

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 14-89

) IN THE MATTER OF AMENDING CHAPTER
) 16 OF LANE CODE TO REVISE MINIMUM
) LAND DIVISION REQUIREMENTS OF NON-
) IMPACTED FOREST LAND ZONE
) (F-1/RCP) LC 16.210(3) AND (6),
) AND ADOPTING A SEVERABILITY CLAUSE

WHEREAS, the Land Conservation and Development Commission In-Order-To-Comply directive #5 of the Acknowledgement and Continuance Order dated June 15, 1989 requires Lane County to address deficiencies found in the minimum land division requirements for the Nonimpacted Forest Land zone (F-1/RCP); and

WHEREAS, on November 8, 1989, the West Lane Planning Commission conducted a public hearing and adopted a unanimous recommendation for support of the proposed amendments to Lane Code Chapter 16.210(6); and

WHEREAS, on December 5, 1989, the Lane County Planning Commission conducted a public hearing and adopted a unanimous recommendation for support of the proposed amendments to Lane Code Chapter 16.210(6); and

WHEREAS, on December 13, 1989, the Lane County Board of Commissioners conducted the First Reading of this Ordinance, and on January 3, 1990, conducted the Second Reading and held a public hearing to review the proposed amendments to Lane Code Chapter 16.210 (3) and (6) as recommended by the Lane County and West Lane Planning Commissions; and

WHEREAS, based upon the above record and supplemental findings (Exhibit "B"), the Board of County Commissioners concludes that the amendments to Lane Code Chapter 16.210 (3) and (6) are justified and meet the In-Order-To-Comply directive #5 of the Acknowledgement and Continuance Order dated June 15, 1989, and should be approved;

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

Chapter 16 of Lane Code is hereby amended by adding, removing and substituting the following pages:

REMOVE THESE PAGES

16.210(1) - 16.210(2) to
16.210(7) - 16.210(7).
i.e. 16-29 to 16-35
(a total of eight pages)

INSERT THESE PAGES

16.210(1) - 16.210(2) to
16.210(7) - 16.210(7),
i.e. 16-29 to 16-35a
(a total of nine pages)

- 1 - IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO REVISE MINIMUM LAND DIVISION REQUIREMENTS OF NONIMPACTED FOREST LAND ZONE (F-1/RCP) LC 16.210(3) AND (6), AND ADOPTING A SEVERABILITY CLAUSE

bcj/3216

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to revise minimum land division requirements of non-impacted forest land zone (F-1/RCP) LC 16.210(3) and (6), and adopting a severability clause.

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

While not part of this Ordinance, findings in attached Exhibit "B" are adopted in support of this decision.

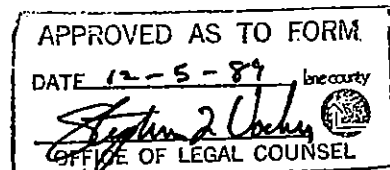
ENACTED this *3rd* day of January, 1990.

Bill Rogers

Chair, Lane County Board of
Commissioners

Judy Haldeman

Recording Secretary for this Meeting
of the Board



NONIMPACTED FOREST LANDS ZONE (F-1, RCP)RURAL COMPREHENSIVE PLAN16.210 Nonimpacted Forest Lands Zone (F-1, RCP).

District (F-1, RCP) is:

(a) To conserve forest land for forest uses in accordance with Statewide Planning Goal #4.

(b) To recognize that the preservation and protection of commercial forest lands within Lane County is necessary for the continuous production of forest crops, and that such are beneficial to the economy of the County and to the welfare of its people.

(c) To encourage multiple use of forest land for commercial timber management, watershed protection, maintenance and protection of fish and wildlife resources, livestock habitat and recreation.

(d) To protect commercial forest lands from intrusion of noncompatible uses by prohibiting or restricting nonforest uses that create potential impacts.

