

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO. 98-05-27-2

) IN THE MATTER OF APPROVING AN
) AMENDMENT TO AN AGREEMENT
) WITH NORTHLAND RISK MANAGE-
) MENT SERVICES FOR CLAIMS
) ADJUSTING SERVICES

WHEREAS, after appropriate competitive selection, Lane County entered into a contract with Northland Risk Management Services, Inc., to provide claims adjusting services for the period May 1, 1996 to April 30, 1998, to provide coverage of this function during the Peace Corps assignment of the County's Claims Investigator, and

WHEREAS, said contract provided for extension for an additional year, and

WHEREAS, due to circumstances beyond her control, the original assignment of the Claims Investigator could not be completed, and the Peace Corps assigned her to a different country for a period that will extend into the fall of 1999, and

WHEREAS, Northland is willing to extend the contract at a lower fee,

NOW, THEREFORE IT IS HEREBY ORDERED that an amendment to the contract with Northland Risk Management Services to extend the contract to October 30, 1999, at a rate of \$2,500/mo. is hereby approved and the County Administrator is delegated authority to execute such an amendment

DATED this 27th day of May, 1998.

FILED

MAY 29 1998

COUNTY CLERK
BY M. Bulding

Steve Orsini
Chair Lane County Board of
Commissioners

APPROVED AS TO FORM

Date 5/13/98 lane county

Kurt J. Fisher
OFFICE OF LEGAL COUNSEL

YR_CAT	
B-1900 OR NOT KNOWN	C-1901-1974
N	N
	D-1975-1979
	N
DCAREA	
1572	
30.00	8.00
	2.00

DATA
1572

AREA	PERIF-LENGTH	TEST-AREA
215.04	3.10	0.00

215.04
0.00
0.00

0.00

TOTAL POLYGON AREA =
NEGATIVE AREA =
SLIVER AREA =
TOTAL RETRACE LENGTH =

NUMBER OF POLYGONS = 1
NUMBER OF POINTS = 23

EXHIBIT D
 SUPPLEMENTAL FINDINGS FOR
 DEVELOPED & COMMITTED LANDS EXCEPTIONS
PROPOSED BOUNDARY MODIFICATION

I. GENERAL INFORMATION

Map: 17-06-27	Original Size: 215 Acres 114
Plot: 157-2	Acknowledged to Date: 110 Acres *
Location: Sky Lane/Highway 126	Amended Size: 87.8 Acres (north)
Additional Parcels: 9 (54.3 Acres)	75.4 Acres (south)

II. CRITERIA FOR EXCEPTIONS TO STATE PLANNING GOALS

Section 197.732, Oregon Revised Statutes (ORS), and Section 660-04-028(6), Oregon Administrative Rules (OAR) specify the criteria and procedures for designating exceptions to State Planning Goals. The 1989 Addendum to the Developed and Committed Lands Working Paper adopted by Lane County Board Order 89-10-25-4 explains how these criteria have been applied to Exception Area 157-2.

III. METHODOLOGY FOR DETERMINING EXCEPTIONS

Section III of the 1989 Addendum to the Developed and Committed Lands Working Paper explains how Exception Areas 157-2 has been mapped, how data pertaining to the area was collected, and how findings were made from the available evidence.

IV. ACKNOWLEDGMENT HISTORY

On 20 December 1988 the Lane County Board of County Commissioners adopted Board Order 88-12-20-7, which endorsed supplemental findings for Exception Area 157-2. The findings were submitted to the Department of Land Conservation and Development (DLCD) for acknowledgment on 12 April 1989.

On 21 July 1989 the Land Conservation and Development Commission (LCDC) voted unanimously to adopt Acknowledgment Order 89-ACK-569, which approved the DLCD staff recommendation for partial acknowledgment of Developed and Committed Exception Areas in Lane County. All but 101 of the 215 acres of the land originally designated as Exception Area 157-2 were acknowledged by 89-ACK-569. Approval of tax lots 502-504, 601, 700, 701, and 1500-1504 was withheld because of an objection by 1000 Friends of Oregon: "In the south, all lots are in one ownership and all receiving deferral. The central section has common ownership, but the primary objection is that they are undeveloped and receiving tax deferral. All properties are contiguous to resource zones or contiguous to properties objected to".

* The document filed by 1000 Friends of Oregon on 16 June 1989 stated that they objected to 65 acres of land within Exception Area 157-2. Lane County calculates a total of 101 acres for the 11 tax lots listed in that document, therefore 114 of the 215 acres have been acknowledged to date.

