

On 22 June 1990 LCDC voted unanimously to adopt Acknowledgement Order 90-ACK-657, which approved the DLCD staff recommendation for the acknowledgement of additional Developed and Committed Exception Areas in Lane County. The supplemental findings to support 22.7 acres of additional land within Exception Area 569-1 were not among those approved by 90-ACK-657 because of the DLCD staff analysis: "Tax lots 300 and 100 are in common ownership (22.66 acres) and have been forested and harvested. The lots are bordered on the east and west by forest land zoned for forest use (F1). There are no dwelling on the lots. The lots receive forest deferrals".

V. **FACTS RELIED UPON**

- A. The Land Conservation and Development Commission has acknowledged 14.3 of the 37 acres of land originally designated within Exception Area 569-1. LCDC Acknowledgement Order 89-ACK-608 was supported by evidence endorsed by Lane County Board Order 89-9-6-15, which remains part of the record. Supplemental findings were adopted by Board Order 90-3-28-7, but were excluded from LCDC Acknowledgement Order 90-ACK-657. The facts and findings adopted by Board Order 90-3-28-7 are reintroduced in support of an exception for 10 acres of land to be included within Exception Area 569-1.
- B. On 25 September 1990 property owners were sent notice of a proposed amendment to the boundary of Exception Area 569-1, to be considered by the Lane County Planning Commission. Neighboring property owners were also notified, the site was posted and notice to the general public was published in the Register-Guard.
- C. On 16 October 1990 the Lane County Planning Commission conducted a public hearing to consider an amendment to the Lane County Rural Comprehensive Plan that would change the land use designation of the unacknowledged land within Exception Area 569-1 from residential to forest, and rezone it from RR10 (rural residential) to F2 (impacted forest). Due to the large attendance the hearing was continued to 17 October, and again to 18 October.
- D. On 18 October 1990 the owner of tax lots 100 and 300 testified that her property is not practicable to manage for timber production because of soil and topographic conditions (see attachment 12). The Planning Commission voted to recommend to the Board of Commissioners that it be redesignated for forest use because of the lack of substantiative evidence.
- E. On 21 November 1990 property owners were sent notice that the proposed amendment to Exception Area 569-1 had been scheduled for final action by the Lane County Board if Commissioners. Once again, the neighboring property owners were notified, the site was posted and notice to the general public was published in the Register-Guard.
- F. On 12 December 1990 the Lane County Board of Commissioners conducted a public hearing to consider the proposed amendment to Exception Area 569-1 that would redesignate 22.7 acres of land from residential to forest use, and rezone it accordingly.

- G. The owners of tax lots 100 and 300 presented additional evidence to the Board of Commissioners to support additional findings for 10 of the 22.7 acres of unacknowledged land in Exception Area 569-1 (see attachment 13).

VI. ATTACHMENTS

- 1-10. Adopted by Lane County Board Order 90-3-28-7
11. Map of parcels deleted from 90-ACK-657
12. Transcript of the Lane County Planning Commission, 18 October 1990, pp 57-58
13. Olsen letter, 12 December 1990
14. Ordinance PA 992, Exhibits "SS1" & "SS2"

VII. FINDINGS

Land in the vicinity of Fall Creek Reservoir is designated for forest use by the Lane County Rural Comprehensive Plan. An exception to the RCP forest goal for 14.3 acres of land within Sections 27 & 34, Township 18, Range 15, referred to as Exception Area 569-1, has been approved by LCDC Acknowledgement Order 89-ACK-608. The exception was approved by the Land Conservation and Development Commission based on evidence that indicated that a portion of the land is developed and another portion is irrevocably committed. That evidence remains in the record, and the facts and findings adopted by Lane County Board Order 90-3-28-7 are reintroduced.

The remaining 22.7 acres land was continued due to the lack of substantive evidence that demonstrated how the standards of OAR 660-04-028(6) are met. The Lane County Board of Commissioners has since received testimony that supports an exception for 10 acres of additional land within Exception Area 569-1, because it further explains how the standard specified by OAR 660-04-028(6)(e) are met:

e) Natural or man-made features or other impediments

1. (Adopted by Board Order 90-3-28-7)
2. The 10 acres of additional land to be included within the amended boundary of Exception Area 569-1 are not practicable to manage for timber production because of the proximity to the Fall Creek Reservoir and Lane County Park on the opposite side of Peninsula Road. The owner presented the report of a professional forester who described the 22.3 acres of unacknowledged land as 3 distinct land forms. The report concludes that the eastern portion of the property, adjacent to other forest land, can be managed for timber production and should be redesignated as such. The report also explained that frontage along Peninsula Road is underlain with inferior soils, and in the author's professional judgement usual forest management practices should not be employed because of the proximity to the reservoir and the county park.