(e) To implement the forest land policies of the Lane County Rural Comprehensive Land Use Plan. It is the County's policy to protect forest operations from conflicting land uses. Nothing in this section is intended to interfere with normal forestry practices that might result in conditions such as noise, dust, smoke, visual impacts or odors for temporary periods of time. Existing or proposed nonforest uses (i.e. dwellings) within the Forest Lands Zones must recognize the intent of the Zone is to protect resource management activities and that in the event of conflict between residential uses and forestry practices, this Chapter will be interpreted in favor of these resource management practices.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this Chapter of Lane Code.

(a) Forest uses, not including a residence.

(b) Farm uses, not including a residence.

(c) Mining and quarrying and processing of rock as follows:

(i) Permitted in accordance with the Forest Practices Act (ORS 527.610 to 527.730) and for the purpose of forest road construction and other forest related uses, exclusive of the sale of rock for nonforest uses.

(ii) When used solely in conjunction with a farm use on the same property on which the mining and quarry activity occurs, exclusive of sales of the rock.

(d) Nonresidential uses necessary and accessory to the uses listed above, such as:

(i) Fire prevention, detection and suppression facilities;

(ii) Landing strips or heliports;

(iii) Roads for management and safety;

(iv) Maintenance, repair and storage of forest management and processing equipment, logging equipment, and farm equipment by the owner or operator of such equipment, exclusive of sales.

(v) Utility facilities and transmission lines limited in size for permitted or accessory use.

(vi) Log scaling and weigh stations.

(vii) Sorting yards and log storage areas located on the same unit of land from which the logs are harvested or on a nearby unit of land.

(viii) Solid waste disposal sites for industrial forest wastes on the same unit of land from which the wastes originated.

(ix) Communication facility necessary and accessory to forest uses.

(e) Public parks, campgrounds, boating facilities, camps and such other recreational facilities, including accessory parking areas.

(f) Water impoundments with less than 100 acre feet storage capacity and in conjunction with beneficial uses of water customarily associated with fire prevention, forest uses or farm uses.

(g) Operations conducted for the exploration of geothermal resources, aggregate and other mineral or subsurface resources.

(h) Maintenance and repair of any lawfully existing residence.

(i) Fish and wildlife habitat management and any necessary and accessory uses.

(j) Facilities for the primary processing of forest products.

(k) Facilities and test plots, excluding a residence, for experimental and research activities associated with forest management and forest products.

(l) Nonresidential structures normally accessory to a residential use, such as garages, storerooms, greenhouses for noncommercial use, workshops or similar and related accessory uses.

(3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and exceptions set forth by this Chapter of Lane Code:

(a) Replacement of any legal residence existing, occupied, suitable for occupancy or in the process of being constructed, and such replacement need not be in kind (i.e., a mobile home may replace a dwelling or vice-versa). Any replacement authorized under this subsection

shall be for a dwelling or mobile home to be located on the same site as the previous residence or on a site that has lesser impact on surrounding uses, and such replacement shall commence within one year of the date of removal of the previous residence.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2)(j) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

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

Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(c) Creation of a parcel less than 80 acres, subject to the following conditions:

(i) Evidence is submitted in the form of a detailed forest management plan (sufficient to obtain a tax deferral) that supports a parcel size of less than 80 acres and shows how the parcel will be maintained in commercial forest management and forest uses.

(ii) The forest management plan shall specify how the following practices, when applicable, are to be addressed: road and fire trail construction and maintenance, site preparation, reforestation, stand conversion, planting of nonstocked openings, competition reduction/release, precommercial thinning, harvest scheduling/rotation cycle, and special site treatments for topography and other concerns.

(4) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to submittal of an application pursuant to LC 14.050 and approval of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the conditional use criteria of LC 16.210(5) below:

(a) Sorting yards and log storage areas exceeding the standards of an accessory use specified under LC 16.210(2)(d)(vii) above.

(b) Maintenance repair and storage of forest management and processing equipment, logging equipment, and farm equipment when incidental to a forest repair and storage facility, as a business enterprise operated by someone other than the owner of such equipment, exclusive of sales.

