Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

06/18/2012

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 29, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sarah Wilkinson, Lane County
Jon Jinings, DLCD Community Services Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

FORM 2

# DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUN 11 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **LANE COUNTY**

Local file number: **PA11-5374**

Date of Adoption: **6/6/2012**

Date Mailed: **6/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/04/2011

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

TO AMEND THE RURAL COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF A 5.41 ACRE PARCEL FROM PUBLIC FACILITY (PF) TO COMMERCIAL (C) AND TO CHANGE THE ZONING OF THE PARCEL FROM RURAL PUBLIC FACILITY (RPF) TO RURAL COMMERCIAL (RC).

Does the Adoption differ from proposal? No, no explaination is necessary

Plan Map Changed from: **PUBLIC FACILITY (PF)** to: **COMMERCIAL (C)**

Zone Map Changed from: **RURAL PUBLIC FACILITY (RPF)** to: **RURAL COMMERCIAL (RC)**

Location: **21-02-19-00-00900**

Acres Involved: **5.41**

Specify Density: Previous:

New:

Applicable statewide planning goals:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ☒ | ☒ | ☐ | ☐ | ☒ | ☐ | ☒ | ☐ | ☒ | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | ☐ |

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

DLCD File No. 002-11 (19046) [17073]

**DLCD file No.** _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

LANE COUNTY


Local Contact: **SARAH WILKINSON, ASSOCIATE PLANNER** Phone: **(541) 682-4054** Extension:

Address: **125 E 8TH AVE.** Fax Number: **541-682-3947**

City: **EUGENE** Zip: **97401-** E-mail Address: **sarah.wilkinson@co.lane.or.us**


# ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**
**635 CAPITOL STREET NE, SUITE 150**
**SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

| | |
|---|---|
| **ORDINANCE NO. PA 1291** | **) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE ) PLAN TO REDESIGNATE LAND FROM "PUBLIC FACILITY (PF)" ) TO "COMMERCIAL (C)" AND TO REZONE THAT LAND FROM ) "RURAL PUBLIC FACILITY (RPF, RCP)" TO "RURAL ) COMMERCIAL (RC, RCP);" AND ADOPTING SAVINGS AND ) SEVERABILITY CLAUSES (FILE PA 11-5374; Siuslaw Bank)** |

**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 June 2011, application no. PA 11-5374 was made for a minor amendment to redesignate Tax Lot 900 of Assessor's Map 21-02-19 from "Public Facility (PF)" to "Commercial (C)" and concurrently rezone the property from "Rural Public Facility (RPF, RCP)" to "Rural Commercial (RC, RCP);" and

**WHEREAS**, the Lane County Planning Commission reviewed the proposal in a public hearing on January 17, 2012, and February 7, 2012, deliberated on February 21, 2012, and recommended approval of the proposed plan designation amendment and rezoning; and

**WHEREAS**, the evidence in the record indicates that the proposal meets the requirements of Lane Code Chapter 16 and other requirements of state and local law; and

**WHEREAS**, the Board of County Commissioners has conducted the required public hearing 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 900 of Assessor's Map 21-02-19 from "Public Facility (PF)" to "Commercial (C)," such territory depicted on Official Lane County Plan Map 2102 and further identified in Exhibit "A" attached and incorporated herein.

Section 2. Tax Lot 900 of Assessor's Map 21-02-19 is rezoned from "Rural Public Facility (RPF, RCP)" (Lane Code 16.294) to "Rural Commercial (RC, RCP)" (Lane Code 16.291), such territory depicted on Official Lane County Zoning Map 2102 and further identified in Exhibit "B" attached and incorporated herein.

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.

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.

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

**ENACTED** this 6th day of June, 2012.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

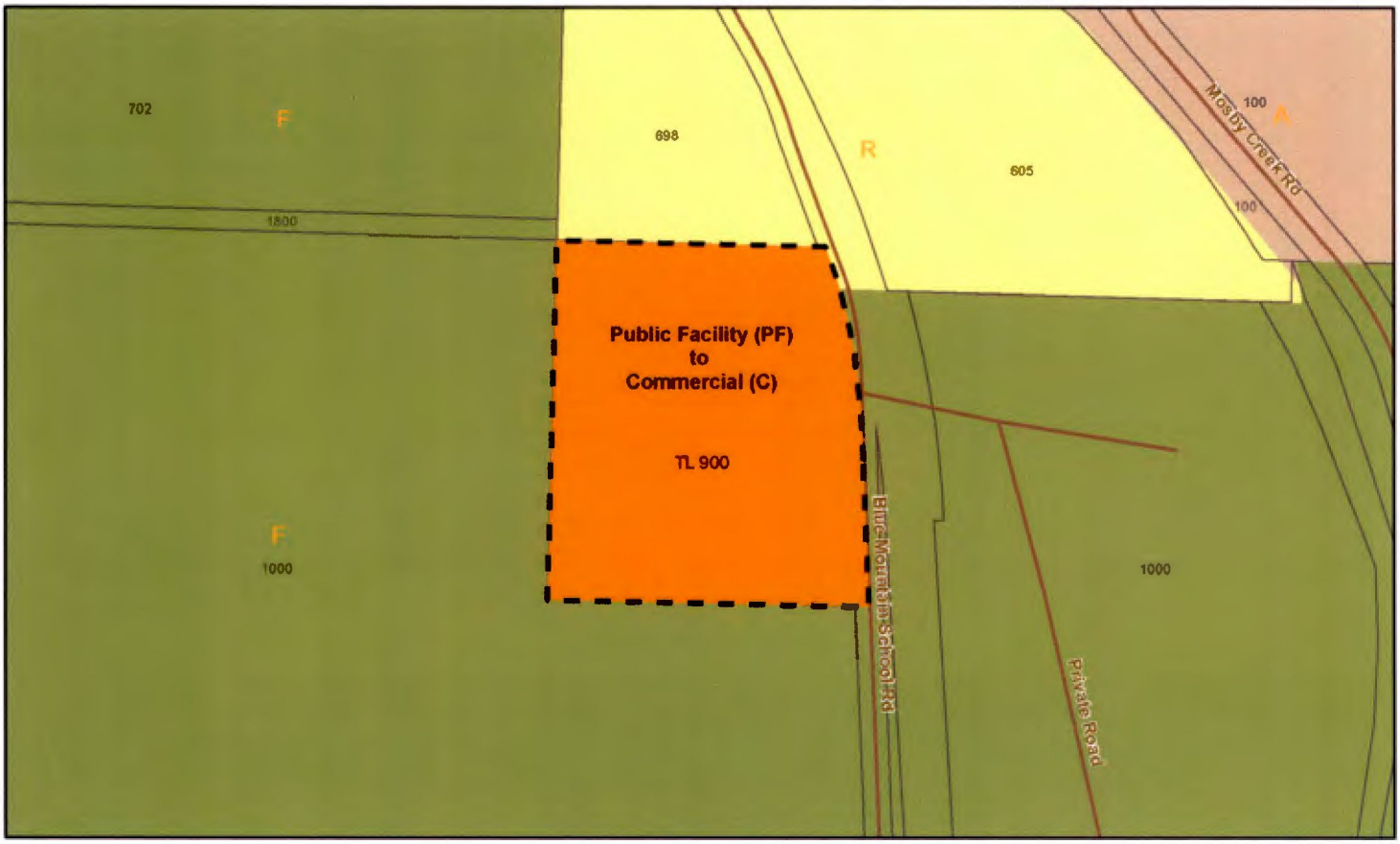
Date 4-3-2012 Lane County

OFFICE OF LEGAL COUNSEL

**Exhibit "A"**
**Ord. No. 1291**




**Existing Plan Designation**




**Change being enacted by PA 11-5374 on Official Plan Map 2102**

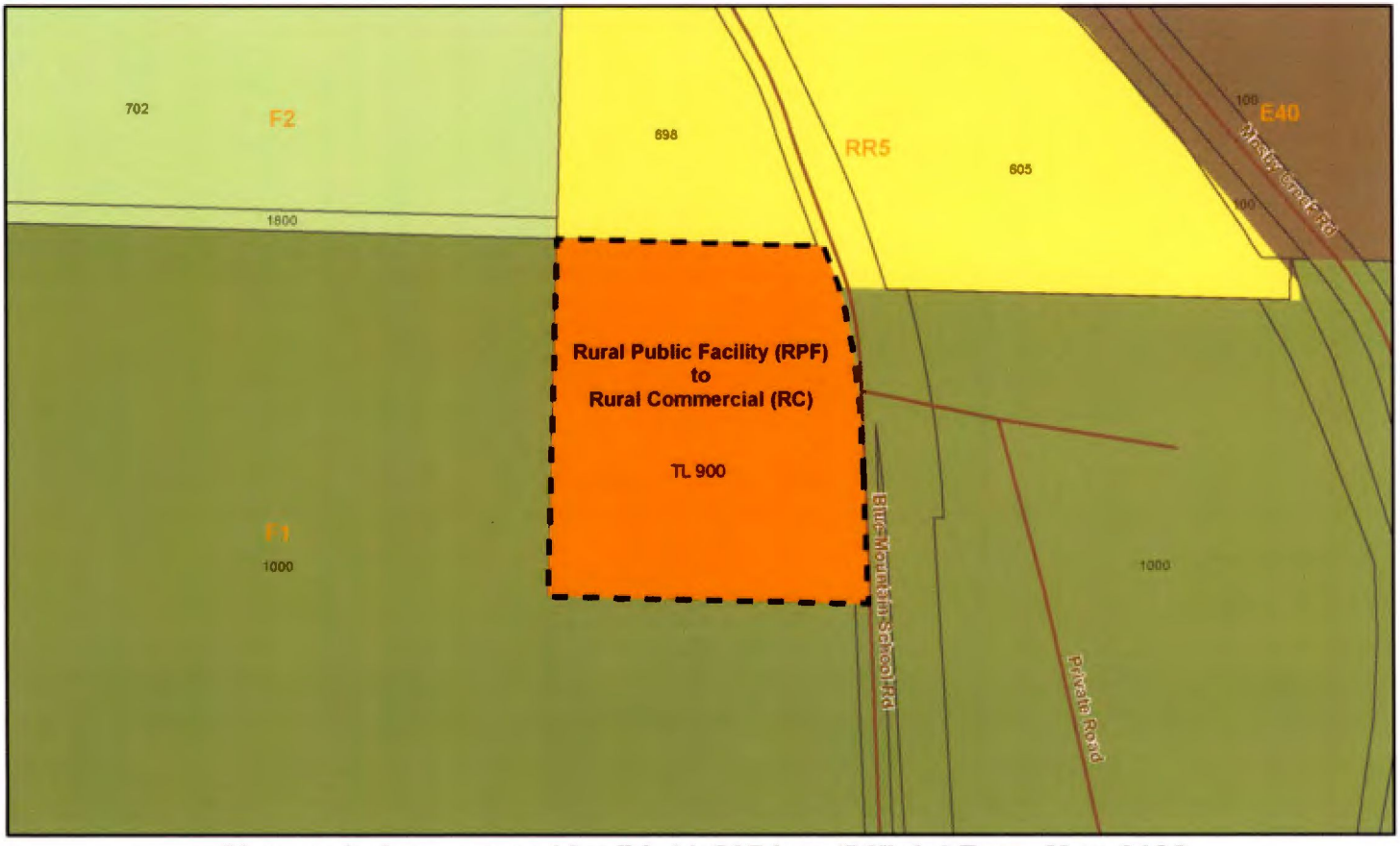
N

0 250 500 Feet

**Exhibit "B"**
**Ord. No. 1291**




**Existing Zoning**




**Change being enacted by PA 11-5374 on Official Zone Map 2102**

N

0 250 500 Feet

# FINDINGS OF FACT AND CONCLUSIONS OF LAW
for
MINOR AMENDMENT OF THE LANE COUNTY
RURAL COMPREHENSIVE PLAN
AND ZONE CHANGE
from
PF/PUBLIC FACILITY & RPF/RURAL PUBLIC FACILITY
to
C/COMMERCIAL & RC/RURAL COMMERCIAL
PA 11-5374
SUISLAW BANK
"BLUE MOUNTAIN SCHOOL" SITE