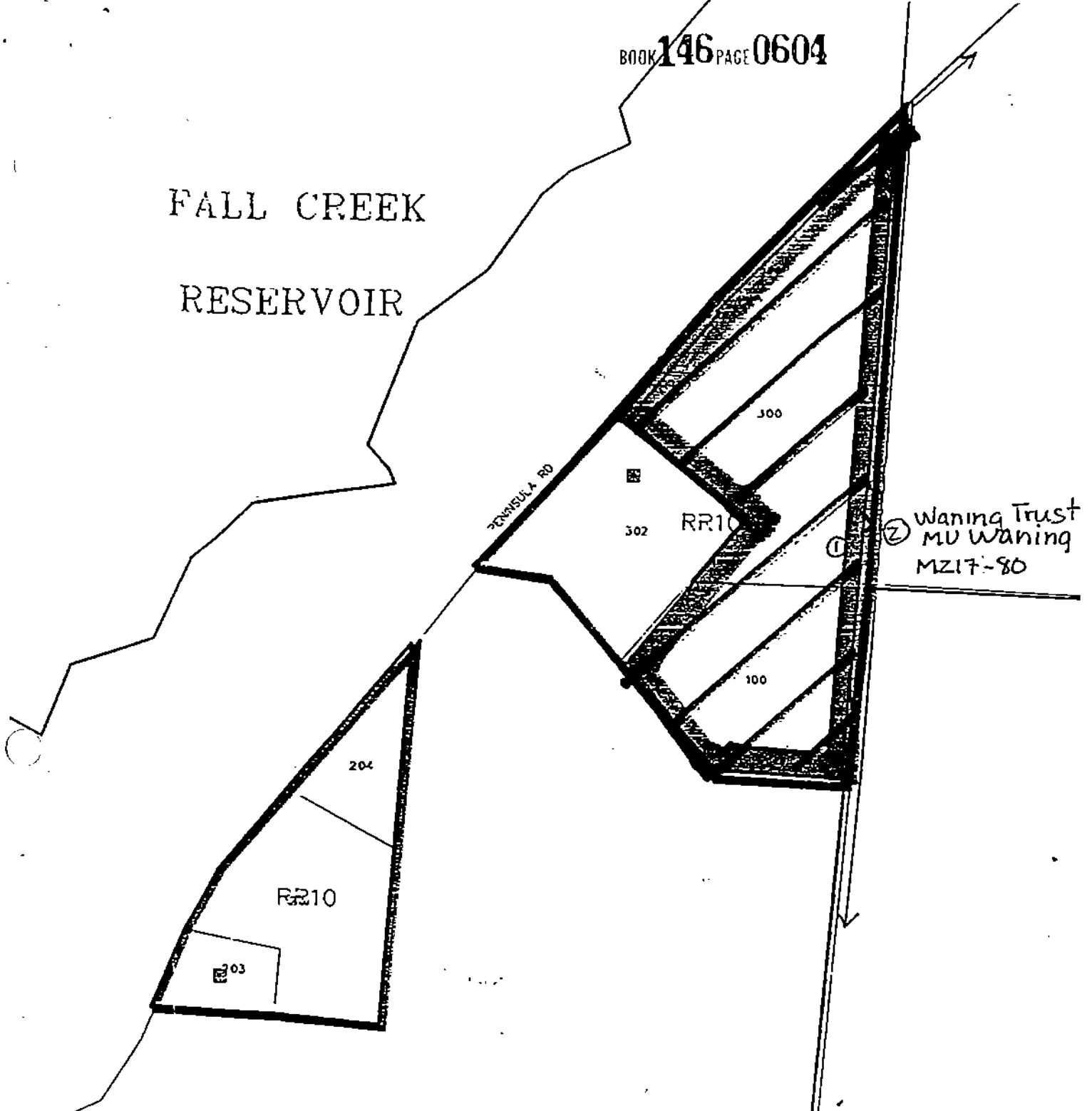
VIII. CONCLUSIONS

The Land Conservation and Development Commission has acknowledged 14.3 of the 37 acres of land originally designated as Exception Area 569-1 by adopting Acknowledgement Order 89-ACK-608 on 7 December 1989. Evidence has since been presented to the Lane County Board of Commissioners that indicates another 10 acres of land are irrevocably committed because of the physical characteristics of the land and the context of its location.