(c) Solid waste disposal sites exceeding the standards of an accessory use specified under LC 16.210(2)(d)(viii) above and not exceeding 10 acres in size.

(d) The mining, quarrying and processing of mineral, geothermal and other subsurface resources; and exploration, rock mining, quarrying and processing which exceeds the standards as specified under specified under LC 16.210(2)(c) above.

(e) Power distribution and/or telephone lines which exceed the standard as specified under LC 16.210(2)(d)(i) and (v) above.

(f) Communication facility.

(g) A hydroelectric generating facility with a water impoundment of less than 100 acre feet.

(h) A hydroelectric generating facility not exceeding 10 acres in size and located at an existing water impoundment which will not be increased in size because of the generating facility.

(i) Privately owned parks, campgrounds, boat facilities, camps and other such recreational facilities, including accessory parking areas where overnight lodging is provided upon satisfying the following conditions:

(i) Domestic water supplies for all development within designated forest lands shall emanate from surface or subsurface water sources contained within the boundary of the property in question; except as provided in LC 16.210(4)(i)(ii) below.

(ii) The domestic water supply is obtained from another source with the documented approval of all other affected parties, with the condition that such use will not affect the right of the owner of that water source to undertake forest management practices on his or her property.

(iii) The water supply system shall: have a delivery capability of sustaining a volume of 20 gallons per minute for not less than 50 minutes; sufficient water outlets and serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach nearby improvements; be maintained as a connected operating unit ready for immediate use during periods of fire danger.

(j) Lodges and any accessory facilities.

(k) A Forest Work Camp. A forest work camp as used in this section means a minimum security, rehabilitative correction facility which includes:

(i) Such uses including, but not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, vehicular parking and circulation areas, outdoor lighting, perimeter and internal security fencing, limitations upon the movements of residents and visitors, uses accessory to the above and work activities of inmates where the predominant work activity is forest management.

(ii) Such uses in LC 16.210(4)(k)(i) above must be operated by authorized public agencies or their designates.

(iii) Such uses in LC 16.210(4)(k)(i) above which are structures designed for human occupancy shall comply with the siting and fire safety standards of the Inmate Work Camp Zone as specified below in LC 16.227(3)(a)

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.210(4)(a)-(i) above are subject to compliance with criteria LC 16.210(5)(a)-(f) below; uses conditionally permitted under LC :6.210(4)(j) above are subject to compliance with criteria LC 16.210(5)(a)(ii) and (b)-(f) below; and uses conditionally permitted under LC 16.210(4)(k) above are subject to compliance with criteria LC 16.210(5)(a)-(g) below.

- (a) (i) Evidence is provided supporting reasons why the proposed use should be sited in forest lands, or;
- (ii) That the proposed site is on land generally unsuitable for forest uses;
- (b) That the proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
- (c) That the proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
- (d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;
- (e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby forest lands, and these measures may be established as conditions of approval; and
- (f) That the proposed use is consistent with the forest policies contained in the Rural Comprehensive Plan.
- (g) Policy #7, "Public Facilities & Services" (Goal 11) Policies Element, Rural Comprehensive Plan.
- (6) Area. The minimum area requirement for the division of land shall be 80 acres, except as provided below:
 - (a) A division of land to create a parcel of less than 80 acres may be conditionally allowed pursuant to compliance with Lane Code Chapter 13, if:
 - (i) It is for the purpose of separating an existing residence from the adjoining forest land and the parcel containing the residence is limited to the least amount of area reasonably possible so as to maximize forest use on the other parcel; or
 - (ii) Evidence is submitted in the form of a detailed forest management plan (sufficient to obtain a tax deferral) that supports a parcel size of less than 80 acres and shows how the parcel will be maintained in commercial forest management and forest uses.
 - (b) The adjustment of a common property boundary which results in no additional parcels and if, where the parent parcel reduced in size is below 80 acres, the adjusted common property boundary is the most conducive one for forest management considering the unique physical characteristics of the land, including terrain, stream courses, soils, existing nonforest uses, and related features.
- (7) Property Development Standards. All uses or activities permitted or conditionally permitted above, except the growing and harvesting of tree species regulated by the Oregon Forest Practices act, shall be subject to the following development standards, etc.

