

13.025

Land Code

13.045

13.025 Land Development Review Committee. The Land Development Review Committee is created and authorized to perform such functions as provided for in this chapter and as other ordinances shall hereinafter provide.

13.030 Composition of Land Development Review Committee. The Land Development Review Committee shall consist of the following members or their duly authorized representatives:

- (a) the county sanitarian,
- (b) the county chief building inspector,
- (c) the county surveyor
- (d) the county public works director, and
- (e) the county planning director, who shall serve as secretary.

Procedure for Platting Property

13.035 Initial Steps. When proposing to subdivide land, the owner shall submit to the secretary of the Planning Commission a map of sufficient accuracy to be used for the purpose of discussion in order to determine properly the classification of the proposed subdivision. The owner shall comply with sections 13.045 and 13.035 if the proposal is for a minor subdivision. The owner shall comply with section 13.060, if the proposal is for a major subdivision.

13.040 Fees.

(1) For the purpose of partially defraying expenses involved in processing subdivisions, the Planning Department shall collect fees in the amounts established by Order of the Board of Commissioners for the following applications:

- (a) preliminary plat for minor subdivision,
- (b) finished plat for minor subdivision.

(2) All fees provided in paragraph (1) above are non-refundable except in cases where the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Planning Director.

(3) Each subdivider, at the time of filing the final plat, shall pay the fee of the county surveyor, as provided in ORS 92.100 and the filing fee as provided in ORS 203.350.

13.045 Minor Subdivisions.

(1) Submitting Finished Plat. A finished plat for a minor subdivision shall be submitted to the secretary of the Planning

13.045(1)

Lease Code

13.045(2)

Commission, attached to an application for approval on the form prescribed by the secretary.

(2) Finished Plat Requirements.

(a) Drafting. The finished plat shall be drawn with pencil or India ink on substantial tracing paper, and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet

IN THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, OREGON

**FILED**

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_

ORDINANCE No. 14-72

AMENDING CHAPTER 13 OF LAKE CODE JUL 17 1972

J. M. FENOLD Director of the  
Dept. of Records and Information Systems

The Board of County Commissioners ordains as follows:

Chapter 13 of Lake Code (Subdivisions) is hereby amended by removing page 13.080 - 13.080 and substituting therefor pages 13.080 - 13.080 and 13.080(2) - 13.080(3). Said pages are attached hereto as "Exhibit A" and incorporated herein by reference. The purpose of these substitutions is to add Section 13.080(2)(c), inadvertently omitted from the original codification of this Chapter and citing conditions under which the Planning Commission may exempt commercially zoned land from stipulated lot size and frontage requirements.

Enacted this 12th day of July, 1972.

APPROVED AS TO FORM  
DATE 7/12/72  
OFFICE OF COUNTY CLERK

J. M. Fenold  
Chairman of the Board of County  
Commissioners of Lake County (pro tem)

Robert Winkler  
Recording secretary of the Board at the  
meeting at which this ordinance was enacted

13.080

Lane Code

13.080

(iv) Corner lots, key lots and butt lots shall, in no case, have a minimum average width between the lot side lines of less than sixty-five (65) feet.

(b) Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than the applicable minimum average width requirement for such lot, but in no case shall be less than 80 feet, and not more than two and one-half (2-1/2) times the average width between the lot side lines.

(c) Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

(d) Minimum area. No lot shall be created, divided or set off in such a manner that either the portion created, divided or set off, or the portion remaining, shall fail to conform with the applicable minimum area, width, depth and frontage requirements set forth immediately above.

(2) Size and Frontage; Exceptions.

(a) Subdivision area developed as a unit. The Planning Commission may at its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the subdivider presents a plan satisfactory to the Planning Commission whereby the entire subdivision area will be designed and developed with provision for proper maintenance of recreation and park areas which will be commonly available for recreation and park purposes to the residents of the subdivision area, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

(b) Lot retained for future subdivision. The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot should and will be retained by the subdivider, and future subdivision of such lot will be the highest and best use thereof and such use will be best protected by the creation of a reserve strip separating such lot from any street.

(c) Land zoned for commercial use. The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation

13.080(2)

Lane Code

13.080(3)

is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this ordinance.

(3) Key Lots and Butt Lots. There shall be no key lots or butt lots except where authorized by the Planning Commission where such lots are necessitated by unusual topographic conditions or previous adjacent layout.

FILED

11 O'CLOCK AM

DEC 21 1972

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 24-72

BY Keith Bridges DEPUTY  
AMENDING CHAPTERS 1, 10 and 13  
OF LANE CODE

The Board of County Commissioners of Lane County ordains as follows:  
Chapters 1, 10 and 13 of the Lane Code are hereby amended by removing  
pages 1.005 - 1.010, 1.010 - 1.010, 10.02C - 10.020 (Group Care Home),  
10.020 - 10.020 (Nonconforming Use), 10.020 - 10.020 (Vision Clearance),  
13.005 - 13.005 (Drainage land), 13.005 - 13.005 (Minor subdivision (b)),  
and 13.005 - 13.020, substituting therefor pages 1.005 - 1.010, 1.010 - 1.010,  
10.020 - 10.020 (Group Care Home), 10.020 - 10.020 (Nonconforming Use), 10.020 -  
10.020 (Vision Clearance), 13.005 - 13.005 (Drainage land), 13.005 - 13.005  
(Minor subdivision (b)) and 13.005 - 13.020, respectively, and by adding new  
page 1.010 - 1.010 (Tenant or occupant). Said pages are attached hereto and  
incorporated herein by reference.

IT IS FURTHER ORDAINED that the specific boundary dividing the jurisdiction  
of the Lane County Planning Commission and the West Lane Planning Commission,  
which is only approximately described in the code pages transmitted herein,  
is more specifically defined on Exhibit "A" attached hereto and, in the event  
of any question about the actual boundary line, the description contained in  
Exhibit "A" shall control.

This ordinance shall be effective on the 30th day from enactment for purposes  
of organization and appointment matters and on February 20, 1973 for exercise  
of the functions reassigned herein. Further, this ordinance shall be effective  
only for a period of two years from February 20, 1973. The Department of General  
Administration is hereby instructed to prepare the necessary amendments to the  
code for consideration by this board in January of 1975 should the jurisdiction  
of the West Lane Planning Commission not be continued beyond the term provided  
by this ordinance.

Enacted this 20th day of December, 1972.

APPROVED AS TO FORM  
DATE 12/6/72  
BY James D. Thomas  
ATTORNEY AT LAW

Keith Bridges  
Chairman, Lane County Board of Commissioners

Wesley W. Smith  
Recording Secretary for this Meeting of the  
Board

13.005

Lane Code

13.005

Drainage land. Land required for drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.

Final plat. A plat for a major subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements therefor specified in section 13.060(6).

Finished plat. A plat for a minor subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements therefor specified in section 13.045(2).

Key lot. A lot, the lot rear line of which abuts the lot side line of two or more adjoining lots.

Land committee. The Land Development Review Committee created pursuant to section 13.025.

Lane County Planning Commission. See LC Section 1.010.

Local street. A street which is used primarily for access to abutting properties.

Lot. A parcel or portion of land separated from other land in a lease or transfer of ownership or by a drawing on a duly-approved final plat or finished plat, for separate individual use or separate use in immediate or future building development.

Lot front line. The lot line abutting a street; for corner lots the front line shall be that with the narrowest street frontage, and for double frontage lots the lot front line shall be that lot line having frontage on a street which is so designated by the subdivider and approved by the Planning Commission.

Lot rear line. The lot line which is opposite to and next distant from the lot front line.

Lot side line. A lot line which is not a lot front line or lot rear line.

Major subdivision. A subdivision which is not a minor subdivision.

Master road plan. The plan or plans in chapter 15 adopted by the board in accordance with section 13.065 (1) (c).

Minor subdivision. A subdivision of land any part of which is within urbanizing area and which:

(a) results in not more than three lots fronting on an existing street;

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13.005

(b) does not create any new street or require the widening of any existing street;

(c) does not impede the future highest and best use of the remainder of the tract under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto, in the judgment of the Planning Commission; and

(d) is not in conflict with any law or ordinance applicable to the land being subdivided.

Owner. An individual, association, partnership or corporation having legal or equitable title to land sought to be subdivided, other than legal title held for the purpose of security only.

Performance agreement. A performance bond executed by a surety company duly licensed to do business in the state in an amount equal to the full cost of the work to be done and conditioned upon the faithful performance thereof in accordance with section 13.135.

Planning Commission. See LC Section 1.010.

Preliminary plat. A tentative map and plan for a major subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements specified in section 13.060 (2).

Single family density area. An area abutting a local street not a business street where for one block length or more all property on both sides of said street is, or as determined by the Planning Commission, will be occupied by no more than nine (9) families per acre exclusive of street right-of-way.

Statutory subdivision. A subdivision as defined in OES 92.010.

Street. A public street, avenue, boulevard, lane, road, parkway, highway, or other public way, other than an alley, for use of vehicular traffic, and includes the land between the right-of-way lines whether improved or unimproved.

Subdivide. To effect a subdivision.

Subdivider. An owner commencing proceedings under this chapter to effect a subdivision of land by himself or through his lawful agent.

Subdivision. A division of land; except that the following division of land shall not be deemed a subdivision where no new street is created:



13.005

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13.020

22, Sections 27 through 30, and  
Sections 33 and 34;  
Township 18 South, Range 3 West, Willamette  
Meridian, Sections 1 through 24;  
Township 18 South, Range 4 West, Willamette  
Meridian, Sections 1 through 6 and  
9 through 14;  
Township 18 South, Range 5 West, Willamette  
Meridian, Sections 1 and 2;  
Township 20 South, Range 3 West, Willamette  
Meridian, Sections 19 through 35;  
Township 21 South, Range 3 West, Willamette  
Meridian, Sections 1 through 18.  
West Lane Planning Commission. See LC Section 1.010.

13.010 Authority. The following rules, regulations and standards relating to the subdivision of land in the county, and the following procedures to be followed by subdividers, the Planning Commission, the Land Development Review Committee, and the board, are adopted pursuant to ORS 215.010 (2) and 215.190, and the charter.

13.015 Purpose. The purpose of this chapter is to provide rules, regulations and standards to govern the approval of plats of subdivisions and also of partitioning of land by creation of a street or way, to carry out the development pattern and plan of the county and to promote the public health, safety and general welfare, lessen congestion in the streets, secure safety from fire, flood, pollution and other dangers, provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, recreation and other needs of the people of the county, and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

13.020 Approval of Subdivisions Required.

(1) No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for subdivisions under the provisions of this chapter.

(2) No person shall dispose of, transfer or sell any lot or parcel of land in a minor subdivision with respect to which approval is required by this chapter until such approval is obtained.

(3) No person shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision with respect to which approval is required by this chapter until such approval is obtained, and the plat thereof has been acknowledged and recorded with the county recording officer.

Beginning at a point on the Lane Benton County Line, said point also being the Northwest corner of Lot 3, Section 7, Township 15 South, Range 8 West, Willamette Meridian; run thence Southerly along the Westerly boundary of Sections 7, 18 and 19, 2.5 miles, more or less, to the Southwest corner of said Section 19; thence Easterly along the Southerly boundary of Sections 19, 20 and 21, 3 miles, more or less, to the Southeast corner of said Section 21; thence Southerly along the Westerly boundary of Sections 27 and 28, 2 miles, more or less, to the Southwest corner of said Section 34; thence Westerly along the Southerly boundary of Section 33, 1.51 chains, to the Northwest corner of Section 3, Township 16 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of said Section 3, 1 mile, more or less, to the Southwest corner thereof; thence Westerly along the Southerly boundary of Section 4, 1 mile, more or less, to the Southwest corner thereof; thence Southerly along the Westerly boundary of Sections 9, 16, 21, 28 and 33, 5 miles, more or less, to the Northeast corner of Section 5, Township 17 South, Range 8 West, Willamette Meridian; thence Westerly along the Northerly boundary of Sections 5 and 6, 2 miles, more or less, to the Northwest corner of Section 6; thence Southerly along the Westerly boundary of Sections 6, 7, 18 and 19, 4 miles, more or less, to the Southwest corner of said Section 19; thence Easterly along the Southerly boundary of Sections 19 and 20, 2 miles, more or less, to the Southeast corner of said Section 20; thence Southerly along the Westerly boundary of Sections 28 and 33, 2 miles, more or less, to the Northwest corner of Section 4, Township 18 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of Sections 4, 9 and 16, 3 miles, more or less, to the Southwest corner of said Section 16; thence Westerly along the Southerly boundary of Sections 17 and 18, 2 miles, more or less, to the Southwest corner of said Section 18; thence Southerly along the Westerly boundary of Sections 19, 30 and 31, 3 miles, more or less, to the Southwest corner of said Section 31; thence East 33.40 chains to the Northwest corner of Section 6, Township 19 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of said Section 6, 1.3 miles, more or less, to the Southwest corner thereof, said Southwest corner also being on the Lane Douglas County Line and there ending in Lane County, Oregon.

