

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1127

PASSED

(IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO
(REDESIGNATE LAND FROM "FOREST" TO "RURAL" AND REZONING
(THAT LAND FROM "F-2/IMPACTED FOREST LAND" TO "RR-2/SR ("RURAL
(RESIDENTIAL 2 with SITE REVIEW"), ADOPTING EXCEPTIONS TO
(STATEWIDE PLANNING GOALS 3 AND 4; AND ADOPTING SAVINGS AND
(SEVERABILITY CLAUSES (file PA 1710-97; Roberts)

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

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

WHEREAS, in December 1997, application no. PA 1710-97 was made for a minor amendment to redesignate tax lot 2300, map 17-15-17.4, from "Forest" to "Rural" with a concurrent request to rezone the property from "F-2/Impacted Forest Land " to "RR-2/Rural Residential 2" with adoption of exceptions to statewide planning goals 3 and 4; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of February 3, 1998 and at that time recommended approval of the proposed amendment with rezoning to RR-2 with a Site Review (SR) suffix; and

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

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 2300, map 17-15-17.4, from "Forest " to "Rural," such territory depicted on Plan Plot 549 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lot 2300, map 17-15-17.4, is rezoned from "F-2/Impacted Forest land" (Lane Code 16.211) to "RR-2/SR ("Rural Residential 2 with Site Review)" (Lane Code 16.231 with Lane Code 16.257), such territory depicted on Rural Zoning Plot 549 and further identified as Exhibit "B" attached and incorporated herein. The Site Review process is to be used as a means to limit the number of building sites on the subject property to three and to require other development conditions as further set forth in Exhibit "B" attached and incorporated herein.

Section 3. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 2300, map 17-15-17.4. The findings of fact and conclusions of law supporting the exceptions are adopted as part of the Rural Comprehensive Plan and are set forth in Exhibit "C", pages 14-25, attached to this Ordinance.

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

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

DEC 14 1998

COUNTY CLERK

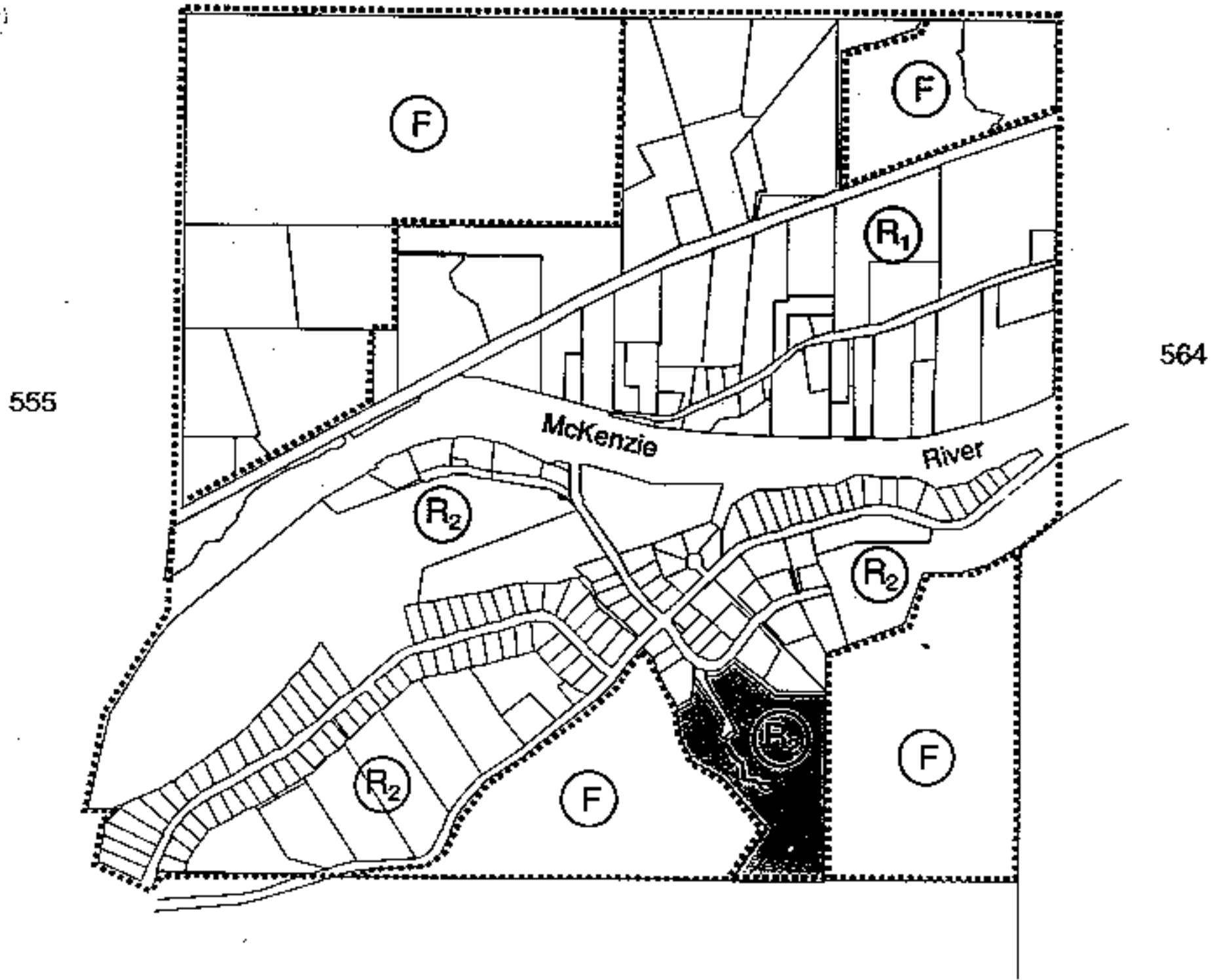
BY *M. Mulder*


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

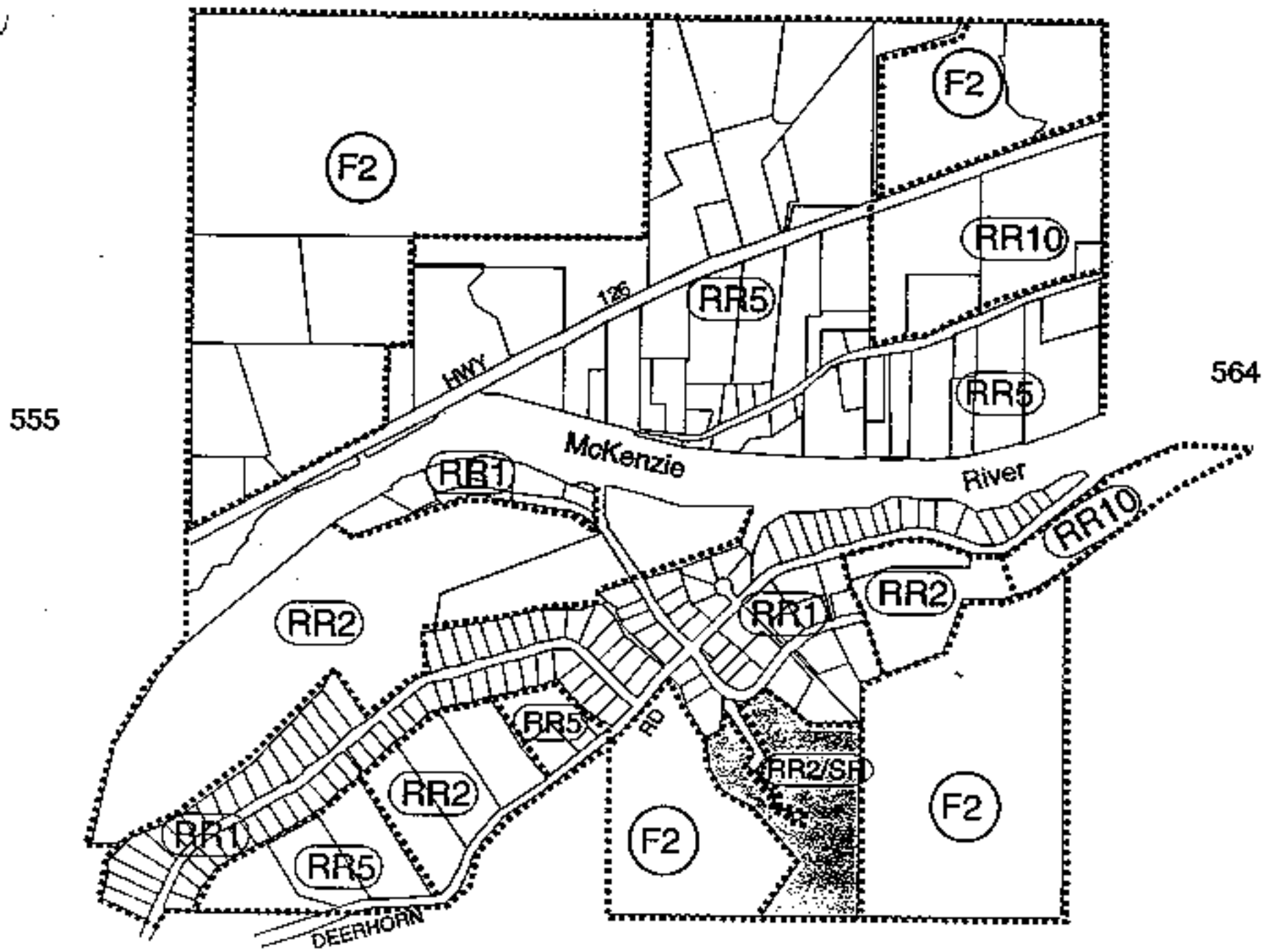
ENACTED this 9th day of December 1998.

Steve Applegate
Chair, Lane County Board of County Commissioners
Melissa R. Zimmer
Recording Secretary for this Meeting of the Board

APPROVED AND FORGIVEN
Date 11-17-98 by Stephen D. Baker county
OFFICE OF LEGAL COUNSEL



 lane county	OFFICIAL PLAN MAP		PLOT #559
	Township Range Section 17 15 17		
ORIGINAL ORD. #	PA 884	DATE	2/29/1984
REVISION #	ORD#	DATE	FILE #



lane county



OFFICIAL ZONING MAP

PLOT #559

Township Range Section
17 15 17

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

CONDITIONS TO BE ESTABLISHED THROUGH SITE REVIEW PROCESS

Adoption of a Site Review suffix (/SR) to the subject property, identified as tax lot 2300 of map 17-15-17.4, requires that criteria of Lane Code 16.257 be applied during a review and approval procedure in advance of site development. It is the intent of the Board of County Commissioners that the Site Review process also be used as a means to accomplish the following specific objectives:

1. The number of building sites on the subject property or parcels created from it shall be limited to a maximum of three over the entire property.
2. Vegetation removed during the process of development shall be replanted except where removal is necessary for fire protection fuel breaks, access or structural purposes.
3. A 100-foot development setback from adjoining properties zoned F-1 and F-2, and from Haagen Creek, shall be maintained.
4. Fire suppression capability on the site (roads, driveways, water supply) shall be as required and approved by the McKenzie Rural Fire Protection District, and fuel breaks around dwellings shall be as set forth in Lane Code 16.211(8)(c)(i):

Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. 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:

<u>% Slope</u>	<u>Size of the Primary Safety Zone by Percent Slope</u>	
	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Safety Zone Down Slope</u>
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following information represents the findings of fact and conclusions of law supporting the Lane County Board of County Commissioner's decision regarding the plan amendment and zone change for Jacqueline and Irving Roberts. These findings are divided into the following four sections:

I. Specific Findings Relating to the Subject Property.

- A. Description of Subject Property and Summary of Action,
- B. Natural Site Features,
- C. Existing Surrounding Development Pattern,
- D. Existing Public Facilities and Services,

II. Findings and Conclusions Relating to Plan Amendment Criteria of Lane Code 16.400.

III. Findings and Conclusions Relating to State Law Criteria OAR 660-04-000.

IV. Findings and Conclusions Relating to Rezoning Criteria of Lane Code 16.252.

V. Attachments

I. SPECIFIC FINDINGS RELATING TO THE SUBJECT PROPERTY

A. The Board of Commissioners Finds the Following Facts Regarding Descriptions of the Subject Property and Summary of Action.

1. This action entails a plan amendment redesignating 12.50 acres of land from Forest Resource (F-2) to Rural Residential and rezoning that area from Forest Resource (F-2) to Rural Residential (RR-2). A developed and committed exception to Statewide Planning Goals 3 (Agriculture) and 4 (Forest Land) is provided herein and includes the subject property within adjacent Developed and Committed Exception Area #559-2 to the east and south which is contiguous to the subject boundary by approximately 1,685 common feet or 1/3 of a mile in distance.

2. The subject property is identified as tax lot number 2300 on

assessors map number 17-15-17-4. It includes 12.50 acres located on Lane County Zoning Plot Map number 559. Refer to Attachment A - "Lane County Zoning Plot Map #559" and Attachment B - "Lane County Assessor's Tax Lot Map".