This conclusion is supported by evidence in the existing record, the general findings of resource management experts who contributed to 1989 Addendum to the Developed and Committed Lands Working Paper, specific findings previously adopted by Lane County Board Order 90-3-28-7 and evidence presented to the Lane County Board of Commissioners that cummulatively demonstrate why management of the land for timber production is not practicable.

There is insufficient evidence in the record to support the remaining 12.7 acres of land within the original; boundary of Exception Area 569-1, and therefore it is among the amendments to the Lane County Rural Comprehensive Plan contained in Ordinance PA 992.

FALL CREEK
RESERVOIR



①
② Waning Trust
MU Waning
MZ17-80

Plot# 569
Area# 1

LANE COUNTY PLANNING COMMISSION
CONTINUED PUBLIC HEARING
OCTOBER 18, 1990

only 14 acres makes it clearly fall within the working paper itself. That wasn't presented to LCDC, because, when it was presented to LCDC, it wasn't just a 14 acre parcel. It was a much larger parcel of contiguous tax lots. So it is just a structuring of findings.

Roy Burns: If the Planning Commission chooses to act, they could simply make a motion to adopt the Staff recommendation for the northern part of 200 and Tax Lot 401 and leave the existing RR10 and direct that supplemental findings be prepared to maintain the zoning on the southern part of 200.

MOTION: Gordon Howard: I motion to rezone tax lot 401 and the north part of 200 to E30 and resubmit to LCDC the south portion of the tax lot 200 with additional findings.

SECOND: Robert Greuner: Seconded the motion.

VOTE: All five Commission members voted in favor of the motion.

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569-1 Rezone from RR10 to E30.

Kermit Scott: This is 22 acres northwest of Dexter.

Harvey Hoglund: This was part of our September, 1989 submittal. The area originally contained 37 acres of land and all but 22 of the land was approved, which means that less than half of the original area was approved. The remaining property was returned. The Staff made another attempt to defend this area and it was submitted in March, 1990 to defend the boundary as it was originally drawn. The properties that are subject to this rezoning were returned because of the comments that are included in your packet. There is one request to testify and I circulated a memo from the property owner.

Kermit Scott: Thank you, Mr. Hoglund. We will open the Public Hearing.

Sandra Olsen: I live at 1234 Hilo Drive in Eugene. Our Tax Lot is 300 and 100. Regarding Tax Lot 300, the 15 acre parcel, I would like to emphasize and more fully explain that approximately 11 acres do not meet soil conservation service standards for potential tree productivity. I have included a map. According to the soil interpretation records, the number, 100 Oxley soil type and the number 85 Netroy soil type have no site index for douglas fir or any other timber production. The number 85 Netroy soil consists of: "Poorly drained alluvial soils in basin and drainage ways. The high water table, between November and May, is plus one to one. Meaning that is standard water. The surface layer is dark gray clay loam about 4 inches thick. The sub-surface is grayish brown clay, 28 inches thick, and the substratum to 60 inches is clay. There is severe ponding and flooding. Potential productivity for common trees is none."

LANE COUNTY PLANNING COMMISSION
CONTINUED PUBLIC HEARING
OCTOBER 18, 1990

In October, 1980, we met with W. McArthur, the Trust Forestry Officer for the US National Bank of Oregon. He told us, then, that we would have to drain the swampy grass area before even thinking about planting any trees. Regarding Tax Lot 100, one can see on the survey map that two small creeks flow west through about three acres of very steep ravines. It would be totally impractical and environmentally destructive to consider logging that area. The land was originally purchased by my grandfather, only because he wanted to use the creeks for irrigation of his ranch and not for the purpose of logging. I would just like to summarize.

In conclusion, I would like to say that the proximity to other forest lands should not automatically determine zoning designation of our property. By studying the Soil Conservation Survey Map, one can easily see that the soil types of our piece of property are unique and unlike those of other forest land. I believe that the RR10 designation perfectly suits the physical characteristics of that property.