FILED  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

AUG 21 1973

D. M. PENFOLD, Director of the  
Dept. of Records and Elections of Lane County

BY Lill Penfold  
DEPUTY.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 9-73 )  
)

AMENDING LANE CODE CHAPTER 9 (ENVIRONMENT AND HEALTH)

The Board of County Commissioners of Lane County ordains as follows:

Lane Code Chapter 9 is hereby amended by adding Section 9.700, "Unzoned Area Development Permit" (pp 9.700 - 9.710 to 9.755 - 9.765) and substituting page 9.990 - 9.995 for existing page 9.990 - 9.995, revising the Chapter 9 Table of Contents to conform. Said pages are attached hereto and incorporated herein by reference. The purpose of these amendments is to establish review and permit procedures for certain defined land use activities in unzoned areas of Lane County, and to amend Section 9.990 to include infractions of unzoned area development permit procedures.

An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health, and safety, shall take effect immediately.

Enacted this 15th day of August, 1973.

Dwain D. Howard  
Chairman, Lane County Board of Commissioners

Emma Hiatt  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM  
DATE 8/15/73  
Jerry D. Ham  
LANE COUNTY COUNSEL

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UNZONED AREA DEVELOPMENT PERMIT

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- 9.720 Conditions.
- 9.725 Application.
- 9.730 Investigation and Reports.
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VIOLATION AND PENALTIES

- 9.990 Violation.
- 9.995 Penalty.

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9.715

- (13) Horse-show-arenas and commercial riding stables or academies.
- (14) Junk yards, as defined by LC 3.405.
- (15) Marinas used for commercial purposes.
- (16) Mobile home parks in excess of five (5) spaces.
- (17) More than five (5) dwelling units per lot or parcel or contiguous lots or parcels under the same ownership.
- (18) Drilling, removal, or refining of oil, gas or other hydrocarbon substance.
- (19) Outdoor drive-in movie theaters.
- (20) Race tracks and similar facilities and any areas used for all terrain vehicles or motorcycles for commercial or organized purposes.
- (21) Rendering plants.
- (22) Rock, sand, gravel, and loam excavation in excess of 1,000 yards per year.
- (23) Shake and shingle mills.
- (24) Schools, elementary, junior high and high schools and colleges.
- (25) Slaughter-house.
- (26) Solid waste disposal sites and facilities.
- (27) Stadiums.
- (28) Stockyards.
- (29) Preliminary major subdivision applications as defined by LC Chapter 13. The application for a preliminary subdivision and a development permit may be filed and processed concurrently.
- (30) Taverns, nightclubs, bars.
- (31) Travel trailer parks in excess of five (5) spaces.
- (32) Industrial uses with a combined gross floor area and outdoor storage area in excess of 25,000 square feet.
- (33) Commercial uses, or combinations of commercial uses in a single unit development, in excess of 3,000 square feet of gross floor area.
- (34) Removal, by artificial means, of inorganic materials or fill of inorganic or organic materials which:
  - (a) constitute fifty (50) cubic yards or more at any one location; and
  - (b) are in natural waterways which are constantly flowing or on adjacent wetlands.
- (35) Any other temporary or permanent structure or building on a lot or parcel or contiguous lots or parcels intended or used for living purposes by twenty-five (25) or more individuals.

9.715 Criteria. A Development Permit shall not be granted unless the proposed use or activity will:

- (1) Be in conformity with the Comprehensive Plan for Lane County where applicable.

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9.720-

(2) Be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(3) Not be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(4) Not be unduly potentially affected by natural hazards, such as floods, slides, or faults.

(5) Not result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(6) Not result in significant undue water or air pollution. In making this determination, at least the following shall be considered:

(a) the relation to flood plains,

(b) the nature of soil and subsoil and their ability to adequately support waste disposal,

(c) the slope of the land and its effect on effluents,

(d) the availability of streams approved or capable of being approved for the disposal of treated effluents,

(e) applicable climatological conditions, and

(f) the applicable water and air regulations.

(7) Have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(8) Not cause an unreasonable burden on existing or future community facility systems.

(9) Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy, or otherwise undesirable condition.

(10) Not cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(11) Not place an unreasonable burden on the ability of local governmental agencies to provide public services.

In the evaluation of the criteria provided in this section, consideration shall be given to uses and activities for which substantial project planning and/or site preparation costs have been incurred by the applicant prior to August 15, 1973.

9.720 Conditions. Reasonable conditions, safeguards, and restrictions may be imposed in connection with the Development Permit as may be necessary to comply with the criteria of LC 9.715 and to carry out the general purpose and intent of this section. Guarantees and evidence may be required that such conditions will be or are being complied with.

Lane Council Meeting 11/15/73

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9.725 Application. Application for a Development Permit shall be filed with the Planning Department on the form prescribed by the Department by any person with a legal interest in the property, at least thirty (30) days prior to the Planning Commission's public hearing, and shall include the following:

- (1) Name and address of applicant.
- (2) Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest, and in case the applicant is not the owner, that the owner knows of the application.
- (3) Address and legal description of property.
- (4) Six (6) copies of drawings clearly showing the following, when appropriate:
  - (a) parcel location, boundaries, dimensions and total area,
  - (b) approximate location, arrangement and dimensions of buildings and structures, and their use,
  - (c) approximate locations, heights, materials and finishes of existing and proposed enclosures, walls and fences,
  - (d) approximate location, dimensions, uses and screening provisions for storage, refuse and service areas,
  - (e) approximate location, arrangement and dimensions of streets, driveways, access points, trails, bikeways, off-street parking and loading areas,
  - (f) proposed drainage, water and sanitary systems and facilities,
  - (g) approximate location, character and type of signs and lighting facilities,
  - (h) general landscaping plan depicting existing and proposed tree plantings, ground cover, screen plantings, etc.,
  - (i) architectural sketches or drawings, if required, to clearly establish the scale, character and relationship of buildings, streets, ways, parking spaces, garages, and open spaces,
  - (j) other data such as information on soils, geology, and hydrology, as may be required by individual circumstances to satisfy the purpose and provisions of this sub-chapter.
- (5) A statement explaining the intended use and nature of the operation.
- (6) The fee required by this sub-chapter to defray the cost of processing the application.
- (7) Any other materials or information as may be deemed necessary by the applicant to assist in evaluation of the request.

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9.730 Investigation and Reports. The Planning Director shall make or cause to be made an investigation to provide necessary information to insure that the proposed use is consistent with the Development Permit criteria (LC 9.715). Any report of such investigation shall be submitted to the Planning Commission for its consideration prior to or at the public hearing.

9.735 Planning Commission Public Hearing and Notice.

(1) The Commission shall hold not less than one public hearing on each Development Permit application.

(2) Notice of the time and place of hearing shall be given, at least ten (10) days in advance, by mail to the applicant, property owner (if not the applicant), and the owners of all property within three hundred (300) feet of the exterior boundaries of the contiguous property ownership involved.

(3) The requirements of this Section for public hearing notice shall not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Planning Director for any reason.

(4) The Planning Commission shall review the application and shall receive pertinent evidence as to the consistency of the proposed use with the criteria for Development Permits (LC 9.715). The Planning Commission shall determine whether the evidence presented at the hearing is sufficient to show that the required criteria have been met, and shall approve or deny the application accordingly. Development Permit decisions by the Commission shall become final after an elapsed period of ten (10) days from the date of the decision of the Commission unless appealed to the Board of Commissioners within that ten (10) day period.

(5) An application for a Development Permit which is not acted upon by the Planning Commission within sixty (60) days from the receipt of application by the Planning Department may be deemed denied by the applicant and may be appealed to the Board of Commissioners in the manner as provided for appeals of Planning Commission decisions.

9.740 Appeal to the Board of Commissioners.

(1) An appeal may be made to the Board of Commissioners by any interested person or County official. Such appeal shall be filed in written form with the Planning Department within ten (10) days of the date of the Planning Commission action, stating how the Planning Commission erred in its application of the requirements of this Section.

(2) Within thirty (30) days of the filing of the notice of appeal, the Board of Commissioners shall hold a public hearing. Such hearing and action by the Board shall be in accord with the provisions of this Section for Planning Commission hearings. Prior to the hearing, the Planning Director shall forward to the Board of Commissioners a copy of the application, all pertinent data filed with it, and the minutes of the Planning Commission's public hearing if applicable.



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(3) In reversing a decision of the Planning Commission, the Board of Commissioners shall indicate by order the basis of its decision.

9.745 Compliance With Conditions of Approval. Compliance with conditions imposed in the Development Permit, and adherence to the plot plan submitted as approved is required. Any departure from these conditions of approval and approval plans constitutes a violation of this Chapter.

9.750 Vested Interest in Approved Development Permits. A valid Development Permit does not supersede provisions of subsequent zoning in accordance with Chapter 10 and Chapter 12 of this Code, or amendments to this Chapter unless specifically provided otherwise by the provisions of this Section or the conditions of approval of the Development Permit.

9.755 Revocation.

(1) Development Permits are automatically revoked without special action if:

(a) the permit has not been exercised within two years of the date of approval; or

(b) the use approved by the Development Permit is discontinued for any reason for two continuous years or more; or

(c) the use or activity becomes a nonconforming use or structure upon zoning. However, any conditions imposed in the Development Permit would still apply to the nonconforming aspects of any use or activity.

(2) Notwithstanding (c) above, any use or activity with a valid development permit shall be allowed a period of two years from date of approval for completion or development as specified in or allowed by the permit regardless of whether the use or activity becomes or would become if completed, a nonconforming use or structure upon zoning.

(3) The Planning Commission may revoke any Development Permit for failure to comply with any prescribed condition of the Permit approval.

(4) A hearing for revocation of a Development Permit may be requested of the Planning Commission by any administrative officer of the County who is of the opinion any or all of the bases for revocation as stated in this Section exist. Request for a revocation hearing shall be accomplished by submitting a letter to the Planning Commission stating the basis for requesting the hearing for the revocation. The Commission shall then set a hearing for the revocation if it determines a hearing is warranted.

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(5) The public hearing notification and appeal procedures for revocation hearings by the Planning Commission and Board of Commissioners shall be the same as those for original Development Permit application hearings and appeals provided in this Section.

9.760 Limitations on Refiling of Application. Applications for which a substantially similar application has been denied or revoked for cause within the previous year shall be heard by the Planning Commission only after the Commission's separate determination that for good cause shown the application may be refiled.

9.765 Fees.

(1) For the purpose of partially defraying expenses involved in processing Development Permit applications, the Planning Department shall require fees as established by Order of the Board of Commissioners.

(2) All fees are non-refundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Planning Director.

9.990

Lane Code

9:995

Violations and Penalties9.990 Violation.

(1) Violations of Sections 9.035, 9.710, 9.745, and 9.755 constitute a county infraction and shall be handled in accordance with Sections 5.005 to 5.065. Any person shall have the authority to sign county infraction complaints for violation of Section 9.035.

(2) At the expiration of the period set by the County for correction of any violation of Sections 9.310 to 9.370, the County shall again inspect the dwelling. If the violation has not been corrected, the violation shall constitute a County Infraction.

(3) The Director of the County Health and Sanitation Department, or his duly authorized agent, has the authority to sign the County Infractions complaint and summons for violation of Sections 9.035, 9.710, 9.745 and 9.755. Each violation of any provision of these minimum standards shall constitute a separate County Infraction as defined in Chapter 5 of Lane Code. Continued violation of these minimum standards after the expiration of the period required by this section for correction constitutes a separate infraction for each day the violation continues.