**Submitted by:**
Micheal M. Reeder
Arnold Gallagher Percell
Roberts & Potter, PC

**Revised March 10, 2012**
LANE COUNTY BOARD OF COMMISSIONERS

| | |
|---|---|
| **Applicant:** | Siuslaw Bank<br>P.O. Box 11529<br>Eugene, Oregon 97440 |
| **Property Owner:** | Same as Applicant |
| **Attorney and Contact:** | Micheal M. Reeder<br>Arnold Gallagher Percell Roberts & Potter, P.C.<br>P.O. Box 1758<br>Eugene, Oregon 97440-1758 |
| **Property Location:** | 76132 Blue Mountain School Road, Cottage Grove, OR 97424<br>Located approximately 6 miles southeast of Cottage Grove, Lane County, Oregon |
| **Assessor's Map and Lot:** | Map 21-02-19, Tax Lot 900 |
| **Current Plan/Zone:** | Plan Designation - PF/Public Facility<br>Zoning- RPF/Rural Public Facility |
| **Proposed Plan/Zone:** | Plan Designation – C/Commercial<br>Zoning – RC/Rural Commercial |

**EXHIBIT A**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**March 10, 2012**

## 1. REQUEST

The applicant, Siuslaw Bank, is requesting approval of an amendment of the Lane County Rural Comprehensive Plan ("RCP") to redesignate property it owns southeast of Cottage Grove in rural Lane County from Public Facility (PF) to Commercial (C) and an amendment to the RCP map to rezone the subject property from Rural Public Facility (RPF) to Rural Commercial (RC).

The following findings of fact and conclusions of law support approval of this application (the "Application").

## 2. DESCRIPTION AND BACKGROUND OF SUBJECT PROPERTY

The property subject to the Application (the "Subject Property") is a 5.41-acre parcel located at 76132 Blue Mountain School Road, Cottage Grove, Oregon, and identified as Tax Lot 900 of Tax Assessor's Map 21-02-19. See Lane County Assessment and Taxation Map 21-02-19 in Exhibit 1. The Lane County Assessment and Taxation Regional Land Information Database ("RLID") reports for the Subject Property provides additional information regarding the Subject Property. See Exhibit 2.

The owner of the Subject Property, Siuslaw Bank, is also the applicant on the Application (the "Applicant"). The Applicant obtained ownership of the Subject Property on April 1, 2010, via a deed in lieu of foreclosure as shown and recorded in Lane County Deeds and Records at Reception No. 2010-09615. See Exhibit 3.

The Subject Property is located approximately six miles south of the City of Cottage Grove and on the west side of Blue Mountain School Road. The following improvements on the Subject Property are as follows:

- a "main school building" with classrooms and meeting areas containing 3,290 square feet;
- a "gym building" containing 2,460 square feet;
- a "lounge or cafeteria building" containing 1,128 square feet;

- a "music or multipurpose building" containing 480 square feet; and
- related accessory improvements and outdoor recreation areas.

See the vicinity map in Exhibit 4, the plot plan in Exhibit 5, the 2008 aerial photo in Exhibit 6, and the photos in Exhibit 7 for a more detailed description of the Subject Property and the vicinity.

The Subject Property is designated by the RCP as Public Facility and is zoned as Rural Public Facility, RPF. The abutting property to the west, south and east (on the opposite side of Blue Mountain School Road) is a 268.3-acre tract owned by Lane County that is managed as Blue Mountain Park, which is designated as Forest and zoned as F-1, Non-Impacted Forest. Abutting the Subject Property on the north side is Tax Lot 698 containing 3.5 acres. This property has a dwelling on it and is zoned Rural Residential, RR5. See the official Lane County land use designation map for the Subject Property and nearby areas in Exhibit 8a and the official Lane County zoning map for the Subject Property and nearby areas in Exhibit 8b.

The South Lane School District (the "School District") owned and operated the former Blue Mountain School until the early 1980s. During the 1980s, the School District leased a 4.5-acre portion of the Subject Property to Able Computer Co. who used the school facilities for computer research. On November 9, 1994, the School District did a property line adjustment and obtained ownership of an abutting .91-acre narrow strip of property from the owner of the abutting property, Lane County, as shown on Reception No. 9481326. On December 2, 1994, the School District sold the entire 5.41-acre Subject Property to David Earl Rogers and Carol Eileen Rogers as shown on Reception No. 9486019. Exhibit 17c contains copies of the above-referenced deeds, and Exhibit 17a contains a copy of the survey of the .91-acre strip.

Since 1984, the following land use actions were done for the Subject Property:

- On February 29, 1984, Lane County enacted Ordinance No. PA 884, Exhibit 9a, that designated and zoned the 4.5-acre portion of the Subject Property as Public Facility. The narrow .91-acre strip that later became part of the Subject Property was owned in 1984 by Lane County as part of an adjoining 269.2-acre tract that was designated as Forest and zoned as F1.

- On July 17, 1984, Lane County enacted Ordinance No. PA 888, Exhibit 9b, that changed the designation and zoning of the 4.5-acre portion of the Subject Property to Industrial and Light Industrial, M-1. The School District had leased the Subject Property to Able Computer Co. who was using the facilities for computer research and wanted their use to conform to the zoning.

- On November 21, 1989, Lane County adopted Order 89-11-21-12, Exhibit 9c, that contained supplemental developed and committed exception findings for Exception 2 of Plot 443 that included the 4.5-acre portion of the Subject Property.

- On October 13, 1998, the Lane County Hearings Official approved temporary use permit application PA 98-5018, Exhibit 9d, to allow a school to operate on the Subject Property that was zoned M-1 (4.5 acres) and F-1 (.91 acres).

- On November 29, 2006, Lane County enacted Ordinance No. PA 1226, Exhibit 9e, that changed the designation of the 5.41-acre Subject Property to Public Facility, PF, and changed the zoning of the 5.41 acres to Rural Public Facility, RPF.

- On June 11, 2008, Lane County enacted Ordinance No. PA 1246, Exhibit 8c, that enacted the digitized plan designation and zoning maps for Lane County and that designated the 5.41-acre Subject Property as Public Facility, PF, and zoned it as Rural Public Facility, RPF.

About 55 percent of the Subject Property is topographically level and the remainder of the Subject Property has 20 to 30 percent slopes. See the USGS 24K topographic map in Exhibit 10 and the slope information on page 2 of the RLID report in Exhibit 2. A Class I stream runs through the north side of the Subject Property and an area in the southeast corner of the Subject Property, where the grass playing field is located, has a designated wetland on it. See the Riparian and Wetland map in Exhibit 12a and the Wildlife Habitat Map in Exhibit 12b. According to the floodplain map in Exhibit 12c, only a very narrow strip of the Subject Property next to Blue Mountain School Road is subject to the regulatory floodplain. According to the NRCS soil map for the Subject Property in Exhibit 11a and the soil information on page 2 of the RLID report in Exhibit 2, the Subject Property has the following soil types:

- 39% of the parcel is 1B Abiqua silt clay loam, 3-5 percent slopes, and is not hydric;
- 8% of the parcel is 45C Dupee silt loam, 3-20 percent slopes, and is not hydric;
- 45% of the parcel is Nekia silty clay loam, 20 to 30 percent slopes, and is not hydric (Ref. soil map unit: 89E); and
- 7% of the parcel is Newberg loam and is not hydric (Ref. soil map unit: 96).

Blue Mountain School Road is a County-maintained, rural local road. See Appendix B (County Roads Inventory) of the Lane County Rural Transportation System Plan, Exhibit 13. The Blue Mountain School on the Subject Property was intensively operated for decades, hence the road's namesake.

According to building permit records in the Lane County property file for the Subject Property in Exhibit 18, numerous building permits were applied for and finaled for improvements to the

structures on the Subject Property. Any changes in use or any modifications to the buildings on the Subject Property may require the approval of additional building permits.

The creation of new commercial buildings and certain commercial uses on the Subject Property may be subject to further land use review (Planning Director level review) per Lane Code ("LC") 16.291(3) and (4). These standards assure that certain commercial buildings and uses will be properly designed and be compatible with nearby properties and will address the "carrying capacity" in terms of septic system, water supply, and actual traffic generation.

LC 16.400(6)(h)(ii)(aa) requires all major and minor amendments, as defined by LC 16.400(8)(a), to meet all applicable requirements of local and state law, including Statewide Planning Goals, and Oregon Administrative Rules. According to LC 16.400(8)(a)(1), this Application is for a minor plan amendment because it involves only a change to the plan diagram and does not require any exceptions to Statewide Planning Goals. As noted above, Lane County designated the entire 5.41 acres in the Subject Property as Public Facility, PF, and zoned it as Rural Public Facility, RPF. The findings in Section 3 below show that LC 16.400(6)(h)(ii)(aa) is satisfied and that the Application meets all applicable state and local laws.

## 3. APPROVAL CRITERIA FINDINGS

### 3.1 Compliance with Statewide Planning Goals

**Goal 1 – Citizen Involvement**

***"To ensure the opportunity for citizen involvement in all phases of the planning process."***

**Finding:** Chapter 14 of the Lane Code provides for the notification and participation process for all quasi-judicial land use matters, including minor plan amendments and zone change applications. Notices of public evidentiary hearings are required to be published in a newspaper of general circulation in the county in conformance with ORS 197.763. By providing the notices required by state law and the Lane Code, and by providing public evidentiary hearings before the Lane County Planning Commission and the Board of Commissioners, Lane County satisfies the requirements of Goal 1.

**Goal 2 – Land Use Planning**

***"To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to assure an adequate factual base for such decision and actions."***

**Finding:** Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions, and requires development of an adequate factual base to support those decisions. A minor change is one that does not have significant effects beyond the immediate

area of change. The justification for a specific change must be established by substantial evidence in the record to support a conclusion that the applicable criteria have been met.

The Application complies with Goal 2. The Application will be processed pursuant to the requirements of the RCP and Lane Code. Lane County took a Goal exception to the resource goals for 4.91 acres of the Subject Property on February 29, 1984 when it enacted Ordinance No. PA 884 and designated that portion Public Facility. On November 21, 1989, the County took an additional "developed and committed" exception for the remainder of the Subject Property pursuant to Order 89-11-21-12. Therefore, approval of the Application will be consistent with Goal 2.

**Goal 3 – Agricultural Lands**

***"To preserve and maintain agricultural lands."***

**Finding:** Goal 3 provides for the protection of agricultural lands as those are defined under state law. Goal 3 does not apply to the Application because no part of the Subject Property is agricultural land as defined by state law. The majority of the Subject Property was designated Public Facility in 1984 when the RCP was acknowledged by DLCD. The entire Subject Property was designated exception land by 1989. Approval of the Application will not convert agricultural land to nonresource land, but will change the Subject Property from one type of exception property to another. Therefore, approval of the Application will be consistent with Goal 3.

**Goal 4 – Forest Lands**

***"To preserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."***

**Finding:** Goal 4 provides for the protection of forest lands as those lands that are defined under state law. Goal 4 does not apply to the Application because no part of the Subject Property is forest land as defined by state law. See the finding for Goal 3 above. Approval of the Application will also allow for the provision of recreational opportunities nearby land that is designated and zoned as Forest. Approval of the Application will be consistent with Goal 4.