V. FACTS RELIED UPON

- A. The Land Conservation and Development Commission has acknowledged 114 of the 215 acres of land originally designated within Exception Area 157-2. LCDC Acknowledgement Order 89-ACK-569 was supported by facts and findings endorsed by Lane County Board Order 88-12-20-7, which remain in the record.
- B. On 24 November 1989 Lane County mailed questionnaires to the owners of land within Exception Area 157-2 that were not approved by 89-ACK-569. The purpose of the questionnaire was to obtain information about the characteristics of the land that might demonstrate how the criteria for exceptions specified in OAR 660-04-028(6) are met. On 4 April 1990 the property owners who did not respond to the questionnaire were sent a reminder urging them to do so.
- C. Tax lot 502 is a 9.7 acre parcel occupied by a home and barn. Other homes are located on 3 sides. The owners state that they use some of their undeveloped land for pasture and to raise fir trees, however they say that more intensive management is not practicable because there are too many other homes in the vicinity and because they do not have enough land.
- D. Tax lot 504 is a 5.1 acre parcel occupied by a home. It was partitioned from adjoining land to the west in 1976. The owners do not go into detail why their land is not practicable to manage for resource production, however other homes are located on 3 sides.
- E. Tax lot 600 is a vacant 5.8 acre parcel, with homes on 3 adjoining sides. The owners state that it is not practicable to manage for resource production because of its small size and because of unusually wet soils.
- F. Tax lots 1500, 1502 and 1504 are 5 & 6 acre parcels that were partitioned from a parent parcel between 1978 and 1981. A home and accessory buildings are located on tax lot 1502. Other homes are located on adjoining parcels to the north and east. Tax lots 1501 and 1503 were also partitioned from the same parent parcel, but they are in separate ownership. The owners state that they use the undeveloped portion of their property to keep domestic animals, raise a garden and restock cleared land with trees, but more intensive management is not practicable because they do not have enough land.
- G. Tax lot 1501 is a 5 acre parcel occupied by a home and accessory buildings. The owner states that her property is not large enough to be managed for resource production, and there are too many people living nearby to grow crops or harvest timber.

VI. ATTACHMENTS

1. Regional Location Map
2. USDA Soils Map No. 73
3. USGS Quadrangle Map
4. RCP Map (original Rural Comprehensive Plan boundary)
5. Map of parcels deleted from LCDC Acknowledgement Order 89-ACK-569
6. RCP Map (modified to comply with LCDC Compliance Order 88-ACK-380)
7. 1989 Addendum to Lane County RCP Developed and Committed Lands Working Paper (under separate cover)

VII. FINDINGS

Land located between Fern Ridge Reservoir and the rural community of Noti is designated for both agricultural and forest use by the Lane County Rural Comprehensive Plan. An exception to the RCP agricultural and forest goals for 114 of the 215 acres of land within Section 27, Township 17, Range 06, referred to as Exception 157-2, was acknowledged by the Land Conservation and Development Commission on 21 July 1989. The remaining 101 acres were continued because of insufficient evidence that the land is developed or irrevocably committed according to the criteria specified in OAR 660-04-028(6).

Since then the owners of the unacknowledged land have been asked by the Lane County Land Management Division to furnish information its characteristics. They have supplied evidence to support findings that an exception to the RCP agricultural and forest goals is warranted for 54.3 additional acres of land, because a portion is developed and the remainder meets the criteria for irrevocably committed land specified in OAR 660-04-028(6).

The pattern created by the 54.3 acres of land added to the previously acknowledged parcels is that of 2 polygons separated by land proposed for resource designation. The findings that follow refer to the northern polygon as Exception Area 157-2(n) and the southern polygon as 157-2(s). If the boundaries are acknowledged as proposed, the southern polygon should be redesignated as Exception Area 157-4.

a) Existing adjacent land uses

1. Adjacent land uses contribute to the impracticability of managing the 19.7 acres of land to be included within the amended boundary of Exception Areas 157-2(n) for timber production because land to the north, east and west is developed for residential use. Adjacent land to the south is forested.
2. Adjacent land uses contribute to the impracticability of managing the 34.6 acres of land to be part of Exception Area 157-2(s) for resource production because homes are located to the east and west along State Highway 126. Adjacent land to the north is forested; to the south it is in agricultural use.

b) Existing public facilities and services

1. Public facilities contribute to the impracticability of managing the 34.6 acres of land to be included within the amended boundary of Exception Area 157-2(s) for agricultural or timber production because the 60 ft. public right-of-way for State Highway 126 divides along an east-west axis into 2 distinct subareas. State Highway 126 is the main route between Eugene and the Pacific Coast, and therefore it is one of the most heavily traveled roads in Lane County.
2. Public services are a contributing factor because the land in and around Exception Area 157-2 is developed to the extent that it warrants fire protection by the Elmira-Noti Rural Fire Protection District.

