u>20-02-28-00-00203</u>	 
LINCOLN TRUST CO 87.4%				0879914	<u>20-02-28-00-00203</u>	 









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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 61 - 70 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
JARRELL GLORIA J						0879914	<u>20-02-28-00-00203</u>	i
MID-OHIO SECURITIES 12.6%						0879914	<u>20-02-28-00-00203</u>	i
GILLETT JULIE S	35401 ROW RIVER RD	COT			97424	1171675	<u>20-02-28-00-00204</u>	i
CUTTING NICHOLS M						1171725	<u>20-02-28-00-00205</u>	i
CERRO GORDO COOPERATIVE INC						1171683	<u>20-02-28-00-00206</u>	i
CERRO GORDO COOPERATIVE INC						1171816	<u>20-02-28-00-00207</u>	i
SCHREIBER CHRISTIE	35710 ROSS LN	COT			97424	1274545	<u>20-02-28-00-00208</u>	i
SCHREIBER CHRISTIE	35712 ROSS LN	COT			97424	1274545	<u>20-02-28-00-00208</u>	i
SANNES CHARLES W	35710 ROSS LN	COT			97424	1274545	<u>20-02-28-00-00208</u>	i
SANNES CHARLES W	35712 ROSS LN	COT			97424	1274545	<u>20-02-28-00-00208</u>	i

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

141 record(s) selected. Record numbers 71 - 80 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
THURSTON ERIC	35710 ROSS LN	COT	97424	1274545	<u>20-02-28-00-00208</u>	 
THURSTON ERIC	35712 ROSS LN	COT	97424	1274545	<u>20-02-28-00-00208</u>	 
HUEBNER-SANNES SUZANNE	35710 ROSS LN	COT	97424	1274545	<u>20-02-28-00-00208</u>	 
HUEBNER-SANNES SUZANNE	35712 ROSS LN	COT	97424	1274545	<u>20-02-28-00-00208</u>	 
HUEBNER-SANNES SUZANNE				1571205	<u>20-02-28-00-00208</u>	 
SANNES CHARLES W				1571205	<u>20-02-28-00-00208</u>	 
SCHREIBER CHRISTIE				1571205	<u>20-02-28-00-00208</u>	 
THURSTON ERIC				1571205	<u>20-02-28-00-00208</u>	 
STEVENSON JAMES W 1-2				1756632	<u>20-02-28-00-00209</u>	 
CUMMINGS VICTOR 1-4				1756632	<u>20-02-28-00-00209</u>	 









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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 81 - 90 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB Zip	Account	Map and Tax Lot	SIC
CLIFFORD CATHIE 1-4					1756632	20-02-28-00-00209	i
HUEBNER SUZANNE B	35722 ROSS LN	COT		97424	1298692	20-02-28-00-00211	i
CASE DAVID A & BARBARA L W	35722 ROSS LN	COT		97424	1298692	20-02-28-00-00211	i
CASE DAVID A & BARBARA L W					1567096	20-02-28-00-00211	i
HUEBNER SUZANNE B					1567096	20-02-28-00-00211	i
CERRO GORDO CO-OP INC					1306107	20-02-28-00-00212	i
CERRO GORDO COOPERATIVE INC					1420718	20-02-28-00-00214	i
CERRO GORDO SILVICULTURE LLC					1420734	20-02-28-00-00215	i
STEVEN INVESTMENTS OR LTD					1420759	20-02-28-00-00216	i
CUTTING NICHOLS M					1420767	20-02-28-00-00217	i

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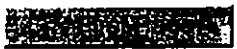
Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

141 record(s) selected. Record numbers 91 - 100 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
CANFIELD ASSOCIATES OREG LTD				1420783	<u>20-02-28-00-00218</u>	 
PEEKS R BRADY				1420783	<u>20-02-28-00-00218</u>	 
CRAIG ALEX & SUSAN W				1420783	<u>20-02-28-00-00218</u>	 
PEEKS R BRADY				1420791	<u>20-02-28-00-00218</u>	 
CANFIELD ASSOCIATES OREG LTD				1420791	<u>20-02-28-00-00218</u>	 
CRAIG ALEX & SUSAN W				1420791	<u>20-02-28-00-00218</u>	 
LEWERT EVELYN A				1420809	<u>20-02-28-00-00219</u>	 
LEMKE HELGA				1420809	<u>20-02-28-00-00219</u>	 
PUGH KENNETH H				1420809	<u>20-02-28-00-00219</u>	 
CANFIELD ASSOCIATES OREG LTD				1420809	<u>20-02-28-00-00219</u>	 



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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 101 - 110 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB Zip	Account	Map and Tax Lot	SIC
BUMPAS LINDA C					1420809	<u>20-02-28-00-00219</u>	i
SMYSER MARTHA M					1420809	<u>20-02-28-00-00219</u>	i
FABIAN BARBARA					1420809	<u>20-02-28-00-00219</u>	i
ADAMS HOPE					1420809	<u>20-02-28-00-00219</u>	i
CLARK KIMBERLY F					1420809	<u>20-02-28-00-00219</u>	i
HERMEYER DAVID P					1420809	<u>20-02-28-00-00219</u>	i
KILLEEN LESLIE A					1420809	<u>20-02-28-00-00219</u>	i
BURCK GORDON M					1420809	<u>20-02-28-00-00219</u>	i
NITTA TERI					1420809	<u>20-02-28-00-00219</u>	i
LUDWIG BEV					1420809	<u>20-02-28-00-00219</u>	i



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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 111 - 120 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
BURNETT DORSET M						1420809	20-02-28-00-00219	
KAMM DELORES						1420809	20-02-28-00-00219	
HEISE GEORGE A & B F						1420809	20-02-28-00-00219	
BIRCH LORNE S 111 & C A						1420809	20-02-28-00-00219	
BLACKBURN MARGARET						1420809	20-02-28-00-00219	
NICHOLSON MARILYN LEE						1420809	20-02-28-00-00219	
MEYERS BARRY M						1420809	20-02-28-00-00219	
HALL JANE						1420809	20-02-28-00-00219	
JONES JOHN A						1420809	20-02-28-00-00219	
HERTZBERG RICHARD						1420809	20-02-28-00-00219	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