**Goal 5 – Open Space, Scenic and Historic Areas, and Natural Resources**

***"To conserve open space and protect natural and scenic resources."***

**Finding:** Lane County has not identified any Goal 5 resources on the Subject Property, nor has the Subject Property been included in any inventory of needed open space or scenic areas defined by Goal 5. The Subject Property has not been identified in the RCP as having any historic, cultural or natural resources which need to be preserved and/or protected. Approval of the Application will be consistent with Goal 5.

**Goal 6 – Air, Water, and Land Resources Quality**

***"To minimize and improve the quality of the air, water and land resources of the state."***

**Finding:** Goal 6 requires that air, land, and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local airsheds, degrade land resources or threaten availability of such resources. The State of Oregon and Lane County have sufficient regulatory measures in place so as to ensure that existing land use activities, as well as any future development on the Subject Property, will not produce any unanticipated impacts resulting from the Application. Approval of the Application will be consistent with Goal 6.

**Goal 7 – Areas Subject to Natural Disasters and Hazards**

***"To protect life and property from natural disasters and hazards."***

**Finding:** Other than an identified very narrow strip of the Subject Property next to the Blue Mountain School Road that is designated 'A' flood area, there are no areas known to be subject to natural disasters or hazards as defined by OAR 660-015-0000 on the Subject Property. See the findings discussion regarding Lane County Rural Comprehensive Plan Goal Seven below that shows the Application is consistent with RCP Goal Seven. Approval of the Application will therefore be consistent with Goal 7.

**Goal 8 – Recreational Needs**

***"To satisfy the recreational needs of the citizens of the state."***

**Finding:** The RCP does not designate the Subject Property for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites within Lane County. The Subject Property abuts a Lane County Park and allowed uses within the RC zone would allow for the provision of recreational needs for the citizens of the state. Approval of the Application would further the purposes and intent of Goal 8 and therefore, the Application is consistent with Goal 8.

**Goal 9 – Economy of the State**

*"To diversify and improve the economy of the state."*

**Finding:** Goal 9 is primarily focused on commercial and industrial development within urban areas. See OAR 660-009-0010(1). Therefore, Goal 9 is not directly applicable to the Application. However, approval of the Application would further the overall goal to diversify the economy of the state and Lane County since it would allow for a broad range of commercial activities. Currently, the Subject Property is vacant and is providing no economic activity or employment opportunities. Therefore, approval of the Application will be consistent with Goal 9.

**Goal 10 – Housing**

*"To provide for the housing needs of the citizens of the state."*

**Finding:** Goal 10 applies to land within an urban growth boundary and is therefore not applicable to the Application. Therefore, approval of the Application will be consistent with Goal 10.

**Goal 11 – Public Facilities and Services**

*"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

**Finding:** Goal 11 addresses facilities and services in urban and rural areas. The Subject Property is rural and will remain rural after the approval of the Application. The Subject Property has a minimum level of service for schools, on-site disposal, individual water supply system, electrical service, telephone service, fire protection, police, and solid waste. To the extent that Goal 11 is applicable, approval of the Application will be consistent with Goal 11. The findings for RCP Goal Eleven below identify the public facilities and services that provide services to the Subject Property and those findings as specifically adopted and incorporated herein.

**Goal 12 – Transportation**

*"To provide and encourage a safe, convenient and economic transportation system."*

**Finding:** Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660, Division 12. OAR 660-012-0060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility." The TPR specifies what constitutes a "significant effect." OAR 660-012-0060(1). The Application would not change the functional classification (or standards) of the existing transportation facilities for the following reasons:

Exhibit 21 contains a summary of vehicle trip generation information from Trip Generation, 8th Edition: An ITE Information Report (the "ITE Report"). This information provides accepted ITE estimates of average daily traffic for certain uses. For a private K-12 school, the ITE Report estimates that there will be 2.48 trips per student each weekday. Based on this ITE Report traffic estimate and the number of 75 students authorized to be enrolled at Blue Mountain School, the vehicle trips each weekday for the school is estimated to be 186 vehicle trips (2.48 x 75). Using the information in the ITE Report, traffic estimates were done in Exhibit 21 for some typical uses allowed in the RC zone, such as a 25-space camp or RV park, general offices, or a 16-hours convenience market. These estimates indicate that the traffic generated by the uses allowed in the RC zone would generate less traffic than the traffic generated from the previous Blue Mountain School.

Based on the above information, the continued use of the existing facilities and any new commercial uses would not have any greater impact on the transportation system than the prior uses allowed under the prior industrial zoning and the public facility zoning.

Therefore, approval of the Application will be consistent with Goal 12 and will not trigger the TPR.

**Goal 13 – Energy Conservation**

***"To conserve energy."***

**Finding:** This goal is not directly applicable to individual land use decisions. Therefore, approval of the Application will be consistent with Goal 13.

**Goal 14 – Urbanization**

***"To provide for an orderly and efficient transition from rural to urban use."***

**Finding:** OAR 660-004-0040(2)(c)(H) specifically exempts the Subject Property from the provisions of Goal 14 and its implementing rules. The rule specifically states that it does not apply to land planned and zoned primarily for rural industrial, commercial or public use. The Subject Property is currently exception property designated and zoned for public facility use and proposed to be designated and zoned for commercial use. Therefore, Goal 14 is not applicable to the Application and approval of the Application will be consistent with Goal 14.

**Goals 15 through 19 – "Special Area Goals"**

**Finding:** Goals 15-19 are the goals that protect the Willamette River Greenway, Estuarine Resources, Coastal Shorelines, Beaches, Dunes, and Ocean Resources. The Subject Property is not located within any of these special areas and therefore these five goals are not applicable.

Therefore, approval of the Application will be consistent with these five special area goals.

**Conclusion to 3.1 – Compliance with Statewide Planning Goals**

**Finding:** For the above-cited reasons, the approval of the Application will be consistent with all 19 Statewide Planning Goals.

### 3.2 Compliance with the Rural Comprehensive Plan

State law and the Lane Code require all plan amendments and zone changes to be consistent with the RCP and its *relevant* policies. ORS 197.175(2)(d) and LC 16.400(6)(h)(iii)(cc).

LC 16.400(6)(h)(iii)(cc) states:

***"For Minor Amendments . . . the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support."***

The findings below address all relevant policies of the RCP, or briefly explain, in some cases, why such policies are not relevant.

**Goal Two - Land Use Planning**

**Policy 11(a)**

***"II. Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:***

***"i. Existing development pattern and density;"***

**Findings:** The area surrounding the Subject Property on the west, south and east is a tract owned by Lane County that is zoned Non-Impacted Forest, F-1, and is used, in part, as a public park named Blue Mountain Park. The outdoor recreational uses at Blue Mountain Park would be similar to the outdoor recreational uses that may occur on the Subject Property under the RC zone. The property on the north side of the Subject Property is zoned Rural Residential, RR5, and is physically separated from the Subject Property by the intervening Class I stream and adjacent riparian areas that cannot be developed, and is screened and buffered with natural vegetation.

The existing development pattern on the Subject Property includes the buildings described, above. The continued use of these buildings with the commercial designation and zoning will not change the development pattern on the Subject Property or change the developed character of the Subject Property.

The proposed commercial designation and RC zoning is therefore consistent with and compatible with the existing development pattern and density and will not impact the surrounding areas. The prior industrial and public facility uses of the Subject Property had no known, adverse impacts on the nearby properties.

*"ii. On-site sewage disposal suitability, or community sewerage;"*

**Findings:** The Subject Property already has an on-site septic system that served the existing structures and prior industrial and public facility uses. Any commercial uses of the existing structures on the Subject Property would be required to demonstrate, during the building permit process or as part of any subsequent Special Use Permit process of LC 16.291(3) and (4), that the Subject Property has adequate septic capacity. Any future use would also involve documentation to assure that the system is functioning correctly and that the capacity is adequate to serve the intended use, or can be expanded to serve that use.

The NRCS soil map in Exhibit 11a delineates the soils of the Subject Property. The general capabilities of the mapped soil units in the Subject Property are described in the NRCS soils reports in Exhibits 11b through 11g. The existing improvements and the open and relatively level areas on the Subject Property are located in the area shown on the NRCS soil map that includes soil unit 11B-Abiqua silty clay loam and soil unity 96-Newberg loam. The NRCS soil report for the 11B-Abiqua silty clay loam soil unit, Exhibit 11b, states: *"If the soil in this unit is used for septic tank absorption fields, the limitation of moderately slow permeability can be overcome by increasing the size of the absorption field."* The NRCS soil report for the 96-Newberg loam soil unit states: *"In areas of this unit that have a gravelly sand substratum, alternative or community sewage systems are needed to prevent contamination of water supplies as a result of seepage."* This information demonstrates that the soils of the Subject Property are generally suitable for sewage disposal as required by Goal Two: Policy No. 11(a)(ii).

*"iii. Access;"*

**Findings:** Access to the Subject Property is excellent with frontage on Blue Mountain School Road, is maintained by Lane County, was used previously for the industrial and public facility uses on the Subject Property, and is currently used for access to Blue Mountain Park.

*"iv. Public services;"*

**Findings:** All necessary public services are available to the Subject Property, as described under Goal 11 below. Evidence of sufficient water supply consists of: (1) the historical use of the well as the source of water supply for the public and private schools that were operated on the Subject Property, and (2) the Lane County inventory of water quantity and quality limited areas, in Lane Manual 13.010, Exhibit 14, that does not designate the exception area where the Subject Property is located in exception area 443-2, as a limited water quantity or quality area. Further

evidence of water supply is provided in the record in the form of well log reports for all wells dug since 1980 and reported to the State Watermaster on properties in the same township-range-section as the Subject Property and that can be identified as having access from Blue Mountain School Road. See Exhibit 19. These nine log reports show that nearby wells produced an average of 25 gallons per minute for the test period.

*"v. Lack of natural hazards;"*

**Findings:** Exhibit 12c is a copy Lane County's digitized flood hazard map showing that a very narrow strip of the Subject Property next to Blue Mountain School Road is within a designated 'A' flood area. Any additional development of this portion of the Subject Property would at the time of a specific development permit be subject to compliance with the Floodplain Combining Zone requirements in LC 16.244.

*"vi. Effect on resource lands."*

**Findings:** The Subject Property is adjacent on three sides to the Blue Mountain Park owned by Lane County and has been used for decades for intensive public facility uses without any known conflicts with the resources lands. The property to the north is a developed and committed parcel. The Class I stream and adjacent riparian corridor that runs through the northern portion of the Subject Property will be protected by the riparian regulations in LC 16.253. Any designated wetlands would be protected by the requirements of ORS 215.418 that require coordination and notice to the Department of State Lands and the U.S. Army Corps of Engineers for development proposals and that may require state or federal permits.

**Policy 11(b)**:

***"II. Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:***

* * *

***b. A Rural Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation [Policy 11(a)]. The Rural Commercial designation shall encompass all commercial activities in the rural area. The range of limited, medium and medium heavy commercial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply [sic] with OAR 660 Division 22, the UC Rule. A single rural commercial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14."***

**Findings:** This policy provides direction to Lane County on how to designate and zone developed and committed areas and is therefore inapplicable to this discrete land use application.