c) Parcel size and ownership, patterns of the exception area and adjacent lands

1. Parcel size and ownership contribute to the impracticability of managing the 19.7 acres of land to be included within the amended boundary of Exception Area 157-2(n) for timber production because the 3 parcels have an average size of only 6.6 acres. The largest parcel is 9.7 acres. It is occupied by a home, and surrounded on 3 sides by other homes. Two of the 3 parcels to be included within the amended boundary of Exception Area 157-2(n) were partitioned in 1976, in accordance with Chapter 13, Lane Code, and Chapter 92, Oregon Revised Statutes.
2. Parcel size and ownership contribute to the impracticability of managing the 34.6 acres of land to be included within Exception Area 157-2(s) for resource production because the 6 parcels have an average size of only 5.8 acres. The largest parcel is 6.2 acres; it is occupied by a home and other homes are located to the north and south. All 6 parcels were partitioned between 1976 and 1981, according to the land division regulations of Chapter 92, Oregon Revised Statutes, and Chapter 13, Lane Code. Three of the 5 parcels created from the same parent parcel remain in the same ownership because the owner has not chosen to sell one or more of them.

d) Neighborhood and regional characteristics

1. Neighborhood characteristics contribute to the impracticability of managing the 54.3 acres of land to be included within the proposed amended boundary of Exception Area 157-2 for resource production because of the extent and pattern of homes in and around the area. The resource management experts who contributed to the 1989 Addendum to the Developed and Committed Lands Working Paper contend that parcels adjacent to homes on 2 or more sides must be at least 15 acres in size to be practicable for agricultural production and at least 20 acres in size to be practicable for timber production. The largest parcel proposed to be included within the amended Exception Area 157-2(n) is 9.7 acres, and therefore it is well below both thresholds. The largest parcel to be included within the Exception Area 157-2(s) is 6.2 acres, so it also fails to meet either threshold.

e) Natural or man-made features or other impediments

1. Man-made impediments contribute to the impracticability of managing the 19.7 acres of land to be included within the amended boundary of Exception Area 157-2(n) for timber production because they are separated from forest land to the north, east and west by residential development. The extent of homes in and around the exception area impedes use of the land for resource production because the inhabitants are likely to object to routine resource management techniques such as chemical spraying, clearing, burning, operation of heavy equipment at all hours and so on.
2. The extent of homes around Exception Area 157-2(s) impedes use of the 34.6 acres of land to be included within its boundary. Furthermore, the 34.6 acres are divided into northern and southern subareas by State Highway 126, and therefore the 60 ft. right-of-way is an impediment to managing the 5.8 acres north of the highway and the 28.8 acres to the south as a single operation.

f) Physical development

1. Two of the 3 additional parcels to be included within Exception Area 157-2(n) are occupied with homes, driveways, and septic systems which occupy about an about an acre each. Therefore approximately 10 percent of the additional area meets the statutory standard for an exception to State Planning Goal 4 as specified in ORS 197.732(a).
2. Three of the 6 parcels to be included within Exception Area 157-2(s) are also occupied by homes, and therefore approximately 8% of the additional area meets the standard specified in ORS 197.732(a).

g) Other relevant factors

1. The owners of land proposed to be included within the amended Exception Area 157-2 state that they have gardens and keep domestic livestock on the undeveloped portion of their property, but more intensive resource management is not practicable because they do not have enough land and because of the presense of nearby homes. The explanations offered by these landowners who do not think it is practicable to manage their property for agricultural or timber production corroborate the findings of resource management experts who contributed to the 1989 Addendum to the Developed and Committed Lands Working Paper.