141 record(s) selected. Record numbers 121 - 130 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
BROWN LIANE D						1420809	<u>20-02-28-00-00219</u>	
CERRO GORDO COOPERATIVE INC						1420817	<u>20-02-28-00-00220</u>	
VERHEIDEN BRAD						1420825	<u>20-02-28-00-00221</u>	
MID-OHIO SECURITIES 12.6%						1420825	<u>20-02-28-00-00221</u>	
LINCOLN TRUST CO 87.4%						1420825	<u>20-02-28-00-00221</u>	
JARRELL GLORIA J						1420825	<u>20-02-28-00-00221</u>	
JARRELL GLORIA J						0879922	<u>20-02-28-00-00300</u>	
LINCOLN TRUST CO 87.4%						0879922	<u>20-02-28-00-00300</u>	
VERHEIDEN BRAD						0879922	<u>20-02-28-00-00300</u>	
MID-OHIO SECURITIES 12.6%						0879922	<u>20-02-28-00-00300</u>	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

141 record(s) selected. Record numbers 131 - 140 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC	 
BANK LEW I & NANCY M						1300589	<u>20-02-28-00-00400</u>		 
BROWN CONSTANCE P TE						1398922	<u>20-02-28-00-00401</u>		 
CONSTANCE P BROWN REV LIV TR						1398922	<u>20-02-28-00-00401</u>		 
RYCKENBUSCH NICOLE J	35470 ROSS LN	COT			97424	1300597	<u>20-02-28-00-00500</u>		 
CAMERON SHIRLEY R	35470 ROSS LN	COT			97424	1300597	<u>20-02-28-00-00500</u>		 
CANFIELD ERIC I	35470 ROSS LN	COT			97424	1300597	<u>20-02-28-00-00500</u>		 
RYCKENBUSCH NICOLE J						1517265	<u>20-02-28-00-00500</u>	901	 
CAMERON SHIRLEY R						1517265	<u>20-02-28-00-00500</u>	901	 
CANFIELD ERIC I						1517265	<u>20-02-28-00-00500</u>	901	 
CERRO GORDO COOP INC						1648920	<u>20-02-28-00-00500</u>	902	 









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Assessment Map and Tax Lot Number Search Results

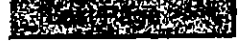
Map and Tax Lot



141 record(s) selected. Record numbers 141 - 141 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
CANFIELD DANIEL S				1420841	20-02-28-00- 00600	



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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot 



32 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the  to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
US GOVERNMENT DEPT OF INTERIOR BLM O&C				0879930	<u>20-02-29-00-00100</u>	 
DEPT OF INTERIOR BLM O&C				0879930	<u>20-02-29-00-00100</u>	 
REID FRED A ETAL				0879955	<u>20-02-29-00-00201</u>	 
LINDSAY VUREK TRUST				0879955	<u>20-02-29-00-00201</u>	 
MID OHIO SECURITIES CORP CUSTODIAN				0879955	<u>20-02-29-00-00201</u>	 
TURNER-CANFIELD FOUNDATION				1364585	<u>20-02-29-00-00202</u>	 
CANFIELD ERIC I ET AL				1422656	<u>20-02-29-00-00203</u>	 
ALLEN EDWARD LOUIS				1422656	<u>20-02-29-00-00203</u>	 
SANNES CHARLES W				1422656	<u>20-02-29-00-00203</u>	 
CANFIELD ERIC I				1422656	<u>20-02-29-00-00203</u>	 

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



32 record(s) selected. Record numbers 11 - 20 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB	Zip	Account	Map and Tax Lot	SIC
HUEBNER SUZANNE B						1422656	<u>20-02-29-00-00203</u>	
RICHARDS JAMES A III						1422656	<u>20-02-29-00-00203</u>	
TURNER-CANFIELD FOUNDATION						1422664	<u>20-02-29-00-00204</u>	
CANFIELD ERIC I ET AL						1422672	<u>20-02-29-00-00205</u>	
SANNES CHARLES W						1422672	<u>20-02-29-00-00205</u>	
HUEBNER SUZANNE B						1422672	<u>20-02-29-00-00205</u>	
CANFIELD ERIC I						1422672	<u>20-02-29-00-00205</u>	
RICHARDS JAMES A III						1422672	<u>20-02-29-00-00205</u>	
ALLEN EDWARD LOUIS						1422672	<u>20-02-29-00-00205</u>	
CANFIELD ERIC I ET AL						1422680	<u>20-02-29-00-00206</u>	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



32 record(s) selected. Record numbers 21 - 30 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City	City	UGB Zip	Account	Map and Tax Lot	SIC
FBO ANTHONY P DESIENA 14.94%					1422680	<u>20-02-29-00-00206</u>	
MAURINE L YENGLIN TRUST 13%					1422680	<u>20-02-29-00-00206</u>	
SANNES CHARLES W					1422680	<u>20-02-29-00-00206</u>	
MID-OHIO SECURITIES CORP					1422680	<u>20-02-29-00-00206</u>	
HUEBNER SUZANNE B					1422680	<u>20-02-29-00-00206</u>	
ALLEN EDWARD LOUIS					1422680	<u>20-02-29-00-00206</u>	
CANFIELD ERIC I					1422680	<u>20-02-29-00-00206</u>	
RICHARDS JAMES A III					1422680	<u>20-02-29-00-00206</u>	
TURNER-CANFIELD FOUNDATION					1422698	<u>20-02-29-00-00207</u>	
LINDSAY VUREK TRUST					1561057	<u>20-02-29-00-00208</u>	

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot



32 record(s) selected. Record numbers 31 - 32 are displayed below.

Please click the to the right of a record to view a detailed property report.