9.995

Penalty

Violation of Sections 9.020 to 9.030 and Sections 9.040 to 9.115 and any of the rules and regulations promulgated under the authority of Lane Code 9.110 shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than six months, or both. [Corrected by 20-72; 10.13.72]

BOOK 194 PAGE 0282

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 5-04

IN THE MATTER OF AMENDING LANE CODE CHAPTER 16 TO ADOPT RIPARIAN PROTECTION REGULATIONS TO IMPLEMENT GOAL 5 OUTSIDE THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) URBAN GROWTH BOUNDARY AND WITHIN THE METRO PLAN BOUNDARY

The Board of County Commissioners of Lane County ordains as follows:

Chapter 16 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

16.210 through 16.216  
as located on pages 16-23 through 16-152  
(a total of 78 pages)

16.219 through 16.232  
as located on pages 16-213 through 16-250  
(a total of 38 pages)

16.253  
as located on pages 16-422 through 16-428  
(a total of 5 pages)

16.290 through 16.295  
as located on pages 16-512 through 16-542  
(a total of 28 pages)

INSERT THESE SECTIONS

16.210 through 16.216  
as located on pages 16-25 through 16-157  
(a total of 133 pages)

16.219 through 16.232  
as located on pages 16-213 through 16-252  
(a total of 40 pages)

16.253  
as located on pages 16-422 through 16-428  
(a total of 7 pages)

16.290 through 16.295  
as located on pages 16-512 through 16-548  
(a total of 35 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to adopt riparian protection regulations to implement Goal 5 outside the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) urban growth boundary and within the Metro Plan boundary.

While not part of this Ordinance, findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 2nd day of June 2004

Bob Jensen  
Chair, Lane County Board of Commissioners

Richard Decker  
Recording Secretary for this Meeting of the Board

**FILED**

JUN 21 2004

COUNTY CLERK  
by Michelle

APPROVED AS TO FORM

Date: 6-2-2004, Lane County

Stephen J. Orbes  
OFFICE OF LEGAL COUNSEL

- (iii) Signs shall be limited to 200 square feet in area.
- (8) Area. The minimum area requirement for the division of land shall be as follows:
- (a) 80 acres.
- (b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:
- (i) The new parcel containing the dwelling is no larger than five acres; and
- (ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or
- (iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.
- (c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.
- (d) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).

(9) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). (Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04)

### IMPACTED FOREST LANDS ZONE (F-2, RCP) RURAL COMPREHENSIVE PLAN

#### 16.211 Impacted Forest Lands Zone (F-2, RCP).

- (1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:
- (a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and
- (b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755.
- (2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..."

For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

- (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.
- (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.
- (c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- (d) Farm use (see the definition of "Farm Use" in LC 16.090).
- (e) Private hunting and fishing operations without any lodging accommodations.
- (f) Towers and fire stations for forest fire protection.
- (g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- (h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).
- (i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- (j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
- (k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(f-f) below.
- (l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.
- (m) Widening of roads within existing rights-of-way and the following:
  - (i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;
  - (ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the

placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

- (iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
- (iv) Campsites may be occupied by a tent, travel trailer or recreational vehicle;
- (v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites;
- (vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and
- (vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- (d) Public parks including those uses specified under OAR 660-034-0035.
- (e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating power that do not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.
- (n) Home occupations that comply with these requirements:
- (i) Shall be operated by a resident of the property on which the business is located;
- (ii) Shall employ on the site no more than five full-time or part-time persons;
- (iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;
- (iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;
- (v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;
- (vi) Shall comply with sanitation and building code requirements;
- (vii) Shall not be used as a justification for a zone change;



(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vii) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

- (ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;
- (iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.
- (v) Park and ride lots.
- (vi) Railroad mainlines and branchlines.
- (vii) Pipelines.
- (viii) Navigation channels.
- (ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).
- (x) Replacement of an intersection with an interchange, subject to LC 16.211(13).
- (xi) Continuous median turn lanes subject to LC 16.211(13).
- (xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- (xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.
- (r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:
  - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - (ii) Only minor incidental and accessory retail sales are permitted;
  - (iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  - (iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.
- (s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
  - (i) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
  - (u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provide service hookups, including water service hookups.
  - (v) Temporary portable facility for the primary processing of forest products.

Chapter 517. (w) Exploration for mineral and aggregate resources as defined in ORS

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the

opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

- (i) The property owner provides:
    - (aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or
    - (bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates the zoning of the subject property.
  - (ii) The dwelling or manufactured dwelling has:
    - (aa) intact exterior walls and roof structure;
    - (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (cc) interior wiring for interior lights; and
    - (dd) a heating system.
  - (iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;
  - (iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;
  - (v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);
  - (vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and
  - (vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:
- (i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;
  - (ii) The dwelling or manufactured dwelling has:
    - (aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) **Template Dwelling.** One single-family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling or manufactured dwelling will be located has no other dwellings or manufactured dwellings on it. As used in LC 16.211(5), "tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) The lot or parcel upon which the dwelling or manufactured dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling or manufactured dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle

that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements

in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Tract" means "One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway."

(c) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(d) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(e) The tract on which the dwelling will be sited does not include a dwelling.

(f) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(g) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that is maintained and either paved or surfaced with rock and that meets the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(h) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.



(i) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(j) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) Is sited on a tract that does not contain a dwelling or manufactured dwelling.

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(6)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

- (ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and
- (iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.
- (e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(c)(i) through (iv) below:
- (i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
- (ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;
- (iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
- (iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.
- (f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).
- (g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a) through (b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.
- (a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:
- (i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;
- (ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 and at least 30 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all other property lines; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100

40

30

150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(c) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet

constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(c)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) **Modifications and Alternatives.** The standards in LC 16.211(8)(c)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) **Other Development Standards.**

(a) **Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area.** Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) **Signs.**

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) **Area.** The minimum area requirement for the division of land is 80 acres subject to compliance with the requirements of LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans except as follows:

(a) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel shall not be eligible for siting a new dwelling;

(iii) The parcel shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Shall not result in a parcel of less than 35 acres, except:

(aa) Where the purpose of the land exchange is to facilitate an exchange of lands involving a governmental agency; or

(bb) Where the purpose of the land division is to allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) If associated with the creation of a parcel where a dwelling or manufactured dwelling is involved, the parcel containing the dwelling or manufactured dwelling shall contain at least 80 acres;

(vi) Shall not, as the result of the land division, be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.211(10)(a) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(viii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(b) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

- for the use;
- (ii) The parcel created for such use is the minimum size necessary
  - (iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;
  - (iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.
- (c) A division of a lot or parcel for an existing dwelling or manufactured dwelling subject to compliance with these requirements:
- (i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;
  - (ii) The dwelling or manufactured dwelling lawfully existed prior to June 1, 1995;
  - (iii) The remaining parcel not containing the dwelling or manufactured dwelling shall:
    - (aa) contain at least 80 acres; or
    - (bb) be consolidated with another parcel, and together the parcels contain at least 80 acres.
  - (iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above shall provide evidence that a restriction on the remaining parcel, not containing the dwelling or manufactured dwelling, has been recorded with Lane County Deeds and Records. The restriction shall allow no dwellings or manufactured dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;
  - (v) A landowner allowed a land division under LC 16.211(10)(c) above shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;
  - (vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and
  - (vii) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.
- (d) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:
- (i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - (ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;
  - (iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;



(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(vi) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(d)(v) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(c) above shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number

of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp; and

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; and

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

- (a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
- (b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
- (c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04)*

16.211

BOOK 191 PAGE 0296

Lane Code

16.211

**PAGES 16-58 THROUGH 16-104  
ARE RESERVED FOR FUTURE EXPANSION**

**A Summary Appraisal Report of a Complete Appraisal of  
An existing parcel known as  
94300 Deadwood Creek Road  
Deadwood, Oregon 97430  
A portion of Tax Lot 16-08-06-00-00202  
The 45.00 acre more or less present site, the "before" instance  
file 030906A, in form report format**

**AND**

**A Restricted Appraisal Report of a Limited Appraisal  
The same existing parcel noted above as a portion of  
Tax Lot 16-08-06-00-00202 as hypothecated to have up to  
twelve additional dwelling units plus support structures allowed  
upon it under Ballot Measure 37 claim procedures; the "after" instance  
file 030906B, in narrative format**

**Client:**

**Pattison, Jesse and Elaine**

**c/o Steve Comacchia, attorney  
Hershner Hunter LLP  
180 East 11th Avenue  
Eugene, Oregon 97401**

**Purpose of the Appraisal:**

**To estimate market value of actual and hypothetical parcels subject to certain conditions  
outlined in the text and exhibits of the reports 030906A and 030906B**

**Use of the Appraisal:**

**For use in a State Measure 37 proceeding brought by the owners and attorney in Lane County, Oregon**

**Date of Most Recent Inspection  
and Effective Date of Report:  
April 5, 2006**

**Report Completion Date:  
May 25, 2006**

**Prepared by:**

**Craig E. McKern, Appraiser, P.C.  
Certified Residential Real Estate Appraiser  
1574 Coburg Road, PMB 397  
Eugene, Oregon 97401-4802  
files 030906A and 030906B**

030906

**James A. Mann LLC**

*Land Use Planning & Development Permit Services*

P.O. Box 51081

Eugene, Oregon 97405-0902

Telephone: (541) 514-3051 FAX: (541) 484-2761

Email: jamallc@comcast.net

February 21, 2006

Jessie L. and Elaine M. Pattison  
94300 Deadwood Creek Road  
Deadwood, OR 97430

Subject: Description Land Use Regulations for the Application of BM 37 to  
Map 16-08-06 Tax Lot 202

Dear Jessie and Elaine,

The purpose of this report and the attached information is to assist with a possible Ballot Measure 37 claim for this property. This report identifies and summarizes the Lane County land use regulations that were applicable to the subject property on the two dates when Jessie Pattison acquired his combined ownership of the subject property: May 30, 1972 (Warrant Deed #7518897), and August 16, 1973 (Deed #7540289). This report compares these former Lane County land use regulations with the current Lane County land use regulations. Copies of the applicable Lane County land use regulations are attached to this report. The subject property is located on the north west side of Deadwood Creek Road, approximately 11 miles north of the unincorporated rural community of Deadwood that is located on Hwy. 36 approximately 35 miles east of the Florence city limits. See the map illustration on the next page of this report.

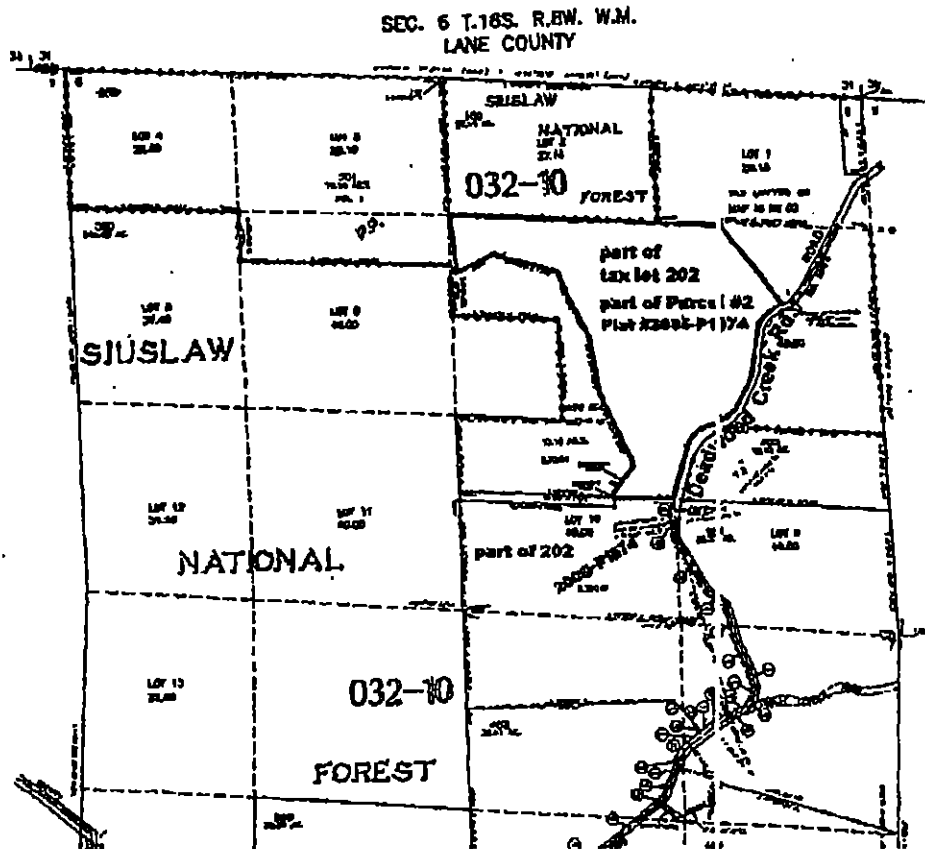
**I. Summary of Relevant Lane County Land Use Regulations.**

On May 30, 1972, and on August 16, 1973, the subject property was not zoned and was not regulated by an adopted comprehensive plan. Certain kinds of development of the subject property was subject to regulation by Lane County through various adopted land use regulations for subdivisions, roads, sewage disposal or sanitation facilities, and building construction or placement. LC 13.080(1)(iii) required where the site was served by neither public sewer nor public water facilities that subdivision lots each contain at least one acre and a minimum average width of 150 feet. LC 9.71 for unzoned areas, enacted and effective on August 15, 1973, required approval of unzoned area development permits for a list of uses including, "(17) More than five (5) dwelling units per lot or parcel or contiguous lots or parcels under the same ownership." and "(29) Preliminary major subdivisions applications as defined by LC Chapter 13."