Kermit Scott: Does anyone else wish to testify relative to this property? We will close the Public Hearing and turn it over to the Planning Commission.

Harvey Hoglund: Let me start out by saying that I think it is going to be a very difficult one.

Roy Burns: I can supplement that. I think that the testimony that was presented is more oriented to a non-resource type of assessment as contrasted to developed and committed exception standards. That is the problem that the Planning Commission is faced with is that, while the argument may have erred in being persuasive, it is in the wrong arena for consideration. As Mr. Hoglund indicated, the Department of Land Conservation Development have already stated that it is difficult to justify as committed because of the surrounding area's proximity, which is a factor. So I believe that is the problem that the Staff are faced with.

MOTION: Arthur Gardener: I would move to recommend approval of the F2 zoning.

SECOND: Robert Greuner: I second the motion.

VOTE: All five Commission members voted in favor of the motion.

Kermit Scott: We have three minutes, Mr. Burns. Any hope?

Harvey Hoglund: What they are going to do is leave these doors open. The guy wanted to lock up the internal passage way before he left. If you can do that, then we are secure for the evening.

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PUBLIC HEARING- Land Use Change
December 12, 1990

R. Jack and Sandra E. Olson
Exception 569-1
Location: Fall Creek Reservoir

569-1
BOOK 146 PAGE 0607

We would like to submit new information about tax lot 300. We had David Erickson, a forester for BLM, inspect the property, and based on his findings which confirm, validate, and enhance previous county findings, we would like to propose a compromise alternative for the property.

We would like to move the eastern boundary of tax lot 300 west to run parallel to an old fence line found on the survey map from 1980. This would decrease the size of tax lot 300 from approximately 15 acres to 10 acres and would leave approximately 13 acres of the total 22 acres to be zoned F-2 for forest management. It would leave the remaining 10 acres in the RR classification and would act as a protective buffer zone between the camp ground and the highly productive timber land to the east.

Regarding finding D- regional characteristics and E- natural and man made impediments, Mr. Erickson's professional opinion was that even though the areas marked #2 on the map could grow trees, they were intersected by a large, boggy 3.5 acre area "incapable to growing any commercial tree species", and would be extremely difficult to manage. Slash hazards along the approximately 1,300 feet of county road "would pose a serious wildfire threat during the summer months when use of this recreation area would be the highest. If a fire were to start here in thinning (or logging) slash by a discarded cigarette or careless camper, wildfire could devastate not only the Olson property, but hundreds of acres of adjacent forest land to the east." Incidentally, there have been several reports by Mr. Jearls, who lives next to our property, of campers trespassing onto our property to cut and gather firewood for their campsites across the road.

Mr. Erickson also cautioned against herbicide spray, a common method for forest management "because of the proximity of the campground and because of the abundance of running water in this area. While such a treatment would very likely be desirable and necessary from a timber production standpoint, I would anticipate serious public opposition to such silvicultural treatment so near the camp ground and Fall Creek Reservoir itself."

Every year, thousands of campers, boaters, and fishermen use and enjoy the county campground and Peninsula Road. About 130 acres once belonged to my grandfather, O.D. Upton who bought it in 1947. The county obtained the land by the law of eminent domain when Fall Creek Dam and Reservoir was built. Mr. Jearls also resides on former ranch property. I would ask that my grandfather's descendants and mine be allowed the use and enjoyment of at least a small piece of that property.

As a third generation Oregonian, I appreciate the goals of good land use planning, but it should be both realistic and fair.

We feel this proposal is a fair and realistic solution. The best timber resource land would be rezoned F-2, and the rest would remain as it is. Are there any questions?

Thank you

R. Jack and Sandra E. Olson
1234 Hilo Dr.
Eugene, OR 97404

ALTERNATE REZONING MAP

BOOK 148 PAGE 0609



FALL CREEK RESERVOIR

COUNTY PARK
PENINSULA ROAD

AREA #2
(2.5 ACRES)

PROPOSED -
(10 ACRES)
AREAS #2, #3
REMAIN RR.

AREA #3
Boq
(3.5 ACRES)

OLD FENCE LINE

AREA #2
(4 ACRES)

E →

TAX LOT
300

JEARL'S RESIDENCE

AREA #1
(5 ACRES)

PROPOSED REZONING -
APPROX.
13 ACRES
F2

NEW BOUNDARY

(AREA #1
plus TAX LOT
100)

8 ACRES
TAX LOT 100



OLSONS
1990

My name is David Erickson. I am a forester with a Master of Science degree in Forestry from Colorado State University. I have been employed as a forester with the Bureau of Land Management in Roseburg Oregon, since 1973.