Owner Name	Site Address	Mail Inc City City	UGB Zip	Account	Map and Tax Lot	SIC
MID OHIO SECURITIES CORP CUSTODIAN				1561057	20-02-29-00- 00208	
REID FRED A ETAL				1561057	20-02-29-00- 00208	



[New Property Search](#) | [Applications](#)

APPENDIX D

**AERIAL PHOTOGRAPHS OF SUBJECT PROPERTY AND
SURROUNDING PROPERTIES**



Dorena
Lake

Bow River Road

Spillway Road

Garoutte Road

Mosby Creek Road

APPENDIX E

**1978 LANE COUNTY ORDINANCE NO. 688 AND
ASSOCIATED MAP SHOWING THE ZONING APPLIED TO THE
SUBJECT PROPERTY**

AL 00000

SEP 7 1977

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 688

IN THE MATTER OF ZONING CERTAIN LANDS IN ALL OF TOWNSHIP 21 SOUTH, RANGES 1 AND 2 WEST AND 1 EAST; TOWNSHIP 22 SOUTH, RANGES 1, 2 AND 3 WEST AND 1 EAST; TOWNSHIP 23 SOUTH, RANGE 1 EAST; AND TOWNSHIP 24 SOUTH, RANGES 1 AND 2 EAST; AND IN PORTIONS OF TOWNSHIP 20 SOUTH, RANGES 1 AND 2 WEST AND 1 EAST; TOWNSHIP 21 SOUTH, RANGES 3 AND 4 WEST AND 2 EAST; TOWNSHIP 22 SOUTH, RANGES 1 WEST AND 2 EAST; TOWNSHIP 23 SOUTH, RANGES 1, 2 AND 3 WEST AND 2 EAST; AND TOWNSHIP 24 SOUTH, RANGE 3 EAST; WILLAMETTE MERIDIAN.

After consideration and review of all Lane County Planning Division Staff Reports, Minutes of the Lane County Planning Commission and Board of County Commissioners, and written testimony and correspondence relating to the zoning of the lands zoned by this Ordinance, the Board of County Commissioners of Lane County ordains as follows:

Under authority of the applicable sections of ORS Chapter 215 and Lane Code Chapters 10 and 12, the lands depicted on the Temporary Official Zoning Maps, copies of which are attached hereto as Exhibits A through W inclusive, and made a part hereof by reference, are hereby zoned as set forth on said exhibits, said zoning encompassing in whole or in part Township 20 South, Ranges 1 and 2 West and 1 East; Township 21 South, Ranges 1, 2, 3 and 4 West and 1 and 2 East; Township 22 South, Ranges 1, 2, 3 and 4 West and 1 and 2 East; Township 23 South, Ranges 1, 2 and 3 West and 1 and 2 East, and Township 24 South, Ranges 1, 2 and 3 East; Willamette Meridian; in various combinations of the following zoning categories: Exclusive Farm-Use-20 (EFU-20) District; Farm Forestry-20 (FF-20) District; General Rural-10 (GR-10) District; Agriculture, Grazing, Timber Raising-5 (AGT-5) District; Rural Residential-2 (RR-2) District; Farm Forestry-20/Recreation Combining (FF-20/R) District; Forest Management (FM) District; Rural Commercial (CA) District; Tourist Commercial (CT) District; Light Industrial (M-2) District; Heavy Industrial (M-3) District; and Public Reserve (PR) District. The original Temporary Official Zoning Maps are on file in the Planning Division office.

Enacted this 29th day of August, 1978

Donald H. Kistner
Chairman
Lane County Board of Commissioners

J. Terry Anderson
Recording Secretary
for this meeting of the Board

After public hearing this 6th day of June, 1978, the zoning cited in the hereinabove ordinance was approved by the Lane County Planning Commission and is recommended for enactment.

Lee Miller
Secretary
Lane County Planning Commission

APPROVED AS TO FORM
DATE *9-1-78*
W. W. Anderson
OF LEGAL COUNSEL

EXCEPTIONS TO LCDC GOAL NO. 3

In the Row River-London Subarea Zoning Program

Note: This is an attachment to the Final Draft of the Proposed Zoning of the Row River-London Subarea, Lane County, Oregon. It contains exceptions statements to the requirements of Goal No. 3, "Agricultural Lands", of the Oregon "Statewide Planning Goals and Guidelines", as adopted by the Land Conservation and Development Commission (LCDC), December 27, 1974.

Introduction

The combined effect of Oregon Revised Statutes (ORS) Chapters 197.175(2), 197.225, 215.203(1) and (2), and LCDC Statewide Goal No. 3 is to (a) require that Oregon counties enact Comprehensive Plans and zoning ordinances consistent with statewide planning goals, (b) describe and authorize the use of the Exclusive Farm Use (EFU) zone, (c) require LCDC to adopt statewide planning goals and guidelines, and (d) provide that soils of SCS Soil Capability Class I, II, III and IV must be inventoried and then preserved and maintained by zoning them EFU.

An exceptions process is also provided in LCDC Goal No. 2, and ORS 215.215(2) and several court cases have clarified other exceptions and conflicts.

• Exception No. 1: London Springs

London Springs is a small residential development about 3 miles above Cottage Grove Reservoir on the Coast Fork of the Willamette River. It was established in the 19th century around a mineral springs resort and bottling plant ("Calapooya Mineral Water") and once had a hotel. London Springs now consists of a small church, a grange hall and about two dozen houses at the junction of Shoestring and London Roads. Lot sizes vary from 1/10 acre to 7.3 acres. A small communal water system serves some of the houses, and a fire engine has recently been based there.

Although soils in the area are Class I, II and III, the County proposes Agriculture, Grazing, Timber Raising-5 (AGT-5) zoning for the developed properties at London Springs, as authorized by ORS 215.215(2). The AGT-5 zone allows a wide range of rural and semi-rural activities and appears well suited to a small rural residential settlement.

Exception No. 2: TL 2000, Map 20-02-31,
and Corps of Engineers
Dorena Reservoir property

This concerns an area of about 40 acres of Class II soil on the south side of the Row River below Dorena Dam and west of Government Road. Accurate soils maps define a much smaller area of good soils than is indicated on the Comprehensive Plan Diagram (in error). The irregularly shaped patch of Class II soil is in two ownerships: T. F. Lewandowski, the westerly 27 acres, and the U. S. Corps of Engineers, the remaining 13 acres, as part of the Dorena Reservoir properties.