**Policy 16:**

***"16. New rural public facility, commercial, and industrial development within the Siuslaw Watershed and the Long Tom Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on February 18, 2004. New rural public facility, commercial and industrial development within the Coast Fork of the Willamette Watershed and the Middle Fork of the Willamette Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on June 15, 2005. An exception to this policy shall be for plan amendments or zone changes adopted pursuant to Policy 27 Conformity Determinations, and legislative actions adopted by the Board of County commissioners during a Periodic Review Work Program (PRWP) or concurrently as post-acknowledgement plan amendments resulting from the PRWP Work Tasks. New rural industrial development that requires a rural location in order to process a rural resource may be located in a developed and committed area outside of a community. This policy shall be implemented in part through the application of zoning regulations in LC 16 that place greater limits on rural development outside of communities than on rural development inside of communities. Amendments to the Rural Comprehensive Plan to designate new areas for rural commercial, industrial and public facility development shall occur in nodes with similar existing development."***

**Findings:** The Subject Property is located in the Coast Fork Willamette Watershed. For areas in the Coast Fork Willamette Watershed, Goal Two: Policy 16 states: *"New rural, commercial and industrial development within the Coast Fork of the Willamette Watershed and the Middle Fork of the Willamette Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on June 15, 2005."* This policy anticipates that new commercial development can be located in areas outside of unincorporated communities and in rural Lane County as long as it is located in an area that on June 15, 2005, was designated and zoned for *"public facility, commercial or industrial purposes."* For the following reasons, this Application to designate and zone the Subject Property for rural commercial development meets Goal Two: Policy 16. On June 15, 2005, the designation and zoning of the Subject Property were respectively "Industrial" and "Rural Industrial/RI." On August 16, 1984, and with Ordinance No. PA 888, Exhibit 9b, Lane County initially designed the Subject Property as "Industrial" and zoned it as M-1. On December 29, 2006, and with Ordinance No. PA 1226, Exhibit 9e, Lane County changed the "Industrial" designation to "Public Facility" and changed the "Rural Industrial/RI" zoning to "Rural Public Facility/RPF." Therefore, Policy 16 is satisfied.

**Goal Three – Agricultural Lands**

**Findings:** The Subject Property does not have any agricultural land, nor is there any agricultural land abutting the Subject Property. Therefore, none of the 16 policies are applicable to the Application.

**Goal Four – Forest Lands**

**Findings:** The Subject Property does not have any forest land. None of the 15 policies are applicable to the Application.

**Goal Five – Open Spaces, Scenic and Historic Areas and Natural Resources**

**Findings:** The Subject Property is not designated or inventoried for open space, historic areas or natural resources. Therefore, almost all of the Goal 5 policies are not applicable to the Application.

**Water Resources Policy 3:**

***"Adequacy of water supply...shall be a major concern in reviewing major land use changes..."***

**Findings:** To the extent that this is a mandatory criterion, the availability of well water for industrial and public facilities uses have been demonstrated through historic use and previous land use applications, including previous PAPA/Zone changes for the Subject Property.

**Water Resources Policy 5:**

***"Land use designations in the Comprehensive Plan and implementing zoning shall be commensurate with groundwater aquifer capacities."***

**Findings:** The change from Public Facilities to Rural Commercial will have no impact on the groundwater aquifer capacities. As noted throughout the Application's findings, the Subject Property has historically been used for intensive exception uses, both industrial and public facilities. To the extent that Policy 5 is applicable to this Application, the Application is consistent with this policy.

**Goal Seven - Areas Subject to Natural Disasters and Hazards.**

Policy No. 1 requires that the 1982 Natural Hazards Working Paper and associated materials *"shall be used as a guide for general land use decisions."* Compliance with this policy is addressed, below, in more detail. Policy 2 and Policy 3 are not applicable because the Application does not propose any new development proposals. Policy 4 is a directive to Lane

County and is not applicable to general, quasi-judicial land use applications such as the Application.

**Policy 1:**

***"The natural hazards inventory, as contained in the 1982 Natural Hazards Working Paper and associated materials, shall be used as a guide for general land use decisions. Specific land use decisions shall be based on the inventory and upon on-site or other evaluation as appropriate."***

**Findings:** Pages 3 and 4 of The Natural Hazards Working Paper identify the natural hazards inventory as follows:

> *"The development suitability maps and development constrains maps together with the Lane County Soil Association Maps, SCS Soils Maps, Flood Insurance Rate Map and Lane County Flood Hazard Boundary Maps constitute a substantial natural hazards inventory."*

Exhibit 12c is a copy of Lane County's digitized flood hazard map showing that a very narrow strip of the Subject Property next to Blue Mountain School Road is within a designated 'A' flood area. Any additional development of this portion of the Subject Property would at the time of a specific development permit be subject to compliance with the Floodplain Combining Zone requirements in LC 16.244.

Exhibits 11a through 11g are the NRCS soil map and the specific information for each soil series including slope. The NRCS slope information is a guide to development, does not prohibit development, and will be considered at the time of any specific development proposal for the Subject Property.

Lane County does not have any other adopted natural hazard information that designates the Subject Property as a natural hazard area.

**Goal Nine – Economy of the State**

**Policy 1:**

***"[w]ithin the framework of these policies, the County shall encourage the diversification and growth of the local economy. Primary efforts will be in the following areas:***

* * *

***c. Establishment of land use policies that provide a supportive environment for industrial and commercial activities."***

As commercially-zoned land, the Subject Property can support commercial activity that will create jobs and contribute to the growth and diversification of the local economy. With the current designation and zoning, the Subject Property is not feasibly usable for any economic activity. Approval of this Application will significantly improve the ability to market and use the Subject Property for productive uses, thereby adding economic growth and diversification to the local economy.

RCP Goal Nine; Policy Nos. 2, 3, 11 and 12 are aspirational and do not apply to quasi-judicial land use applications and are therefore not applicable. RCP Goal Nine: Policy No. 4 is not applicable because it applies to rural, unincorporated communities and the Subject Property is not located within a rural, unincorporated community. RCP Goal Nine: Policy Nos. 5, 6 and 7 are not applicable because they apply to urban growth boundaries and the Subject Property is not located within an urban growth boundary.

**Policies 9 and 10:**

***"9. Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies.***

***10. As a stimulus to the tourist industry, the County shall maintain and where possible, improve public recreational facilities such as parks, boat ramps, etc. Wherever possible, private operations and contracts will be used in these endeavors."***

Due to its location next to a Lane County park and with existing buildings appropriate for commercial uses, the Subject Property has excellent potential for the tourism-related uses which are permitted in the RC zone. In fact, the primary purpose in making this Application is to market and sell the Subject Property for the uses of tourism and overnight RV camping and other related destination uses.

The commercial use of the Subject Property would be a stimulus for the tourist use of the adjacent Lane County Blue Mountain Park by providing rural commercial uses such as meeting areas and a small merchandise store that could be used by the visitors to the adjacent park.

**Goal Eleven - Public Facilities and Services**

**Policy 1:**

***"[d]esignation of land into any given use category either initially or by subsequent plan amendment, shall be consistent with the minimum level of services established for that category."***

Service levels for Rural Commercial are defined under Policy No. 6(g) and include schools, on-site sewage disposal, individual water supply, electrical service, telephone service, rural level of fire and police protection, and reasonable access to solid waste disposal facility.

Services and service providers for the Subject Property are listed below:

| | |
|---|---|
| Water: | Existing on-site well |
| Sewer: | Existing on-site septic |
| Road: | Blue Mountain School (county) |
| Fire District: | South Lane County Fire and Rescue |
| Power Company: | Emerald PUD |
| School District: | South Lane School District |
| Phone Company: | Miscellaneous |
| Solid Waste: | Cottage Grove Garbage, Inc. |

All required services are available to the Subject Property.

**Goal Twelve – Transportation**

Policy Nos. 1, 2, and 3 are directives for Lane County to follow in the planning and management of its transportation system and are not applicable to specific development requests.

Policy No. 4 provides that the Lane County Rural Transportation System Plan (TSP), *"...as amended and adopted in 2004, shall be applied where appropriate."* TSP Goal Four: Policy No. 4-c provides:

***"A traffic impact analysis shall be required as part of a complete land use application based upon the requirements of Lane Code 15.697, for any of the following:***

***(i) any development proposal that, if approved, will result in an increase in peak hour traffic flow of 50 or more automobile trips outside an urban growth boundary, or 100 or more automobile trips inside an urban growth boundary. The increase in number of trips shall be calculated based upon the methodology in the Institute of Traffic Engineers' Trip Generation manual for the year of publication specified in Lane Manual Chapter 15.450 and associated handbook and user's guide;***

***(ii) development proposals that will affect County Roads where congestion or safety problems have been identified by previous traffic engineering analysis;***

***(iii) any plan amendment proposal, unless waived by the County Engineer as specified below;***

*(iv) proposed development that will generate or receive traffic by single or combination vehicles with gross weights greater than 26,000 pounds as part of their daily operations. 'Daily operations' includes delivery to or from the site of materials or products manufactured, processed, or sold by the business on the site. 'Daily operations' does not include routine services provided to the site by others, such as mail delivery, solid waste pickup, or bus service.*

*The County Engineer or designee may waive traffic impact analysis requirements specified above, when:*

*(i) Previous analysis has determined that the development proposal will not result in congestion, safety, or pavement structure impacts that exceed the standards of the agency that operates the affected transportation facilities; or*

*(ii) In the case of a plan amendment or zone change, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 20-year planning horizon. Whether the scale and size of a proposal may be considered insignificant may depend on the existing level of service on affected roadways. Generally, a waiver to Traffic Impact Analysis will be approved when:*

*(a) the plan designation or zoning that results will be entirely a resource designation; or*

*(b) the plan designation or zoning that results will be entirely residential and the allowed density is not likely to result in creation of more than 50 lots; and*

*(c) there is adequate information for the County Engineer or designee to determine that a transportation facility is not significantly affected as defined in Policy 20-d."*

The proposed commercial designation and zoning of the Subject Property and the subsequent use of the existing facilities and any new commercial development will not significantly impact the transportation system of the area in any of the ways mentioned in TSP Goal 4: Policy No. 4-c, above, that would necessitate a traffic impact analysis. As mentioned in Ordinance No. PA 1226, Exhibit 9e, the Blue Mountain School was established on the Subject Property and began operation in 1955. As noted above, from August 16, 1984 and until December 29, 2006, the Subject Property was designated and zoned for intensive industrial uses. In October 1998, Lane County approved special use permit application PA 98-5015, Exhibit 9d, to allow a private school for an enrollment of up to 75 K-12 students to be operated on the Subject Property. The school operated until it closed in 2008.

Exhibit 21 contains a summary of vehicle trip generation information from the ITE Report. This information provides accepted ITE estimates of average daily traffic for certain uses. For a private K-12 school, the ITE Report estimates that there will be 2.48 trips per student each weekday. Based on this ITE Report traffic estimate and the number of 75 students authorized to be enrolled at Blue Mountain School, the vehicle trips each weekday for the school is estimated

to be 186 vehicle trips (2.48 x 75). Using the information in the ITE Report, traffic estimates were done in Exhibit 21 for some typical uses allowed in the RC zone, such as a 25-space camp or RV park, general offices, or a 16-hours convenience market. These estimates indicate that the traffic generated by the uses allowed in the RC zone would generate less traffic than the traffic generated from the previous Blue Mountain School.

Based on the above information, the continued use of the existing facilities and any new commercial uses would not have any greater impact on the transportation system than the prior uses allowed under the prior industrial zoning and the public facility zoning.

Site development concerns such as the adequacy of the existing driveway access and compliance with the various requirements of LC 15 must be addressed by the property owner as part of a future special use permit that will be evaluated by Lane County at that time.

**Goal Fourteen - Urbanization**

**Policy 1**

***"1. The County shall encourage new residential, commercial and industrial development to locate within existing incorporated cities or rural communities. Any growth outside Urban Growth Boundaries must:***

***a. Be restricted to committed or developed areas including approved new development centers; or***

***b. Under certain specified conditions set forth in this plan, industrial, commercial and residential development is appropriate outside of developed and committed areas provided a valid exception is taken and/or all Statewide Goal requirements are met.***

***c. Any community designated in the plan that does not have an adequate Urban Growth Boundary, or any addition to such community that may be proposed, shall be justified by a valid exception pursuant to Statewide Goal 2, Part II."***

The Subject Property is within a developed and committed exception area per Lane County's enactment of Ordinances No. PA 1226 and 1256, and therefore meets part (a) and complies with this policy.