(a) Class I Stream Setbacks. No structure other than a fence or sign shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A lesser setback may be allowed if:

(i) The Department of Fish and Wildlife is consulted by the Department at least 10 days prior to issuing a permit for a structure; and

(ii) The riparian vegetation does not actually extend all the way into the 100 foot setback to the location of the proposed structure, and the riparian vegetation has not been removed in violation of the below riparian vegetation maintenance standards; or

(iii) An application for a variance to the above setback standard has been approved pursuant to LC 16.256 below with findings of compliance to the Comprehensive Plan policies for the protection of Class I streams and riparian vegetation.

(b) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall be conducted in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.210(7)(b)(i) above. Where vegetation removal beyond that allowed in LC 16.210(7)(b)(i) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Vegetation removal necessary to provide water access for a water dependent use.

(bb) Removal of dead or diseased vegetation that poses a safety or health hazards.

(cc) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(c) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and

(iii) 10 feet from all other property lines except as provided below.

(d) Signs.

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

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

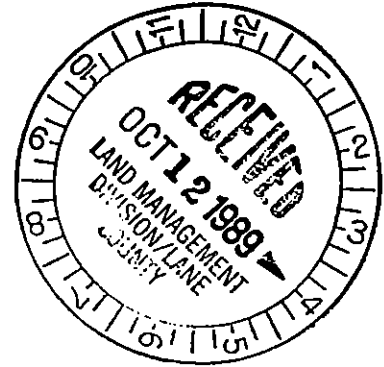
(iii) Signs shall be limited to 200 square feet in area.

Exhibit "C"

Ordinance No. 14-89

Lane County Landowner's Association
P. O. Box 275
Springfield, Oregon 97477

October 5, 1989



Mr. Kent Howe
Lane County Land Management
125 E. 8th Ave.
Eugene, Oregon 97401

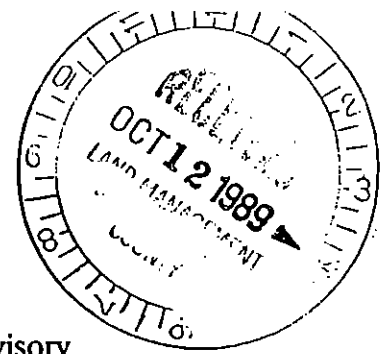
Dear Kent:

The Lane County Landowners Association has been actively involved in the development of Lane County's Comprehensive Land Use Plan for many years. We represent 10 industrial timber companies and several small woodlands owners, collectively owning the majority of the privately-owned forest land in the county. We appreciate the opportunity, at this time, to provide some additional input on the question of minimum parcel size in the F-1 zone.

We are on record, as you know, in support of 40 acres as an economically and operationally manageable unit within the F-1 zone. In 1982, Carl Ehlen, our then-Chairman and Chief Forester at Georgia Pacific, wrote a letter concerning this question, a copy of which is enclosed. His points are still valid today, as are those in a later letter addressed to Jim Mann. To further document our position, I have researched land transactions in the F-1 zone which are affected by this parameter. A variety of situations can arise where the flexibility of a 40-acre minimum enables more efficient management.

Due to historical patterns of surveying and ownership, there exist many 40-acre (or approximately 40-acre) tracts of ownership within the F-1 zone, often involving parcels of private land surrounded by government ownership, or vice-versa. Topography rarely pays attention to legal boundaries, and there are many situations where an exchange of property to make ridgelines or waterways into property lines can facilitate efficient management for both parties. Many times these can be handled as "lot line adjustments," without regard for minimum lot sizes. Where a 40-acre piece is involved, however, adding an adjoining 10 acres would not technically be allowed as a lot line adjustment where the minimum lot size is 80 acres since the resulting 50-acre tract would not meet the required minimum parcel size.