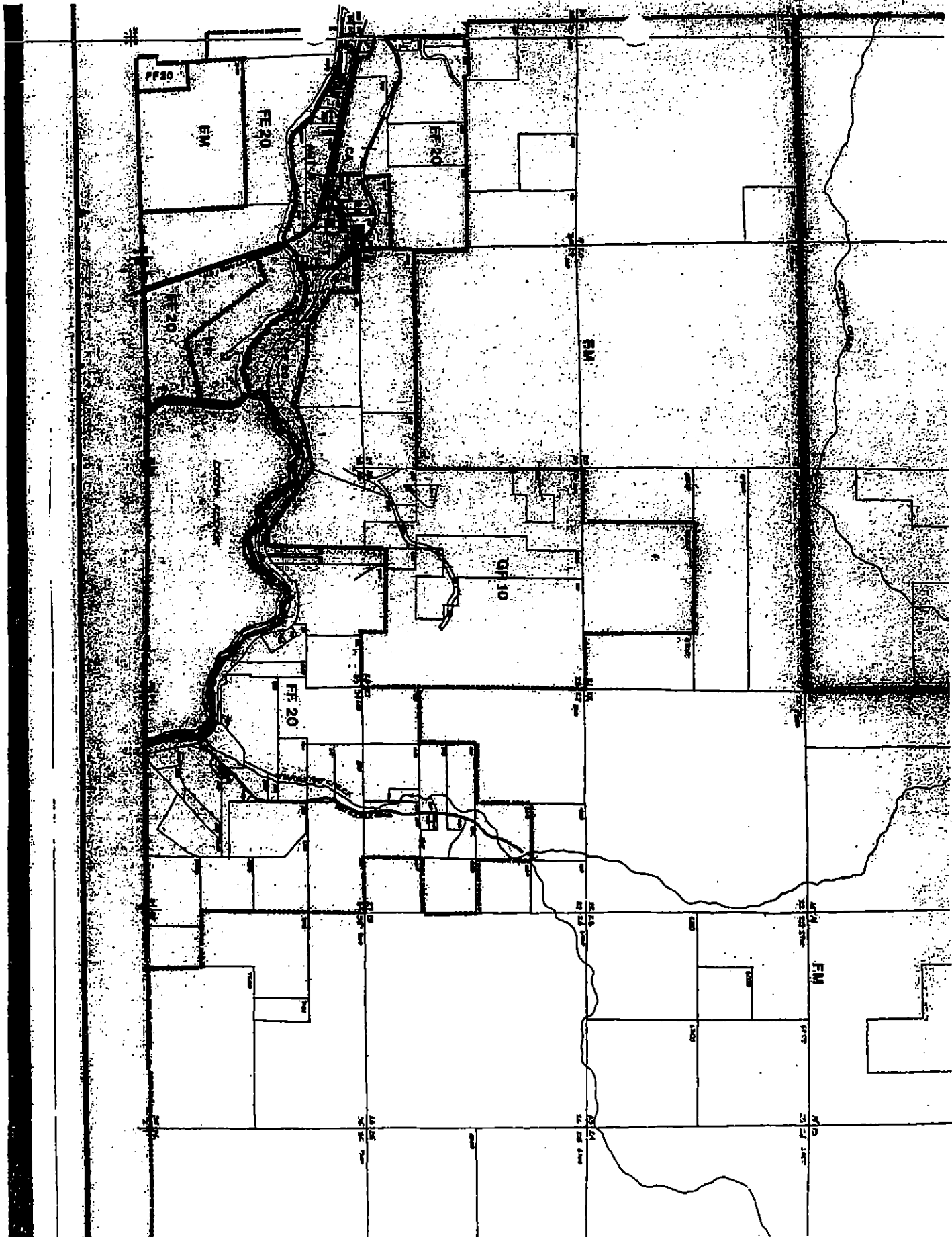
The Class II soil area is bordered on the north by Row River, on the east by Government Road, on the south by a rocky hillside and on the west by a rock bluff coming down to the river. The Corps of Engineer's portion is entirely forested and is bordered on the east by Government Road.

Lewandowski's 27 acre parcel is an irrigated pasture on which he runs a few head of cattle as a hobby farm. His total holdings encompass 114 acres, but the remaining 87 acres have rocky, shallow soils (Classes V and VI) at various slopes and are mostly heavily forested. This 114 acre parcel is accessible only via a narrow private road, carved in some stretches from the rock bluff, from Layng Road to the west.

The County proposes Farm Forestry-20 (FF-20) zoning for the approximately 40 acres of Class II soil, under criteria set forth by the Land Conservation and Development Commission in 1,000 Friends of Oregon et al v. Board of County Commissioners of Marion County, LCDC No. 75-006, as follows:

"The rule requiring an EFU zone need not be applied to two categories of lands: (1) lands which are already physically developed or built upon...; and (2) lands which are not built upon but which have otherwise been irrevocably committed to nonfarm uses."

The County asserts that category (2) applies to this 40 acre patch of Class II land: the easterly 13 acres under Corps ownership is adjacent to an existing park and is in noncommercial forest; the westerly 27 acres is an isolated parcel used as part of a noncommercial hobby farm. Neither use falls under the definition of farm use in ORS 215.203(2)(a) and the County feels that Farm Forestry-20 rather than Exclusive Farm Use-20 is the appropriate zone for this land.



APPENDIX F

**ENLARGEMENT OF A PORTION OF THE 1978 ZONING MAP
SHOWING THE SUBJECT PROPERTY IN MORE DETAIL**

APPENDIX G

1984 LANE COUNTY ORDINANCE NO. 884
(With relevant portions of appendices to ordinance)

- (f) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).
- (g) Housing Plan (Adopted by Ordinance 1-78).

the prior Plan and Zone designations are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this Ordinance.

3. 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 affect the validity of the remaining portions hereof.

4. The exceptions to Statewide Goals 3 and 4 are set forth in the attached Exhibit "B".

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this 29th day of February, 1984.



Chair, Lane County Board of
Commissioners



Recording Secretary for this
Meeting of the Board

ORDINANCE NO. PA 884 - LEGISLATIVE FINDINGS

Ordinance No. PA 884 is the implementation of the policies adopted in Ordinance No. PA 883. The support documents and Findings adopted in that Ordinance are, therefore, adopted as if fully set forth herein.