Based on the above findings of conformity with individual goals and policies applicable to this decision, this Application is found to conform to the Goals and Policies of the RCP, as required.

### 3.3 Compliance with Other Local Law – Zone Change Criteria

**LC 16.252(2) – Zone Change Criteria:**

***"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 been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures of this section."***

**Findings:** All of the requirements for a zone change have been satisfied as detailed above (Section 3.1 and Section 3.2) and below. The proposal will not be contrary to the public interest. The Application is compatible with the current character of the area and does not exceed any physical limitations of land in the area. The Subject Property is adequately served by roads and already has on-site water and septic. A rezone from PF to RC allows for the opportunity to market the Subject Property to open the eventual use of the Subject Property for commercial uses. The current designation and zoning of the Subject Property will almost certainly not allow the Subject Property to be used in any productive way, and will likely result in waste and be a liability to both the owner and Lane County. The rezone does not have the effect of taking any land out of agricultural or forest use. Therefore, the rezone will not be contrary to the public interest.

**LC 16.003 - General Purposes of Chapter 16:**

The proposed zone change is consistent with the "general purposes" of LC Chapter 16. Specifically, the proposal will help to achieve the following purposes listed in the *Introductory and General Provisions,* LC 16.003 *Purpose:*

***"(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare."***

Any new commercial use of the Subject Property will also be subsequently reviewed under LC 16.291(3) and (4).

***"(2) Protect and diversify the economy of the County."***

This is a prime location for providing commercial services by using the existing facilities and with a location next to a Lane County park. By allowing an appropriate mix of land uses, this area can serve a diverse range of needs, which will strengthen the local economy.

***"(6) Conserve all forms of energy through sound economical use of land and land uses***

***developed on the land."***

This location has a convenient and efficient relationship to the Cottage Grove and interstate traffic. The location can provide needed rural commercial services including use of the existing buildings for meetings and rural retreats. The location of the Subject Property next to a large County park will, in a convenient way, minimize travel distances to other areas for outdoor recreation areas.

***"(12) Provide for the recreational needs of residents of Lane County and visitors to the County."***

The kinds of commercial uses that could be operated on the Subject Property are recreational ones that would be complimentary with the adjacent recreational use of Blue Mountain Park. The commercial use of the Subject Property can serve Lane County residents and visitors.

LC 16.252(2) states that *"...rezonings shall be consistent with the specific purposes of the zone classification proposed ..."* The zone classification sought through the Application is consistent with the *purpose* and *permitted uses* as defined in LC 16.291 for the Rural Commercial zone as cited below:

**LC 16.291 - Rural Commercial Zone (RC, RCP):**

***(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses."***

The analysis under the RCP policies, above, demonstrates that the proposal implements plan policies, including Goal 14.

As above, under LC 16.400(6)(iii)(aa), the Application must meet all applicable state and local laws. OAR 660-004-0018(2) (2001), Planning and Zoning for Exception Areas, is also applicable to this Application. OAR 660-004-0018(2) guides the exception process for Statewide Planning Goal 2 and refers to zoning designations on developed and committed lands.

When Lane County adopted Ordinance No. PA 1226, Exhibit 9e, to change the designation and zoning of the Subject Property from "Industrial" and "Rural Industrial/RI" to "Public Facility" and "Rural Public Facility/RPF," Lane County found on pages 4 and 5 of the findings: *"The subject property is within an area subject to the Lane County Rural Comprehensive Plan. This Plan has been acknowledged by the Land Conservation and Development Commission in a series of acknowledgment orders. Acknowledgment indicates that the Plan is in compliance with*

*the applicable standards of the statewide planning goals, and that appropriate exceptions have been approved for any matters of noncompliance. Byrd v. Stringer, 295 Or 311, 66 P.2d 1332 (1983). Accordingly, the state statutes, the standards of the Plan, and the Lane Code provisions implementing the Plan are relevant to this application. The Statewide Planning Goals themselves do not apply to land use decisions within an area subject to an acknowledged comprehensive plan."* It is noted that Lane County did not address compliance with the Statewide Planning Goals in this ordinance and that the County addressed compliance with OAR 660-004-0018(2). The Applicant's initial findings for compliance with the Statewide Planning Goals are consistent with the established direction in Ordinance No. PA 1226 for changes in the designation and zoning of the Subject Property.

OAR 660-004-0018(2), Planning and Zoning for Exception Areas, reads:

***"(2) For 'physically developed' and 'irrevocably committed' exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:***

***(a) That are the same as the existing land uses on the exception site;***

***(b) That meet the following requirements:***

***(A) The rural uses, density, and public facilities and services will maintain the land as 'Rural Land' as defined by the goals and are consistent with all other applicable Goal requirements;***

***(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as defined in OAR 660-004-0028; and***

***(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses."***

**Findings for Subsection (2)(a):** The plan amendment and zone change are intended to allow uses similar to the historic uses of the existing facilities on the Subject Property; uses that have been conducted there for extended periods since 1955 until recently. The existing facilities have been used for offices, classrooms, meetings, research and recreation that were allowed by the industrial and public facility zoning. Allowing uses permitted in the RC zone will maintain and not change the established rural character of the Subject Property and vicinity.

**Findings for Subsection (2)(b)(A):** The use of the existing facilities on the Subject Property and the use of the existing public facilities and services available to the site will not change, but will maintain the existing rural character of the area. The Application will not commit adjacent resource land to nonresource use.

**Findings for Subsection (2)(b)(B):** The exception which Lane County took for the Subject Property in 1984 and that was subsequently acknowledged by the Land Conservation and Development Commission ("LCDC") was to designate the Subject Property as "Industrial" and zone it as Light Industrial, M-1. The exception, designation and zoning allowed were for some of the most intensive uses allowed in exceptions areas.

The uses allowed in the Rural Commercial/RC zone by LC 16.291 are, by comparison, much less intensive than the uses that were allowed by the exception for the Subject Property and the M-1 zoning. The less intensive uses of the Rural Commercial designation and zoning and the levels of facilities and services they will use *"will not commit the adjacent or nearby resource land to nonresource use as defined by OAR 660-004-0028"* because these uses are less intensive than those allowed by the exception. Exhibit 20 is submitted which is a copy of the 1984 M-1, M-2 and M-3 zoning regulations.

Furthermore, the use of the existing facilities since 1984 have not created problems for or committed adjacent or nearby resource areas to nonresource use and therefore the uses allowed in the RC zone, which are similar in scale and potential impact, will not change and commit adjacent or nearby resource areas to nonresource.

**Findings for Subsection 2(b)(C):** For the same reasons as mentioned for Subsection (2)(b)(B), above, and because the uses allowed in the Rural Commercial/RC zone by LC 16.291 will be subject to compliance with site suitability and compatibility requirements, the rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.

Goal 14 of the State Land Use Program addresses urbanization and prohibits urban uses of rural lands. Until 2000, there had been no clear definition of what constitutes an "urban" use. The LCDC issued new rules on June 9, 2000 (OAR 660-004-0040), to clarify what levels of development constitute "urbanization" that should be prevented on rural lands and instead directed to land within urban growth boundaries and designated rural communities. The new rule was primarily concerned with the subdivision of Rural Residential land into smaller lots and does not limit development of existing Rural Residential lots. However, LCDC's new rule addresses only residential land uses and specifically excludes rural commercial uses as well as rural industrial and public uses. Thus, the new rule provides no guidance on what definition should be used to distinguish urban from rural uses when it comes to commercial uses. It is also important to note that this Application is limited to a zone change (and associated minor Plan amendment) and is not for a subdivision or partition of property and would not result in greater parcelization of rural land.

As stated above, there are no apparent impacts on nearby resources land.

**Response to Opposition:**

During the Lane County Planning Commission process, opponents to the Application raised the

issue of whether the Application met the purposes of the Rural Commercial Zone. The opponents cited to the fact that the Subject Property is located on a "dead-end" road and therefore, cannot meet the purpose statement criteria: ***"commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area..."*** (Emphasis mine). After lengthy deliberation on this issue, the Planning Commission majority rejected the opponents' interpretation. On February 14, 2012, the Applicant's attorney, in an email to planning staff, explained in detail why the opponents' argument failed and why the Application met the purpose statement criteria of LC 16.291(1). The February 14, 2012 email was submitted into the record and is hereby adopted and incorporated herein.

To the extent that LC 16.291(1) imposes independent, mandatory approval criteria, in addition to the findings above, it should be understood that the allowed uses and those uses' limitations (such as floor area and lot coverage limitations of LC 16.291(4)) in the RC zone ***themselves*** limit uses and structures that would necessarily be for the retail trade and products and services needed by rural residents or by persons traveling through the rural area.

**Lane Code 16.400(6)(h)(iii)(bb) – Minor Plan Amendment Findings**

Before the County can amend the Rural Comprehensive Plan, it must make specific findings addressing at least one of five justifications for making the change:

***"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 application of 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."*** LC 16.400(6)(h)(iii)(bb) (emphasis added).

**Findings:** The Application meets the criteria of (v-v) above. The plan amendment and zone change is desirable, appropriate and proper because it allows the marketing and eventual use of the property for commercial uses that are currently identified by the Applicant as likely to occur should the Subject Property be redesignated and rezoned for commercial uses. The current designation and zoning of the Subject Property will almost certainly not allow the Subject Property to be used in any productive way, and will likely result in waste and be a liability to

both the owner and Lane County. The plan amendment does not take any land out of agricultural or forest use. The change to the RCP will not be detrimental to the public or to the neighboring properties. Therefore, the plan amendment for the Application is both appropriate and proper.

**Lane Code 16.400(6)(h)(iii)(dd) – Minor Plan Amendment Findings**

The LC 16.400(6)(iii)(dd) states as follows:

***"For Minor Amendments as defined in LC 16.400(8)(a) below, 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."***

**Findings:** The Application is compatible with the existing structure of the RCP as explained in detail in Section 3.2 above. The Minor Amendment is for a change in designation and zoning; the Subject Property is already an exception property. The Application does not in any way change the structure of the RCP, nor are there any proposed legislative changes to the text of the RCP. Additionally, there are no applicable unamended portions or elements of the RCP for which to judge the Application. Therefore, the Application is consistent with LC 16.400(6)(h)(iii)(b).

## 4. CONCLUSION

For all of the following reasons above, the Application meets the criteria for a minor plan amendment and zone change for the Subject Property. The Application has demonstrated that the proposal would benefit Lane County and would provide benefits to the vicinity. Based on the substantial evidence provided the Board of Commissioners should grant approval of the Application.