Another somewhat similar example was Weyerhaeuser's recent land exchange with the BLM, which necessitated a 57-acre partition in the F-1 zone. The division was needed to create the parcel both parties considered appropriate for exchange to enhance their management objectives. There was no change in use contemplated, merely an adjustment of property boundaries to facilitate future operations. A strict 80-acre minimum would have precluded that division.



The recent work done with the county by the forestry and agricultural advisory committees can be used to help document the fact that many professional foresters feel that 40 acres is sizeable enough to generally be an efficient management unit. In the F-1 zone, where non-forest uses and new residences are not allowed, allowing smaller parcels will not lead to problems with development. The flexibility of this smaller minimum size can help promote efficient management in many cases, while it is hard to imagine a situation in Lane County's F-1 zone where it would introduce a problem.

Another issue mentioned by some of our small woodlands members is that individually-owned F-1 lands may be passed from one generation to the next. There are cases where a 40-acre minimum would allow the land to be divided between siblings while an 80-acre minimum would not. Again, since the F-1 zone precludes additional residential development, such a division would not conflict with and could in many cases encourage efficient management and greater productivity.

As you are certainly aware, during the years that the F-1 40-acre minimum was in effect (after acknowledgement and before the 1000 Friends court decision), there was no great rush to subdivide F-1 tracts into 40-acre parcels. Nor would much activity along these lines be expected in the future. In analyzing the parcel size to be allowed, the entire set of parameters affecting F-1 land must be taken into consideration. Once this is done, the added flexibility of a 40-acre minimum (or 1/16 of a Section, to allow for smaller than 40-acre "fortys") argues strongly for its adoption.

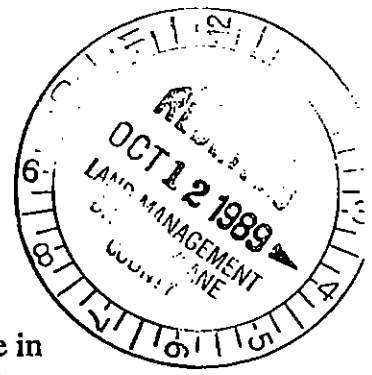
We appreciate your consideration of these ideas during the formulation of revisions to the County's Plan. For your information, I am including a list of some of the participants in the Lane County Landowner's discussion of this question.

Sincerely,

A handwritten signature in cursive script that reads "Sue Bowers".

Sue Bowers
Chairman

Enclosures



"Credentials" for input to the 40-acre minimum discussion:

Gary Blanchard--Chief forester for Starker Forests in Corvallis. B.S. degree in forestry from OSU. Handles forestry and land use issues for Starker, whose scattered ownership pattern provides plenty of opportunity for potential conflicts with adjoining owners.

Sue Bowers--Use information from advisory committee

Carl Ehlen--Was Chief Forester for Georgia-Pacific in Eugene, handling forest management and land use issues on approximately 150,000 acres of mostly Lane County timberlands for several years. Subsequently was GP Forest Manager in Bellingham and now works in Portland at their regional headquarters. B.S. in Forest Management from Washington State University.

Russ Ellwood--Lands Manager for Giustina Bros. in Eugene for over 25 years. Provides input for his company to both Land Use and Forest Practices matters.

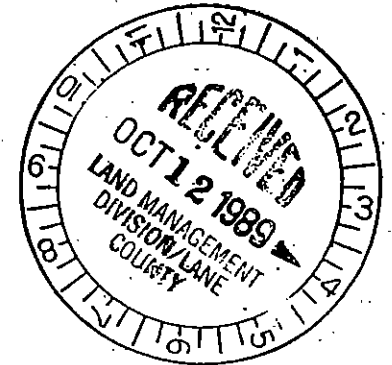
Robert Moulton--Attorney, experienced in Land Use issues. Handles forestry/land use matters for Davidson Industries in Mapleton. (You probably can add lots more to Bob's information--or call him if you want degrees, etc.!))