Major map changes, based upon a nonresource designation are supported by prior quasi-judicial or current Findings set forth on attached Exhibit "D".

The Diagrams and Zones reflect only one "need" exception arising from a prior quasi-judicial application. We, therefore, readopt the need exception set forth on attached Exhibit "E". Note that pursuant to CPR summary, the new designation is Destination Resort, rather than Commercial Zones. However, the exception to the Goal remains valid. The site review conditions are also readopted.

In addition, map changes occurring on the basis of a Marginal Lands designation are explained in the attached Exhibit "F".

All other changes to the maps from the original staff recommendation are supported by changes to the developed and committed exception and the information and Findings submitted with CPR requests. Because the amount of supporting information is very extensive, it is not possible to set out new Findings for each approval, nor is such analysis appropriate for a legislative Ordinance. However, the basis for the approval exists in the written attachments to the CPR's, public testimony and deliberation. This information is available on request.

EXHIBIT "C"

LEGEND

(AO)

ZONES

Airport Operation

COMMERCIAL ZONES

(C1)

Limited Commercial

(C2)

Neighborhood Commercial

(C3)

Commercial

(CR)

Rural Commercial

AGRICULTURAL ZONES

(E25)

Exclusive Farm Use 25

(E30)

Exclusive Farm Use 30

(E40)

Exclusive Farm Use 40

(E60)

Exclusive Farm Use 60

FOREST ZONES

(F1)

Nonimpacted Forest Lands

(F2)

Impacted Forest Lands

INDUSTRIAL ZONES

(I2)

Light Industrial

(I3)

Heavy Industrial

RESOURCE ZONES

(NR)

Natural Resource

(PF)

Public Facility

(PR)

Park & Recreation

(QM)

Quarry & Mining

(SG)

Sand & Gravel

/CP

/ Controlled Processing

RESIDENTIAL ZONES

(RA)

Suburban Residential

(RG)

Garden Apartment

(RR1)

Rural Residential

(RR2)

Rural Residential

(RR5)

Rural Residential

(RR10)

Rural Residential

/SR

/ Site Review

LEGEND

(A)

PLAN DESIGNATIONS

Agricultural Land

(F)

Forest Land

(R)

Rural Land

COMMUNITY

Community

(PF)

Public Facility

(PR)

Park & Recreation

(C)

Commercial

(I)

Industrial

(+)

Airport

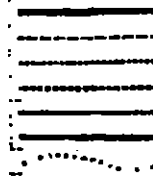
(NR:M)

Natural Resource : Mineral

(NRCA)