Today, the subject property is designated by the Lane County Rural Comprehensive Plan (RCP) as "Forest" land, is zoned Impacted Forest Land, F2 and is subject to the zoning

regulations for the F2 zone in LC 16.211. LC 16.210 does not allow new dwellings and requires, with a few exceptions, that newly created lots or parcels must contain a minimum area of at least 80 acres. These Lane County land use regulations are significantly more restrictive than the ones that were in effect on March 1, 1976.

**Modified Lane County Assessment Map Illustration of the Subject Property**



**II. Chronology of Lane County Land Use Regulations Applicable to the Subject Property**

The following information is a chronological description of the primary land use planning and zoning regulations that were adopted by Lane County and applied to the subject property.

1. On May 30, 1972, and on August 16, 1973, Lane County regulated subdivision development of the subject property with Chapter 13 of Lane Code that included the following adopted ordinances:
  - Ord. No. 3-72, enacted on February 9, Reel 60 Pages 113-118 and Reel 60 Pages 245-277 (Attachment 1A);



SECTION 06 T16S R08W W.M.  
Lane County  
1" = 400'

NO. 1000000  
S. 1000000  
E. 1000000  
N. 1000000

SEE MAP  
15080000

200  
201  
79.98 AC  
PCL. 1 LOT 4  
22.89

LOT 3  
28.10

032-08

100 SIUSLAW  
27.14 AC LOT 2  
27.14 NATIONAL  
032-10  
FOREST

31 32  
8 5

LOT 1  
26.18

P.P.

300  
246.4 AC

LOT 5  
31.45

LOT 6  
40.00

SIUSLAW

202  
89.04 AC PCL. 2

LOT 7  
40.00

LOT 8  
40.00

LOT 12  
31.55

LOT 11  
40.00

NATIONAL

032-10

LOT 10  
40.00

LOT 9  
40.00

SEE MAP  
16080500

1/4 COR

2005-P-187A

LOT 13  
31.85

FOREST

403  
30.41 AC

500  
38.34 AC

31.75

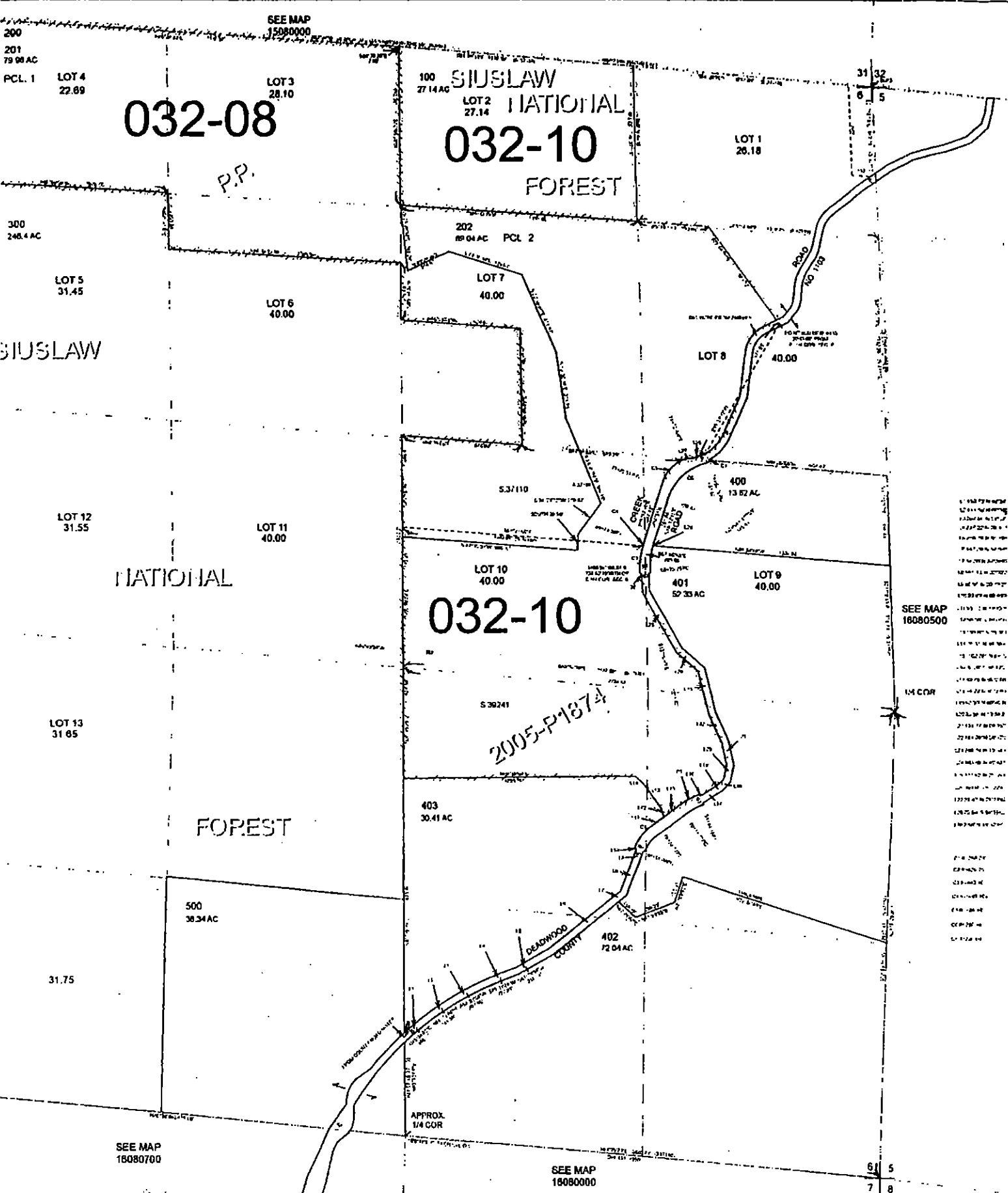
402  
72.04 AC

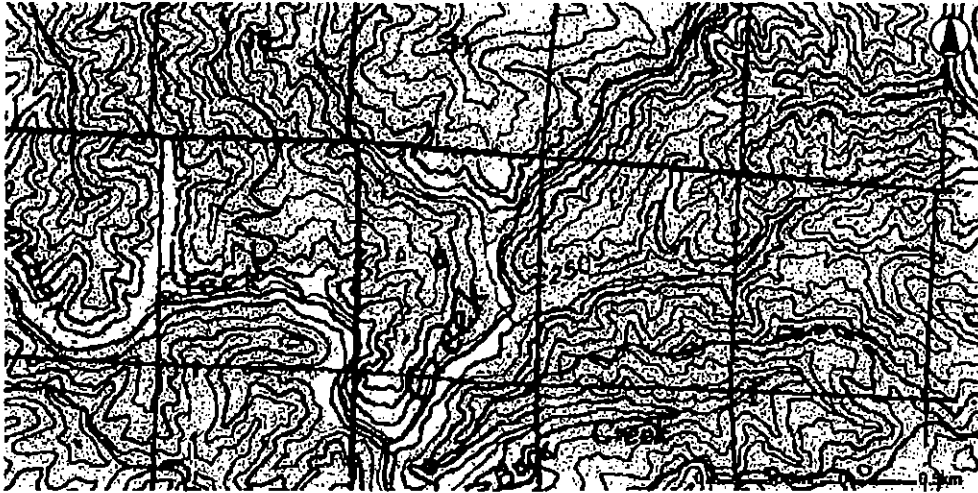
APPROX  
1/4 COR

SEE MAP  
18080700

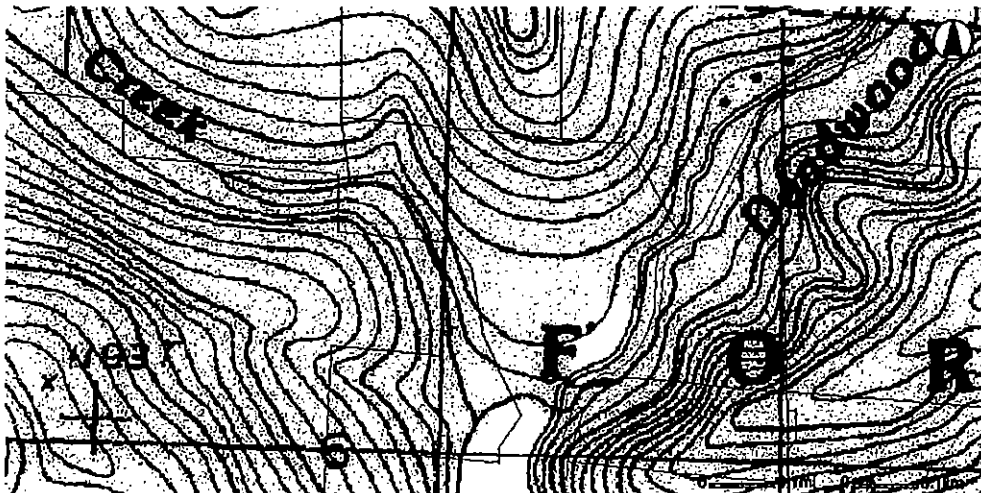
SEE MAP  
18080000

9 5  
7 8

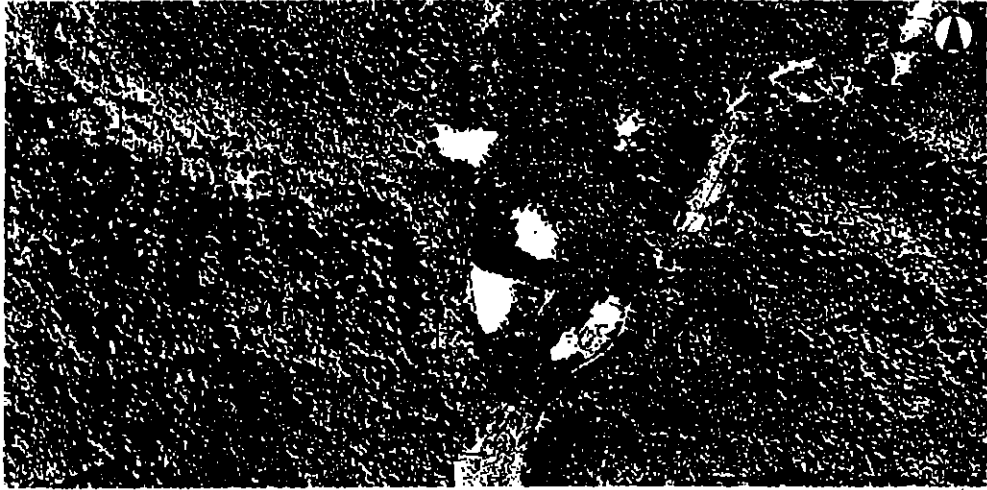




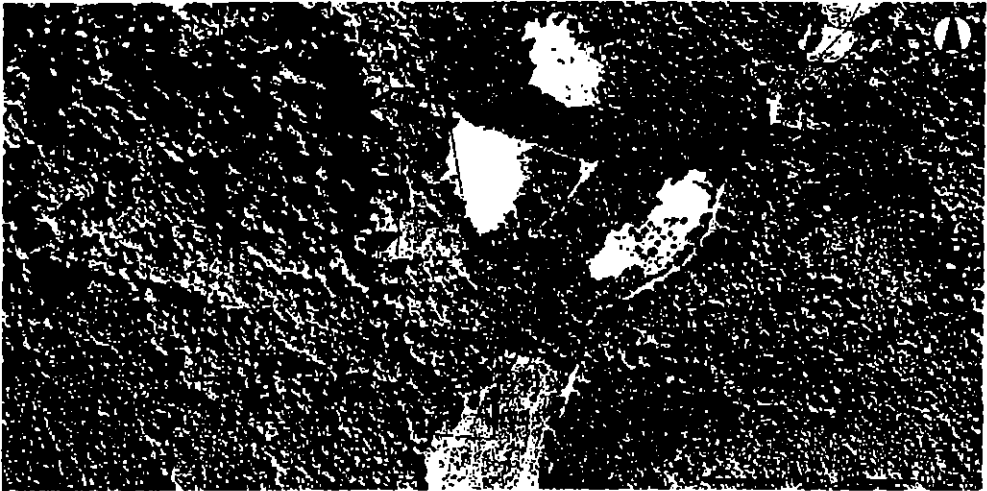
General topographic map with Section 6 in center; Fawn Creek center to upper left center, Deadwood Creek from center to upper right center; Panther Creek at far left; elevation about 250 feet. Meadows, fields are not accurate.