John Phillips--Use information from advisory committee.

Steve Woodard--Use information from advisory committee.

Lane County Landowners Association
P. O. Box 1618
Eugene, OR 97440

November 23, 1982



Mr. Vern Delk
Senior Planner, Lane County
Lane County Courthouse/Public Service Bldg.
125 E. 8th Avenue
Eugene, OR 97401

Dear Mr. Delk:

The purpose of the Lane County Important Forest Land District (F-1) is, by definition, specifically written to recognize the importance of the commercial forest lands within the County, to encourage the commercial management of these lands, to conserve forest land for forest uses, and to protect commercial forest lands from intrusion of non-compatible uses. It is the county's policy to protect forestry operations from conflicting land uses. Lane County's use of three distinct forest zones (F-1, F-2 and F-3) recognizes the varying land use patterns, parcels and resultant intensity of forest management practices which are or can be applied to different types of forest land within the County.

With the above in mind, the County has determined that the minimum area for the division of land within F-1, the truly intensive forest management zone, shall be 40 acres. The Lane County Landowners Association, representing ten industrial timber companies and members of the Oregon Small Woodlands Association with ownership approximating 50 percent of the privately held land in Lane County, supports this acreage as an economically and operationally manageable unit. In addition, we would suggest that government lots approximating 40 acres be included.

It is our belief that a small parcel can be economically managed on a commercial basis. Certainly industrial timberland owners and the larger small woodland owners can successfully manage separate parcels of this size. An individual with a single 40 acre parcel, given the commitment and capital, can also manage it on an economic basis. With proper forest management, a parcel of this size will pay its way over the long term. The parcel may not generate sufficient income to provide a sole means of support to the owner, but there is nothing in the goals and guidelines that requires this. Many forestland owners live and work in town and manage their property on weekends, partly as a recreational activity. Others hire professional consultants to manage it for them.

Lane County and the Lane County Landowners Association are committed to protecting our commercial timberland base. We do not believe that a 40 acre parcel in an area which meets the criteria for F-1 zoning will have a deleterious effect on this commitment.

Sincerely,

Carl F. Ehlen

Carl F. Ehlen, Chairman
Lane County Landowners Association
P. O. Box 1618
Eugene, OR 97440

P. O. Box 1618
Eugene, OR 97440



Mr. Jim Mann, Senior Planner
Land Management Division
Lane County
125 E. 8th Avenue
Eugene, OR 97401

Dear Jim:

On November 23, 1982 we submitted a letter to Mr. Vern Delk (copy attached) regarding commercial timber management on 40 acre parcels on F-1 forestland. At that time we felt that 40 acres was an economically feasible size to manage and we still support that premise.

The latest F-1 Forestland Zone proposes to exclude dwellings and to allow for a 40 acre minimum parcel size. When we submitted our letter in 1982, the then F-1 Zone proposed to allow for a dwelling on 40 acre minimum parcels. We see no reason to alter our opinion of the management feasibility on 40 acres because of this change.

As we alluded to in our original letter, a commitment to forest management is the key, whether on 40 acres or 400 acres, whether using your own labor or contracting the work, whether gaining a sole means of support from the property or partial support. We are entering a new era in forestland ownership where landowners understand the benefits that can be derived from timber as a renewable resource. The protection of the commercial forestland base in Lane County will not be diluted because of a 40 acre minimum in the F-1 Zone but, rather, will probably be enhanced by this commitment.

Sincerely,

Carl F. Ehlen
Chairman

CFE/jp

MEMBERSHIP OF
LESA FARM AND FOREST TECHNICAL COMMITTEE

SUE BOWERS- Land use manager, timberlands department, Weyerhaeuser Co.; B.S. Washington State University, 1976; 13 years of experience in silviculture, 7 of which involved State of Oregon planning process; member of Society of American Foresters and Women in Forestry. Responsible for coordination of forestry and other compatible land uses on over 400,000 acres of Weyerhaeuser tree farm property; evaluation of land purchases and disposal; dealing with forestry issues in regulatory arenas; work in all phases of forest management including contact with adjacent landowners and the general public.