Natural Resource : Conservation Area

Area Subject To Coastal Resources Management Plan



Roadway

Railroad

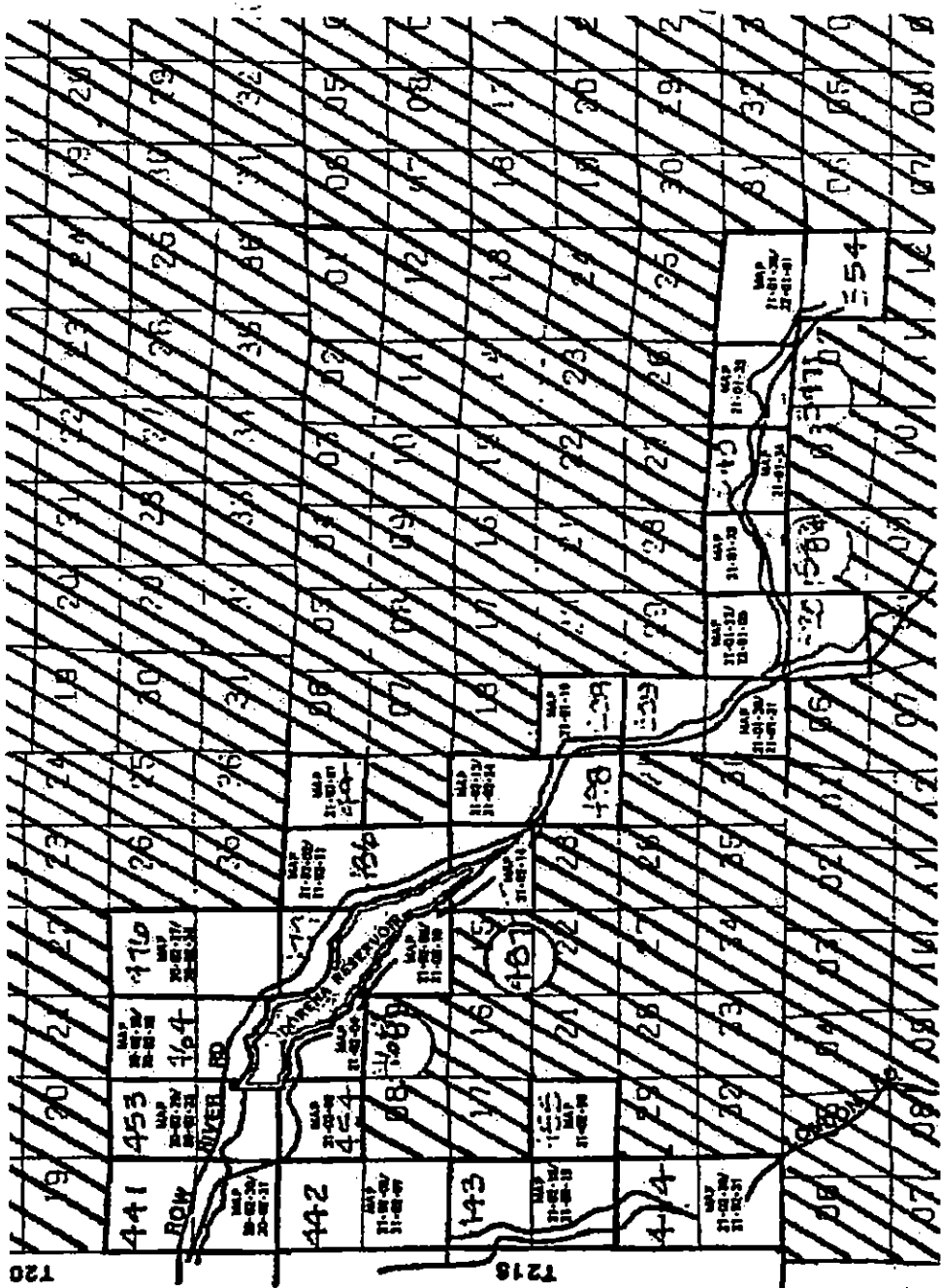
City Limits

Metro Plan Boundary

Urban Growth Boundary

County Line

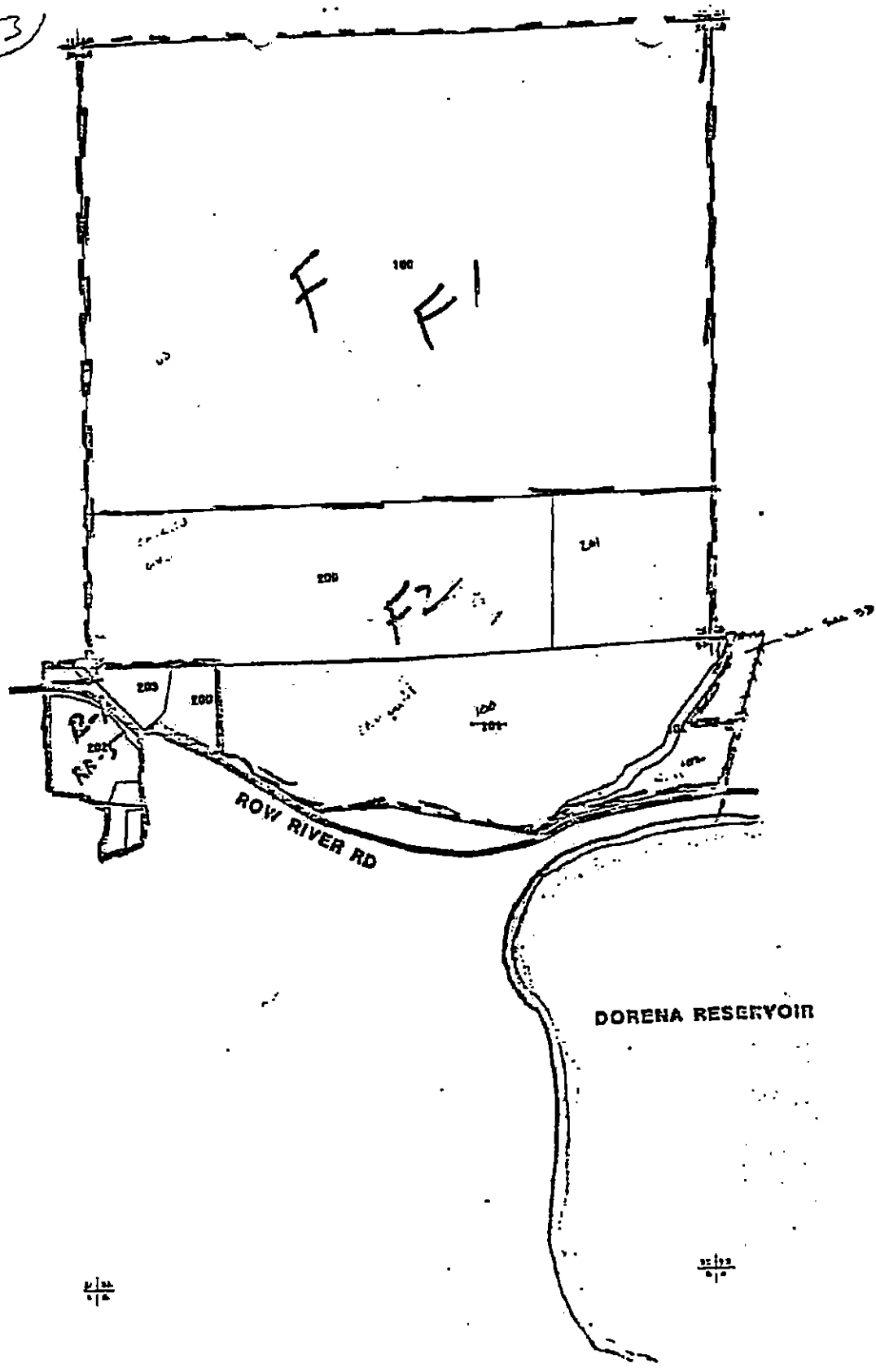