3. The subject property originally existed as tax lot #2300 but was a portion of a 50 acre tract. The parent tract was partitioned in 1967 (M644-76) creating three legal lots - a 26.08 acre parcel afterward identified as tax lot #2326, a 9.10 acre parcel identified as tax lot #3500, and the subject 12.50 acre parcel identified as tax lot #2300. Legal lot status was verified by Lane County Land Management Division as a result of the legal partition in 1976.

4. Although the subject property is currently undeveloped, approval of the plan amendment / zone change conforms subject property zoning to that of developed properties within the adjacent exception area. Refer to Attachment A - "Lane County Plot Map #559".

5. A maximum of three (3) rural residential dwellings are enabled within the subject property by this Board action. The additional rural residences are considered to constitute appropriate in-fill development.

6. The Lane County Planning Commission ruled in favor of the application of Board Order 89-10-25-4, adopted as an addendum to the Developed and Committed Lands Working Paper, which establishes guidelines applicable to determining whether or not land is suitable for resource production. In the subject case, it was established that the subject acreage, zoned forest resource land, was not considered to be economically or otherwise viable for timber or agricultural resource production due to the following characteristics:

- a. Small parcel (12.50 acre) divided into two distinct slope gradient zones.
- b. Steep slope gradients in excess of 30% exist within the northern 1/3 of the property in close proximity to existing development.
- c. Haagen Creek, a type F stream as well as jurisdictional wetlands forms the subject property's western boundary.
- d. OAR 629-680, "Forest Practices Administrative Rules", require a 100 foot riparian buffer for vegetative protection along the creek.
- e. Adjacent and nearby developed rural residential land uses as well as the "Deerhorn Community Water Association" public utility access and water storage facilities.

7. The Lane County Planning Commission recommended favorable

consideration of the subject plan amendment / zone change by the Board based upon the findings of fact. Through its action, the Planning Commission deemed that while the subject acreage is suitable for 3 rural residential dwellings, the acreage is decidedly not suitable for active agricultural or forest resource management purposes intended to provide primary economic sustenance to the property's owner.

B. The Board Finds the Following Facts Regarding Natural Site Features.

1. PARCEL CONFIGURATION.

The subject property can be generally characterized as an irregular polygonally shaped parcel an average of 525 feet wide and an average of 1,300 feet deep. The parcel is situated north to south with its northern boundary along a southern right-of-way to Bridge Street, a County street. Attachment C - "Site Conditions Schematic".

2. SLOPES AND TERRACES.

Slope gradients upon the lower and north facing slope, range from 30% to 40% while the topography rises 70 to 80 feet. The more level upper terraces exhibit an average slope gradient of 5% to 7%. The transition between the lower and upper terraces consists of a natural cut slope or rock shelf of up to a 90% gradient. This steep edge blends into a more gentle slope gradient of 15% to 20% near the northeast property boundary. Overall rise in topography within this terrace varies from 6 to 10 feet. The upper terraces are relatively level but overall topography rises up to 100 feet to the edge of the southern property boundary.

3. STORMWATER DRAINAGE AND WETLANDS.

A permanent stream, Haagen Creek, forms the western subject property boundary. This creek is not classified as Class I stream but it drains a significant land area both north and south of Deerhorn Road. The stream base consists of large boulders and gravels overlying weathered basalt. Haagen Creek is classified as jurisdictional wetlands under the National Wetland Inventory, Leaburg SW2 Panel as a 3UBH stream: Riverine (R), Unconsolidated Bottom (U), permanently flooded (BH). Natural stormwater runoff within the property flows northward into the river's side-channel. Considering on-site topographic features, stormwater runoff from the south traverses the subject property east of a small ridgeline parallel to Haagen Creek. On-site run-off drains northward toward Bridge Street and ultimately to the McKenzie River.

4. VEGETATION.

The subject property is vegetated by a mixture of mature and juvenile coniferous and deciduous species. Vegetative species represent an upland landscape zone. Upland species include Western Red Cedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*), Big Leaf Maple (*Acer macrophyllum*), Vine Maple (*Acer circinatum*), and a transitional species Red Alder (*Alnus rubra*). Understory species include Western Sword Fern (*Polystichum munitum*), Lady Fern (*Athyrium filix-fernina*), Deer Fern (*Blechnum spicant*), Salal (*Gaultheria shallon*), and Oregon Grape (*Mahonia aquifolium*).

5. SOILS

Soils upon the subject property have been classified by the U.S.D.A. Soil Conservation Service (SCS) as being Honeygrove Silty Clay Loam soils with medium runoff rates and exhibiting moderately slow permeability rates. These soils are deep and well drained. They generally exhibit low soil strength when wet, and they have a moderate shrink swell potential.

6. WILDLIFE HABITATS

The subject property lies within an area designated by the Oregon Department of Fish and Wildlife as "Impacted Big Game Range". The property does not harbor federally listed endangered plant or animal species or County identified "sensitive" bird habitats.

7. OTHER NATURAL HAZARDS

The subject property has not been identified as containing other natural hazards or additional significant historic, cultural, scenic or additional State of Oregon Goal 5 natural resources. Refer further to Attachment C - "Site Conditions Schematic".

C. The Board Finds the Following Facts Regarding the Existing Surrounding Development Pattern.

1. Acreage adjacent to and surrounding the subject property is described as follows: Refer also to Attachment B - "Assessor's Tax Lot Map".

NORTHWEST - Adjacent to the subject property exists a 3.0 acre parcel zoned RR-1, T.L. #2305, with direct access the Bridge Street and bisected by Haagen Creek. Two additional developed rural residential parcels zoned RR-1, T.L. #2306 and #2307, are immediately north extending to Deerhorn Road.

NORTH - The "Deerhorn Community Water Association" access and public facility easements extend 375 feet into the subject property. The Community water treatment and storage reservoir facilities are sited well within the property in T.L. #2308. This tax lot, owned by the Water Association, extends from within the subject property, northward approximately 400 feet to Bridge Street. However, access to water utility facilities are enabled through an easement within the subject property. North of the public utility parcel, across Bridge Street, exist 4 rural residential parcels zones RR-1, T.L. #2301, 2303, 2304, and 2319.

NORTHEAST - Two rural residential parcels zoned RR-1, T.L. #2320 and 2321, are adjacent to the subject property. Further northeast exist 11 additional rural residential parcels zoned RR-1. Twenty rural residential parcels exist within 550 feet of the subject property at an average parcel size of 0.72 acres.

SOUTHWEST - West of Haagen Creek, a 26 acre parcel zoned F-2, T.L. #2326, is held within a trust. This somewhat steep irregular parcel has frontage along Deerhorn Road, and it has developed rural residences along 2 sides. Forest resources were harvested approximately 60 years ago.

SOUTH - T.L. #601 adjoins the subject property 305 foot wide southern boundary. At 500 acres and zoned F-1, this parcel is owned by the Weyerhaeuser Company and was "clear-cut" approximately 5 years ago.

SOUTHEAST- Tax Lot #100 adjoins 1,020 feet of the subject property's eastern boundary. At 40 acres and zoned F-2, this parcel is owned by the Baxter Timber Company. The portion of this parcel adjacent to the subject property has not been logged for approximately 60 years.

2. Within the adjacent two Exception Areas #555-2, and #559-2, 157 parcels have been accounted for within a 207.50 acre rural residential land area with an average parcel size of 1.32 acres.

D. The Board Finds the Following Facts Regarding Existing Public Facilities and Services.

1. The subject property is served by the following public and quasi-public entities:
 - Springfield School District #19 - grades K-12,
 - Eugene Water and Electric Board - electric service,

- U.S. West Communications - telephone service,
- McKenzie Rural Fire Protection District,
- Oregon State Police and Lane County Sheriff - law enforcement,
- McKenzie Disposal Service - solid waste collection and disposal at the Lane County Glenwood Recycling Center,

2. Direct at-grade legal vehicular access to the Bridge Street right-of-way, a Lane County street, exists adjacent to the northern boundary of the subject property. The roadway possesses ample travel capacity to accept the estimated maximum of 30 additional daily vehicle trips associated with 3 additional residential dwelling units.

3. An examination of a total of 50 well logs within U.S.G.S. Sections 17-15-17 demonstrates that associated existent water wells within the immediate and general vicinities of the subject property, drilled to an average depth of 93.94 feet, yield an average gallon per minute flow of 31.5 gpm. The subject property does not exist within a designated groundwater quantity/quality limited area. Since the Community Water Association purveys treated potable water to the majority of the Deerhorn residents, this reduces the number of area wells and related draw-down impact upon the local aquifer. Refer to Attachment F - "Well Log Summary Data".

4. The property consists of a soil cover of "Honeygrove silty clay loam" a soil type which is known to be suitable for subsurface sanitary sewer disposal systems specifically designed and permitted for this soil type.

II. FINDINGS AND CONCLUSIONS RELATING TO PLAN AMENDMENT CRITERIA OF LANE CODE 16.400

A. Lane Code 16.400(6)(b)(iii) Provides That The Board May Amend or Supplement The Rural Comprehensive Plan Upon Making The Following Findings:

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

The Board of Commissioners finds that this plan amendment meets all legal requirements in that it is being processed pursuant to the requirements of Lane Code and the acknowledged Comprehensive Plan. A Developed and Committed exception

to Goals 3 and 4 is provided in Section III. of this document in conformance with Statewide Planning Goal and OAR 660-04-000 requirements. An exception to other Statewide Goals is not necessary since they have been addressed or they do not apply to this specific action as follows:

Goal 1: Citizen Involvement; has been complied with by virtue of Lane County's public notification and hearing processes in conjunction with the accessibility to the public of appropriate documents and professional staff.

Goal 2: Land Use Planning; has been complied with by virtue of the Applicant's submission and the County's review of comprehensive documentation as is required by the Comprehensive Plan. This documentation has been revised in response to staff review and the public hearing process.

Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources; Goal 6: Water and Land Resources Quality; and Goal 7: Areas Subject to Natural Disasters and Hazards; have been appropriately evaluated as required by Lane Code and have been included within the subject planning documentation.

Goal 8: Recreational Needs; was not addressed since the subject action does not involve recreation planning or the provision of recreational facilities. Likewise, **Goal 9: Economic Development;** was not addressed since the subject action does not involve economic development or the creation of employment opportunities upon the subject property.

Goal 10: Housing; has been specifically addressed in that the applicant property owners desire the ability to construct three new homes which are respective of environmental elements upon the subject property. The new dwellings would be available for sale or lease thereby providing additional rural residential dwellings within the subject context and 12.50 acre parcel. By limiting rural residential development to 3 dwellings, much greater open space, natural resources, and scenic features will be protected.

Goal 11: Public Facilities and Services; Goal 12: Transportation and Goal 13: Energy Conservation; have been appropriately addressed within the planning documentation as is required by the Rural Comprehensive Plan.

Goal 14: Urbanization; has been addressed through the application of criteria established with Lane County Board Order 89-10-25-4, the "Developed and Committed Lands Working Paper" along with the application of Board Order 88-2-10-14, Lane Code Goal, Policy 11a and Goal 11, Policies 5 and 6 in conjunction with Board adopted Interpretations which implement Statewide Planning Goals.

Statewide Planning Goal 15: Willamette River Greenway; does not apply since the subject property is not within the Greenway jurisdiction. Likewise, **Goal 16: Estuarine Resources; Goal 17: Coastal Shorelands; Goal 18: Beaches and Dunes; and Goal 19: Ocean Resources;** do not apply to the subject property which exists beyond the southeastern extension of the Willamette Valley.

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

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

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

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

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

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

The Board finds that this amendment meets criteria (iv-iv and v-v) above.

(iv-iv) As discussed more completely in Section III.C. 1-3 of this findings document, the Board finds that the amendment will implement policies established in the 1989 addendum to the Developed and Committed Lands Working Paper adopted by Board Order 89-10-25-4 which establishes standards for Developed and Committed exceptions.

(v-v) The Board of Commissioners also finds, based upon reasons discussed in this document, that it is desirable, appropriate and proper to designate the subject 12.50 acres of land as Rural Residential.

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

The Board finds the proposed amendment to conform with all applicable Rural Comprehensive Plan Policies as discussed below:

Goal 2 (Land Use Planning)

Policy 9:

Exceptions to LCDC Goals (i.e., a determination that it is not possible to apply an appropriate goal to a specific property shall be in accordance with OAR 660-04-000 (Goals 2 Exception Process) and shall be taken at times of Plan adoption or amendment.

Exceptions to Goal 3 (Agricultural Land) and Goal 4 (Forest Land) are provided with this action in Section III.

Goal 2 (Land Use Planning)

Policy 11 describes the land use designation and density appropriate for developed and committed areas.

The adjacent Developed and Committed Exception Area #559-2, to the north and east was acknowledged with an average residential parcel size of 1.32 acres in accordance with this Policy. The subject property will be zoned as Rural Residential, RR-2, but restricted to a maximum of 3 dwelling units within the 12.50 acre parcel which was partitioned in 1976. Additionally, the supplemental Site Review Plan process will be adhered to. Therefore, this action conforms with the previous policy evaluation.