VIII. CONCLUSION

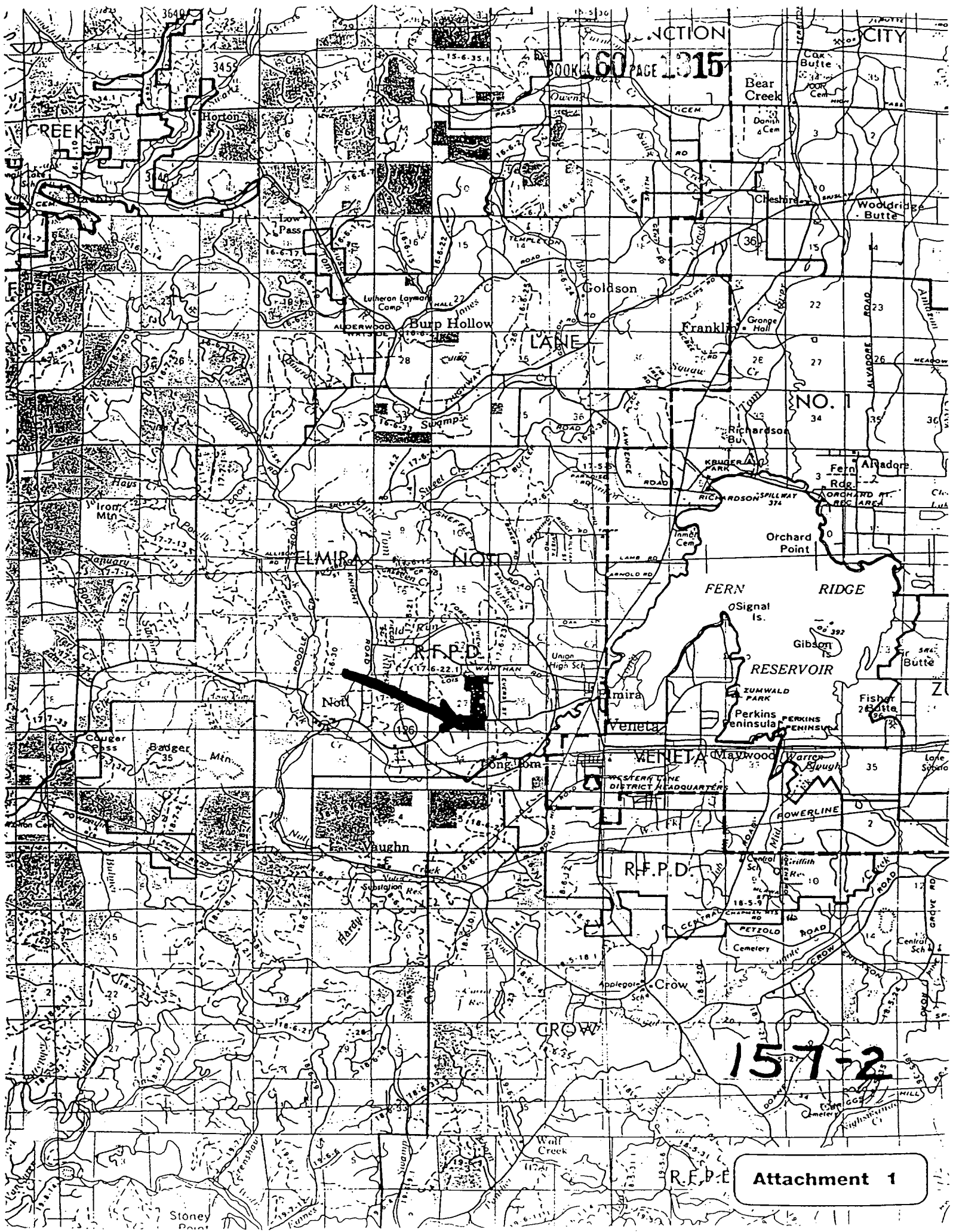
The Land Conservation and Development Commission has acknowledged 110 of the 215 acres of land originally designated as Exception Area 157-2, by adopting Acknowledgement Order 89-ACK-569 on 21 July 1989. Since then evidence has been presented to support findings that 54.3 additional acres of land meet the standards of ORS 197.732 and should to be included within Exception Area 157-2. The additional land results in a pattern of 2 polygons separated by land that will be proposed for a resource designation.

The northern polygon consists of 68.1 acres of land acknowledged by 89-ACK-569 and 19.7 acres of additional land supported by these findings. About 10% of the additional land is developed and the remainder is irrevocably committed because it is not practicable to manage for timber production.

The southern polygon consists of 40.8 acres of land acknowledged by 89-ACK-569 and 34.6 acres of additional land. About 8% of the additional land is developed and the remainder is irrevocably committed because it is not practicable to manage for agricultural or timber production.