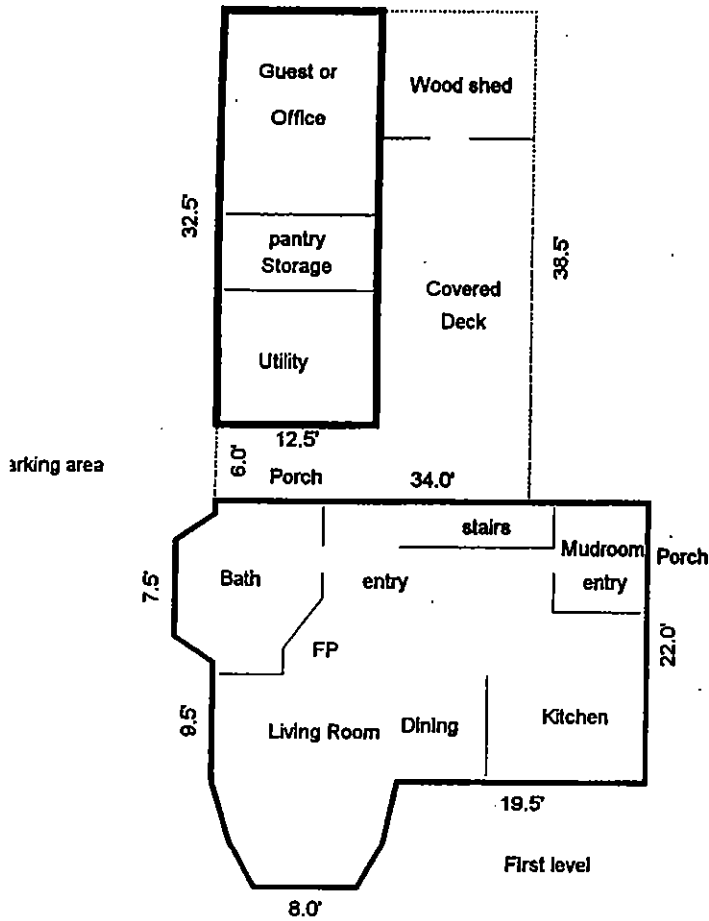
detail topographic map showing confluence of Fawn and Deadwood Creeks, dwelling area is above the letter "F" on benching slope of hillside; bridge in photo is shown where road crosses Deadwood Creek below letter "F". Meadows not accurate



General aerial view of subject site; lower field in lower center, dwelling site is open meadow in approximate center, Deadwood Creek drainage lower center to upper right, Fawn Creek drainage to lower center to upper left

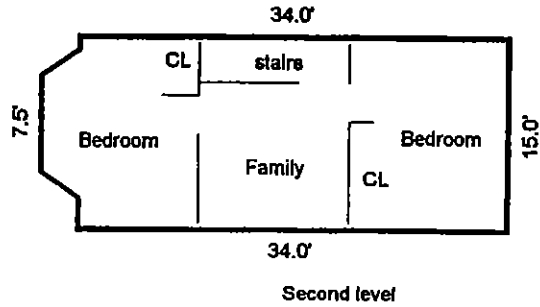


Detail aerial photo; dwellings in meadow in upper center; shop/garages/storage in meadow to lower left (southwest) of dwelling area, older outbuildings and orchard in meadow to lower right (southeast) of dwelling; Deadwood Creek Road south to northeast



See photo pages for shop/storage/garage  
Structure dimensions

Interior dimensions not placed to scale



Second level

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	877.8	877.8
GLA2	Second Floor	538.5	538.5
GBA1	Utility/stor/guest	406.3	406.3
P/P	Deck/shed	537.0	537.0
Net LIVABLE Area		( Rounded )	1416

LIVING/BUILDING AREA BREAKDOWN			
Breakdown			Subtotals
<b>First Floor</b>			
	11.5 x	34.0	391.0
	3.0 x	7.5	22.5
0.5 x	2.0 x	3.0	3.0
0.5 x	2.0 x	3.0	3.0
	1.0 x	34.0	34.0
	9.5 x	14.5	137.8
	8.0 x	8.5	68.0
0.5 x	1.9 x	4.0	3.9
0.5 x	4.6 x	0.9	2.1
0.5 x	0.4 x	2.0	0.4
	2.0 x	4.7	9.6
0.5 x	2.0 x	4.1	4.1
0.5 x	4.4 x	1.3	2.9
0.5 x	0.6 x	2.1	0.7
	2.1 x	4.6	9.6
	9.5 x	19.5	185.3
<b>Second Floor</b>			
	11.5 x	34.0	391.0
	3.0 x	7.5	22.5
0.5 x	2.0 x	3.0	3.0
0.5 x	2.0 x	3.0	3.0
	1.0 x	34.0	34.0
	2.5 x	34.0	85.0
<b>Utility/stor/guest</b>			
	12.5 x	32.5	406.3

**Craig E. McKern**

---

**From:** "Pattison" <pattison@peak.org>  
**To:** <cem9th@msn.com>  
**Sent:** Wednesday, April 05, 2006 2:03 PM  
**Subject:** Living Tree Destination Resort and Retreat Center.doc

April 5, 2006

### Living Tree Destination Resort and Retreat Center

Our aim is to provide a place of enjoyment, learning, retreat, and solitude in a pristine, ecologically wholesome environment. This land is highly unusual in its isolation, quietude, clean air and water, and abundant variety of wildlife. We have sold some of our land to a federal agency while putting other land into a Conservation Easement, all with the goal of protecting the habitat. The land we sold was ranked #3 in the Northwest, by Federal Fish and Wildlife authorities, in biological significance.

We hope to provide space for individuals, families, small to medium sized groups, wedding parties, and so on to spend time in this unique environment. Some for a day, and others for more extended periods. We have had the privilege to host college leadership groups, church retreats, and various individuals seeking to improve their lives by changing destructive habits and/or developing healthy new ones, and so forth. We see numerous opportunities, but we are extremely limited at this time due to the very restrictive land use rules and regulations. The environment and quietude necessary for deep reflection, contemplation and learning are fully present; with the deep forest, two major Salmon streams, our "own" Elk herd, and many other natural wonders. Providing warm, clean living and sleeping spaces, as well as eating and meeting places, are all essential foundational pieces to allow people to move into situations encouraging inspiration, learning, insight, just plain fun, and R and R

Of particular interest to us are those individuals who are out on the "frontlines" of various good works in our state, nation and beyond. This includes relief and development workers, missionaries, NGO workers, (such as pregnancy crisis centers, emergency relief staff), pastors, and educators who are endeavoring to improve the lives of many.

To facilitate all this, a strong commercial financial base is essential. We intend to set fees for some groups and wedding parties, while others would be contributing by donation. The ability to ask for and receive funding, in a commercial sense, will be of great importance to the long-term viability of the Center. This will further provide a livelihood for our family, as well as several other families who will be needed to work on the development, maintenance, and upkeep of the Center.

We have carried this dream for a long time and believe that this Center will have multiple benefits. The country and state will be benefited by additional revenue of folks coming short-term into our area. Further benefit comes as people see, up close, the beauty and value of clean water, spawning salmon, healthy forests, and so forth. These learning, reflecting, and R and R opportunities will serve to re-invigorate the lives of many, who will go back into every day society with increased effectiveness in their contribution and impact.

4/5/2006

# PHOTOGRAPH ADDENDUM One

Borrower/Client	No borrower						
Property Address	94300 Deadwood Creek Road						
City	Deadwood	County	Lane	State	OR	Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Cornacchia						



Deadwood Creek Road looking north from driveway to subject dwelling, creek on right



Bridge over Deadwood Creek about 200 yards northeast of confluence with Fawn Creek, looking northwest toward dwelling and shop area



Deadwood Creek looking downstream from bridge

# PHOTOGRAPH ADDENDUM Two

Borrower/Client	No borrower				
Property Address	94300 Deedwood Creek Road				
City	Deadwood	County	Lane	State	OR
Lender	Pattison, J. & E. c/o Steve Comacchia				
				Zip Code	97430



Driveway to dwelling area, older shop and open storage building in center, dwelling is about 300 yards uphill and right of photo point



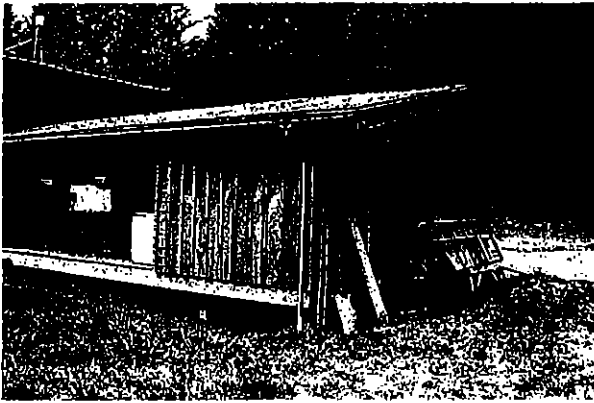
West elevation



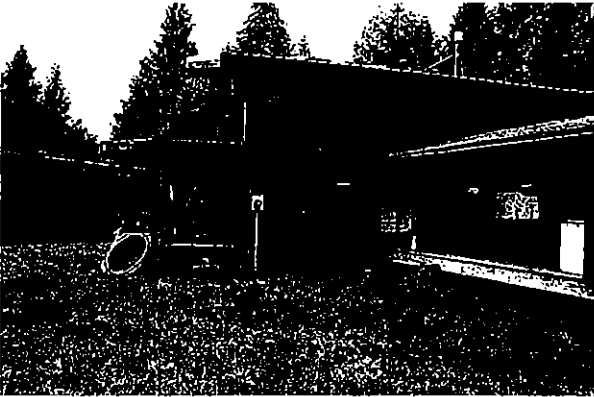
Northwest elevation

### PHOTOGRAPH ADDENDUM Three

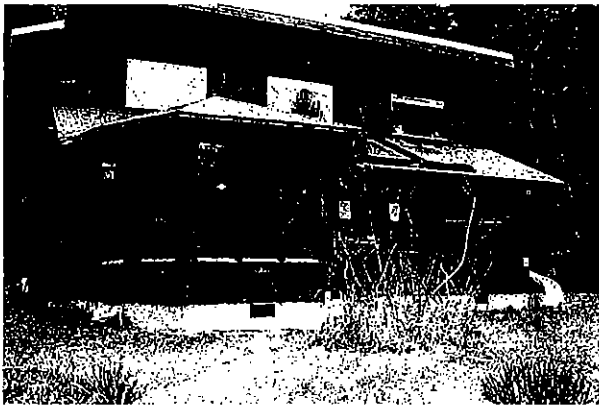
Borrower/Client	No borrower				
Property Address	94300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR Zip Code 97430
Lender	Pattison, J. & E. c/o Steve Comacchia				