Goal 2 (Land Use Planning)

Policy 12:

Changes to Plan designations for developed and committed exception areas outside of a Community designation shall be accomplished through the County's Plan Amendment Procedure.

This amendment is a change in the Plan Diagram and, consistent with this Policy, is being processed through the Plan Amendment criteria of LC 16.400.

Goal 5 (Water Resources)

Policy 3:

Adequacy of water supply, particularly those relying on groundwater sources, shall be a major concern in reviewing major land use changes. For the purposes of applying this policy, major land use change shall be any application review by the Hearings Official or the Planning Commission.

Goal 5 (Water Resources)

Land Use designations in the Comprehensive Plan and implementing zoning

shall be commensurate with groundwater aquifer capacities.

Polices 3 and 5 above are applied using procedures established in Lane Code 13.050(13) relative to the evaluation for water supply. The subject property is within a groundwater designated quantity/quality limited area by Lane Manual 13.010 and a well log evaluation is required along with on-site or adjacent well testing.

An examination of a total of 50 well logs within U.S.G.S. section 17-15-17 demonstrates that associated existent water wells, drilled to an average depth of 93.94 feet, yield an average gallon per minute flow of 31.5 gpm.

Goal 11 (Public Facilities and Services)

Policy 6e describes the service levels appropriate for rural residential lands to include the following: schools, on-site sewage disposal, individual water supply system, electrical service, telephone service, rural level fire and police protection, and reasonable access to a solid waste disposal facility.

The property is adjacent to rural residential development existing on lands to the north, east and west. The area is served by the Springfield School District, individual on-site sewage disposal systems and some wells, the Deerhorn Community Water Association, EWEB electric facilities, U.S. West telephone facilities, County Sheriff and State Police protection, and solid waste collection by the McKenzie Disposal Service. The property is provided fire protection by contract with the McKenzie Rural Fire Protection District. The Board finds the level of services available to this area is therefore adequate to accommodate the Rural Residential zoning without the need to increase services.

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

The Board finds that this plan amendment follows the existing procedural structure of the Comprehensive Plan. No land use designations which do not now exist are being requested. By virtue of being a Minor Amendment, the impact of the proposal will be site specific and consistent with unamended portions of the plan diagram. The Board finds the request to conform with existing plan policies and therefore it is consistent with the unamended elements of the plan.

B. LANE CODE 16.400(6)

(i) A change of zoning to implement a proposed Plan amendment may be considered, concurrently with such amendment. In such case, the Board shall also make the final zone change decision.

On February 3, 1998, the Lane County Planning Commission held a public hearing and acted to recommend, with the agreement of the applicants, that the Board of Commissioners approve the action to re-zone the 12.50 acre subject property. Further, the applicants agreed both to limit future rural residential development to a maximum of 3 dwelling units to be sited within the upper, southern, portion of the property and to submit application of a "Site Plan Review" prior to issuance of final building permits. Upon due consideration of the Findings of Fact, the Board acknowledged this request.

C. LANE CODE 16.400(8)

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

The Board finds that this amendment is limited to the Plan Diagram only and thus qualifies as a Minor Amendment. The Board finds further that the subject property is irrevocably committed to non-resource land.

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

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

The required description is provided in the Specific Findings Section I. and Attachments of this document. The proposed use of the property is for rural residential development. The Rural Residential designation is applied to the property through the process of a developed and committed exception to Goals 3 and 4.

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

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

A complete description of the existing surrounding land use pattern is contained in the Specific Findings Section I. of this document.

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

The Board finds that adequate facilities and services are available to the property and include the Springfield School District, EWEB electric service, U.S. West Communications telephone service, individual on-site sanitary sewage disposal and potable water, Lane County Sheriff and State Police protection, and at-grade legal vehicular access to Bridge Street, a County street.

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

The Board finds that the subject property is bordered along the north and northeast by Bridge Street and developed rural residential parcels. Its western boundary is shared with RR-1, Rural Residential and F-2, forest Resource zoned acreages; and its southern and eastern boundaries are bordered by F-2 and F-1, Forest Resource zoned acreages. Additionally, the subject property does not exist within a Lane County designated Farm Region.

Acreage to the east and south zoned F-2 and F-1, (Tax Lots #100 and #601) are held by timber companies which plan to ultimately harvest growing timber resources. However, Tax Lot #2326 to the west, also zoned F-2, represents steeper topography and the owners do not wish that it ever be harvested.

The Board finds that the parcel west of the subject property will not likely be engaged or plan to be engaged in forest resource management. The Board also finds that no historic, archeological or sensitive wildlife habitat sites have been identified on or near the subject property. The County's wildlife inventory map shows the property to be within an "Impacted Big Game Range". As such no special considerations apply. No significant elements of wildlife habitat have been identified within the property. The property contains referenced wetlands or - jurisdictional waters of the United States in the form of Haagen Creek which is not classified as a Class I Stream. The property has not been identified as having significant historic, cultural, scenic or additional cultural or natural resources, nor does it harbor federally listed endangered plant or animal species. The Board finds therefore that a Goal 5 ESEE analysis is not applicable to the amendment.

(dd) Natural Hazards affecting or affected by the proposal:

Flood Insurance Rate Map (FIRM) Panel #415591 0395 D for Lane County demonstrates that the subject property is not impacted by either 100 or 500 year floodplains. There are no additional hazards which exist on or near the property nor is it anticipated that this action will influence any natural hazard in anyway. Therefore, the Board finds the property's redesignation to Rural Residential is appropriate. Refer to Attachment E - "Flood Insurance Rate Map".

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

The Board finds that this criterion does not apply since the amendment is not for a nonresidential designation.

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

The Board finds that this criterion does not apply since the amendment is not for a non-residential designation.

III. FINDINGS AND CONCLUSIONS RELATING TO STATE LAW CRITERIA - OREGON ADMINISTRATIVE RULES, CHAPTER 660, DIVISION 4, GOAL 2

A. The Board of Commissioners Finds the Following Facts Relating to Developed And Committed Exception Area #559-2.

The Board adopts the following findings related to a developed and committed exception to Statewide Planning Goals 3 and 4 which is an amendment to the previously acknowledged exception area number 559-2. This information and findings are adopted in accordance with Comprehensive Plan Policies and Oregon Administrative Rule 660-04-000 (Goal 2 Exception) for a developed and committed exception for the subject 12.50 acre. This process results in the inclusion of the subject property into the previously acknowledged exception area.

Summary Data

Assessor's Map: 17-15-17-4

Acknowledged Size: 184.0 acres

Plot Map: 559 Residential Parcels: 138
Location: Deerhorn Road and Bridge Street Average Parcel Size: 1.33 acres
Additional Acreage: 12.50 acres Additional Parcels: three

B. The Board Finds the Following Facts Relating to OAR 660-04-018, Planning and Zoning for Exception Areas.

OAR 660-04-018(1)

Physically developed and irrevocably committed exceptions under OAR 660-04-025 and 660-04-028 are intended to recognize and allow continuation of existing types of development in the exception area.

OAR 660-04-018(2)(a)

Uses which are the same as the existing types of land use on the exception site.

The Board finds that since this action enables the addition of three rural residential dwellings within an existing 12.50 acre parcel to the exception area, the action is recognized as a continuation of an existing rural residential development type.

The Board finds that the action includes a 12.50 acre undeveloped legal lot for the purpose of conforming the parcel's zoning to Rural Residential. The Board finds further that average parcel size within the adjacent exception area equates to 1.33 acres. It also finds that the revised exception to include the subject property will not result in alteration of the density pattern or the appropriateness of the Rural Residential 1 acre zoning existing upon adjacent acreage.

OAR 660-04-018(2)(C)

Changes to plan or zone designations are allowed consistently with subsections (a) and (b) of this section, or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.

The Board finds that this action to include into an adjacent exception area a vacant parcel as well as enabling 3 future residences upon the subject 12.50 acre property conforms with standards within the acknowledged Lane County Rural Comprehensive Plan. Specifically, this action complies with standards contained within Board Order 89-10-25-4 IV.(c), an addendum to the

acknowledged 1989 Developed and Committed Lands Working Paper. The Board finds the subject property to be impracticable to conduct farm or forest management.

C. The Board Finds the Following Facts Relating to OAR 660-04-028, Exception Requirements for Land Irrevocably Committed to Other Uses.

A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goals impracticable.

OAR 660-04-028(2)

Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

(a) The characteristics of the exception area;

The Board finds that the compliant Study Area encompasses a land area of 207.50 acres. The contiguous Study Area is composed of rural residential development within two exception areas exhibiting 157 parcels with an overall average parcel size of 1.32 acres. The subject property is situated along the southern edge of the Study Area.

The natural landscape within these exception areas is characterized by terraced topography above the McKenzie River covered with non-native grasses and ornamental plant species near homesites. Natural stormwater drainageways segment the exception areas and are predominately vegetated by native maple, alder and cedar species. Drainage flows are south to north toward the McKenzie River. Steeply sloped hillsides irregularly form the southern boundaries to the exception areas.

(b) The characteristics of the adjacent lands;

The Board finds that characteristics of land adjacent to the subject Exception Area #559-2 are as follows:

North - McKenzie River, zoned F-2,
East and South - large forest acreages zoned F-2 and F-1,
West - small acreages zoned RR-2.

This geographic area of Lane County, east of the cities of Eugene and Springfield, has existed as rural residential and commercial since the turn of the twentieth century. The area has been known for its excellent school district and rural residential opportunities.

(c) The relationship between the exception area and the lands adjacent to it,

The Board finds that the subject Exception Area, #559-2, is contiguous to one additional exception area. These developed rural residential areas all share public and quasi-public services such as schools, County roadways, emergency services and public utilities such as electricity and telephone services.

The Board finds that natural boundaries exist along the northern portion of the subject Exception Area #559-2, in the form of the McKenzie River and that steeply sloped, forested hillsides form the southern extension of the exception area.

(d) The other relevant factors set forth in OAR 660-04-028(6),

(6)(a) Existing adjacent uses,

The Board finds the above required documentation to be presented herein within Section II. C.(c)(ii)(cc) of these findings.

(6)(b) Existing public facilities and services,

The Board finds that the existing adjacent Exception Area #559-2 and the subject property are served by Deerhorn Road - County Road #404 and Bridge Street, a County street. Eugene Water and Electric Board and U.S. West Communications telephone facilities are located upon the adjacent residential properties providing service to existing residences. McKenzie Disposal Service provides solid waste collection and disposal services. Law enforcement is provided by Lane County Sheriff and the Oregon State Police. Water is to be provided by on-site wells and sanitary sewage disposal is to be provided by on-site subsurface systems. The area exists within Springfield School District #19, and the McKenzie Rural Fire Protection District service areas. A wide array of churches, retail, business, automotive and food services exist nearby north of the McKenzie River and west within the rural communities of Cedar Flats, Leaburg, and Walterville.

(6)(c) Parcel size and ownership patterns of the exception area and adjacent lands.

The Board finds that expansion within or adjacent to the subject Exception

Area #559-2 was restricted with the acknowledgement in September 1984 of the Lane County Rural Comprehensive Plan by the Oregon Land Conservation and Development Commission (LCDC) and the subsequent Lane County Board Of Commissioners Order 88-8-23-10 which endorses supplemental findings for Exception Area #559-2. In July 1989 LCDC voted unanimously to adopt Acknowledgement Order 89-ACK-569, which approved the LCDC staff recommendation for partial acknowledgement of Developed and Committed Exception Areas in Lane County.

The Board finds further that the compliant Study Area consists of Exception Areas #559-2 and #555-2 with an average parcel sizes of 1.33 and 1.24 acres respectively. The overall average parcel size for these two exception areas equates to 1.32 acres.

(6)(B)(d) Neighborhood and regional characteristics,

The Board finds that the subject property shares a 1,685 foot common boundary with rural residential parcels along its west, north and east. Within the compliant Study Area, 207.50 rural residential acres exist with 157 developed parcels. No Forest Resource dwellings exist near the subject property.

(6)(B)(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land,

The Board finds that natural boundaries such as Haagen Creek and the McKenzie River partially separate the subject exception area and the subject property from forest resource lands within the geographic area.

The irregular south to north flowing Haagen Creek, associated topographic features such as irregular slopes, native woodlands and understory vegetation, along with jurisdictional wetlands, separate the subject property from lands to the west. Unbuildable acreage within the southern portion of the subject property provides a generous separation between F-2 and F-1 acreages to the south and southeast. Remaining boundaries are rural residential in nature.

OAR 660-04-028 (4)

A conclusion that an exception area is irrevocably committed shall be supported by findings of facts which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

1. Findings Relating to Goal 3 "Agricultural Lands".

The Board finds that no agricultural resource production lands or activities exist upon either the subject property or within a near proximity to the compliant STUDY AREA - Exception Areas #555-2 and #559-2. The USDA Soil Conservation Service (SCS) has designated the subject property as containing the "Honegrove silty clay loam" soils type with a designated Land Capability Class of VIe. These soils are not thought to be suitable for agricultural resource production, and they are not included within the SCS prime farmland soils list.