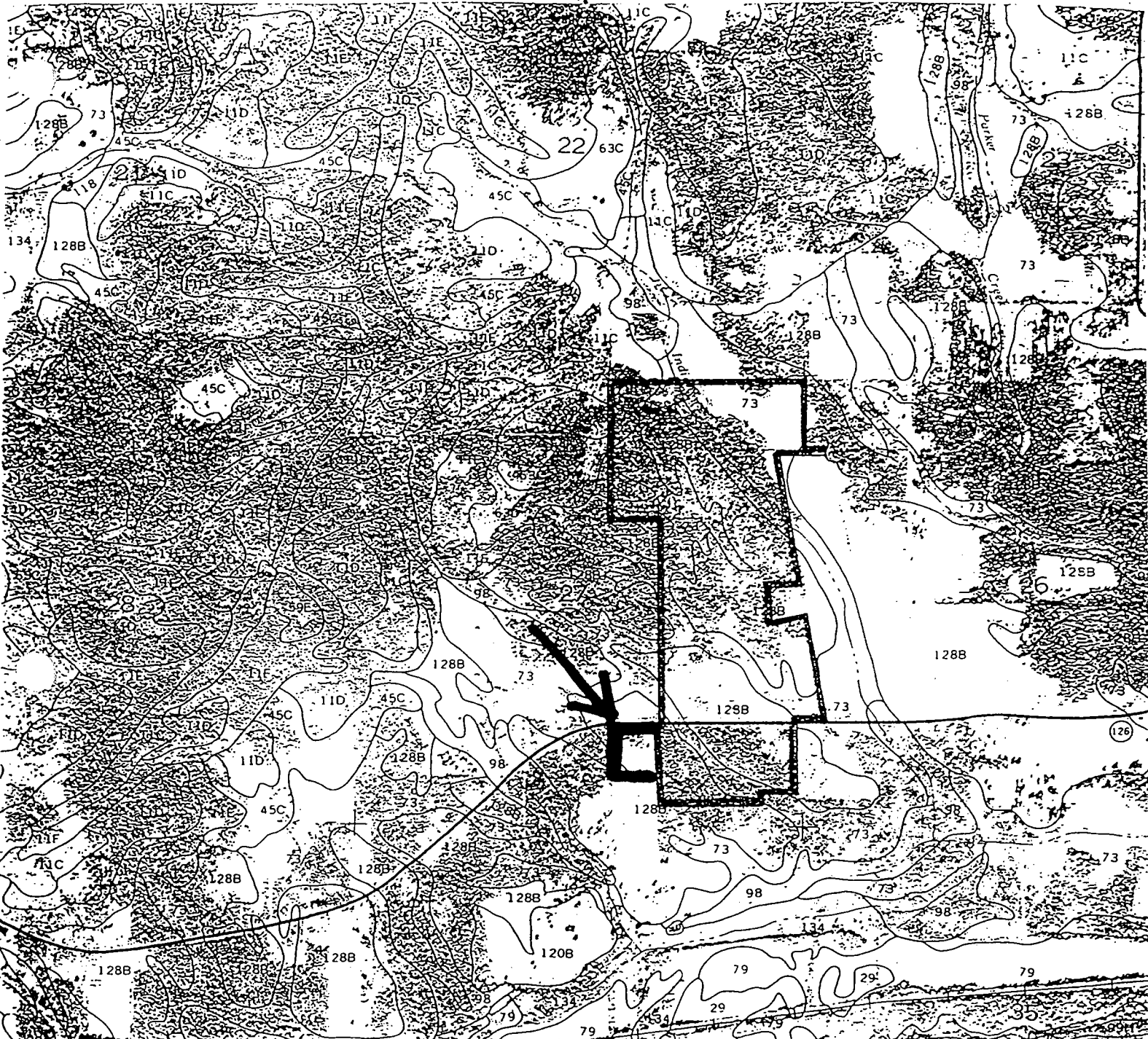
This conclusion is supported by the facts and findings adopted by LCDC Acknowledgement Order 89-ACK-569, the general findings of resource management experts who contributed to the 1989 Addendum to the Developed and Committed Lands Working Paper adopted by Lane County Board Order 89-10-25-4, and specific findings that cumulatively demonstrate why adjacent land use, public facilities and services, land ownership, neighborhood characteristics, man-made impediments and other relevant factors make resource management impracticable.

There is insufficient evidence in the record at this time to support acknowledgement of 46.7 acres of land that were within the original boundary of Exception Area 157-2.



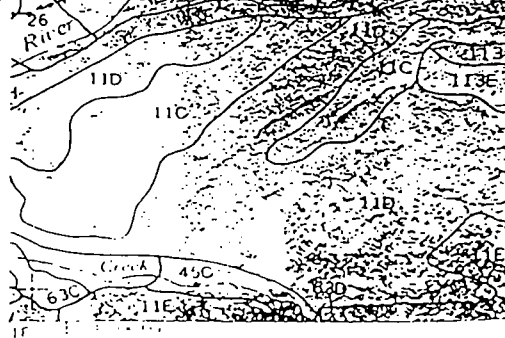
157-2

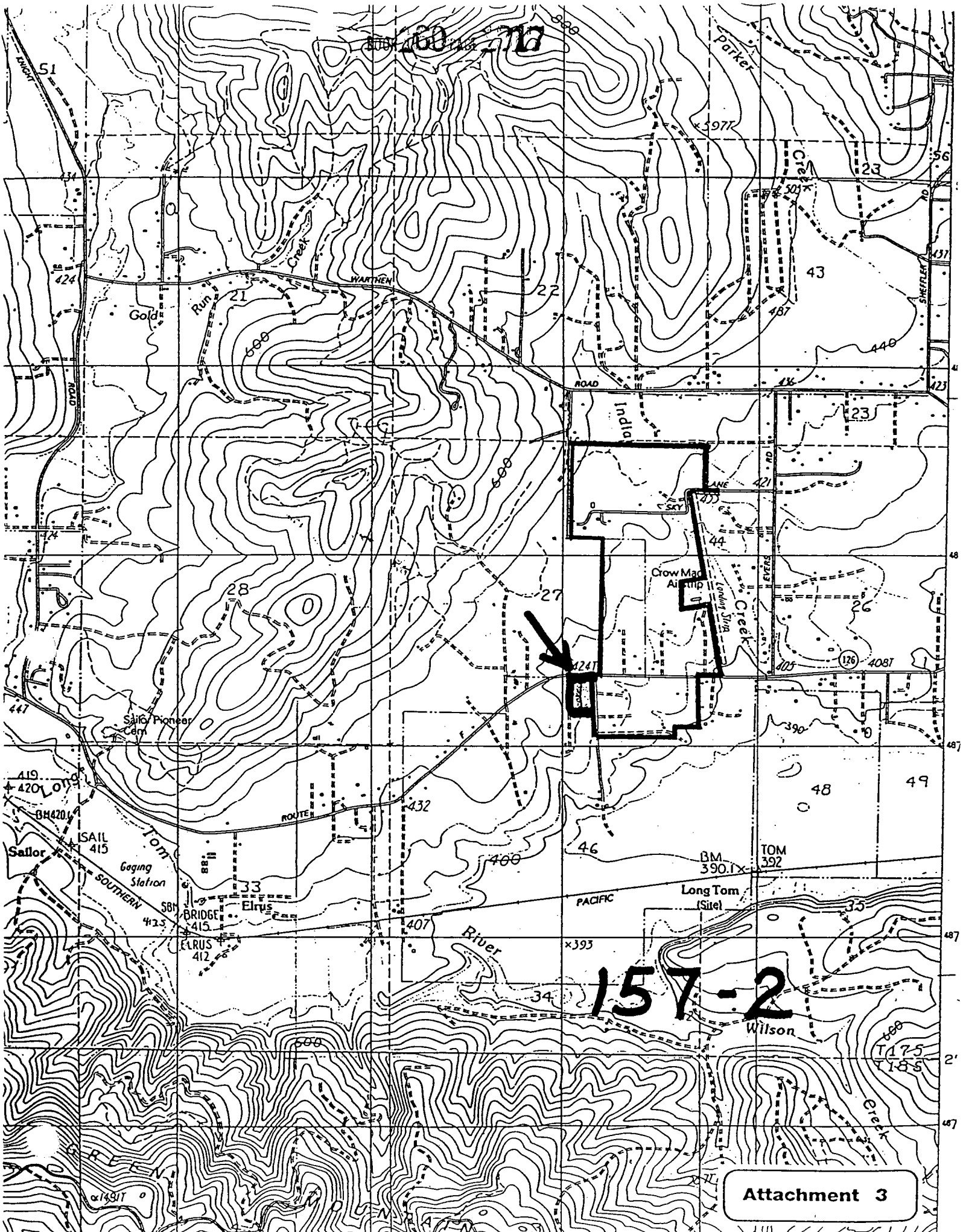
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SOILS - EXCEPTION AREA 157-2

