

## **NICKELL LAND SURVEYING AND PLANNING**

**33225 Craig Loop**

**Cottage Grove, Oregon 97424**

**Phone Number 541-968-2905**

### **LEGAL LOTS:**

All county roads, public roads, state and federal highways divide parcels of land. A parcel of land is a deed or land sales contract signed prior to land division laws and meet zoning. County and public roads is defined as all documents accepted by Lane County for road purposes. This includes petition, deeded and accepted road easements for public and county roads.

This definition is only for legal lot verification process and would not conflict with ORS requirements dealing with a dwelling in the farm zone;

Intervening ownership: A conveyance by deed of a parcel of land that splits a parent parcel of land, prior to the land division laws and meet zoning would create additional parcels of land (legal lots);

Public and county roads that were accepted by Lane County prior to January 1 1991 divide a parcel of land, after that date any road deed accepted by Lane County for road purposes does not divide the parcel, see ORS 92.010

All Navigable Rivers and Lakes as mapped and accepted by the GLO creates intervening ownership;

The only way a line (a lot line of parcel line) can be eliminated (see ORS 92.010) within a platted subdivision or partition is by a replat process;

A minor amendment process can be either a property line adjustment or replat, but only within the area of the original accepted plat;

A major amendment process can only be done with a replat process of the area of the original accepted plat;

Lane County Transportation/planning Department cannot require a landowner to acquire additional right of way for road purposes if the additional right of way would take the parcel below the zoning minimum;

Lane County Transportation/planning Department can only acquire additional right of way from the owner of the proposed preliminary plat, and not required any additional right of way from any other landowners along the public or county road. If Lane County Transportation/planning Department needs the additional right of way from the neighbors than they have to go through the Lane County process for acquiring the additional right of way, at the county expense.

## **RIPARIAN:**

Lane Code Chapter 16.253 needs to be changed to make the allowed area of vegetation removal more clear. The existing code, as written, is not very clear on what can be done in the farm and forest zone. For example it is allowed to farm within the 100 foot riparian setback area, but that same allowance is not in the code for the forest zone. I would like to see the language that would allow a land owner to remove vegetation for the farm practice within the farm zone up to the top of bank of the Class 1 river or lake. From the top of bank down to the water's edge the farmer can remove any non-native vegetation only if the farmer gets the necessary permits (see below). A landowner who owns a forest zoned parcel of land can remove any non-native vegetation within the 100 foot riparian setback area without permits as long as the landowner forest the land for 5 years , after the removal, before applying for a SUP permit that is within 150 feet of any riparian area on the subject parcel of land. If the landowner applies for a SUP, the landowner can remove any vegetation within the window that is provided by Lane Code. But if the landowner wants to remove any non-native vegetation outside of the window that is provided by Lane Code then the necessary permit is required.

The necessary permit to remove non-native vegetation within the riparian setback area in any zone, is to apply for a permit (the permit fee starts at \$150, for the planner to sign off on the application). The application would consist of a professional architect, engineer, or land surveyor to map out the area of removal of non-native vegetation and to show what is being proposed for replanting of native vegetation. A copy of the signed off application would be placed in the Lane County Planning Department TRS files;

The Lane Code for a riparian variance needs to be made more clearer so a common person can figure out the area that is allowed for the variance;

Put into Lane Code that the riparian setback area is recognized by Lane County Planning Department as a secondary fire break;

Put in Lane Code that any improvements, being decks, dwellings, or accessory building, that was placed within the riparian setback after January 1 1986 has to have a recorded building permit. If no building is on record then the landowner has to apply for a riparian setback variance;

## **RESOURCE ZONE:**

Allow all F-1 zoned parcel be allowed to apply for a SUP (template dwelling application only);

Change Lane Code Chapter 16.211 to state that if possible the setback from the propose dwelling to a property line should be 130 feet. But if the setback cannot be 130 feet, then the setback cannot be less than 30 feet. If the setback is less than 130 feet then the primary fire break setback is enlarged to 50 feet, or up to the property line if less than 50 feet;

Put in Lane Code Chapter 16.211 that the access road is 16 feet in width even when the access goes through other zones. ((Lane County Transportation/Planning Department is requiring additional width of the roadway surface if the access road goes through RR zone. So the travel width can change for 16 foot (F-2 zone) to 18 foot (RR-5 zone), back to 16 foot (F-2 zone) in one access,, this is just bad planning, and it appears to be an abrasive of power. Lane Code Chapter 15 says that in the forest zone use Lane Code 16.211, so why are we having this issue. To make Lane County hold the line I am requesting that we have to spell it out... that is why this issue is being requested;

Allow guest house outright within the F-2 and F-1 zone, if a dwelling is allowed. I do believe that a 1800 square foot limit on size should be put in place;

Allow access buildings outright with the F-1 and F-2 zones.