Additionally, a small parcel size at 12.50 acres; an irregular boundary configuration; irregular topography and steep slope gradients; existing adjacent rural residential development; Haagen Creek; and the "Deerhorn Community Water Association" public utility access and storage facilities collectively preclude practicable agricultural resource management.

Existing rural residential parcels adjacent to the subject property include the following: Tax Lots #2305, #2319, #2320, and #2321. The public utility parcel extending into the subject property is Tax Lot #2308.

It has been demonstrated that the redesignation of the subject property will not remove productive farm land from production, but that it will establish a logical boundary between existing rural residential development to the northwest, north, and northeast and forest resource lands to the south. The Board concludes that cultural factors in combination with the natural factors documented herein support the fact that agricultural resource management is impracticable upon the subject property.

2. Findings Related to Goal 5 "Forest Lands".

The Board finds that practicable forest resource management activities upon the subject property are limited by small parcel size at 12.50 acres; an irregular boundary configuration; irregular topography and steep slope gradients upon north facing slopes; Haagen creek and jurisdictional wetlands; Forest Practices Administrative Rule - OAR 629-680 criteria associated with Haagen Creek; existing adjacent rural residential development; and the "Deerhorn Community Water Association" public utility access and storage facilities collectively preclude practicable forest resource management.

Additionally, the Board finds that designated Honeygrove silty clay loam soils on-site carry a capability class rating of VIe. These soils are documented to be highly erodible upon steep slopes and when left exposed. Soils are assigned

a Forest Productivity Index of 129 with a potential averaged forest production rate in cubic foot / acre/ year of 191.

Zane G. Smith, Jr., a forestry expert who served with the USDA Forest Service for 34 years, evaluated the subject property in November 1996. In summary, Mr. Smith concluded that the narrow character of the property and the extent of Haagen Creek's influence greatly impact the practicability of commercial forest management upon the subject property. He also concludes that viable forest management is further exacerbated by the geographic fragmentation and isolation of the property. Haagen Creek and applicable state and federal environmental protection regulations, intermittent steep slope areas, and public water utility facilities collectively limit forest management. Further, surrounding neighbors effectively preclude the possibility of parcel consolidations that would make forest resource management practicable. Refer to Attachment G - "Zane G. Smith, Jr., Evaluation of the Subject Property".

3. Findings related to Lane County Board Order 89-10-25-4.

In addition to the stated findings of fact within this document, the Board of Commissioners has previously adopted and applies standards for the evaluation of lands meeting the developed and committed requirements of OAR 660-04-028 (1) and (6). These standards are contained within Board Order 89-10-25-4, an addendum to the Acknowledged 1989 Developed and Committed Lands Working Paper. Standards applicable to the requested plan amendment / zone change include Section IV.(c) considering that at only 12.50 acres in size, and being within the F-2, Forest Resource zone, the subject property is bordered by developed rural residences and a public utility along five boundary lines.

Board Order 89-10-25-4 Section IV

- a) parcels of 20 acres or less with dwellings on three or more adjoining sides are committed to non-resource uses that make it impracticable to conduct farm or forest management.
- b) parcels with dwellings on two adjoining sides are impracticable for farm management if 5 acres or less and impracticable for forest management if 20 acres or less.
- c) parcels with a dwelling on one adjoining side are impracticable for farm management if 5 acres or less and impracticable for forest management if 15 acres or less.

The Board finds that the addendum further states that the previous standards are applied "with the understanding that the land was suitable in every other way" [for farm or forest management]. With reference to the subject property, it has been demonstrated within this application that the subject property is both impracticable for either farm or forest management and the property conforms with resource management standards put forth within Board Order 89-10-25-4 Section IV. (c) above.

Additionally, no negative impacts are expected upon adjacent or nearby F-2, Impacted Forest to the east or F-1, Non-Impacted Forest Lands to the south as a result of approval of the subject plan amendment / zone change request. The Board recognizes further that, should resource management activities take place upon the subject property, their direct impacts upon water quality and public water supply would likely exceed impacts associated with the construction of 3 rural residences as is proposed. Further, public testimony from neighboring property owners supports the proposal as limited to 3 dwellings and incorporating setback, tree preservation and construction restrictions upon future development. Therefore, the Board finds that the subject property is not suitable for economically viable farm or forest resource production activities and that rural development restricted by Site Plan Review Conditions will result in less environmental disturbance and impacts upon a sensitive watershed than will resource production.

OAR 660-04-028 (4) and (6)

Findings of fact for a committed exception shall address the following factors:

The Board adopts the prior as well as the following findings to support the exception in accordance with criteria specified by OAR 660-04-028 (4) and (6).

1. Existing Adjacent Land Uses.

Five boundaries of the irregularly configured subject property are contiguous to Exception Area #559-2, the "Deerhorn Rural Community". Land uses adjacent to these boundaries include rural residential parcels - both developed and undeveloped; public water utility access and storage facilities; and Bridge street - a paved County street. All adjacent and surrounding land uses are described as follows:

NORTHWEST - Adjacent to the subject property exists a 3.0 acre parcel zoned RR-1, T.L. #2305, with direct access to Bridge Street and bisected by Haagen Creek. Two additional developed rural residential parcels zoned RR-1, T.L. #2306 and #2307, are immediately north extending to Deerhorn

Road.

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NORTH - The "Deerhorn Community Water Association" access and public facilities easements extend 375 feet into the subject property. The community water storage reservoir facilities are sited well within the property in T.L. #2308. This tax lot, owned by the Water Association, extends from within the subject property, northward approximately 400 feet to Bridge Street. However, access to water utility facilities are enabled through an easement within the subject property. North of the public utility parcel, across Bridge Street, exist 4 rural residential parcels zone RR-1, T. #2301, 2303, 2304, and 2319.

NORTHEAST- Two rural residential parcels zoned RR-1, T.L. #2320 and #2321, are adjacent to the subject property. Further northeast exist 11 additional rural residential parcels zoned RR-1. Twenty rural residential parcels exist within 550 feet of the subject property at an average parcel size of 0.72 and or 3/4 acre. Refer to Attachment D - "Average Parcel Size".

SOUTHWEST- West of Haagen Creek, a 26 acre parcel zoned F-2, T.L. #2336, is owned by an investment firm. This somewhat steep irregular parcel has frontage along Deerhorn Road, and it has developed rural residences along 2 sides. Forest resources were harvested approximately 60 years ago.

SOUTH- T.L. #601 adjoins the subject property's 305 foot wide southern boundary. At 500 acres and zoned F-1, this parcel is owned by the Weyerhaeuser Company and was "clear-cut" approximately 5 years ago.

SOUTHEAST- Tax Lot #100 adjoins 1,020 feet of the subject property's eastern boundary. At 40 acres and zoned F-2, this parcel owned by the Baxter Timber Company which has stated that it has no interest in combining acreage with this parcel.

The Board finds that the subject property is developed along at least five sides by rural residential and public utility land uses. The Board finds that the subject property is not part of adjacent forest or other resource management activities. The Board finds further than since the property does not exist as viable farm or forest resource land, it is more logically included within contiguous Developed and Committed Exception Area #559-2.

The Board further concludes that areawide development particularly in the form of Deerhorn Road and Bridge Street along with permanent infrastructure such as area power, telephone, and cable television lines; numerous permanent rural residences and associated improved vehicular access and site development improvements including individual water wells and treatment systems and sanitary sewage disposal systems establishes that the proposed

residence is legitimately included within this analysis in conformance with OAR 660-04-028 (6)(c)(A).

2. Existing Public Facilities and Services.

The existing adjacent Exception Area #559-2 and the subject property are served by Deerhorn Road - County Road #404 and Bridge Street, a County street. Eugene Water and Electric Board electric and U.S. West Communications telephone facilities are located adjacent to the subject property providing service to adjacent residences. McKenzie Disposal Service provides solid waste collection and disposal services. Law enforcement is provided by the Lane County Sheriff and the Oregon State Police. Water is provided either by the Deerhorn Community Water Association or in some cases on-site wells, and sanitary sewage disposal is provided by an on-site subsurface systems. The area exists within Springfield School District #19, and the McKenzie Rural Fire Protection service areas. A wide array of churches, retail, medical, business, automotive and food services also exist within close proximity to the subject property to the north and west within Cedar Flats, Walterville and Leaburg.

The Board concludes that the subject property is served by public facilities and services necessary to accommodate an additional maximum of 3 dwelling units. No negative impacts upon facilities or services are expected as a result of approval of the requested plan amendment / zone change.

3. Parcel Size and Ownership Patterns.

Expansion within or adjacent to Exception Area #559-2, considered to be most appropriate for the required parcel size comparison, was restricted with the acknowledgement in September 1984 of the Lane County Rural Comprehensive Plan by the Oregon Land Conservation and Development Commission (LCDC) and the subsequent Lane County Board of Commissioner's Order 88-8-23-10 which endorses supplemental findings for Exception Area #559-2.

The Board finds the following statistics to accurately represent the compliant STUDY AREA parcel size averages.

STATISTICAL SUMMARY FOR ADJACENT
EXCEPTION AREAS 559-2, AND 555-2

TAX MAP NUMBER	PLOT MAP NUMBER	RESIDENTIAL ACREAGE	NO. OF PARCELS	AVERAGE PARCEL SIZE
17-15-19	555-2	23.5	19	1.24
17-15-17-4	559-2	184.0	138	1.3
TOTALS:		207.50	157	1.32 ACRES

NOTES:

1. Total contiguous exception area residential parcel acreage evaluated equals 207.50 acres. Exception Area #555-2 lies adjacent to the subject exception area along its western boundary.
2. Total number of rural residential parcels within the exception areas evaluated equals 157.
3. The average rural residential parcel size calculated within these 2 contiguous exception areas equals 1.32 acres.
4. Average parcel size calculated within the subject Exception Area #559-2 alone equals 1.33 acres.
5. Tax Lots #3456 and #3460 at a total of 10.0 acres were rezoned to RR-2 in 1995 (PA 1452-95) enabling partitioning of an additional 3 parcels, the future additional parcels were not included within calculations for Exception Areas #559-2. Tax Lot #3400 at 5.53 acres was rezoned to RR-2 in 1996 (PA 2044-96) enabling partitioning of 1 additional parcel. It was also not included within the average parcel size calculations since an additional parcel does not yet exist. Further, 4 additional parcels have been enabled within T.L. #2325 (PA 0407-97); however they have not been included since they are not yet partitioned.

4. Neighborhood and Regional Characteristics.

The Board finds that two adjacent Exception Areas #555-2 and #559-2 exist north, west and east of the subject property. These lands were acknowledged by the Land Conservation And Development Commission (LCDC) as Developed and Committed Exception Areas in 1989.

The Board finds further that the rural neighborhood which borders the subject property and extends to the west, north, and east is decidedly rural residential in nature. Therefore, approval of the plan amendment / zone change conforms the subject property to adjacent and nearby parcels without perceivable detriment to F-1 or F-2, Forest Resource Lands parcels. The Board also finds that the inclusion of the subject tax lot #2300 into Developed and Committed Exception Area #559-2 establishes an ultimate boundary between parcels zoned Rural Residential -1 to the northwest, north and northeast, and Forest Resource Lands to the southwest, south, and southeast. In addition, it enables 3 rural dwellings which offer to be responsive to intrinsic natural values through Lane County's Site Review Process.

5. Natural and Man-Made Features.

Haagen Creek within the subject property is not designated as a Class I Stream. However, it is designated upon the National Wetlands Inventory (NWI), upon the Leaburg SW2 Panel, as an "R3UBH Stream" - Riverine (R), Unconsolidated Bottom (UB), and Permanently Flooded (H). Additionally, Haagen Creek is designated by Oregon Administrative Rule 629-635 Section 130(2) and Section 200(2) "Water Protection Rules" as a "Type F Stream".

The subject property does not lie within either a 100 or 500 year floodplain - FIRM National Insurance Rate Map Panel 415591 0395 D. No additional natural hazards or historic cultural resources have been identified with respect to the subject property. The property is vegetated by mature species of coniferous trees primarily Western Red Cedar and Douglas-fir and deciduous species such as Big Leaf Maple and Red Alder. Understory species include Western Sword Fern, Lady Fern, Deer Fern, Salal and Oregon Grape.

Soils upon the property have been identified by the U.S.D.A. Soil Conservation Service (SCS) as being Honegrove silty clay loam soils with medium runoff rates and exhibiting moderately slow permeability rates. These soils are assigned a Land Capability Class of VIe.

The subject property lies within an area designated by the Oregon Department of Fish and Wildlife as "Impacted Big Game Range" which precludes future wildlife management options of maintaining viable wildlife populations and recreational opportunity due to prior development impacts. None of the acreage identified within Lane County as sensitive bird habit sites for Martin, Band-tailed Pigeon, Golden Eagle, Bald Eagle, Great Blue Heron, or Osprey exists within the subject property. No additional State of Oregon Goal 5 resources or federally listed as endangered plant or animal species have been identified within the subject property.