Wood shed in front center, covered deck, guest bedroom behind wood shed



East elevation looking south



South elevation

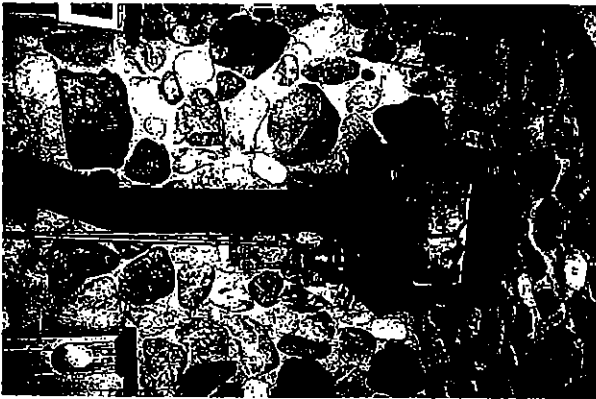


# PHOTOGRAPH ADDENDA Four

Borrower/Client	No borrower				
Property Address	94300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR
				Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Cornacchia				



View to south from dwelling south elevation, open to sunlight most of year. part of the day in December, per owner



Wood stove on custom rock hearth (rock from the Illinois River area in southwest Oregon)



# PHOTOGRAPH ADDENDA Five

Borrower/Client	No borrower				
Property Address	94300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR
Lender	Pattison, J. & E. c/o Steve Cornacchia				
				Zip Code	97430



Shop/storage/garage structure on north part of meadow below dwelling about 100 yards  
Built in 1999, per owner

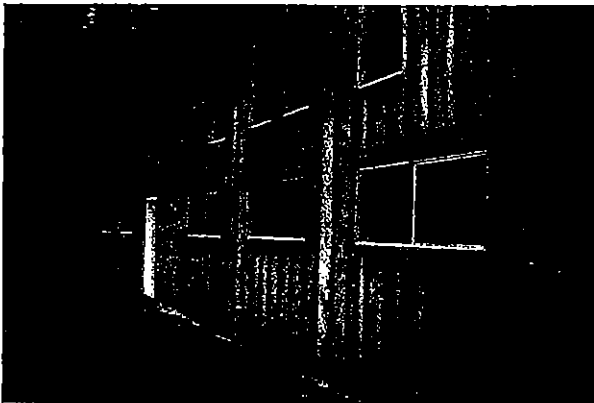
Overall dimensions are 32' x 64' = 2,048sf  
Metal roof, board and batten siding, concrete slab floor.

Plumbed for two baths, one on each level, not connected. Septic system installed and plumbed for water service from spring.

Second level has plywood floor, measures about 32' x 36' plus storage over garage bay



East elevation of shop/garages



South elevation of shop/garages

## PHOTOGRAPH ADDENDA Six

Borrower/Client	No borrower				
Property Address	94300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR
				Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Cornacchia,				



Deadwood Creek at elk crossing about 50 yards downstream from bridge, looking north, open field on south portion of site



Looking westerly across southeast field to elk crossing and creek bottom, wooded point on horizon is outside the far end of the 45 acre site



Looking northerly from southeast field near boundary of 45 acre site toward powerline crossing Deadwood Creek Road with bridge beyond on left

Line of alders is south bank of Deadwood Creek west of bridge

## PHOTOGRAPH ADDENDUM Seven

Borrower/Client	No borrower				
Property Address	94300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR
Zip Code	97430				
Lender	Pattison, J. & E. c/o Steve Comacchia				



Looking southwesterly from same camera point as previous photo, area this side of ridge line down to Deadwood Creek (curving left and downstream beyond line of alders) is in conservation easement area



Mr. Pattison on log placed in Deadwood Creek at point just below confluence with Fawn Creek in order to improve fish habitat

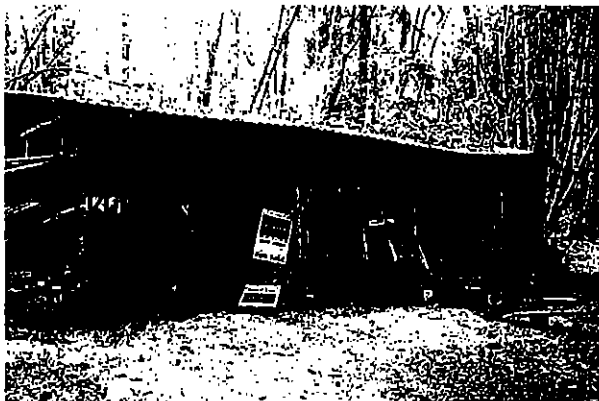
Considerable time, money and materials have been spent to enhance spawning beds and small fish survival habitat along Deadwood Creek and its larger tributaries as part of retaining wild salmon, steelhead and cutthroat trout numbers



Log jam with natural and placed logs in Deadwood Creek

# PHOTOGRAPH ADDENDUM Eight

Borrower/Client	No borrower				
Property Address	84300 Deadwood Creek Road				
City	Deadwood	County	Lane	State	OR
				Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Comacchia				



Older equipment shed near road



Older shed near Deadwood Creek Road with road to dwelling in foreground and to right

Various sheds have small remaining value except for equipment and material rain cover



# UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 030906

**Property Description**

Property Address 94300 Deadwood Creek Road City Deadwood State OR Zip Code 97430  
 Legal Description Portion of Lane County Partition Plat #2005-P1874 County Lane  
 Assessor's Parcel No. Portion of Tax Lot 18-08-08-00-00-0202 Tax Year 05-06 R.E. Taxes \$ 1,648.73 Special Assessments \$ 556/yr/fire  
 Borrower No borrower Current Owner Pattison, Jesse and Elaine Occupant  Owner  Tenant  Vacant  
 Property rights appraised  Fee Simple  Leasehold  Project Type  PUD  Condominium (HUD/VA only)  HOA \$ N/A /Mo.  
 Neighborhood or Project Name Upper Deadwood Creek district Map Reference Pittman County page 3 Census Tract 41-039-0500  
 Sale Price \$ Not Sold Date of Sale N/A Description and \$ amount of loan charges/concessions to be paid by seller Not Applicable  
 Lender/Clien Pattison, J. & E. c/o Steve Comacchia Address attorney, Hershner Hunter LLP, 180 East 11th Avenue, Eugene, Oregon 97401  
 Appraiser Craig E. McKern, Appraiser, P.C. Address 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802

**SUBJECT**

Location  Urban  Suburban  Rural  
 Built up  Over 75%  25-75%  Under 25%  
 Growth rate  Rapid  Stable  Slow  
 Property values  Increasing  Stable  Declining  
 Demand/supply  Shortage  In balance  Over supply  
 Marketing time  Under 3 mos.  3-6 mos.  Over 6 mos.  
 Predominant occupancy  Owner 90  Tenant 10  Vacant (0-5%)  Vac. (over 5%)  
 Single family housing PRICE \$(000) 80 Low <10 High 100+  
 Present land use % One family 90 2-4 family 5 Multi-family 0 Commercial 2 other 3  
 Land use change  Not likely  In process  Likely  
 To: Residential from vacant on available sites at slow rate of change

**NEIGHBORHOOD**

**Note:** Race and the racial composition of the neighborhood are not appraisal factors.  
 Neighborhood boundaries and characteristics: The subject area is generally a 20 mile radius around the unincorporated community of Deadwood at Lake Creek and Deadwood Creek confluence in the central Coast Range of Western Lane County. "Alpha" is the locality name for this area.  
 Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):  
The subject is located about 11.5 road miles north of Deadwood community and about 12 air miles east of the central Oregon Coast. Siuslaw National Forest is a major land owner, along with private timberlands, and dedicated forestland uses are excluded from any vacant land use percentage. Nearly all or the relatively sparse settlement is along the creek bottoms and road corridors with a wide variety of home sizes, ages, qualities, outbuildings, acreages and creek or view frontages typical of this outlying rural location. Access to services is typical of such locations; Eugene about 63 miles, 1.5 hours drive time southeast, Florence about 40 miles southwest via Highways 36 and 126. See exhibits.  
 Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time -- such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):  
Stable prices under recently increased 6.50% +/- interest rate conditions. An improving Spring to Summer market is in progress with a very limited number of homes offered in the subject area out of the relatively few total homes present. Demand and supply appear to be in near balance at this time. Marketing time generally under 180 days for well-priced homes. The subject is in the Mapleton School District with limited curriculum offerings, somewhat reducing demand for potential purchasers with school age children. Another factor is relative remoteness of the area with very limited shopping in Deadwood leading to long commute times and distance for outside employment or shopping. See attached.

**PUD**

Project Information for PUDs (if applicable) -- Is the developer/builder in control of the Home Owners' Association (HOA)?  Yes  No  
 Approximate total number of units in the subject project \_\_\_\_\_ Approximate total number of units for sale in the subject project \_\_\_\_\_  
 Describe common elements and recreational facilities: The subject is not in a Planned Unit Development

**SITE**

Dimensions Irregular, see plat map Topography Level to benched to steep  
 Site area 45 acres more or less Corner Lot  Yes  No Size Typical of the area  
 Specific zoning classification and description F-2 Impacted Forest Land Shape Irregular  
 Zoning compliance  Legal  Legal nonconforming (Grandfathered use)  Illegal  No zoning Drainage Adequate by slope  
 Highest & best use as improved:  Present use  Other use (explain) potential added dwellings View Wooded, field, creek frontage  
 Utilities Public Other Off-site Improvements Type Public Private Landscaping Mature, Maintained  
 Electricity  Street All weather gravel   Driveway Surface All weather gravel  
 Gas  Curb/gutter None   Apparent easements No Apparent Adverse  
 Water  Spring w/ tank Sidewalk None   FEMA Special Flood Hazard Area  Yes  No  
 Sanitary sewer  Private Septic Street lights None   FEMA Zone Zone D Map Date 12-18-1965  
 Storm sewer  Alley None   FEMA Map No. FEMA 41039C-0525F

**DESCRIPTION OF IMPROVEMENTS**

Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): Site as appraised is a portion of Tax Lot 202; portion of Tax Lot 202 was sold to U.S. Forest Service along with Tax Lot 201 and another small tract as part of protecting significant habitat lands; 80 acres including part of present appraised Tax Lot 202 is under a conservation easement. See exhibits.