CLIVE DUMDI- Sheep rancher; B.S. Oregon State University, 1955; 20 years of experience as a rancher preceded by 5 years as a banker and 5 years as a county extension agent; member of Lane County Livestock Association, Oregon Sheep Growers, American Sheep Industry Association, Western Oregon Livestock Association, Oregon Cattleman Association and Junction City Chamber of Commerce. Uses forage as the main source of feed and "...therefore management of land for good pasture production is very important."

THOMAS J. HARPER- Self employed farmer; B.S. Oregon State University, 1941; 43 years of experience in farming; member of Oregon State Horticulture Society; recipient of Hartman Cup for Outstanding Horticulturist; currently assists in managing a 700 acre farm operation.

JOHN A. HENTZE- Farmer; B.S. Oregon State University, 1953; 35 years of experience in farming. "...for a farmer to stay in farming one has to know how to rotate crops to maintain fertility, and how to grow each crop economically."

MARK E. MELLBYE- Extension agent; B.S. & M.S. Oregon State University, 1973 & 79; 10 years of experience as extension agent; member of American Society of Agronomy and Oregon Weed Science Society. Conducts research and advises farmers on field crops.

J. MIKE MORRIS- U.S. Forest Service; B.S. Washington State University, 1966; 30 years of experience as a forester; member of Society of American Foresters; received SAF awards for outstanding service in 1979, 1984, 1986, and 1987. Involved with land and resource management, assuring compliance with applicable policies and regulations, and member of incident management team.

ROSS PENHALLEGON- Extension agent; B.A. & M.A. Washington State University, 1976 & 83; 5 years experience preceded by 8 years on a farm; member Oregon County Agents Association, National County Agents Association, Lane County Horticulture Society, Oregon Horticulture Society, Filbert Growers Association and Oregon Master Gardener Association. Specializes in commercial horticulture, assists Lane County growers in managing their farm lands.

JOHN M. PHILLIPS- Retired forester; B.S. University of California,

1946, M.S. Oregon State University, 1967; 17 years experience as a professor of forestry at Lane Community College, preceded by 16 years as a chief forester and 3 years as a forest engineer; member Society of American Foresters, American Forestry Association, American Congress of Surveying and Mapping, Professional Land Surveyors of Oregon and Oregon Small Woodlands; selected as U.S. delegate to World Forest Technical Education Conference in Stockholm Sweden, 1971. Still manages small forest tract.

JON STRANDJORD- BLM planner/environmental coordinator; B.S. & M.S. Purdue University, 1966 & 69, M.B.A. Golden Gate University, 1974; 15 years experience in wildland management. Current responsibilities include land use planning of 320,000 acres of forest land and implementing National Environmental Policy Act.

BRUCE G. WILLIAMS- District Conservationist, U.S.D.A.; B.S. Washington State University, 1982; 12 years experience in management of pasture, rangeland and cropland; member Soil & Water Conservation Society, Alpha-Zeta Agricultural Honor Society and Lane County Farm Bureau; recipient of 3 U.S.D.A. Soil Conservation Service merit awards. Advises farmers on resource management problems and provides soils and natural resource information to the general public.

STEVE WOODARD- Extension Forester/tree farmer; B.S. & M.S. Oregon State University, 1963 & 66; 40 years of experience in forest management; fellow and past chapter president of Society of American Foresters.

1000 FRIENDS OF OREGON

Mr. Roy Burns, Planning Director
Lane County Land Management Division
125 East 8th Street
Eugene, OR 97401

4 August 1988

RE: Revisions To F-1 Zone Minimum Lot Size Provisions In Response
To Supreme Court Decision

Dear Roy,

I have reviewed the proposed changes to the F-1 zone land division standards contained in your undated memo.