Wilmette River Greenway



791.800
771.800
751.800

120
1210

453



464

ROW RIVER RD

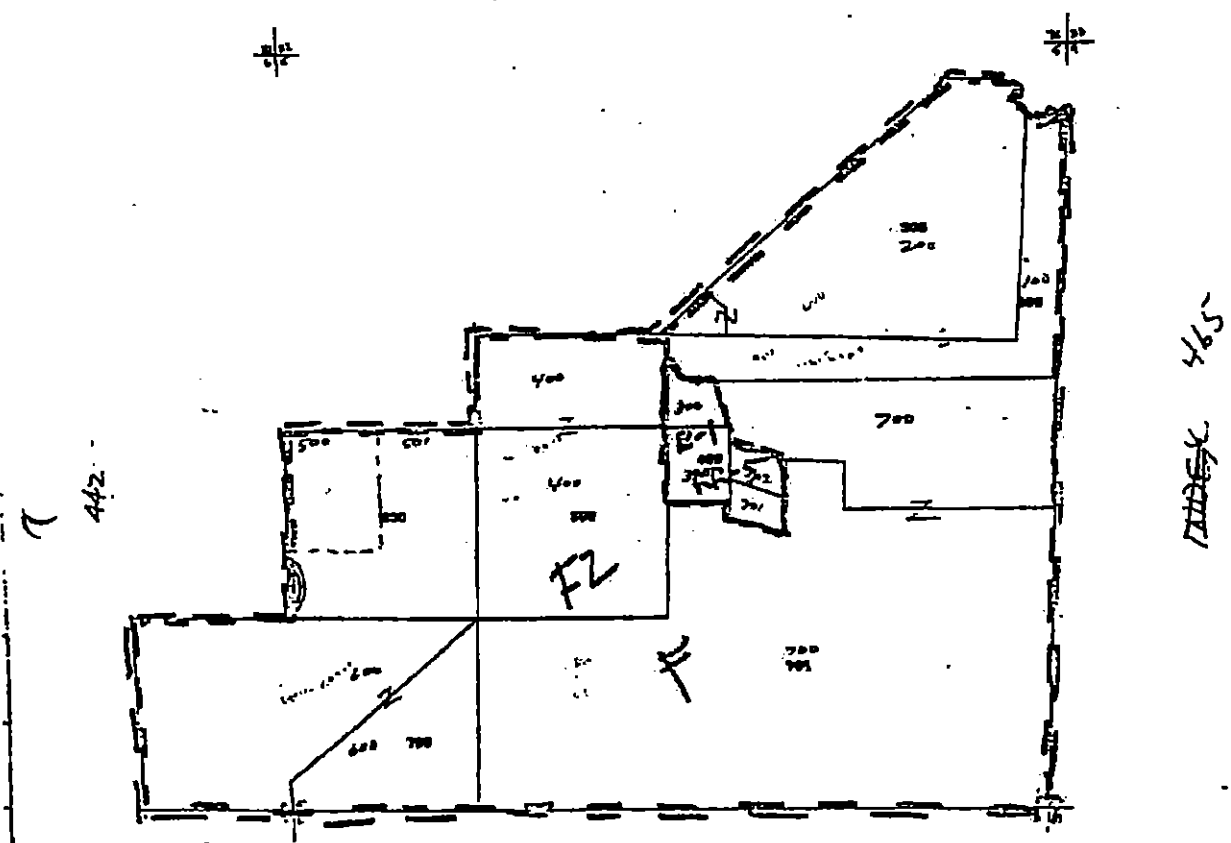
DORENA RESERVOIR

1/10

1/10

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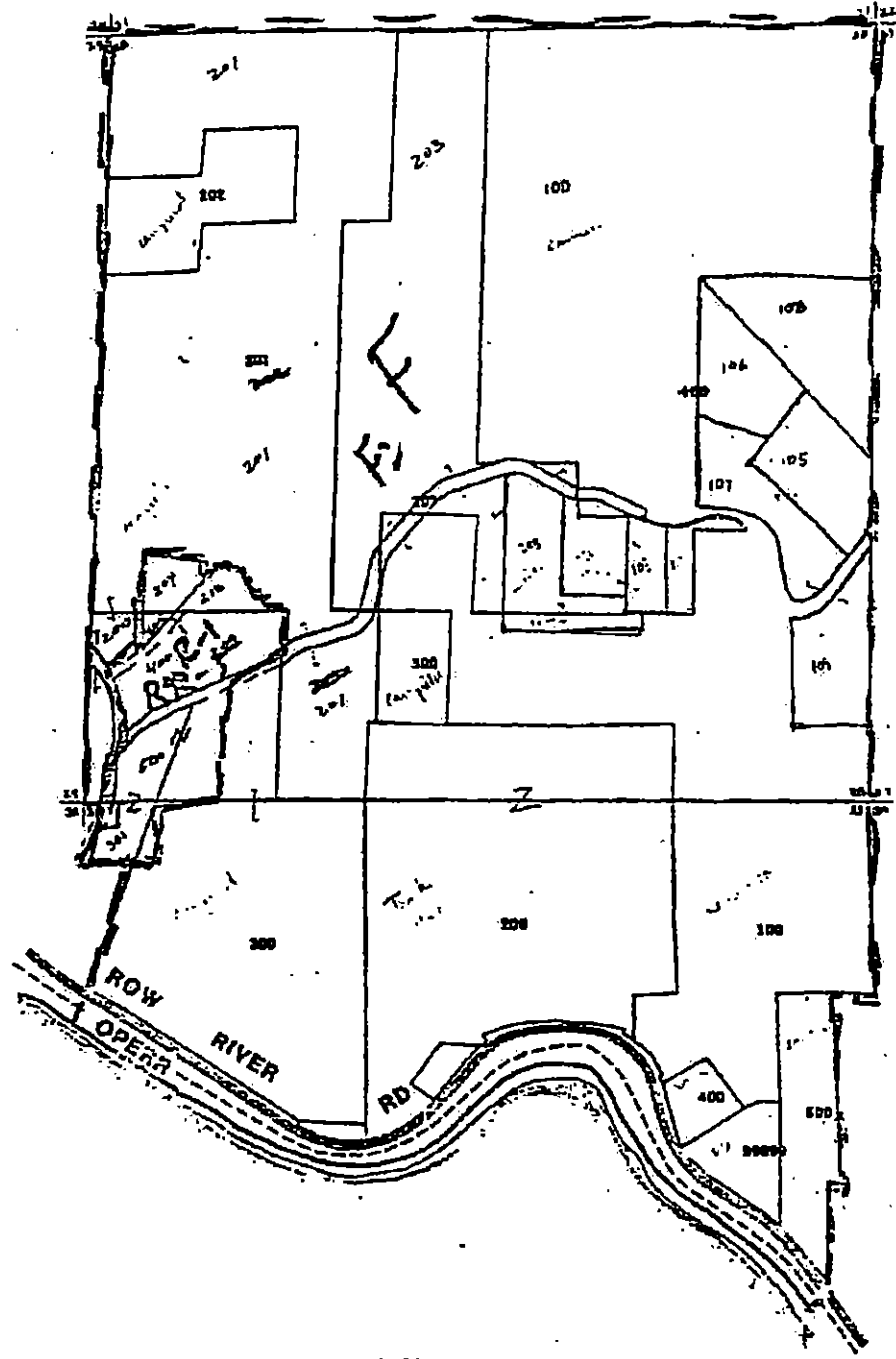