Access roads to water utility facilities exist within the subject property. Public Water storage and distribution facilities extend within the subject property in Tax Lot #2308.

6. Physical Development.

Water utility vehicular access, pedestrian access, and distribution facilities exist within the subject property. Additionally, logging roads extend through the property southward from Bridge Street. Public utilities exist along Bridge Street and within rural residential parcels along the northeast.

CONCLUSION

The Board of Commissioners finds that the subject 12.50 acre property conforms to requirements of Oregon Administrative rule 660-04-018 (1), (2)(a) and 660-04-028(4) and (6) and warrants inclusion into the Developed and Committed Exception Area #559-2. The Board finds further that this action conforms to Policies contained in Board Order 89-10-25-4 which establishes standards for such an exception.

The Board finds the subject property is a logical part of the exception area since it is adjacent to developed rural residential properties zoned RR-1, and that it exists within a greater rural community of residential parcels. The Board finds that the plan amendment/ zone change provides a conforming land use transition of a maximum of 3 additional dwellings enabled by this action to similar properties to the northwest, north, and northeast. Additionally, the Board finds that Haagen Creek establishes a natural boundary between the subject property and F-2 zoned acreage to the west.

The Board finds further inclusion of the subject property in the exception area is not expected to create negative impacts upon two properties zoned F-2 and F-1 south and southeast of the subject property. Nor is this action expected to create negative impacts upon the greater Deerhorn rural residential community.

IV. FINDINGS AND CONCLUSIONS RELATING TO REZONING CRITERIA OF LANE CODE CHAPTER 16.

A. The Board of Commissioners Find the Following Facts Relating to Rural Comprehensive Plan Goals, Lane Code 16.

The Board finds that this plan amendment and zone change action complies with Rural Comprehensive Plan Goals, Policies, and Interpretations, specifically Goals 1-7, 11 and 12, regulating the designation of Rural Residential lands within Lane County.

In summary, the Board finds the following facts relating to specific Rural Comprehensive Plan Goals.

Goal One: Citizen Involvement Public notification both through the U.S. mail and the posting of signage at the subject property identifying proposed review of the subject plan amendment / zone change request was conducted in January 1998. A public hearing before the Lane County Planning Commission was held on February 3, 1998. The Commission acted recommending that the County Board of Commissioners favorably support the subject request - PA 1710-97. Additionally, the public has had unimpeded physical and telephone access to County Planning Staff and the Planning Action File throughout the subject review process. The Planning Commission, in agreement with the applicants, recommended RR-2 zoning with a maximum of 3 rural residential dwelling units upon the subject property. Additionally, the Planning Commission recommended that the County's "Site Plan Review" process be applied to monitor building envelope placement, setbacks, tree preservation and revegetation, erosion control, and permanent access to the public water storage and distribution facilities.

Goal Two: Lane Use Planning The Board finds the proposed amendment to conform with all applicable Lane County Rural Comprehensive Policies specifically the following:

GOAL 2, LAND USE PLANNING-

- POLICY 9: Exception to LCDC Goals;
- POLICY 11: Appropriate land use designation and density;
- POLICY 12: Plan diagram changes consistent with all Lane Code Chapter 16.400 policies;

GOAL 5, WATER RESOURCES -

- POLICY 3: Adequacy of water supply;
- POLICY 5: Land Use designation commensurate with groundwater aquifer capacities;

GOAL 11, PUBLIC FACILITIES AND SERVICES -

POLICY 6e: Appropriate levels of all essential public services;

LANE CODE 16.400 (6) AND (8) - the following have been provided: A complete description of the plan amendment/ zone change actions and its relationship to the Rural Comprehensive Plan; an analysis of land use and ownership patterns; the availability of necessary public and private facilities; impact upon proximate natural resources and resource lands; recognition of natural hazards in the area.

Goals Three and Four: Agricultural Lands and Forest Lands The Board finds that the attendant exception to these Goals has been adequately addressed within Section III.C., OAR 660-04-028(4)1. and 2. The Board concludes that the subject property does not constitute a viable agricultural or forest resource parcel.

Goal Five: Open Spaces, Scenic and Historic Areas and Natural Resources The Board finds that the subject action poses no negative impacts upon Statewide or County historical resources, mineral and aggregate resources, flora and fauna, open space and scenic areas, energy, or water resources.

Goal Six: Air, Water and Land Resource Quality The Board finds that considering the subject action includes only a 12.50 acre vacant parcel, environmental impact associated with the ultimate addition of a maximum of 3 dwelling units, as proposed within the applicant's proposal, would be minimal. In fact, the Board finds that through implementation of the Site Plan Review Process, environmental function will be enhanced beyond what it would be should the property be harvested of its timber resources.

Goal Seven: Areas Subject to Natural Disasters and Hazards The Board finds that natural flood hazards do not exist upon the subject property nor have any other natural hazards been identified upon the property.

Goal Ten: Housing The Board finds that the applicants desire to construct a maximum of 3 new homes upon the subject property which will enable them to lease or sell them providing rural residential opportunities to other families or individuals.

Goal Eleven: Public Facilities and Services The Board finds that, as described within Section I.D. of these findings of fact, adequate public facilities and services exist upon or within the developed neighborhood of the subject property.

Goal Twelve: Transportation The Board finds that adequate vehicular access to the subject property presently exists from an adjacent County street -

Bridge Street. Further, an estimated maximum of 30 daily vehicle trips associated with 3 dwellings upon the property represent a minimal impact upon the areawide transportation system.

B. The Board Finds the Following Facts Relating to Zonings and Rezonings, Lane Code 16.252(2).

This section of the Code requires that: Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zonings or rezonings may be effected by ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

1. The General Purpose of Lane Code Chapter 16 is to regulate development and land use to implement the rural Comprehensive Plan. The Chapter states fourteen Specific Purposes within LC 16.003. Purpose numbers 1, 4, 8, 11 and 13 are pertinent to this action and the Board finds they have been addressed accordingly.
2. Applicable Findings stated by the Board of Commissioners within Sections I through III of this document in response to State and County standards apply equally to Lane Code zoning criteria.
3. The minimum area requirements of the Rural Residential 2 (acre) zone along with permitted use limitations will insure that the siting and construction of 3 additional dwellings upon the subject property will conform to Lane Code. Additionally, the applicants have agreed to impose siting and development criteria specific to the subject property to be implemented through the County's "Site Plan Review Process".
4. Since the subject property is impracticable for use for agricultural or forest resource production purposes, the change will not result in a reduction in either of these resources or related economies.
5. Aside from the construction of 3 rural dwellings, the remainder of the property will remain as open space including the Haagen Creek riparian area, perimeter setback zones, and more steeply sloped areas.

6. The subject property is presently served appropriately by public services and facilities.
7. The Board finds that this application meets the State law requirements for a Rural Residential designation and is consistent with the general purposes of the Rural Residential zoning designation.
8. The Board finds that based upon comprehensive Findings of Fact, the zone change will achieve the Specific Purposes of Lane Code Chapter 16.
9. The Board finds that since the zone change is consistent with Rural Comprehensive Plan Goals and Policies, it is not contrary to the public interest.
10. The Board finds further that since the Rural Comprehensive Plan is acknowledged, no Statewide Planning Goal examination beyond those provided as applicable to only Goals 3 and 4 herein in connection to the plan amendment is required.

CONCLUSION

The Board of Commissioners concludes that based upon the factual information submitted within the applicant's report of February 3, 1998; evidence received at public hearings and made a part of the public record; and findings included within this document, action approving the plan amendment and zone change of the 12.50 acre subject property from F-2 to RR-2 and including it within Exception Area #559-2, conforms with:

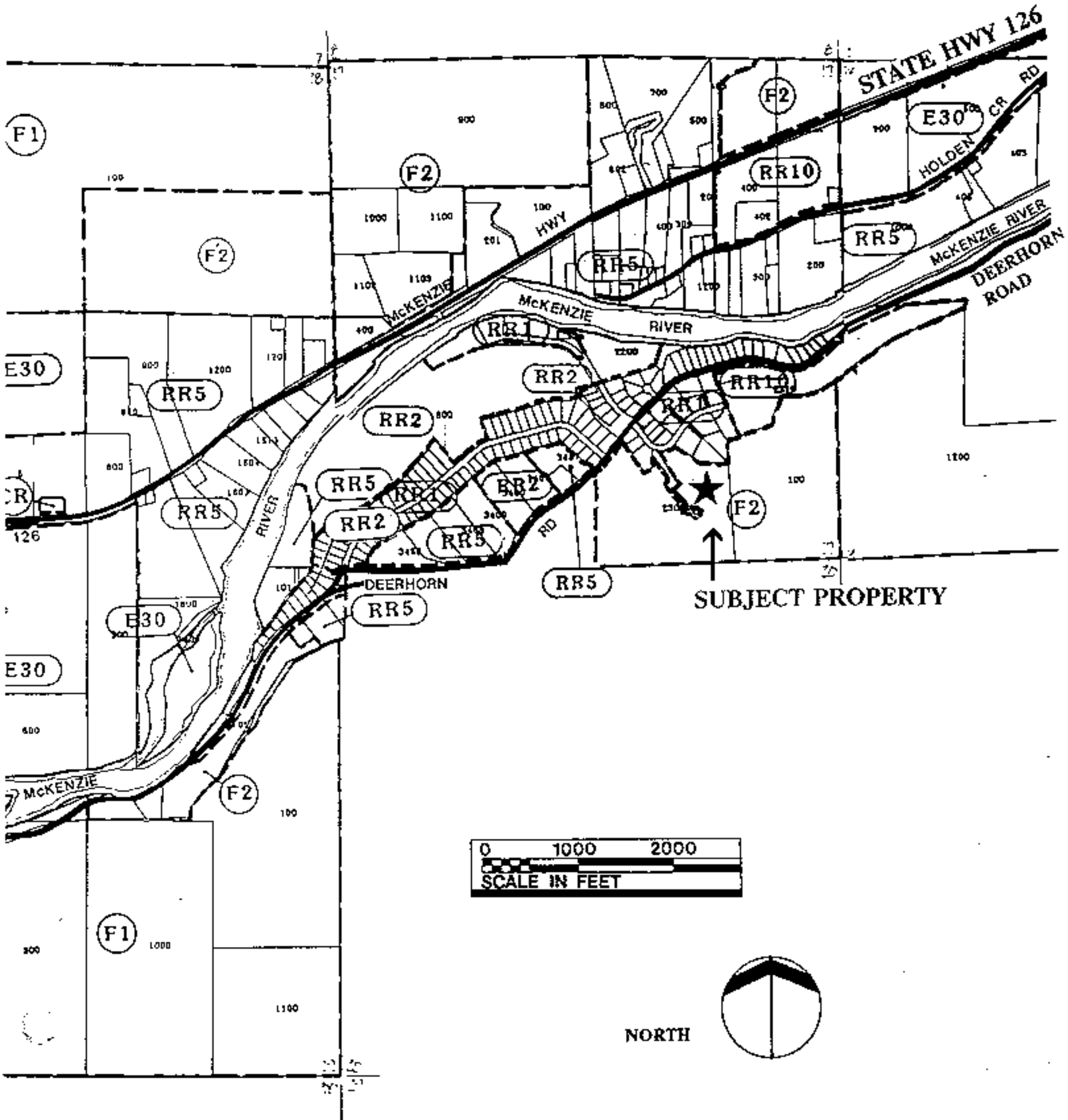
- a. All applicable State law criteria including a developed and committed exception to Statewide Planning Goals 3 and 4;
- b. The standards set forth within Lane Code 16.400 to allow a plan amendment from resource land to rural residential;
- c. And the standards set forth within Lane Code 16.252 enabling a zone change from Forest Resource (F-2) to Rural Residential (RR-2).

V. ATTACHMENTS

- A. Lane County Plot Map #559-2.
- B. Lane County Assessor's Tax Lot Map #17-15-17-4.

- C. Site Conditions Schematic, CRPGO., April, 1997.
- D. Average Parcel Size of Rural Residential Parcels, Zoned RR-1, Within 550 Feet of the Subject Property.
- E. "FIRM" Flood Insurance Rate Map; #415591 0395D, Community Panel Revised May 2, 1994.
- F. Certified Well Log Summary Data, Rainbow - Casey Jones, Company, October 1997.
- G. Zane G. Smith, Jr., Site Evaluation for Forestry Production, 1996.