	TYPE	AG. CAP.	W. FT. INDEX
11C	Ballpine	III E	III
63D	Jory	III E	III
73	Linslaw	III W	none
128B	Veneta	II E	III





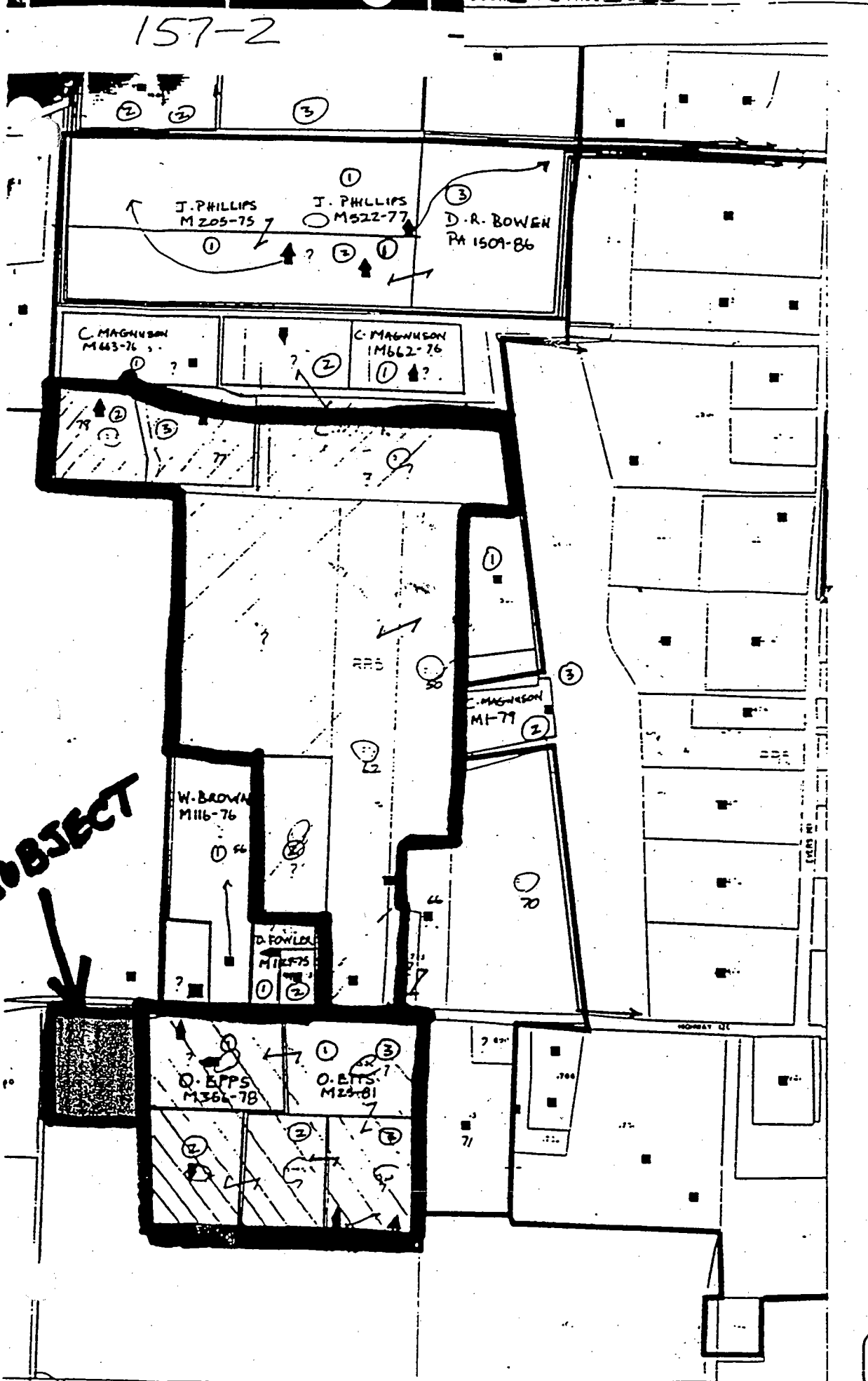
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157-2