I was asked by Mr and Mrs Jack Olson to inspect their property in Section 27, T18S., R1E., WM. (Tax Lot 300) to advise them as to the timber production capability of that tax lot. This tax lot is approximately 14 acres in size and is zoned Rural Residential, altho the County is currently reviewing the classification and has proposed to reclassify it as F-2 (Impacted Forest). The Olsons contend that Tax Lot #300 contains a large swampy area which is not capable of growing a commercial crop of trees, and therefore should not be rezoned F-2.

On Dec. 9, 1990, I inspected Tax Lot 300 of the Olson property on Big Fall Creek. I find the following conditions to be true:

1. The Olsons own two adjacent tax lots in Sec. 27, T18S., R1E., WM:
Tax Lot 300 and Tax Lot 100.
2. Tax lot 300 is actually comprised of three distinct areas:
 - a. Area #1 is a moderately steep northwest aspect ranging from 40-60% slope. This area was clearcut in 1985 and is now well-stocked with fast growing Douglas-fir seedlings which were planted by Mr. Olson. This area comprises approximately five acres of the 15 acre parcel.
 - b. Area #2 is actually two separate areas lying to the west of Area #1 on flat ground adjacent to a County highway called Penninsula Road. These two areas are well stocked with 50-60 year old Douglas-fir trees generally ranging in size from twelve to 16 inches. This site is more poorly drained than the hillside in Area #1 and while it definitely will grow commercial size trees, the site class is not as good as that on Area #1. I estimate that these two timbered areas equal 6.5 acres.
 - c. Area #3 is the third distinct area in this parcel and separates the two timbered areas in Area #2. It is a very poorly drained, boggy area devoid of stocking of any commercial tree species. This area is relatively flat sloping at 5%-10% from east to west (towards the county campground across Penninsula Road). There are some scattered alders and maples at the upper (eastern) end of this area, and several dead and dying larger alder at the eastern end of this area. As you proceed west the vegetation type changes from scattered alder and maple to low lying brush. Low growing vegetation in this entire area was characterized by the following hydrophytic species:
 1. Typha latifolia - cat-tail
 2. Oenathe sarmentosa - water-parsley
 3. Carex - sedge
 4. Juncus - rush

There was standing water throughout this boggy area, and two distinct flowing springs were percolating from the ground at the eastern end of this area. The soil type is #85 (Natroy) which is characterized by high clay content and high water table. It is because of this high water table that the observed hydrophytic plant species are abundantly evident and it is for this reason that Douglas-fir and other commercial tree species cannot survive on this site.

I surveyed this boggy area with a chain and compass and found the total acreage to be 3.5 acres (see attached map). It is my professional opinion that these 3.5 acres are incapable of growing any commercial tree species. It is also my opinion that the two noncontiguous forested areas called Area #2 in this document will be extremely difficult to manage for intensive forestry. This area totals 6.5 acres in size and represents only 25% of the total Olson acreage in tax lots #100 and #300. Area #2 lies immediately adjacent to Peninsula Road and directly across this highway is the Big Fall Creek County recreation area.

In order to properly manage area #2 for high intensive forestry it would be necessary to precommercial thin the next rotation of young trees. This would create a slash hazard along approximately 1300 feet of this highway and would pose a serious wildfire threat during the summer months when use of this recreation area would be highest. If a fire were to start here in thinning (or logging) slash caused by a carelessly discarded cigarette or by a careless camper, wildfire could devastate not only the Olson property, but hundreds of acres of adjacent forest lands to the east.

Herbicide spray to control unwanted grass and brush is another necessary silvicultural treatment for high intensity forest management of Area #2. However, I would not recommend that this treatment be used because of the proximity of the campground, and because of the abundance of running water in this area. While such treatment would very likely be desirable and necessary from a timber production standpoint, I would anticipate serious public opposition to such silvicultural treatment so near the campground and Fall Creek Reservoir itself.