LANE COUNTY ZONING PLOT MAPS
#555 AND #559 - SUBJECT PROPERTY

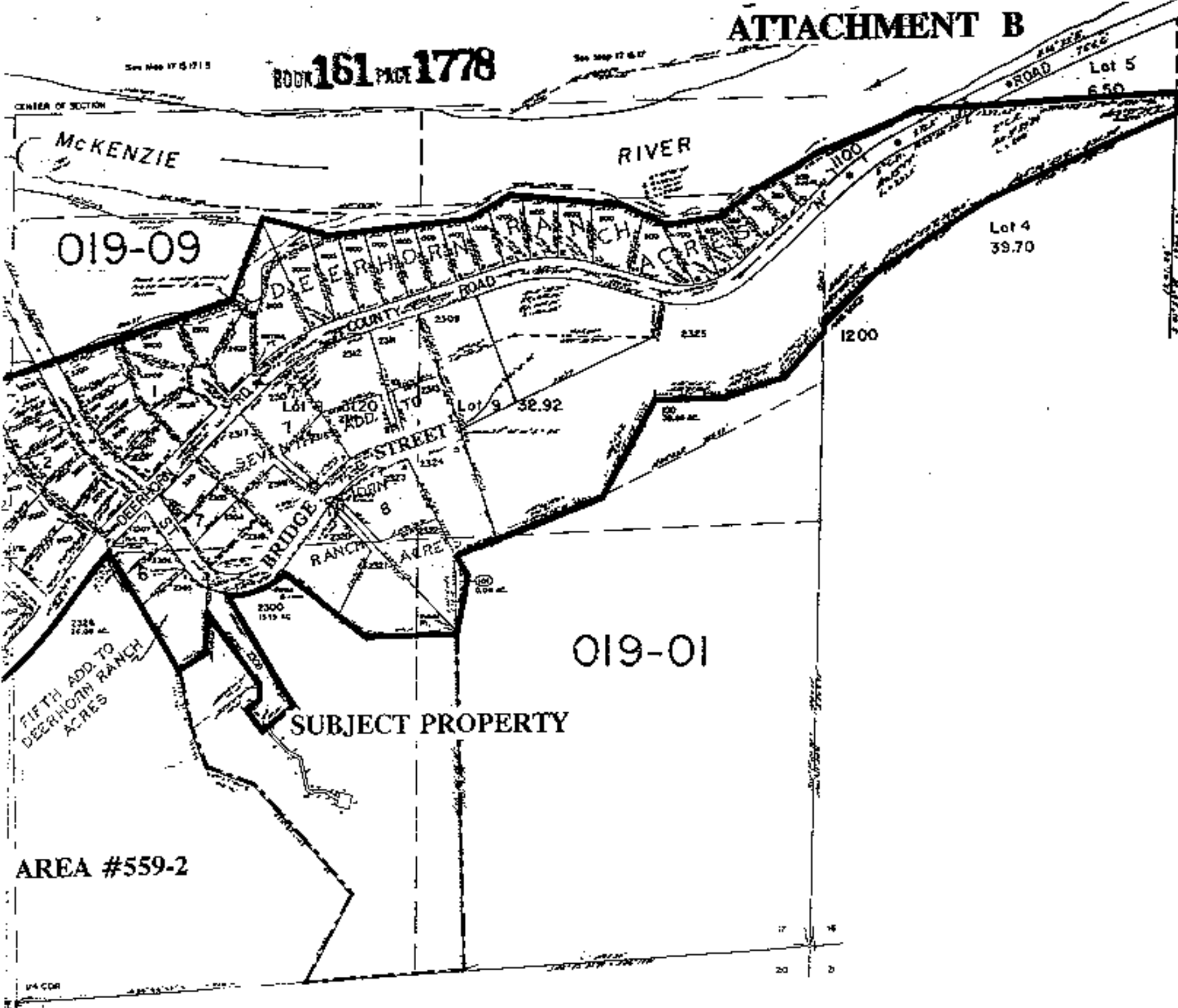


ATTACHMENT B

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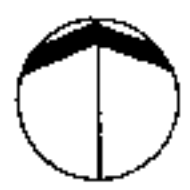
See Map 17-5-17-3

See Map 17-5-17

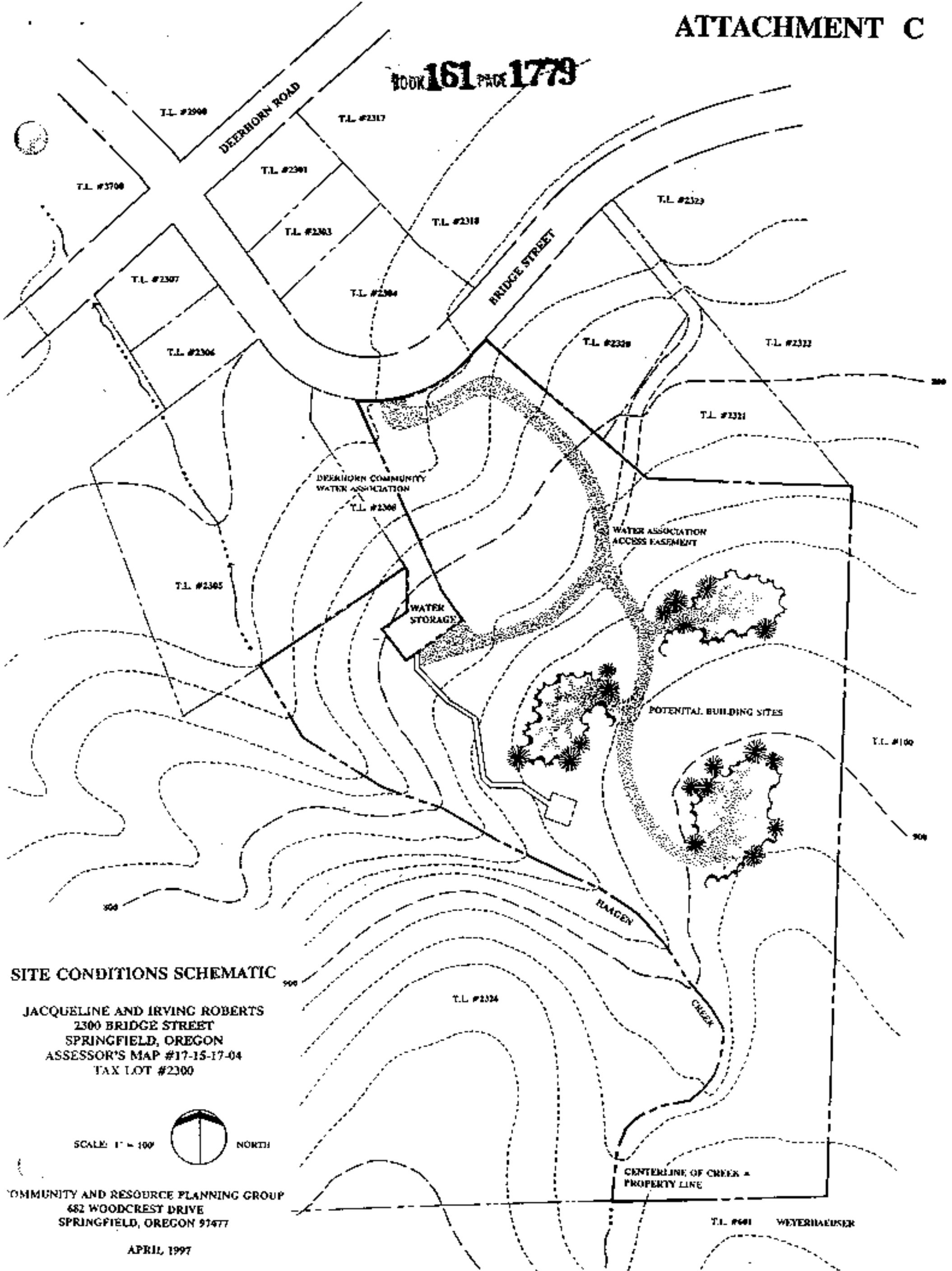


**LANE COUNTY ASSESSOR'S TAX
 MAP COMPOSITE #17-15-17-03
 AND #17-15-17-04**

NORTH

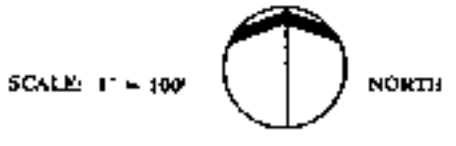


BOOK 161 PAGE 1779



SITE CONDITIONS SCHEMATIC

JACQUELINE AND IRVING ROBERTS
2300 BRIDGE STREET
SPRINGFIELD, OREGON
ASSESSOR'S MAP #17-15-17-04
TAX LOT #2300



COMMUNITY AND RESOURCE PLANNING GROUP
682 WOODCREST DRIVE
SPRINGFIELD, OREGON 97477

APRIL, 1997

T.L. #641 WEYERHAEUSER

ATTACHMENT D

**AVERAGE PARCEL SIZE OF RURAL RESIDENTIAL PARCELS,
ZONED RR-1, WITHIN 550 FEET ALONG
BRIDGE STREET OF THE SUBJECT PROPERTY
T.L. #2300; MAP #17-15-17-4**

TAX LOT NUMBER	CALCULATED ACREAGE	TAX LOT NUMBER	CALCULATED ACREAGE
2301	0.33	2315	0.87
2302	0.32	2316	0.52
2304	0.35	2317	0.80
2305	0.86	2318	0.59
2306	0.38	2319	0.45
2307	0.37	2320	1.01
2311	0.79	2321	1.22
2312	1.12	2322	1.04
2313	0.53	2323	1.04
2314	0.58	2324	1.20
10 PARCELS	5.63 ACRES	10 PARCELS	8.74 ACRES

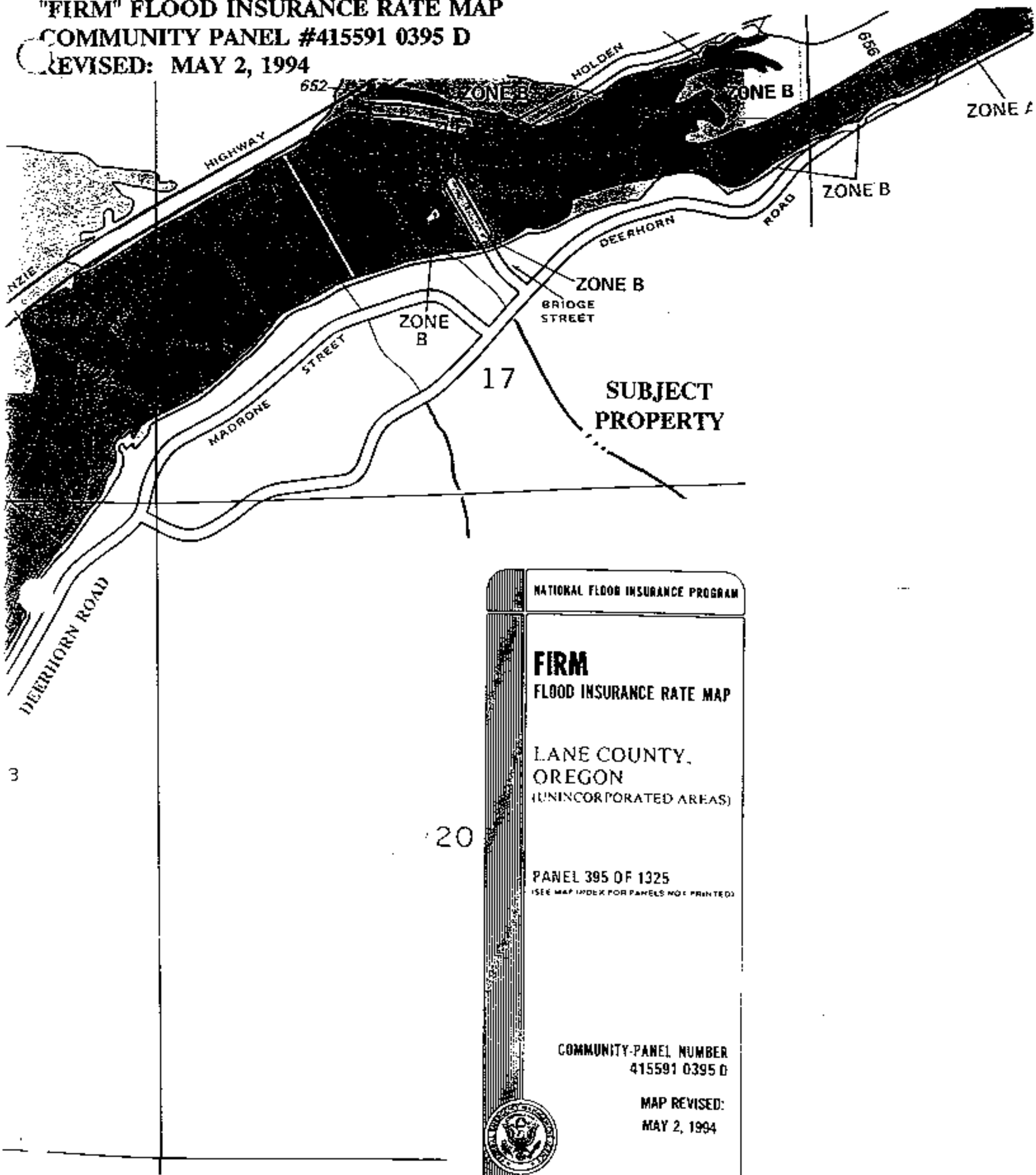
Total acreage included within the area evaluated equals 14.37 acres. Therefore, 20 rural residential RR-1 parcels exist along Bridge Street within 550 feet of the subject property at an average parcel size of 0.72 acre or 3/4 of an acre.