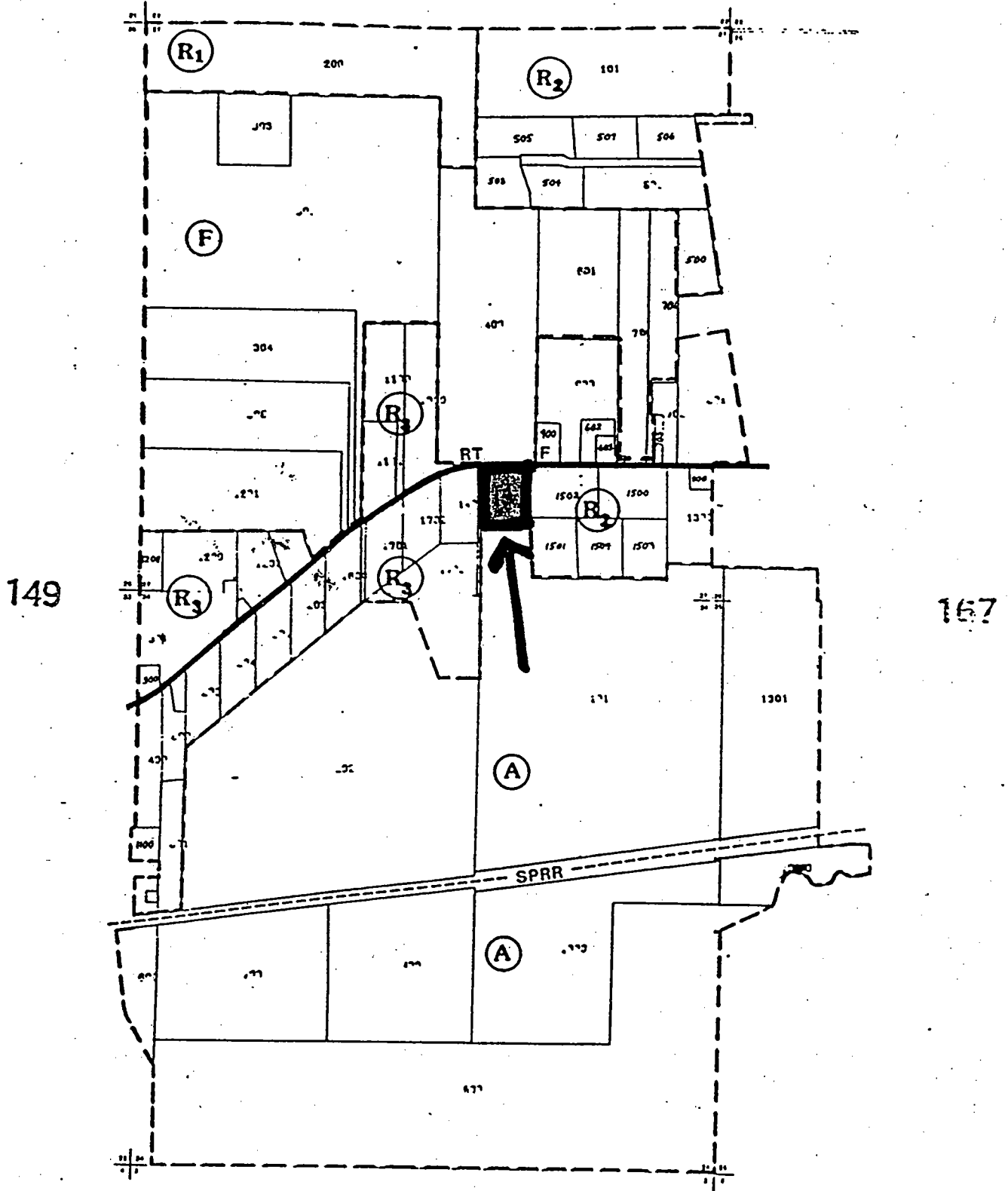
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157-2

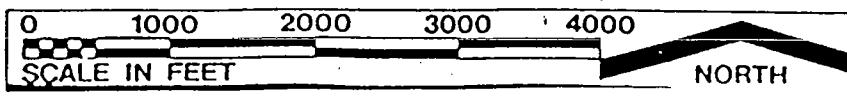
000039



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PROPOSED BOUNDARY AMENDMENT



PLOT AREA TRS

TOT. AC

AC. OBJ

TA LOT OBJ.