GENERAL DESCRIPTION	EXTERIOR DESCRIPTION	FOUNDATION	BASEMENT	INSULATION
No. of Units <u>one</u>	Foundation <u>Concrete</u>	Slab <u>No</u>	Area Sq. Ft. <u>None</u>	Roof <u>None</u>
No. of Stories <u>Two</u>	Exterior Walls <u>Vertical Cedar</u>	Crawl Space <u>Yes</u>	% Finished <u>None</u>	Ceiling <u>R-38</u>
Type (Det./Att.) <u>Detached</u>	Roof Surface <u>Comp. Shingles</u>	Basement <u>None</u>	Ceiling <u>None</u>	Walls <u>R-19</u>
Design (Style) <u>Two Story</u>	Gutters & Downsps. <u>None</u>	Sump Pump <u>None</u>	Walls <u>None</u>	Floor <u>R-19</u>
Existing/Proposed <u>Existing</u>	Window Type <u>Alum.Thrm.Slider</u>	Dampness <u>None Apparent</u>	Floor <u>None</u>	None
Age (Yrs.) <u>20</u>	Storm/Screens <u>No/Yes</u>	Settlement <u>None Apparent</u>	Outside Entry <u>None</u>	Unknown
Effective Age (Yrs.) <u>15</u>	Manufactured House <u>No</u>	Instellation <u>None Apparent</u>		2x6 Package

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement												None
Level 1	entry	great	room	area								878
Level 2						1		2				539

Finished area above grade contains: 6 Rooms; 2 Bedroom(s); 1 Bath(s); 1,416 Square Feet of Gross Living Area

**COMMENTS**

INTERIOR	HEATING	KITCHEN EQUIP.	ATTIC	AMENITIES	CAR STORAGE:
Floors <u>Carpet, Vinyl</u>	Type <u>plug in</u>	Refrigerator <input type="checkbox"/>	None <input type="checkbox"/>	Fireplace(s) # <u>Stone</u> <input checked="" type="checkbox"/>	None <input type="checkbox"/>
Walls <u>Wood paneling, DW</u>	Fuel <u>Electric</u>	Range/Oven <input checked="" type="checkbox"/>	Stairs <input type="checkbox"/>	Patio <u>None</u> <input type="checkbox"/>	Garage # of cars _____
Trim/Finish <u>Spruce, pine</u>	Condition _____	Disposal <input type="checkbox"/>	Drop Stair <input type="checkbox"/>	Deck <u>Covered</u> <input checked="" type="checkbox"/>	Attached _____
Bath Floor <u>Vinyl</u>	COOLING _____	Dishwasher <input type="checkbox"/>	Scuttle <input type="checkbox"/>	Porch <u>Covered</u> <input checked="" type="checkbox"/>	Detached <u>Shop area</u>
Bath Wainscot <u>Fiberglass</u>	Central _____	Fan/Hood <input type="checkbox"/>	Floor <input type="checkbox"/>	Fence <u>none noted</u> <input type="checkbox"/>	Built-In _____
Doors <u>Solid Wood</u>	Other <u>None</u>	Microwave <input type="checkbox"/>	Heated <input type="checkbox"/>	Pool _____	Carport _____
See comments below	Condition _____	Washer/Dryer <input type="checkbox"/>	Finished <input type="checkbox"/>		Driveway <u>10+</u>

Additional features (special energy efficient items, etc.): 2" x 6" Package efficient construction; aluminum thermal windows; weatherstrip; designed for passive solar heating with southern orientation of LR bay windows. Main heat is wood stove; plug-in electric heat used as necessary.  
 Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.: Subject was owner built with some subcontractor assistance between 1985 and 1987; all rooms fully finished. Vaulted living room, kitchen with skylights, custom old growth fir beams, trim and paneling plus spruce and pine paneling. Marble basin and tub wainscot in bath. Custom stone hearth for wood stove. Guest quarters or den is semi-detached with pantry and finished utility/sewing room with skylight. See photos attached.  
 Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property: The site was previously built upon; no apparent "dead" soil areas or past toxic waste, hazardous materials on or near the site other than typical household/shop/office chemicals found in most homes and garages, including that of the reader.

**UNIFORM RESIDENTIAL APPRAISAL REPORT**

File No. 030506

Valuation Section

ESTIMATED SITE VALUE	= \$	250,000	Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property): Cost approach data from Marshall Swift Cost Valuation and office files. Site value based on data from the subject's general area which are limited at any time.
ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:			Physical depreciation is based on the age-life method. See floor plan, dimensions. Depreciated site improvements: utilities, driveways, landscape, spring water and septic systems, older sheds and structures, old orchard. NO timber value included in site value. Cost approach mainly for depreciated component value comparison purposes with other sales. Functional penalty applied for distance from services, not noise or other factors.
Dwelling 1,416 Sq. Ft. @ \$ 80.00	= \$	127,440	
406 Sq. Ft. @ \$ 60.00	=	24,360	
Appliances, hearth, decks (\$5,000)	=		
Garage/Carport 2,048 Sq. Ft. @ \$ 35.00	=	71,680	
Total Estimated Cost New	= \$	223,480	
Less Physical			
Depreciation 47,892		100,000	
Depreciated Value of Improvements	= \$	147,892	
"As-Is" Value of Site Improvements	= \$	75,588	
INDICATED VALUE BY COST APPROACH	= \$	30,000	
	= \$	355,588	

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	94300 Deadwood Creek Rd. Deadwood district	9540 North Fork Siuslaw Road Minerva district	20947 Highway 36 Blachly district	20785 Highway 126 Noti - Walton districts
Proximity to Subject		15 air miles southwest	15 air miles southeast	15 air miles southeast
Sales Price	\$ Not Sold	\$ 479,900	\$ 245,000	\$ 464,000
Price/Gross Living Area	\$	\$ 384.54 /s.f.	\$ 153.13 /s.f.	\$ 196.61 /s.f.
Data and/or Verification Source		TR Hunter Real Estate County Records/ RMLS	Prudential R. E. Professionals/ County Records/ RMLS	Assist-2-Sell-Buyers Realty County Records/ RMLS
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.
Sales or Financing Concessions		Cash to Seller	Cash to Seller	New Conv. Ln.
Date of Sale/Time		Active Listing	1031 Exchange	No Points, Costs
Location	Rural Deadwood	Rural Florence	07-2005 (COE)	08-2005 (COE)
Leasehold/Fee Simple	Fee	-100,000	Rural Triangle Lk	Rural Noti
Site	45 acres m/l	42 acres m/l	-40,000	-150,000
View	Wooded, creek	0	0	0
Design and Appeal	Two Story	Rambler	1991 2 Wide MH	1.5 Story
Quality of Construction	Above Average	Above Average	Average	Good
Age	20act 15eff	36act 25eff	14act 14eff	62act 15eff
Condition	Good minus	Average plus	Good minus	Good minus
Above Grade	Total : Bdrms : Baths	Total : Bdrms : Baths	Total : Bdrms : Baths	Total : Bdrms : Baths
Room Count	6 : 2 : 1	6 : 3 : 2	7 : 2 : 2	9 : 4 : 2
Gross Living Area	1,416 Sq. Ft.	1,248 Sq. Ft.	1,600 Sq. Ft.	2,360 Sq. Ft.
Basement & Finished Rooms Below Grade	None	None	None	None
Functional Utility	Average	Average	Average	Average
Heating/Cooling	Solar/WS/no B.I.	Baseboard/None	FA Electric/None	Baseboard/None
Energy Efficient Items	1985 2x6 pkg.	Retro Withrized.	0	MH 2x6 Package
Garage/Carport	Parking area	2 Garages +RVP	-10,000	2 Garages +RVP
Porch, Patio, Deck	Deck, porch	Smlr Deck, porch	+3,000	Smlr Deck, porch
Fireplace(s), etc.	W.S./hearth	1 FP/ Insert	0	No fireplace
Fence, Pool, etc.	Natural Inscp	Superior L, F	-2,000	Superior L, F
Outbuildings	Shop/stor/sheds	Older barn	+40,000	Barn, shop, shed
Net Adj. (total)		\$ 72,800	\$ 74,000	\$ 121,600
Adjusted Sales Price of Comparable		Net: 15.2 % Gross: 34.8 % \$ 407,100	Net: 30.2 % Gross: 79.2 % \$ 319,000	Net: 26.2 % Gross: 69.3 % \$ 342,400

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): Locations of all three indicators are judged superior to subject as to proximity to services, shopping, schools and is location adjustment is applied as a "lack of convenience" factor rather than being for adverse noise, etc. and reflects the external penalty relative to appraiser's perception of a market reaction to time/distance/fuel cost factors. Emphasis on Indicator 1, which may be a high indicator at the asking price, being on market since February 2006, and Sale 3. a superior dwelling on an inferior site with sloping hillside and no creek frontage. Sale 2 requires significant adjustment for the dwelling, a midlife manufactured home, versus the subject but is in same general Coast Range location about 25+/- road miles closer to Eugene metro area.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data Source, for prior sales within year of appraisal	None Noted, Known	Not Applicable to assignment	Not Applicable to assignment	Not Applicable to assignment

Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: No current or past listing or marketing of subject was noted per owner, RMLS records in past three years. No prior sales of comparables in past year found.

INDICATED VALUE BY SALES COMPARISON APPROACH \$ 350,000

INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent \$ N/A /Mo. x Gross Rent Multiplier N/A = \$

This appraisal is made  "as is"  subject to the repairs, alterations, inspections or conditions listed below  subject to completion per plans & specifications. Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP/FIRREA guidelines; USPAP departure provisions do not apply. See attached assumptions, limiting conditions, comments. Appraisal assumes clear structural report, satisfactory spring, septic system inspections. Final Reconciliation: There are no truly comparable sale indicators for the subject; those cited above are the only three which could be confirmed by the appraiser being somewhat similar acreage sizes and in locations somewhat remote from urban services, schools, shopping. Estimated "as is" or "before" value of the subject excludes any merchantable timber value, most of which is protected by conservation easement.

The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 439/FNMA form 1004B (Revised Not Applicable).

(WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF April 5, 2006 (WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE \$ 350,000

APPRaiser: *Craig E. McKern* SUPERVISORY APPRAISER (ONLY IF REQUIRED):  
 Signature: \_\_\_\_\_ Signature: \_\_\_\_\_ Did : Did Not  
 Name: Craig E. McKern, Appraiser, P.C. Name: \_\_\_\_\_ Inspect Property  
 Date Report Signed: May 25, 2006 Date Report Signed: \_\_\_\_\_  
 State Certification #: CRO0024 State OR: \_\_\_\_\_ State Certification #: \_\_\_\_\_ email: cem9th@msn.com State: \_\_\_\_\_  
 Or State License #: \_\_\_\_\_ State: \_\_\_\_\_ Or State License #: \_\_\_\_\_ phone 541-345-0744/fax 541-345-0577 State: \_\_\_\_\_

Borrower/Client	No borrower		
Property Address	94300 Deadwood Creek Road		
City	Deadwood	County	Lane
State	OR	Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Cornacchia,		

File 030906B, a HYPOTHETICAL scenario  
 A Restricted Appraisal Report of a Limited Appraisal of:  
 94300 Deadwood Creek Road, Deadwood, Oregon 97430

The HYPOTHETICAL "after" instance, the subject parcel in its entirety, undivided, with the subject dwelling "as is" and with up to twelve small occasional use dwellings plus support structure permitted under the Ballot Measure 37 claim.

**The appraisal problem:**

The subject property in its entirety is appraised "as is" in file 030906A, attached, as the "before" instance. Because of the location of the subject, in a fairly remote area of the Coast Range with the few other improved properties in the vicinity which may have been listed and/or sold in the recent past being different from the subject in several or more factors of comparison, no true comparables can reasonably be expected to be found in a recent time frame at any given time. The "as is" report cites three improved properties on acreages which are closer to the Eugene-Springfield metro area or the Florence city area and regards these indicators as superior to the subject in location by proximity to services, shopping and schools, primarily.

However, in the attached letter dated April 5, 2006, which is a copy of an email from Jesse Pattison to the appraiser, the intent of the owners is clearly outlined as to not dividing the subject site but instead using Ballot Measure 37 claim proceedings to obtain permits to construct a number of small, cabin like dwellings for temporary use such as overnight to several weeks occupancy plus support structures. In effect, these improvements would create a small destination resort-type property which would be unique in its location and perhaps in all of Lane County.

The second part of the appraisal assignment is to estimate the value of the subject property under the hypothetical scenario noted above and with such permits hypothetically granted in order to demonstrate value difference between "before" and "after" scenarios. This calls for locating sales or listings of somewhat similar remote properties which sold with or had permission for more than one dwelling on a legal lot. The likelihood of finding such properties through Multiple Listing Service and LCOG database research is acknowledged as problematic due to the parameters imposed by this hypothetical scenario. This is especially the case for properties which have one dwelling existing and for which added dwellings are permitted, BUT NOT AS YET CONSTRUCTED OR IN PLACE. It can also be demonstrated that very few properties in Exclusive Farm Use or Impacted Forest Land zones have more than one dwelling on them at any given time. Having a second dwelling permitted or existing ("grandfathered use") is generally limited to smaller parcels of five to 20 acres in size in part due to restrictive zonings such as those mentioned and in effect since between 1973 and the present. Also, there is limited demand by most owners to have a second or third (or more) dwelling(s) on a farm or forest acreage site for anything other than occasional guest or family use. Large farms may require temporary worker housing but permits for such housing is addressed in the regulations for Exclusive Farm Use zoned properties.

**Appraisal solution examples:**

The appraiser located a listing east of Sutherlin in north Douglas County which consists of an former mining property at 1430 Bonanza Mine Road, about 9 miles southeast of Sutherlin and south of the community of Nonpariel. This site has 42+ acres and three homes including the historic original mine dwelling plus two manufactured homes. It has been on the market at \$399,000 asking price since January 3, 2006. The manufactured homes are "grandfathered" uses and can remain or be replaced according to Douglas County Land Planning office.