**APPLICATION EXHIBITS LIST (REVISED)**
**Siuslaw Bank – Blue Mountain School – PA 11-5374**

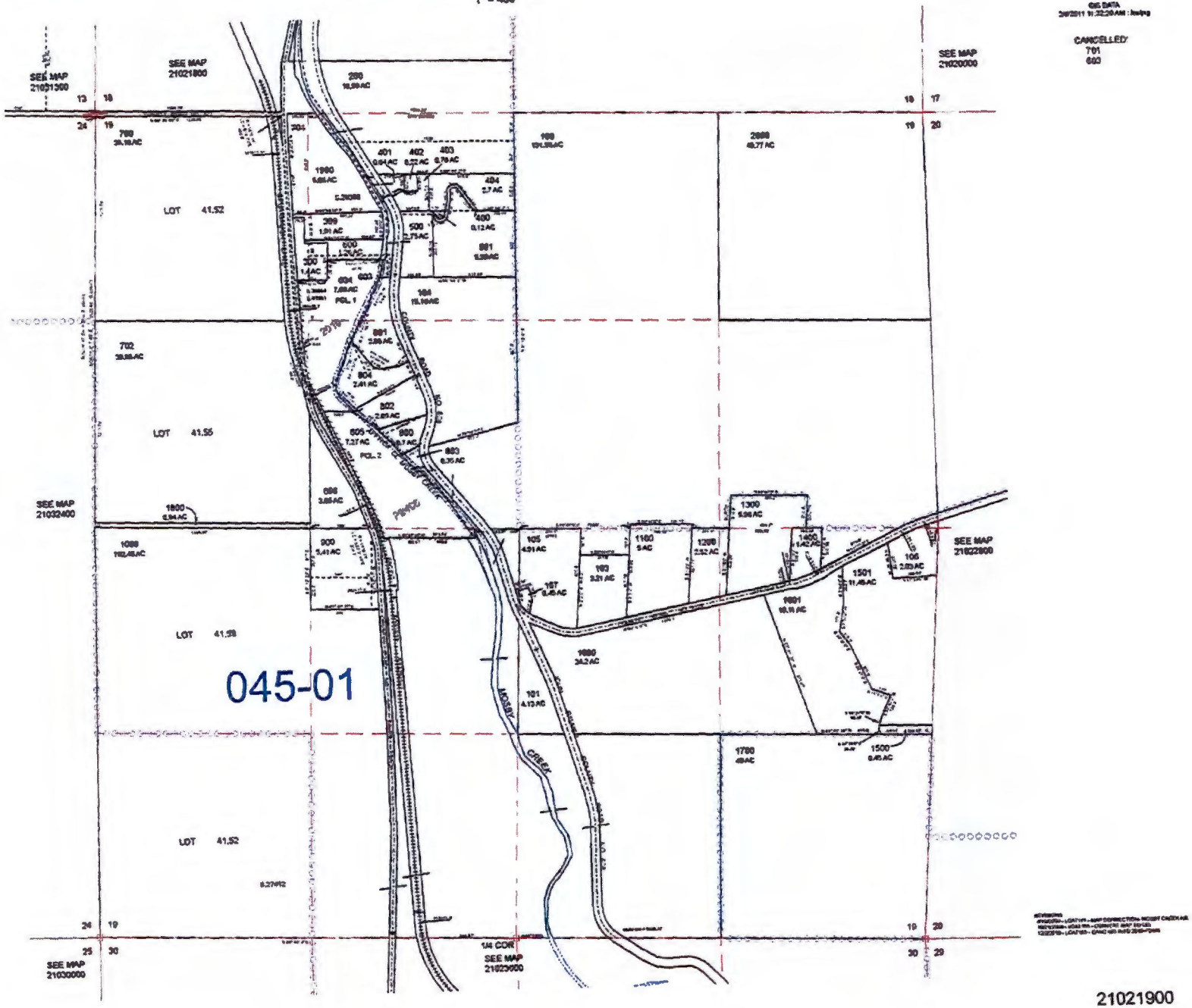
Exhibit 1: Assessment and Taxation Map 21-02-19
Exhibit 2: RLID for Subject Property Map 21-02-19 Tax Lot 900
Exhibit 3: Deed, Reception No. 2010-019615
Exhibit 4: Vicinity Map
Exhibit 5: Plot Plan of Subject Property
Exhibit 6: 2008 Aerial Photo
Exhibit 7: Photos of Subject Property
Exhibit 8a: Official Lane County Plan Map
Exhibit 8b: Official Lane County Zoning Map
Exhibit 8c: Ordinance No. PA 1246
Exhibit 9a: Ordinance No. PA 884
Exhibit 9b: Ordinance No. PA 888
Exhibit 9c: Order 89-11-21-12
Exhibit 9d: Hearings Official Decision PA 98-5018
Exhibit 9e: Ordinance No. PA 1226
Exhibit 10: USGS 24K Topo Map
Exhibit 11a: NRCS Soil Map
Exhibit 11b: NRCS Soil Report for 1B Abiqua Soil
Exhibit 11c: NRCS Soil Report for 45C Dupee Soil
Exhibit 11d: NRCS Soil Report for 8D Nekia Soil
Exhibit 11e: NRCS Soil Report for 89D Nekia Soil
Exhibit 11f: NRCS Soil Report for 86 Newberg Soil
Exhibit 11g: NRCS Hydric Soils
Exhibit 12a: Lane County Riparian and Wetland Map
Exhibit 12b: Lane County Wildlife Habitat Map
Exhibit 12c: Lane County Floodplain Map
Exhibit 13: Excerpts from the Lane County Rural Transportation System Plan
Exhibit 14: Lane Manual 13.010 for Water Quantity and Quality
Exhibit 15: Ordinance No. PA 883 (Goal 2 Policy 11)
Exhibit 16: Lane County Address Map
Exhibit 17a: Survey Map of .91 acres
Exhibit 17b: Map of before and after property line adjustment
Exhibit 17c: Lane County Tax Lot History Cards and deeds
Exhibit 18: LMD Property File and Permits
Exhibit 19: Oregon Dept. of Water Resources Well Log Report Summaries
Exhibit 20: Lane County Rural Comprehensive Plan Development Code (1984) – parts
Exhibit 21: Vehicle trip generation information from Trip Generation, 8th Edition

# EXHIBIT 1

FOR ASSESSMENT AND TAXATION ONLY

SECTION 19 T.21S. R. . M.
Lane County
1" = 400'

GIS DATA
CANCELLED
701
603



700.0'
583.78'
S 89°47'29" W
WEST
PACIFIC
50'
&
E
C
N 0° 12' 17" W
457.0'
R = 1432.29'
LC = S22°31'49"E
234.0'
202+27.4'
196+51.4'
396'
396'
396'
3.05 AC
900
5.41 AC
N 89° 47' 27" E
220.0'
297.0'
S 0° 12' 33" E 517.0'
30'
97'

# EXHIBIT 2

# Detailed Property Report

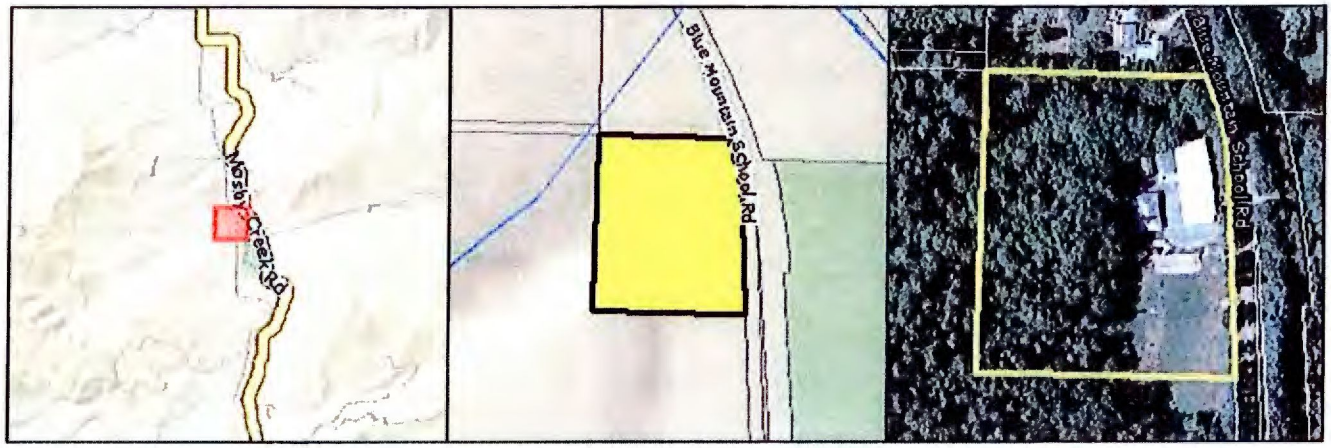
**Site Address** N/A
**Map & Taxlot#** 21-02-19-00-00900
**SIC** N/A
**Tax Account#** 1727070

**Property Owner 1**
SIUSLAW BANK
PO BOX 11529
EUGENE, OR 97440

**Approx. taxlot acreage** 5.01
**Tax account acreage** 0.41

Code Split - Other land tax account(s) associated with this taxlot 0934743

**Map & Taxlot # 21-02-19-00-00900**




## mprovements

No assessor photos, assessor sketches or building characteristic information is available for this tax account.

## Site Address Information

No site address associated with this tax account number

## General Taxlot Characteristics

### Geographic Coordinates

X 4265342 Y 761079 (State Plane X,Y)
Latitude 43.7283 Longitude -122.9818

### Zoning

**Zoning Jurisdiction** Lane County

**Parent Zone** RPF RURAL PUBLIC FACILITY

### Land Use

**General Land Use**

| Code | Description |
|---|---|
| E | Educational |

**Detailed Land Use**

| Code | Description |
|---|---|

### Taxlot Characteristics

| | |
|---|---|
| Incorporated City Limits | none |
| Urban Growth Boundary | none |
| Year Annexed | N/A |
| Annexation # | N/A |
| Approximate Taxlot Acreage | 5.01 |
| Approx Taxlot Sq Footage | 218,236 |
| 2000 Census Tract | 1302 |
| 2000 Census Block Group | 1 |
| Plan Designation | PUBLIC FACILITY |
| Eugene Neighborhood | N/A |
| Metro Area Nodal Dev Area | No |
| Eugene Historic Property Name | N/A |
| Historical Landmark? | No |
| National Historical Register? | No |

6839 Other Special Training & Schooling (Language, Modeling)

## Service Providers

| | |
|---|---|
| Fire Protection Provider | South Lane Cnty Fire & Rescue |
| Ambulance Provider | Cottage Grove Fire & Ambulance Dept |
| Ambulance District | SO |
| Ambulance Service Area | Southern |
| LTD Service Area? | No |
| LTD Ride Source? | No |
| Soil Water Cons. Dist/Zone | UPPER WILLAMETTE / 0 |
| Emerald People's Utility District | N |

## Environmental Data

FEMA Flood Hazard Zone(s)

| Code | Description |
|---|---|
| X | Areas determined to be outside of 500-year flood. |
| A | Areas of 100-year flood, no base flood elevations determined. |

| | |
|---|---|
| FIRM Map Number | 41039C2400 F |
| Community Number | data not available |
| Post-FIRM Date | data not available |
| Panel Printed? | Yes |

Soils

| Soil Map Unit# | Soil Type Description | % of Taxlot | Ag Class 1 | Hydric |
|---|---|---|---|---|
| 1B | ABIQUA SILTY CLAY LOAM, 3 TO 5 PERCENT SLOPES | 39% | 2 | No |
| 45C | DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES | 8% | 3 | No |
| 89D | NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES | 0% | 3 | No |
| 89E | NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES | 45% | 4 | No |
| 96 | NEWBERG LOAM | 7% | 2 | No |

## Schools

| | Code | Name |
|---|---|---|
| School District | 45J | SOUTH LANE |
| Elementary School | 574 | Dorena |
| Middle School | 579 | Lincoln |
| High School | 580 | Cottage Grove |

## Political Districts

| | | | |
|---|---|---|---|
| Election Precinct | 100107 | State Representative District | 7 |
| City Council Ward | N/A | State Representative | Bruce Hanna |
| City Councilor | N/A | State Senate District | 4 |
| County Commissioner District | 5 (East) | State Senator | Floyd Prozanski |
| County Commissioner | Faye Stewart | | |
| EWEB Commissioner | N/A | | |
| LCC Board Zone | 4 | | |