BOOK 161 PAGE 1781

"FIRM" FLOOD INSURANCE RATE MAP

COMMUNITY PANEL #415591 0395 D

REVISED: MAY 2, 1994



NATIONAL FLOOD INSURANCE PROGRAM


FIRM
FLOOD INSURANCE RATE MAP

LANE COUNTY,
OREGON
(UNINCORPORATED AREAS)

PANEL 395 OF 1325
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
415591 0395 D

MAP REVISED:
MAY 2, 1994



Federal Emergency Management Agency

BOOK 161 PAGE 1782

WELL LOG SUMMARY DATA

TOWN- SHIP	RANGE	SECTION	NAME	G.P.M.	DEPTH	WELL SEALED TO
17S	1E	17	DEERHORN WATER	152.00	61	25
17S	1E	17	PREWITT, HAROLD	75.00	83	28
17S	1E	17	YORK, MIKE	2.50	150	38
17S	1E	17	MILLER, GEORGE	20.00	60	20
17S	1E	17	SHERRY, PAT	50.00	50	19
17S	1E	17	HENGLER, JAMES	30.00	51	28
17S	1E	17	ARTS, DAN	55.00	45	18
17S	1E	17	MACH, WILLIAM	30.00	39	18
17S	1E	17	FISHER, BILL	5.00	38	19
17S	1E	17	BRUCE, RAY	10.00	55	18
17S	1E	17	SCOTT, STEVE	25.00	45	18
17S	1E	17	GREENE, ROBERT	15.00	60	18
17S	1E	17	HENRY CONSTRUCT	30.00	380	0
17S	1E	17	COOPER, RON	20.00	22	18
17S	1E	17	LASHOT, DUB	50.50	545	19
17S	1E	17	TAYLOR, EDGAR	40.00	37	25
17S	1E	17	NEWMAN, BILL	25.00	44	25
17S	1E	17	TILLMAN CONST.	25.00	27	20
17S	1E	17	MCCORMSEY, R.L.	20.00	43	30
17S	1E	17	HAGG, HAROLD	40.00	35	18
17S	1E	17	STORY, FRANK	40.00	37	20
17S	1E	17	CALDWELL, VERN	30.00	44	18
17S	1E	17	STEVENS, H.P.	35.00	30	10
17S	1E	17	WEST, JAMES	40.00	41	18
17S	1E	17	DEBAIS, CHARLES	15.00	30	18
17S	1E	17	PETERSON, WM.	25.00	370	80
17S	1E	17	HADLEE, EARL	15.00	35	20
17S	1E	17	MCCORMSEY, R.L.	18.00	36	20
17S	1E	17	REID, ALON	40.00	39	18
17S	1E	17	LANCASTER, J.	10.00	32	19

TOWN-SHIP	RANGE	SECTION	NAME	G.P.M.	DEPTH	WELL SEALED TO	
17S	1E	17	DEERHORN GOLF		50.00	30	30
17S	1E	17	MCDUTT, STANLEY		75.00	63	30
17S	1E	17	DEERHORN WATER		50.00	55	22
17S	1E	17	LANZAROTA, JAME		10.00	32	19
17S	1E	17	HART, LEE		12.00	73	50
17S	1E	17	CARTER, MELVIN		20.00	38	0
17S	1E	17	PETERSON, EDWIN		50.00	29	18
17S	1E	17	PETERSON, EDWIN		10.00	125	19
17S	1E	17	FRANK, JAMES		30.00	55	18
17S	1E	17	MARTIN, WILLIAM		30.00	40	20
17S	1E	17	PEPIOT, ELDEN		40.00	69	18
17S	1E	17	TILLMAN CONST.		15.00	340	80
17S	1E	17	KOOZER, RON		7.00	400	22
17S	1E	17	MOREY, DEAN		60.00	35	20
17S	1E	17	GILLIS, JOHN		30.00	51	30
17S	1E	17	PARADISE HOMES		35.00	42	18
17S	1E	17	STONER, DOROTHY		25.00	30	18
17S	1E	17	HILL, BILL		35.00	40	18
17S	1E	17	RICHARD HAUN		100.00	410	57
17S	1E	17	DAVID CURTIS		5.00	176	59

SUBTOTALS				ACTIVE		
				WELLS:	1,575.00	4,697

NOTES:

1. A total of 50 well logs from wells within U.S.G.S. Section 17 have been included within this analysis.
2. Average gallon per minute flow within this geographic area equals 31.50 G.P.M.
3. Average well depth within the area equals 93.94 feet.



BOOK 161 PAGE 1784
ZANE G. SMITH, JR.

Natural Resource Policy - Gov't Relations

37899 Shenandoah Ln. • Springfield, OR 97478 USA
Tele/Fax (541) 726-6963 • E-Mail: zsmith@igcapc.org

November 25, 1996

Irving and Jackie Roberts
2285 Parkside Lane
Eugene, OR 97403

Dear Irving and Jackie:

I have enclosed the report of Tom Miller's and my visit to your Bridge Street property. You asked my assessment as to its suitability for commercial forest management and for rural residence subdivision.

Although physically and biologically suitable for forestry, the circumstances affecting the property make it impractical for commercial forest management. I believe a strong argument can be made for rural subdivision. The enclosed report analyzes the factors leading to this judgment.

As you already know, there is likely to be opposition to any sort of development by a few local residents. The strategy I would suggest is to be prepared to reveal the relative advantages to subdivision as compared to commercial timber harvest.

It was a pleasure to assist you in this matter. Should I be able to help you further, please do let me know.

Best wishes to both of you for Thanksgiving and the holiday season.

Best regards,

Zane G. Smith, Jr.

Enc. 1

cc: Tom Miller with enclosure



BOOK 161 PAGE 1785
ZANE G. SMITH, JR.

Natural Resource Policy - Gov't Relations

37899 Shenandoah Ln • Springfield, OR 97478 USA
Tele/Fax (541) 726-6963 • E-Mail: zsmith@igcapc.org

IRVING AND JACKIE ROBERTS

Bridge Street Property

November 25, 1996

I. Introduction.

The Roberts' Bridge Street property is an undivided parcel, approximately 12.5 acres in size, adjacent to the Deerhorn rural subdivision in Lane County west of Eugene, Oregon. It is accessed from State Highway 126, Holden Road and Bridge Street. The property is currently zoned F-2.

The Roberts have contracted for engineering and planning assistance in the consideration of possible zoning exception and rural residential subdivision. This report documents an examination of the property for its suitability for forestry and residential use and its general qualifications for zoning change consideration by Lane County.

II. Description.

On November 22, 1996, I examined the property with Tom Miller, the Roberts' planner, with Mr. Miller's site plan in hand. The site plan is included as Appendix A.

The property lies to the south of the McKenzie River with the northern most boundary fronting on Bridge Street. It is an irregular shaped parcel generally running to the southeast. The Deerhorn Water District property forms the northwest boundary with the water storage facility with a historic water line and intake facility along Haagen Creek forming an intrusion within the property running to the southeast. Water currently comes from wells below the property and is pumped to storage. Most of the west boundary of the property is the center line of Haagen Creek running from the southeast to the northwest. The south back boundary, uppermost in elevation, is adjacent to Bureau of Land Management public land. The remainder of the boundary is adjacent to private land, two sides of which are part of the developed Deerhorn rural subdivision.

The property is part of the north facing slope running south of the McKenzie River. Topography varies from moderate to very steep slopes, particularly along Haagen Creek, with several small gentle to almost flat places scattered through the parcel. There are a few swale areas that are probably marginal wet lands. Historic logging roads have accessed the area and the water district has primitive road access to its water storage facility. The entire area can be reasonably accessed by road.

Second growth Douglas fir and western red cedar are scattered over the site along with a good cover of big leaf maple, alder, yew and a variety of other woody plants indigenous to the region. There is considerable evidence of earlier day logging with some very large stumps. The area is obviously capable of productive timber growth and has a diverse stand of mixed species of uneven age. Some of the conifers are rather large and are judged to be around 60 years old. There is a good deal of structure in the stand.

Mr. Miller's site plan proposes five building sites. These all appear to have the potential of reasonable access. Sites can be located in such a way to avoid wet areas and steep ground.

Haagen Creek is a perennial stream with a steep gradient and some falls. It runs into the McKenzie River after passing through the Deerhorn subdivision. I judge it to be an attractive asset to the community, both for its aesthetics and for the pleasant noise it produces. Much of its passage along the Roberts' property is characterized by very steep side walls extending considerable distance on each side.

III. Conclusions.

The property is certainly physically and biologically a productive forest. Previous logging, road building and water facilities have not permanently damaged the ecosystem. It is similar to many cutover Douglas fir ecosystems in the general area.

Haagen Creek is a significant permanent water course along the property, for the Deerhorn community, for its habitat and as a tributary to the McKenzie River. Its protection should be a high priority regardless of the property's final use. The State of Oregon Forest Practices Act contains specific water protection rules for these streams and their riparian areas. With Haagen Creek's gradient and steep side walls, significant limitations on timber harvest are appropriate. The narrow character of the property and the extent of Haagen Creek influence, greatly impact the availability for commercial forest management of this small parcel in my judgment.

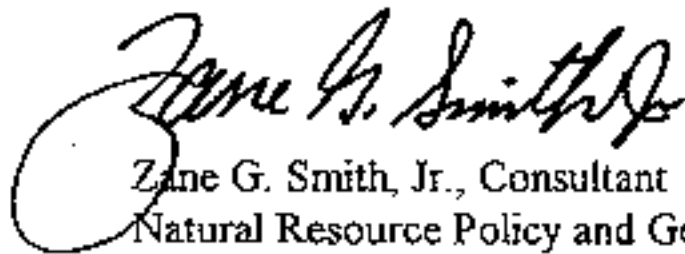
This limitation for forest management is further exacerbated by the fragmentation and relative isolation of the parcel. The Water District intrusion into the property must be protected, thus further limiting commercial forest management. Surrounding neighbors effectively preclude the possibility of consolidations that would make commercial forestry practical. Obviously, normal timber harvest would be a highly controversial activity in the midst of a developed community, to say nothing of their water supply and the intrinsic values of Haagen Creek.

IV. Recommendation.

I recommend that should the Roberts decide to petition the County for zoning change, that the County give favorable consideration. In my judgment, the values associated with the parcel and the impacts on the community are best served as an extension of the existing Deerhorn subdivision.

Sensitive road access and site planning can avoid the critical side walls and riparian areas of Haagen Creek and vegetative clearing can leave large trees and substantial forest structure which would provide a quality environment for the newly developed sites and the adjacent Deerhorn community. Wildlife in the area would be afforded a "lifeboat", so to speak, with the area not subjected to a regeneration harvest, but left with major elements of its ecosystem intact.

I am told that this area of less than 20 acres, bounded on two sides by a developed subdivision and easily accessed is a somewhat unique condition in Lane County. I feel that with the usual County restrictions on development, this parcel would be better zoned rural residential than F-2.



Zane G. Smith, Jr., Consultant
Natural Resource Policy and Government Relations

Enc. Site Plan
Consultant Resume

ZANE G. SMITH, JR.
37899 Shenandoah Loop
Springfield, OR 97478
Tele/Fax (541) 726-6963
e-mail esd@igc.apc.org

WORK EXPERIENCE: Currently Senior Policy Staff for Ecologically Sustainable Development, Inc. (ESD) and Pacific Representative for AMERICAN FORESTS.

Served 34 years with the USDA Forest Service. Was a charter member of the Senior Executive Service and retired as Regional Forester for Forest Service activities in California, Hawaii and Micronesia. During career served in Arizona, California, Idaho, Oregon, Washington and Washington, D.C. Positions included Forest Supervisor of two National Forests, District Ranger, Job Corps Center Director, National Director of Recreation and Wilderness for the Forest Service and lead for several National projects.

For ten years, represented the Forest Service to the International Union for the Conservation of Nature (ICUN). Has traveled extensively throughout the World in information and study exchanges and as expert natural resource policy witness.