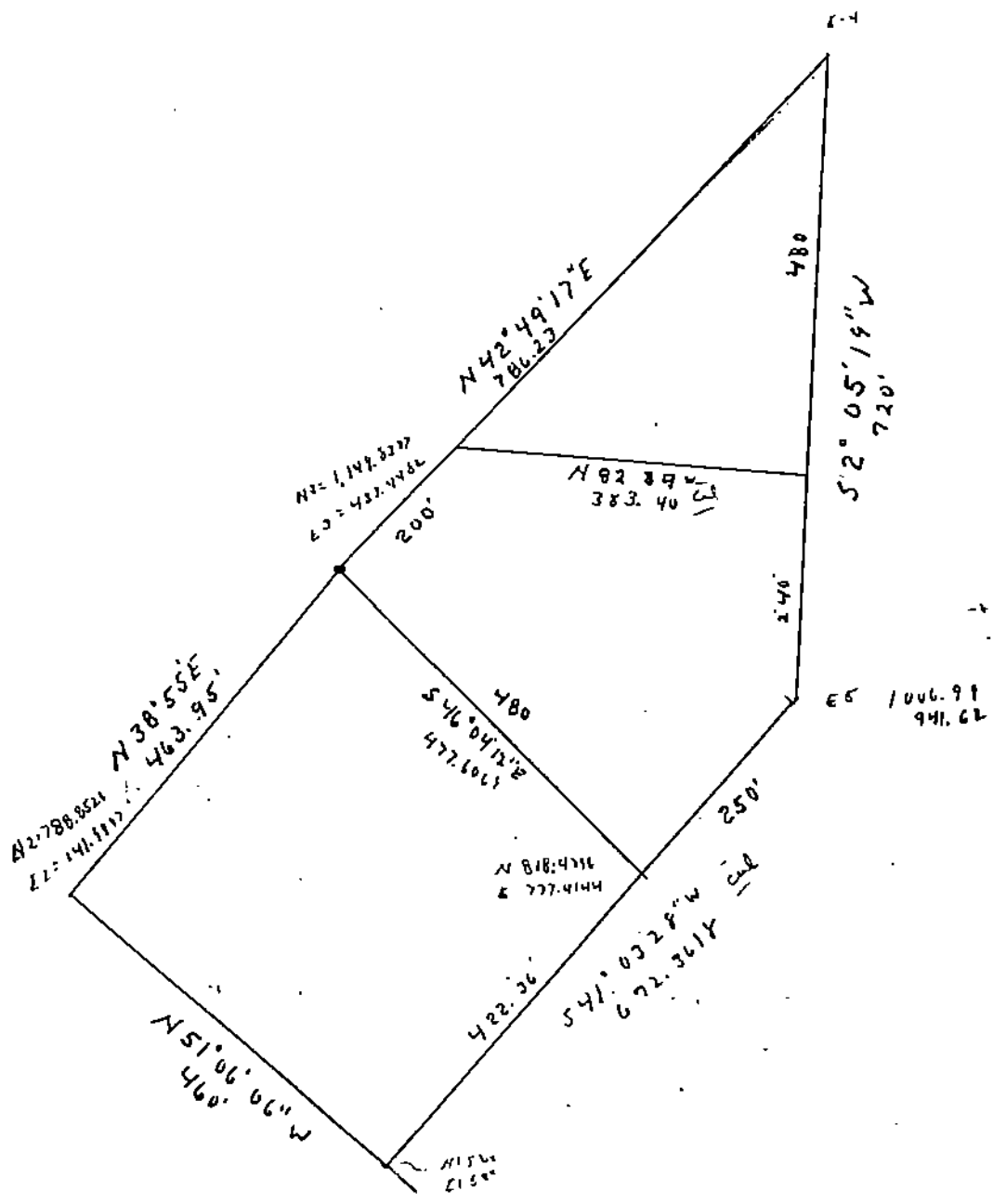
The Olsons have proposed an alternative which seems reasonable. They propose that the boundaries of Tract #300 be adjusted so that the eastern boundary would be moved west to the existing cutting line separating the D3 standing timber and the 1985 clearcut (Area outlined in red on the attached map). The effect of this would be to decrease the size of tax lot #300 from 15 acres to approximately ten acres. This would leave ~~15~~ ¹⁰ acres of the twenty-~~7~~ total acres owned by the Olsons zoned F-2 for high intensity forest management. It would leave the remaining ten acres in the classification R-R and would leave a buffer of forest land and the nonforested bog between the campground and the highly productive timber land to the east.