## Liens

RLID does not contain any lien data for this jurisdiction

**Building Permits**

RLID does not contain any building permit data for this jurisdiction

**Land Use Applications**

RLID does not contain any landuse application data for this jurisdiction

**Petitions**

RLID does not contain any petition data for this jurisdiction

**Tax Statements (current and previous tax years)**

**ACCOUNT#:** 1727070
View tax statement(s) for: 2010 2009

**Owner/Taxpayer**

**Owners**

| Owner | Address | City/State/Zip |
|---|---|---|
| SIUSLAW BANK | PO BOX 11529 | EUGENE, OR 97440 |

**Taxpayer**

| Party Name | Address | City/State/Zip |
|---|---|---|
| SIUSLAW BANK | PO BOX 11529 | EUGENE, OR 97440 |

Data source: Lane County Assessment and Taxation

**Account Status**

**Status** Active Account Current Tax Year

**Code Split** - Other land tax account(s) associated with this taxlot 0934743

| | |
|---|---|
| Account Status | none |
| Remarks | none |
| Special Assessment Program | N/A |

Data source: Lane County Assessment and Taxation

**General Tax Account Information**

| | |
|---|---|
| Tax Account Acreage | 0.41 |
| Fire Acres | 5.41 |
| Property Class | 211 COMMERCIAL, RESIDENTIAL ZONE, IMPROVED |
| Statistical Class | N/A |
| Neighborhood Code | 84500 |
| Category | Land and Improvements |

Data source: Lane County Assessment and Taxation

## Township-Range-Section / Subdivision Data

| | | | | | |
|---|---|---|---|---|---|
| Subdivision Type | N/A | Subdivision Name | N/A | Subdivision Number | N/A |
| Phase | N/A | Lot/Tract/Unit # | TL 00900 | Recording Number | N/A |

Data source: Lane County Assessment and Taxation

## Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

| | Real Market Value (RMV) | | | Total Assessed Value | Tax |
|---|---|---|---|---|---|
| Year | Land | Improvement | Total | | |
| 2010 | $12,326 | $0 | $12,326 | $6,233 | $ 121.87 |
| 2009 | $12,578 | $0 | $12,578 | $6,051 | $ 119.95 |
| 2008 | $12,212 | $0 | $12,212 | $5,875 | $ 144.06 |
| 2007 | $11,155 | $0 | $11,155 | $4,547 | $ 56.00 |
| 2006 | $8,263 | $0 | $8,263 | $4,415 | $ 95.31 |
| 2005 | $6,718 | $0 | $6,718 | $4,286 | $ 94.49 |
| 2004 | $5,840 | $0 | $5,840 | $4,161 | $ 93.71 |
| 2003 | $0 | $0 | $0 | $0 | $ 0.00 |

| | |
|---|---|
| Current Year Assessed Value | $6,233 |
| Less Exemption Amount * | N/A |
| Taxable Value | **$6,233** |

* Frozen Assessed Value

Data source: Lane County Assessment and Taxation

## Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year 04502

Taxing Districts for TCA 04502

LANE COMMUNITY COLLEGE
LANE COUNTY
LANE EDUCATION SERVICE DISTRICT
SOUTH LANE SCHOOL DISTRICT 45J

Data source: Lane County Assessment and Taxation

## Sales & Ownership Changes

| Sale Date | Sale Price | Doc # | Image | Analysis Code | Multiple Accts? | Grantor(s) | Grantee(s) |
|---|---|---|---|---|---|---|---|
| 04/01/2010 | $0 | 2010-19615 | | K | Yes | BLUE MOUNTAIN SCHOOL FOUNDATION INC | SIUSLAW BANK |
| 09/14/2006 | $0 | 2006-67117 | | 8 | Yes | BLUE MOUNTAIN SCHOOL FOUNDATION INC | BLUE MOUNTAIN SCHOOL FOUNDATION INC |

Data source: Lane County Assessment and Taxation

# EXHIBIT 3

Division of Chief Deputy Clerk
Lane County Deeds and Records

2010-019615

$62.00

01145051201000196150030051

04/26/2010 10:52:01 AM

RPR-DEED Cnt=1 Stn=15 CASHIER 05
$25.00 $11.00 $16.00 $10.00

After recording return to:
Hershner Hunter, LLP
Attn: Patrick W. Wade
PO Box 1475
Eugene OR 97440

UNTIL A CHANGE IS REQUESTED,
TAX STATEMENT SHOULD BE SENT
TO:
Siuslaw Bank
P O Box 11529
Eugene, OR 97440

# DEED IN LIEU OF FORECLOSURE

BLUE MOUNTAIN SCHOOL FOUNDATION, INC., an Oregon non-profit corporation, which took title as Blue Mountain School, Inc., Grantor, conveys and warrants to Siuslaw Bank, Grantee, all of Grantor's interests in the real property described below, free of encumbrances except as set forth on the attached Exhibit B (hereinafter the Property).

Legal Description: See Exhibit A

Property Address: 76132 Blue Mountain School Road, Cottage Grove, OR

Consideration: The true consideration for this conveyance is Grantee's covenants (described in paragraph 6 below) with respect to collection of indebtedness secured by the trust deed(s) described in paragraph 3 below.

Grantor covenants that:

1. This deed is absolute in effect and conveys fee simple title to the Property to Grantee, and conveys, transfers and assigns to Grantee any and all rights to possession of the Property and any other rights associated with or appurtenant to the Property, and does not operate as a mortgage, trust conveyance or security of any kind.

2. Grantor is the owner of the Property free of all encumbrances except as set forth on the attached Exhibit B.

3. Grantor is in default under the trust deed(s) set forth on the attached Exhibit B as exceptions 11 and 14. Grantor hereby waives, surrenders, conveys and relinquishes any equity of redemption and any statutory rights of redemption concerning the Property and the said trust deed(s). Grantee may retain all payments previously made on the secured debt without any duty to provide an accounting.

4. Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence or misrepresentation of Grantee, Grantee's agents or attorneys, or any other person.

5. This deed does not effect a merger of the fee simple ownership and the lien(s) of the trust deed(s) described in paragraph 3 above. The fee and the lien(s) of such trust deed(s) shall hereafter remain separate and distinct until Grantee merges those interests by a separate instrument.

6. By acceptance of this deed, Grantee covenants and agrees that it shall forever forbear taking any action whatsoever to collect against Grantor on the promissory note secured by the trust deed(s) described in paragraph 3 above, other than by foreclosure of such trust deed(s), and that in any proceeding to foreclose such trust deed(s), Grantee shall not seek, obtain or permit a deficiency judgment against Grantor, Grantor's assigns or successors, nor against any other person who has guarantied the indebtedness secured by the trust deed(s) described in paragraph 3 above, such remedies and rights being hereby waived. Grantee shall have accepted this deed only if Grantee has caused this deed to be recorded. Other than set forth in this paragraph, the debt secured by the trust deed(s) is not satisfied or forgiven.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301

AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 1st day of April, ~~2009~~ 2010

BLUE MOUNTAIN SCHOOL FOUNDATION, INC.

By: _____
President

STATE OF OREGON )
) ss.
COUNTY OF Lane )

The foregoing instrument was acknowledged before me this 1st day of April, 2010, by Uyen-Thi Thi Nguyen (Therese) as President of Blue Mountain School Foundation, Inc.

_____
Notary Public for Oregon
My commission expires: 10-7-2011

OFFICIAL SEAL
LACEY B TEAGUE
NOTARY PUBLIC - OREGON
COMMISSION NO. A420627
MY COMMISSION EXPIRES OCTOBER 7, 2011

PROPERTY DESCRIPTION

PARCEL 1:

Beginning at the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 297 feet; thence East 396 feet; thence North 297 feet; thence West 396 feet to the point of beginning, in Lane County, Oregon;

EXCEPTING any portion lying within the County Road, in Lane County, Oregon.

PARCEL 2:

Beginning at a point 297 feet South of the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 220 feet; thence East 396 feet; thence North 220 feet; thence West 396 feet to the point of beginning, in Lane County, Oregon.

PARCEL 3:

Real property lying within the Southwest quarter of Section 19, Township 21 South, Range 2 West, Willamette Meridian, Lane County, Oregon, and more particularly described as follows: Beginning at a point marked with a 5/8" X 30" iron rod, set in the Survey by the Lane County Surveyor's Office dated August 1985, designated corner "E" on the map of said Survey Filed in Drawer B 27412 and recorded April 25, 1986, in the Lane County Surveyor's Office and from which point the Northwest corner of said Section 19 bears North 33° 10' 53" West 3,198.71 feet; thence running North 89° 47' 27" East 35.11 feet to a point marked with a 5/8" X 30" iron rod Stamped "LS 1808" on top and from which point a 5/8" X 30" iron rod per said Survey B 27412 bears North 89° 47' 27" East 354.90 feet; thence North 89° 47' 27" East 20.91 feet to a point on the centerline of the traveled way of Blue Mountain School Road, said point being a point on a 665.00 foot radius curve; thence along said centerline, from a tangent bearing a South 16° 54' 13" East, along said curve to the right (the long chord of which bears South 10° 30' 05" East 148.30 feet) through a central angle of 12° 48' 15", an arc distance of 148.61 feet and South 4° 05' 58" East 311.82 feet to a point from which a 5/8" X 30" iron rod Stamped "LS 1808" on top bears South 89° 47' 27" West 20.05 feet; thence leaving said centerline, South 89° 47' 27" West 103.71 feet to the 5/8" X 30" iron rod designed corner "F" on said survey B 27412; thence North 0° 12' 17" West 457.02 feet to the point of beginning, in Lane County, Oregon;

Subject to the reservation of the rights of the public in 0.211 acres of land in a strip 20 feet wide, the Easterly line of which is the Easterly line of the above described real property, within the right of way of Blue Mountain School Road indexed in Master Road File 328, of Lane County Road Records and shown as 40 feet wide in said records, in Lane County, Oregon.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIAL EXCEPTIONS:

6. Taxes, Account No. 1727070, Assessor's Map No. 21 02 19, #900, Code 45-02,
2008-2009, a balance due of $6.21. (Tax was $144.06)
2009-2010, a balance due of $119.95, BOTH DUE PLUS INTEREST.
Taxes, Account No. 0934743, Assessor's Map No. 21 02 19, #900, Code 45-01,
2008-2009, a balance due of $2.25. (Tax was $57.92)
2009-2010, a balance due of $59.86, BOTH DUE PLUS INTEREST.
Taxes, Account No. 4133656, Assessor's Map No. 21 02 19, #900, Code 45-01,
2009-2010, a balance due of $270.22. (Tax was $405.34)

7. Rights of the public in and to that portion lying within streets, roads and highways.

8. Agreement, including the terms and provisions thereof, as set forth in instrument recorded May 15, 1947, in Book 348, Page 353, Lane County Oregon Deed Records.

9. Easement, including the terms and provisions thereof, as set forth in instrument recorded October 27, 1954, Reception No. 41275, Lane County Oregon Deed Records.

10. Reciprocal Easement Agreement, including the terms and provisions thereof, as set forth in instrument recorded November 25, 1994, Reception No. 9481983, Lane County Official Records.

11. Deed of Trust, including the terms and provisions thereof, executed by The Blue Mountain School, Inc., Grantor, to Western Pioneer Title Company, Trustee, for the benefit of Siuslaw Bank, Eugene Branch, Beneficiary, dated October 31, 2003, recorded October 31, 2003, Reception No. 2003-107357, Lane County Official Records, to secure payment of a note in the amount of $173,000.00.

12. Assignment of Leases and Rents, including the terms and provisions thereof, from The Blue Mountain School, Inc., to Siuslaw Bank, Eugene Branch, dated October 31, 2003, recorded October 31, 2003, Reception No. 2003-107358, Lane County Official Records.