At the other end of the spectrum is a property at 72929 London-Weyerhaeuser Road, about 15 miles south of Cottage Grove, which has been on the market about one year at an asking price of \$1,500,000 for 121+ acres of level to hillside land. The site contains an eight year old, 3,018sf home of good plus quality plus 598sf semi-detached guest quarters plus a detached older home of about 1,200sf in above average to good condition plus a 1,200sf double wide manufactured home in average plus condition. The main house is owner occupied and the two other dwellings are rented at present. There are also a older dairy barn, a shop building and a large covered hay and equipment shed. The property fronts and has water rights to the Coast Fork of the Willamette River. This property is currently a pending sale at an undisclosed price.

A third property the appraiser considered is the September 2005 sale of Loloma Lodge on the McKenzie Highway at McKenzie Bridge. This property has about 5 acres of deep woods between the highway and the McKenzie River and was at one time an active resort and lodging facility with large older log lodge structure as the main residence, kitchen and dining hall and with at least five smaller cabins and small homes for seasonal recreation rental use. This property was owned by a Japanese company as a corporate retreat for about 10 years between the period of active resort use and the purchase by the present owner who is renovating the cabins and main lodge. The sale price was \$1,500,000 and terms were cash to the seller.

Other examples can be supplied of multiple dwellings on one or more legal lots however in all cases found by the appraiser the additional dwellings already were in existence and therefore the difference in value between a prior status without permits and later status with PERMITS added BUT without the structures being as yet in existence cannot be demonstrated by directly comparable sales data. A different but less difficult approach would be to find any somewhat similar type of small resort property, such as The Wayfarer on the McKenzie River, and reduce its appraised (or county assessed true cash value) by subtracting the various cabins and support structures back to one dwelling on its tax lot(s). A ratio of "as is" with all improvements versus "after" without improvements except for one dwelling could then be determined and applied to the subject as an addition rather than a subtraction. In this case, the value of the permitted improvements could be demonstrated though The Wayfarer, as an example, has "grandfathered" land uses and in addition is on Rural Commercial zoned land.

None of the examples above actually prove the value of having permits for additional dwellings on any given site as being a bonus to value over and above the original or single dwelling. Yet it can be seen, rather easily, that under the scenario outlined by Jesse Pattison in the April 5, 2006 letter attached, that having permits for a number of small, occasional use, low impact dwellings on the subject property would enhance the value of the site. The following conclusion does not include the physical value of any such proposed dwellings, as no plans or specifications for same exist at this time.

The appraiser considers the proposed scenario of providing a owner occupied and managed retreat facility in this location to be a marketable type of facility and with an increase in value which could be proven once the permits are issued and AFTER the facility is up and running. Therefore, the appraiser considers and projects that each additional dwelling site

1 of 2



**Supplemental Addendum**

File No. 030906

Borrower/Client No borrower			
Property Address 94300 Deadwood Creek Road			
City Deadwood	County Lane	State OR	Zip Code 97430
Lender Pattison, J. & E. c/o Steve Cornacchia,			

2 of 2

permitted would increase the value of the overall property in the following way: second site, \$50,000, third site, \$50,000, fourth and all remaining proposed sites up to a total of 12 added sites, \$25,000 each. The basis for adding \$50,000 value for each of the second and third dwelling sites is because such added sites would provide alternatives for an owner for guest or rental use as would a third site; after the third site, demand for additional sites would typically slacken as most owners of resource type land would not wish to continue to develop dwelling sites without a plan such as proposed for the subject in mind. The permits for support structures are not added separately but considered ancillary to the permits for the 12 additional dwelling units in order to create a viable "package" as outlined in the Pattison email of April 5, 2006.

Therefore the appraiser hypothecates value under the "after" scenario for the additional sites (12 in total) as \$350,000 over and above the appraised value of the subject property "as is". This value is permit and use based, not income based, since there is no income at this time nor can a realistic income stream be projected.

*Craig G. McKen*  
*MAY 25, 2006*

## Land Sales Data

Borrower/Client	No borrower		
Property Address	84300 Deadwood Creek Road		
City	Deadwood	County	Lane
State	OR	Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Comacchia		



Land Sale One located about 1+ mile south of subject along Deadwood Creek Road (Tax Lot 18-08-07-00-00114) is a pending sale due to close June 15, 2008. Property consists of about 24 acres of creek bottom land and low hillside with no improvements and minimal if any timber value. It is a legal lot but may not be buildable. It was offered at asking price of \$150,000, later reduced to \$135,000 over a 90+ day marketing period. The listing Realtor stated the property is expected to close at full recent asking price, terms cash. The purchaser is a Florence resident. A prior sale was for the purchase in May 2005 at \$100,000. This sale is the most similar site found for the subject and represents a price of \$5,625 per acre and is the basis for valuing subject site at \$250,000 as vacant and unimproved.



A 98.58 acre more or less parcel located about 5 air miles northwest of the subject in the Paris district recently expired as an active listing after about 180 days on market. The asking price was \$395,000 or about \$3,990 per acre. This property is a former mill site and has older barn or sheds only as improvements at this time plus a large paved parking lot and log storage area. Green River and Five Rivers have confluence on this site and there is also a pond as remnant from active mill days. There is public power to the property. This property is about 45 miles from Waldport and 33 miles from Alsea, making it even more remote than the subject.



A 320 acre parcel consisting of two tax lots of 160 acres each and located in the Beaver Creek drainage near the upper Sweet Creek drainage was openly marketed for 136 days beginning in early 2005 and closing September 1, 2005 for \$550,000 or \$1,718 per acre. Terms were cash or cash equivalent. The buyer is an Oregon based timberland investor. Most of the property had been clear cut harvested and replanted between 2000 and 2003; remaining harvestable timber was minimal per the seller. There was a barn but no dwelling on the property however each of the 160 acre parcels are separately buildable under Oregon and Lane County Exclusive Farm Use zoning. This property is only slightly less remote than the subject and while it could be developed for a homesite, power is 2 miles from the property.

Borrower: No borrower  
 File No. 030906  
 Property Address: 94300 Deadwood Creek Road  
 City: Deadwood County: Lane State: OR Zip Code: 97430  
 Lender: Pattison, J. & E. c/o Steve Comacchia

**APPRAISAL AND REPORT IDENTIFICATION**

This appraisal conforms to one of the following definitions:  
 Complete Appraisal (The act or process of estimating value, or an opinion of value, performed without invoking the Departure Rule.)  
 Limited Appraisal (The act or process of estimating value, or an opinion of value, performed under and resulting from invoking the Departure Rule.)

This report is one of the following types:  
 Self Contained (A written report prepared under Standards Rule 2-2(a) of a Complete or Limited Appraisal performed under STANDARD 1.)  
 Summary (A written report prepared under Standards Rule 2-2(b) of a Complete or Limited Appraisal performed under STANDARD 1.)  
 Restricted (A written report prepared under Standards Rule 2-2(c) of a Complete or Limited Appraisal performed under STANDARD 1, restricted to the stated intended use by the specified client or intended user.)

**Comments on Standards Rule 2-3**

I certify that, to the best of my knowledge and belief:  
 The statements of fact contained in this report are true and correct.  
 The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.  
 I have no present or prospective interest in the property that is the subject of this report, and no (or the specified) personal interest with respect to the parties involved.  
 I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.  
 My engagement in this assignment was not contingent upon developing or reporting predetermined results.  
 My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal report.  
 My analyses, opinions and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.  
 I have made a personal observation of the property that is the subject of this report.  
 No one provided significant real property appraisal assistance to the person signing this certification.  
 Report 030906A is a summary report of a complete appraisal.  
 Report 030906B is a restricted report of a limited appraisal.

**Comments on Appraisal and Report Identification**

Note any departures from Standards Rules 1-3 and 1-4, plus any USPAP-related issues requiring disclosure:  
 Appraisal report 030906A is complete on the basis of the full site and dwelling inspection, not the extent of commentary attached.  
 The appraised value includes a realty fee as did the sale prices of the comparables, unless otherwise stated.  
 There were NO observed toxic materials or hazardous substances on site, in the improvements or in the immediate area of the subject OTHER THAN the typical and common household, shop and garden chemicals and substances found in most homes and garages, including those of the reader. These common toxic materials and hazardous substances include chemicals such as fertilizers, weed killers, pest poisons and sprays, bleach, detergent, oils, cleansers, solvents and fuels, among other solid, liquid and paste substances, and are assumed to be used according to label directions and Federal, state and local regulations unless otherwise specifically noted in this report.  
 It is specifically assumed there is no toxic mold or fungus manifest in the structure or on the site which would affect livability or marketability.  
 See attached supplemental addendum.

**APPRAISER:**  
 Signature: *Craig E. McKern*  
 Name: Craig E. McKern, Appraiser, P.C.  
 Date Signed: May 25, 2006  
 State Certification #: CR00024  
 or State License #:  
 State: Oregon  
 Expiration Date of Certification or License: 09-30-2006

**SUPERVISORY APPRAISER (only if required):**  
 Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: email: cem9th@msn.com  
 or State License #: phone 541-345-0744/fax 541-345-0577  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

Borrower/Client	No borrower		
Property Address	94300 Deadwood Creek Road		
City	Deadwood	County	Lane
		State	OR
		Zip Code	97430
Lender	Pattison, J. & E. c/o Steve Cornacchia		

**Appraisal Development and Reporting Process:**

As per prior agreement with the client named on the cover sheet and first form page of this report, the level of appraisal service requested is a Summary Appraisal Report of a Complete Appraisal (030906A) of the subject property plus the additional report 030906B, a Restricted Report of a Limited Appraisal as necessary for the purpose of the assignment.

These reports are intended to comply with the reporting requirements set forth under Standards Rules 2-2b and 2-2c of the Uniform Standards of Professional Appraisal Practice (USPAP). As such, these reports represent only limited or summary discussions of the data, reasoning and analyses used in the appraisal process to develop the appraiser's opinion of value stated elsewhere. Supporting documentation that is not provided with this report concerning the data, reasoning and analyses has been retained in the appraiser's file copy. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use of this report stated below:

**Scope of Work:**

In preparing this report, the appraiser observed the subject site and the improvements on April 5, 2006. Relevant information on comparable land and improved site sales, construction costs and accrued depreciation were also gathered, verified and considered. All three approaches to value were considered; the sales comparison approach and cost approach were developed for the 030906A report only. The present improvements are given a depreciated contributory value. A land value range was determined by comparison with other properties listed or sold as defined by parameters set by the subject property. The income approach, along with rents, comparative rental data and calculated formulas and multipliers, is used ONLY IF the subject is likely to become a rental income property in the foreseeable future, which is not the case for the subject property dwelling at this time.

**Purpose of the Appraisal and Use of the Report:**

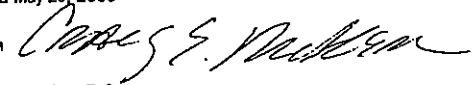
The purpose of this appraisal report is to estimate the market value as defined on the attached certification/limiting conditions addendum included with the attached USPAP addendum. This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Jesse and Elaine Pattison, and Steve Cornacchia, as attorney and agent, for this specific purpose only. Duly constituted Lane County committees or courts for Measure 37 appeals are also expected readers of this report but Lane County is not a client of the appraiser. This report in its present configuration is not intended for any financing purpose whatsoever. Any other authorized use of this report will be stated either below or in the letter of engagement. The appraiser is not and will not become responsible for any unauthorized use. Errors and omissions insurance is not extended to a future third party reader and the appraiser must be notified, timely and in writing, of any future transfer/assignment of this report to any third party.

**Supplemental Certifications:**

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. In addition, I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report prepared, with conformity to the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

signed and dated May 25, 2006

Craig E. McKern  
 president  
 Craig E. McKern Appraiser P.C.



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

In the Matter of the Change of Name of

MICHAEL LUCKY PATTISON

to

JESSE LUCKY PATTISON

Case No. 56-87-01182

CERTIFICATE OF CHANGE OF NAME

This is to Certify that on the 2nd day of March, 1987  
an Order and Decree was entered in the above-entitled Court, Changing the name of

Michael Lucky Pattison

to Jesse Lucky Pattison

as provided for by the laws of the State of Oregon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of  
said Court this 6 day of May, 1987.

By: Sandra J. Miller