I endorse this proposal as a sound compromise alternative. If I can be of any further assistance in the clarification of this matter I can be reached at 672-7458.

David S. Erickson
242 Rocky Point
Roseburg, Or. 97470

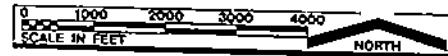
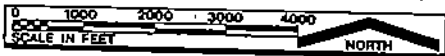
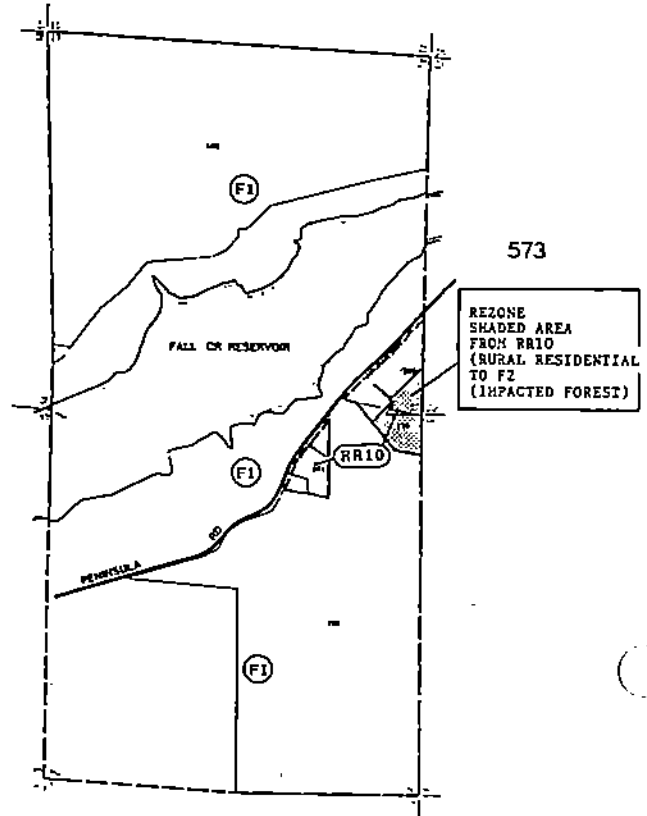
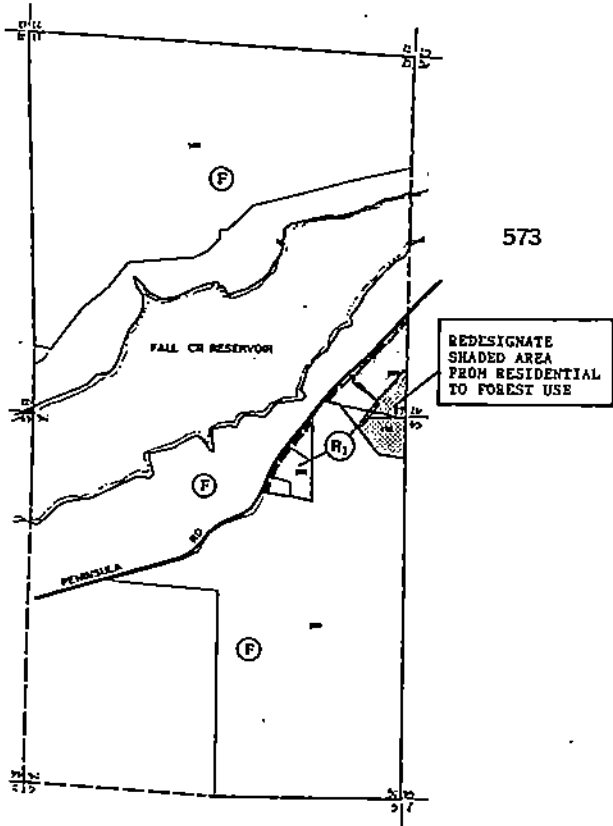
David S. Erickson

12/10/90



ORDINANCE PA 992
EXHIBIT "SS1"

ORDINANCE PA 992
EXHIBIT "SS2"



Adopted 19 December 1990

Adopted 19 December 1990

OFFICIAL PLAN MAP PLOT# 569

OFFICIAL ZONING MAP PLOT# 569

Township Range Section
18 15 27 / 18 15 34

Township Range Section
18 15 27 / 18 15 34

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

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