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453
SEE 453

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DORENA RESERVOIR

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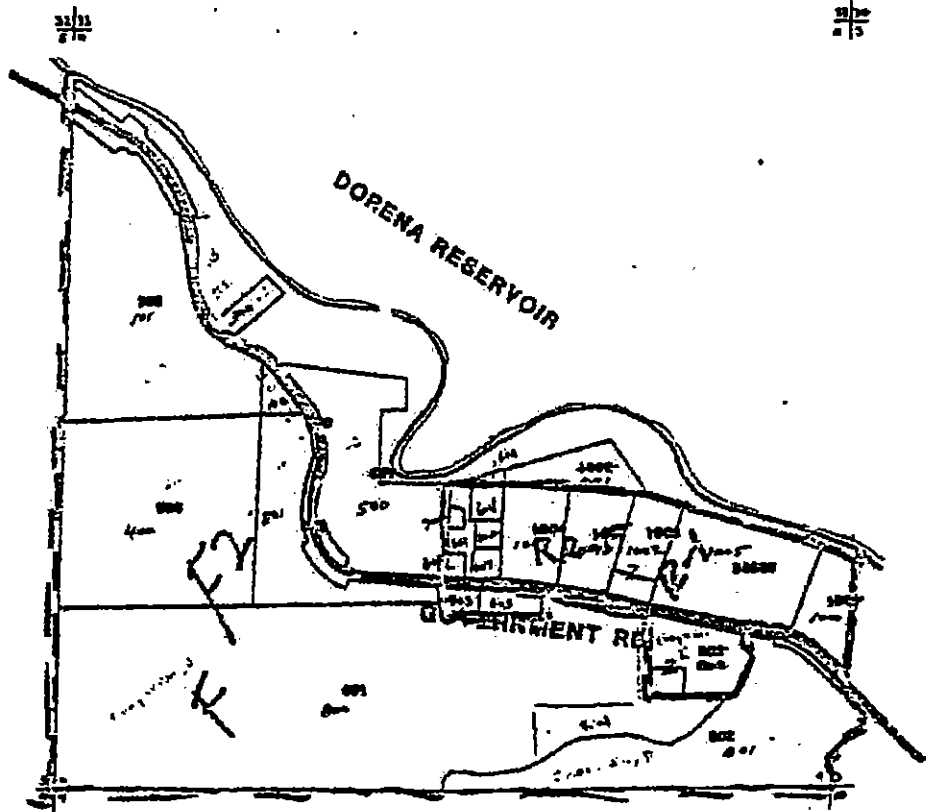
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(465)

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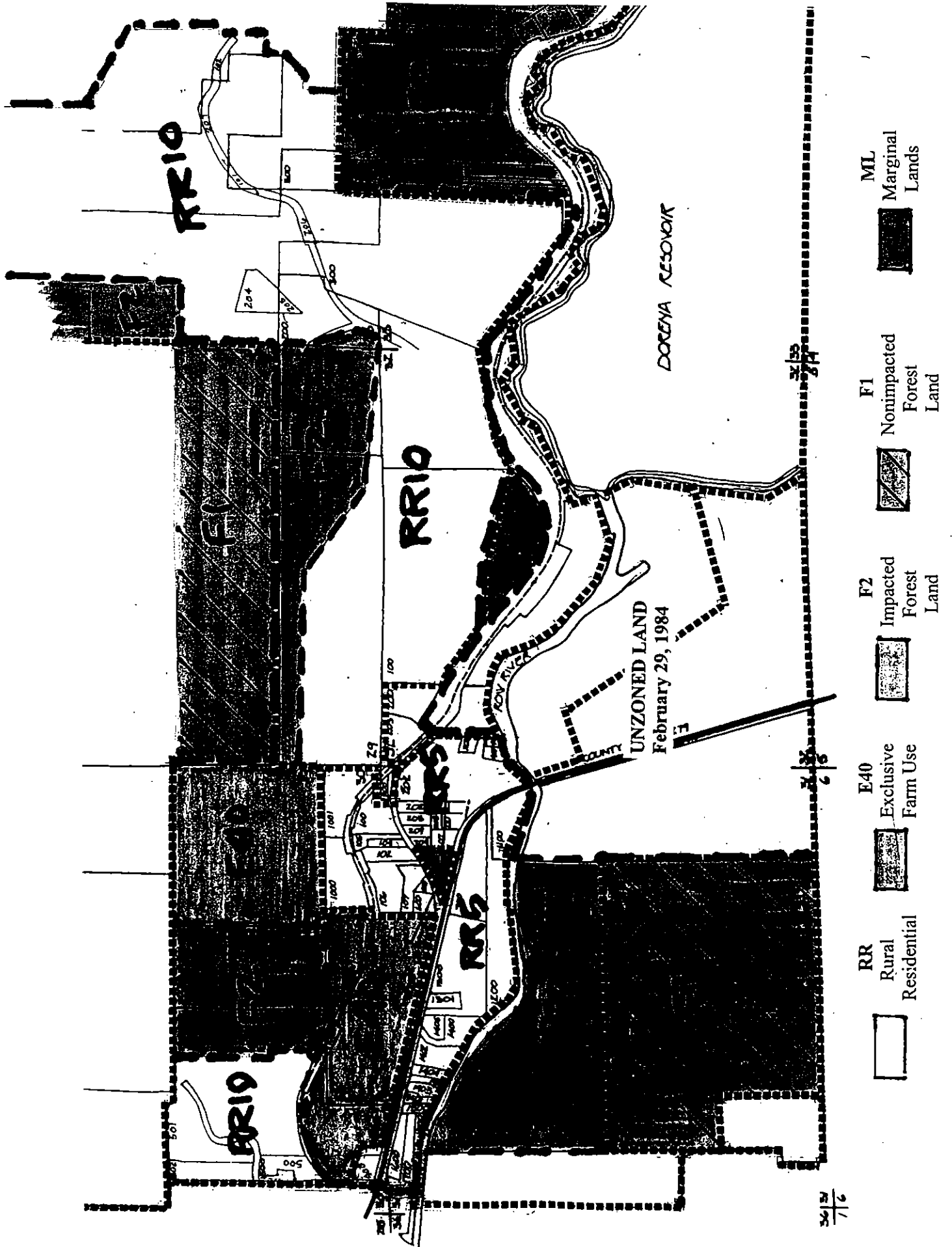
477



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776.818
776.818

Attachment E – Current Lane County zoning designations overlaid on 1976 zoning boundaries (Ordinance No. PA 884, 2-29-84)



- RR Rural Residential
- E40 Exclusive Farm Use
- F2 Impacted Forest Land
- F1 Nonimpacted Forest Land
- ML Marginal Lands