REV

157 2

17-06-27

215.04

65

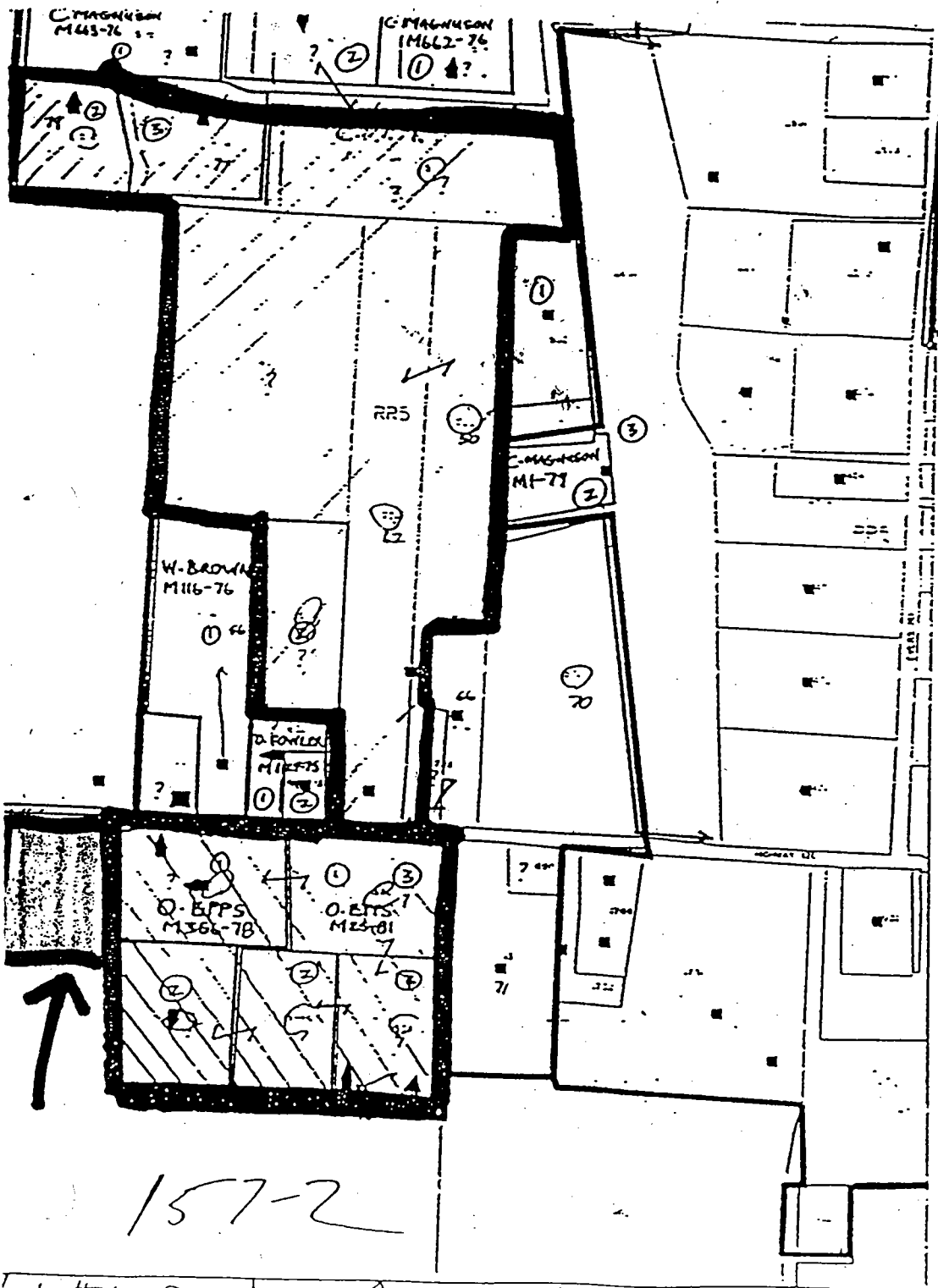
503, 504, 502,
601, 700, 701,
601, 600, 1502,
1501, 1502, 1504, 1503

MB

BOOK 160 PAGE 1320

COMMENTS

In the south, all lots are in one ownership and all receiving deferral. The central section has common ownership, but the primary objection is that they are undeveloped and receiving tax deferral. All properties are contiguous to resource zones or contiguous to properties objected to.



157-2

#157 Area #2 12/15/88

PLOT #157 AREA #2 1:400 12/5/88