As we discussed during our meeting we accept the 80-acre minimum lot size as supported by information already in the county's plan.

However, we do not feel comfortable with the open-ended provision for the creation of subminimum parcels subject only to the requirement that evidence is provided that the land "will be managed as a portion of a forest operation; and "Will remain in forest management." (Proposed LC 16.210(3).) This is not what we had in mind when we stated that we did not object to provisions which would allow forestry operations to consolidate their holdings.

Consolidations of forestry holding generally do not require the creation of new subminimum parcels. Adjoining land can be acquired and merged into a preexisting parcel of 80 acres or more. These kind of lot-line adjustments can be allowed as a ministerial decision without the need for individual findings provided all of the remaining parcels meet the 80 acre minimum lot size.

The proposed language sets no limits on the discretion of the decision maker as to what constitutes a "forest operation" or what evidence is adequate to provide a genuine assurance the land will remain in forest management. A review of decisions made in other counties (e.g. Jackson county) suggests that a persistent applicant can succeed in convincing a planner that virtually any level of activity constitutes "forest management", even if it is nothing more than watching the trees grow or enjoying the wildlife.

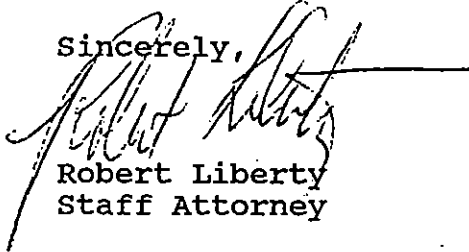
Once land is divided into small pieces (e.g. less than 80 acres) it becomes attractive for purchase by the NIPF landowner class. As numerous studies (including David Martin's Masters thesis about the attitudes of small woodland owners in Lane County, and the 1959 New York study by Carl Stoltenberg, who later became Board of Forestry chair) have indicated, the probability of management decreases with ownership size. And despite the example of persons active in the Small Woodland Owners Association studies, show that only 3 to 20% of the NIPF lands in Oregon receive any level of management.

In light of declining production from Forest Service and industrial lands, it is critical that additional lands not be transferred into the low-management NIPF category. Dividing the land into parcels under 80 acres would facilitate that process.

Our suggestion is to simply omit the provisions allowing the creation of substandard parcels.

We hope you find these comments helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Liberty", written over a horizontal line.

Robert Liberty
Staff Attorney

cc Mr. Henry Richmond
Mr. Bill Rogers
Mr. Stan Long
Mr. Jim Ross
Mr. Bob Rindy

Exhibit "E"
Ordinance No. 14-89



August 15, 1988

Robert Liberty, Staff Attorney
1000 Friends of Oregon
300 Willamette Building
534 S.W. Third Ave.
Portland, OR 97204-2515

Dear Robert,

I do not understand the severe reluctance you present in relation to a parcel size of less than 80 acres. The proposal can create parcels less than 80 acres and not result in a loss of timber productivity. The proposed standard of going less than 80 acres is designed as an exceptions process that will address unique needs that may arise in the sale or exchange of forest land.

The most common exchange that we have experienced is between Federal ownership and major timber companies. In these instances, exchanges are attempted to block-up ownership between parties, and an attempt is made to trade comparable parcels at one location for those desired in another location. In many cases separate counties are the site for the exchange. Occasionally, an exchange may constitute parcels of less than 80 acres in order to achieve comparable value.

We believe our proposal satisfies the objective of maintaining forest lands for forest uses and still recognizes an occasion that it may be necessary to approve a land division of less than 80 acres. The process would include notice and adequate findings to support the decision.

I would appreciate your further consideration in this matter.

Sincerely,


ROY L. BURNS, Manager
Land Management Division

RLB/jbw

Attachment: Original F-1 Division Standard

c.c. Bob Rindy
Jim Mann
Kent Howe ✓
Jim Ross
Bill Rogers
Henry Richmond
Stan Long