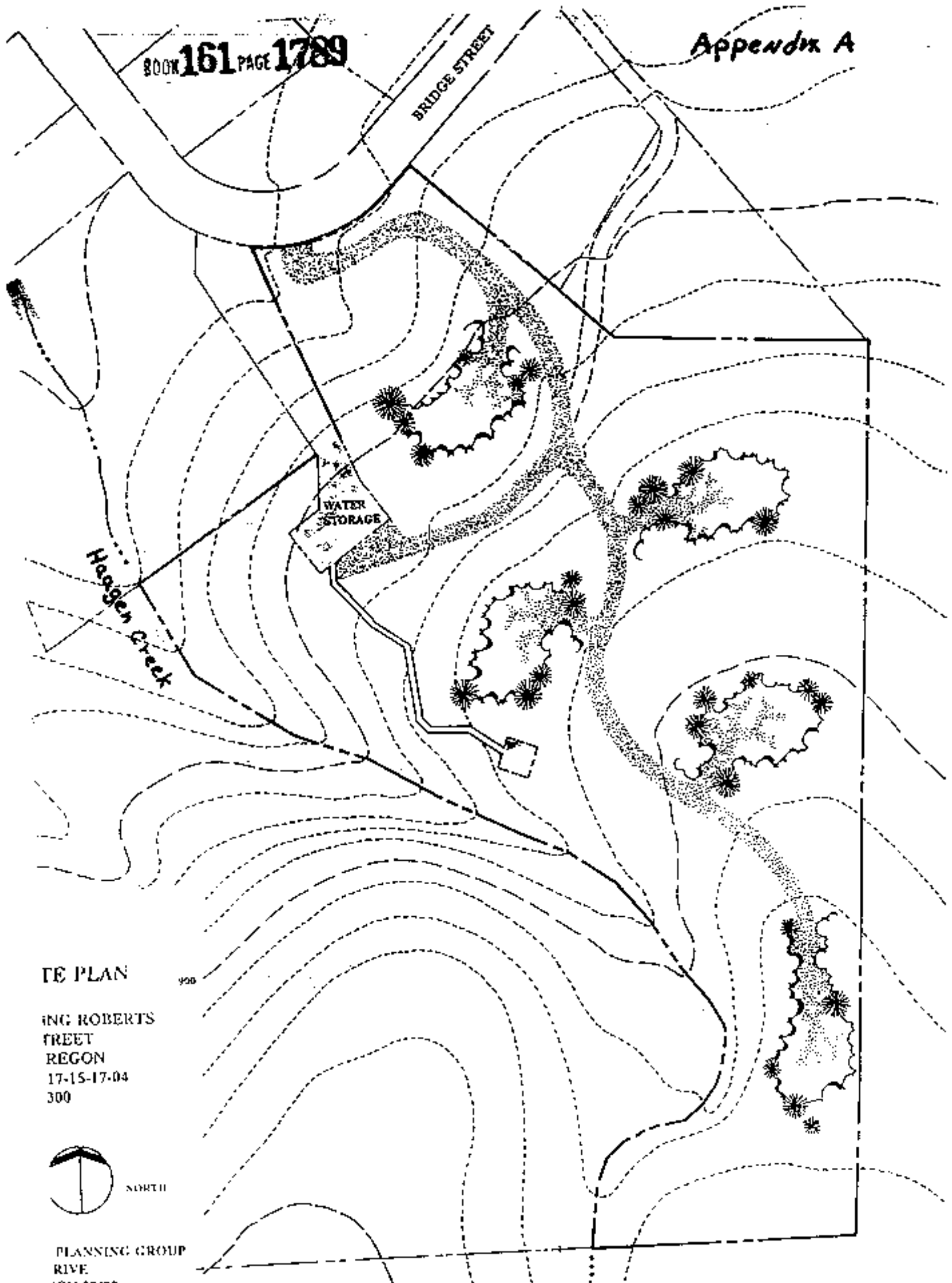
Following retirement, provided consulting services in natural resources policy and government relations to government and private organizations in the U.S. and Canada. Serves as university lecturer and expert court witness.

As senior staff for ESD, actively involved in sustainable development planning and implementation in several international settings including Russia and Mongolia. Served as Vice President for Program overseeing 12 demonstration projects in sustainable development within Russia's Lake Baikal Basin and responsible for sustainable development planning projects in Russia's Far East, Altai Republic and China. Have led several environmental assessments in Russia for the Overseas Private Investment Corp. Have traveled and worked extensively in Russia.

AFFILIATIONS: Society of American Foresters, American Forests, American Hiking Society, Public Forestry Foundation, Temperate Forest Foundation, Oregon Trails Advisory Council, McKenzie River Trust, and Rotary International.

EDUCATION: B.S. Forestry, University of Montana, 1955
Public Administration Graduate Study, Cornell University, 1967-68

PERSONAL: Born Albuquerque, NM; married with two grown children; retired U.S. Air Force Instructor Pilot. Excellent health.



TE PLAN

ING ROBERTS
TREET
REGON
17-15-17-04
300



PLANNING GROUP
RIVE
ION 97477

Property Boundary
Water District Intrusion



SUBJECT PROPERTY

JACQUELINE AND IRVING ROBERTS
2300 BRIDGE STREET
SPRINGFIELD, OREGON
ASSESSOR'S MAP #17-15-17-04
TAX LOT #2300

VI. SUPPLEMENTAL FINDINGS OF FACT FOR ORDINANCE PA 1125 Exhibit "C"

REGARDING: AGREED UPON RESULTS OF THE FEBRUARY 3, 1998 LANE COUNTY PLANNING COMMISSION HEARING INCLUDING SITE PLAN REVIEW CRITERIA.

The following information represents a summation of facts pertinent to the ultimate development characteristics and land use density upon the subject property.

A. Permanent Emergency Vehicle and Deerhorn Community Water Association Access.

1. The Board finds that Terry Jack, Chief of the McKenzie Rural Fire Protection District and Don Henry, President of the Deerhorn Community Water Association, both expressed the need for adequate permanent emergency vehicular access to proposed residential dwelling sites and existing public water utility facilities. In response, staff recommended, and the applicant agreed to apply F-2, Impacted Forest Resource roadway standards as defined within Lane Code Chapter 16.211 (8) and (9) to the subject property.
2. The Board finds further that the subject roadway has been redesigned to incorporate two pre-existing road cuts within the property minimizing further environmental degradation resultant from construction grading, cut and fill, and vegetation loss due to unnecessary clearing. F-2 standards related to roadway width, horizontal radii and vertical slope gradients, vehicle turnouts and visual sight lines, along with vegetation management were considered within the revised design. Refer to Attachment C - "Site Conditions Schematic, Revised August 1998".
3. In conclusion, the Board finds that the road building contractor has agreed to pave the subject roadway with asphalt to reduce maintenance, improve safety, and minimize erosion and sedimentation within this specific segment of the McKenzie River watershed. The contractor also agreed to construct an equipment vehicle turnaround at the water utility facilities.

B. Fire Prevention Standards, Lane Code Chapter 16.211 (8)(c).

1. The Board finds that fire prevention standards normally applied within F-2,

Impacted Forest Zones, have been adhered to regarding the clearing of three rural residential building sites within the subject property. These sites have been defined in relationship to the referenced access road construction.

2. The Board finds that in conjunction with applying the fire protection standards, a more appropriate residential building site was defined within the lower, northwestern portion of the property. As a result, the previously proposed southernmost building site uphill was eliminated in exchange for the more suitable northwestern site.

3. The Board finds further that fire prevention standards require, at a minimum, the clearing of vegetation within 30 feet of potential building envelopes and accessory buildings, the removal of combustible understory vegetation, and the limbing of trees to a height of 8 feet within a 100 foot perimeter beyond the 30 foot clearing zone.

C. Stormwater Runoff, Soil Erosion, and Vegetation Removal and Replanting.

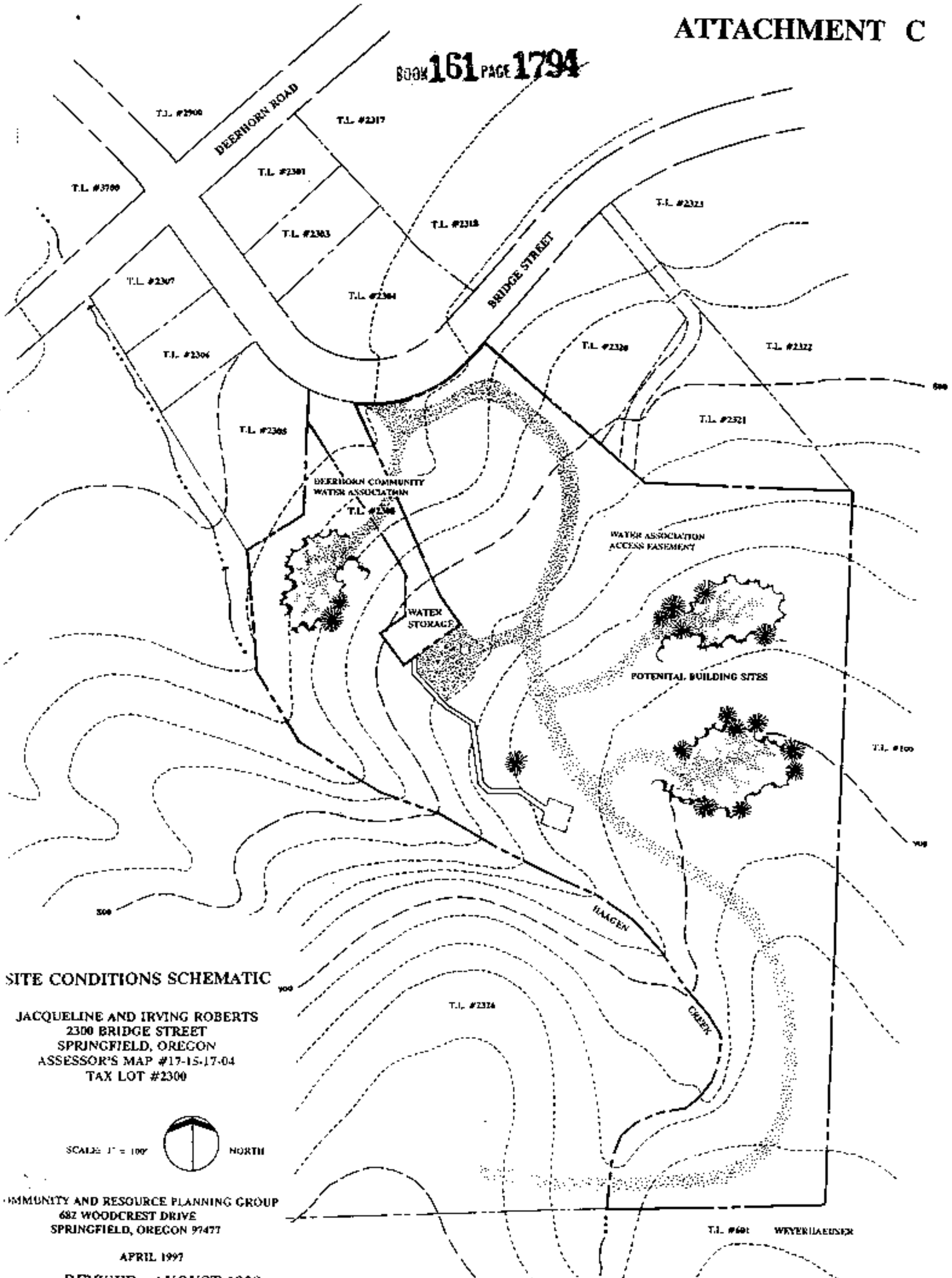
1. The Board finds that the subject roadway contains appropriate drainage swales and culverts designed to divert and convey surface stormwater runoff safely and in a manner which prevents surface flooding resultant from normal rainfall events. Additionally, the roadway has been constructed between Haagen Creek and the two southern dwelling sites to maximize overland stormwater flow and minimize direct drainage flows into the creek. Drainage from these two dwelling sites will flow northeasterly, overland and downhill, before being diverted toward the creek.

2. The Board finds that soil erosion along the road will be minimized by hydroseeding an approved grass seed mixture upon all exposed soil cut and fill surfaces. Trees and woody understory vegetation shall be replanted along relatively level surfaces and particularly south of and along Bridge Street to re-establish a naturalistic visual buffer and to minimize impacts from vehicle headlights moving downhill toward the north along the subject roadway. Adequate sight lines however will be maintained at the intersection of the road with Bridge Street.

3. The Board finds further that the Deerhorn Community Water Association has requested that a minimum of 4 trees be removed by the contractor since they pose an immediate threat to water storage facilities. The Board also finds that the residents of tax lot #2322, adjacent along the east of the subject property, have also requested that the contractor remove 6 trees along the joint property boundary which pose an immediate threat to their residence.

D. Property Ownership.

In conclusion, the Board finds that during the interim period between the Lane County Planning Commission hearing and consideration of the subject application by the Board of County Commissioners, Jacqueline and Irving Roberts have sold the subject property to Ms. Tiffani Noah whom is presently the recognized applicant.



SITE CONDITIONS SCHEMATIC

JACQUELINE AND IRVING ROBERTS
 2300 BRIDGE STREET
 SPRINGFIELD, OREGON
 ASSESSOR'S MAP #17-15-17-04
 TAX LOT #2300

SCALE: 1" = 100'



NORTH

COMMUNITY AND RESOURCE PLANNING GROUP
 682 WOODCREST DRIVE
 SPRINGFIELD, OREGON 97477

APRIL 1997

REVISED: AUGUST 1998

T.L. #601 WYERILAEUSER