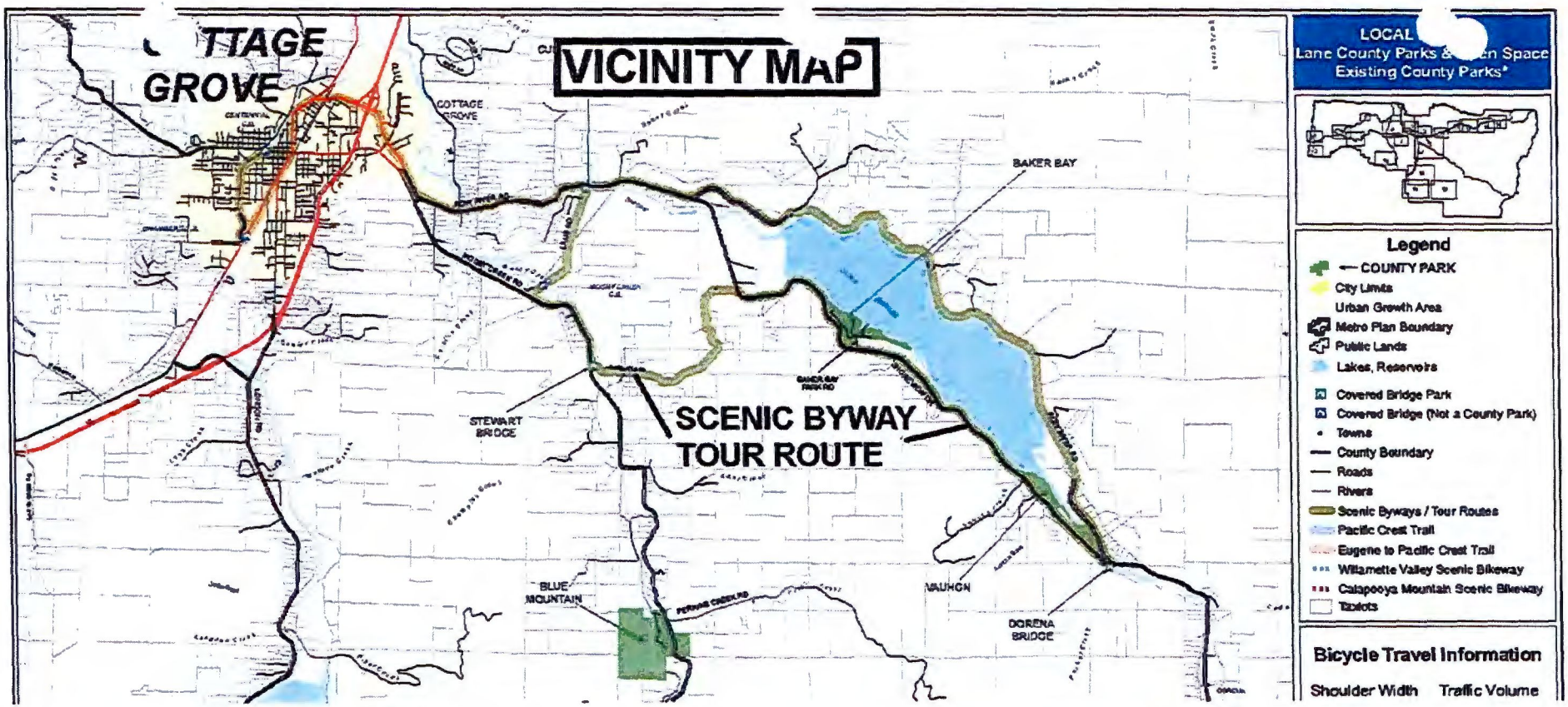
13. Financing Statement recorded October 31, 2003, Reception No. 2003-107359, Lane County Official Records, lists The Blue Mountain School, Inc., as Debtor, and Siuslaw Bank, Eugene Branch, as Creditor, with security information obtainable from creditor.

14. Deed of Trust (Line of Credit), including the terms and provisions thereof, executed by Blue Mountain School Foundation, Inc., Grantor, to First American Title Insurance Company, Trustee, for the benefit of Siuslaw Bank, Beneficiary, dated September 7, 2006, recorded September 14, 2006, Reception No. 2006-067118, Lane County Official Records, to secure payment of a note in the amount of $210,302.79.

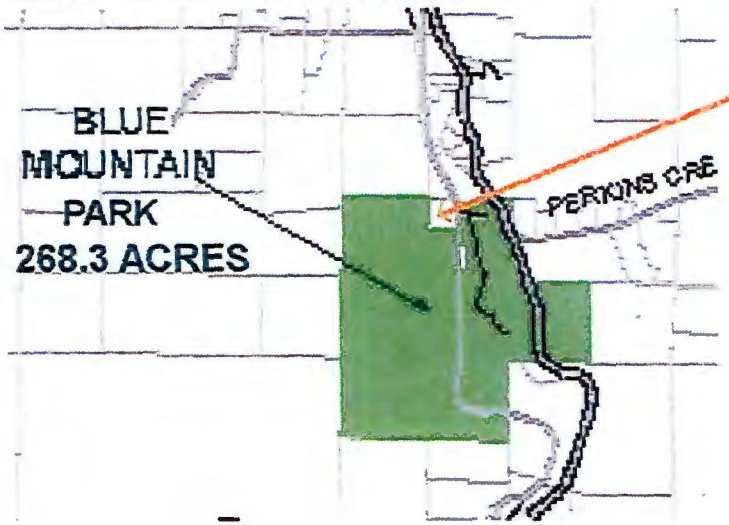
15. Assignment of rents due or to become due and accruing from said property, including the terms and provisions thereof, from Blue Mountain School Foundation, Inc., to Siuslaw Bank, dated September 7, 2006, recorded September 14, 2006, Reception No. 2006-067119, Lane County Official Records.

16. Financing Statement recorded September 14, 2006, Reception No. 2006-067120, Lane County Official Records, lists Blue Mountain School Foundation, Inc., as Debtor, and Siuslaw Bank, as Creditor, with security information obtainable from creditor.

# EXHIBIT 4




## MAP ENLARGEMMENT




SUBJECT PROPERTY
FORMER BLUE MT. SCHOOL
MAP 21-02-19 TAX LOT 900
5.41 ACRES M/L

**FROM COTTAGE GROVE TO THE SUBJECT PROPERTY IS 5 MILES M/L ON MOSBY CREEK ROAD & BLUE MT. SCHOOL ROAD.**

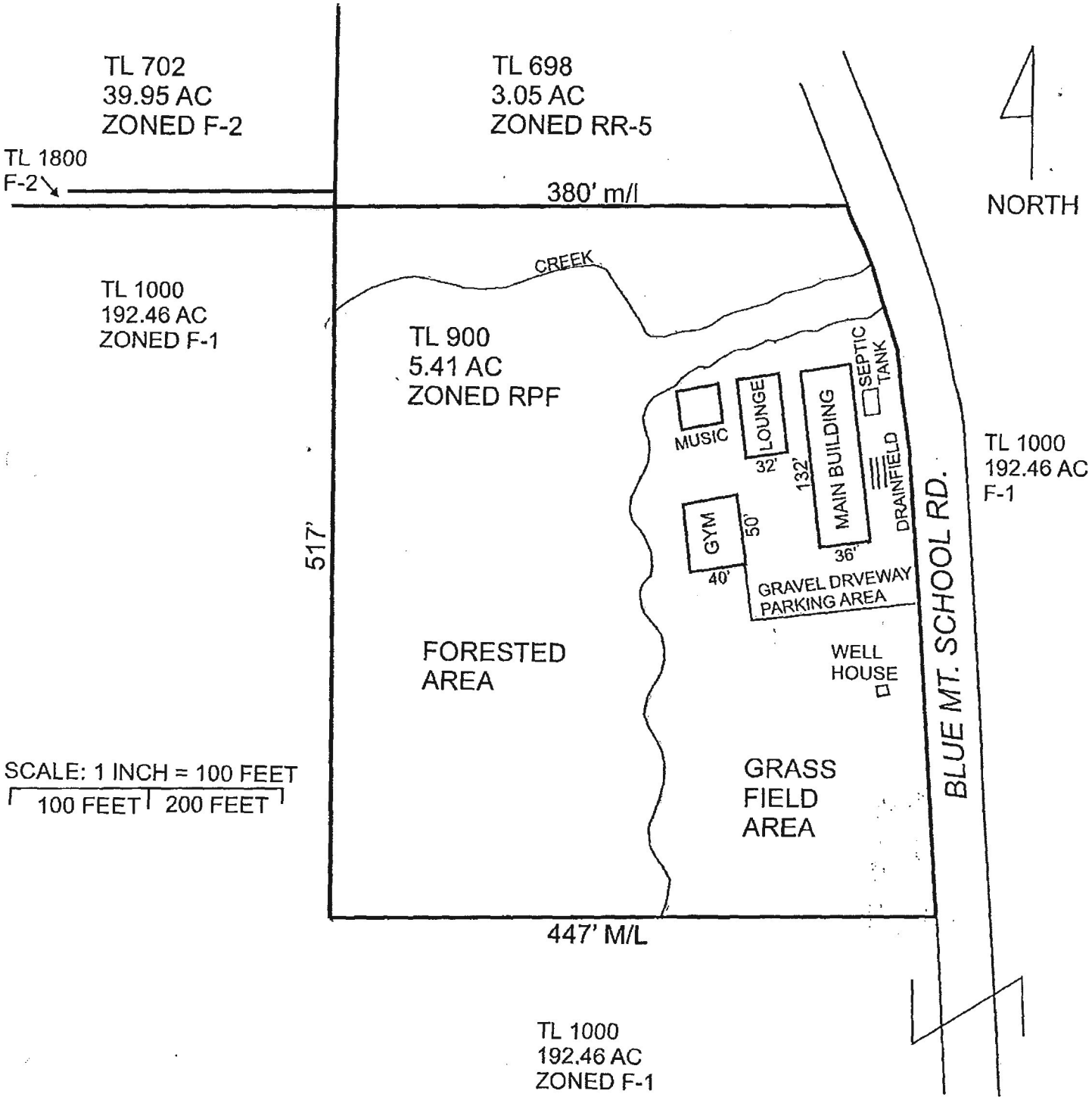
*Prepared by James A. Mann LLC May 2011*

# EXHIBIT 5

# PLOT PLAN
# MAP 21-02-19 TAX LOT 900
# OWNER: SIUSLAW BANK
# C/O ROBERT BALL, V.P.
# P.O. BOX 11529
# EUGENE, OR 97440

JUNE 23, 2010

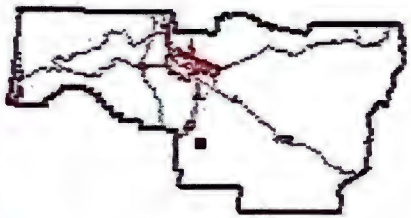
PREPARED BY:
JAMES A. MANN LLC


TL 702
39.95 AC
ZONED F-2
TL 698
3.05 AC
ZONED RR-5
TL 1800
F-2
380' m/l
NORTH
CREEK
TL 1000
192.46 AC
ZONED F-1
TL 900
5.41 AC
ZONED RPF
MUSIC
LOUNGE
32'
132'
MAIN BUILDING
SEPTIC TANK
DRAINFIELD
GYM
50'
40'
36'
GRAVEL DRVEWAY
PARKING AREA
517'
FORESTED
AREA
WELL
HOUSE
BLUE MT. SCHOOL RD.
TL 1000
192.46 AC
F-1
SCALE: 1 INCH = 100 FEET
100 FEET
200 FEET
GRASS
FIELD
AREA
447' M/L
TL 1000
192.46 AC
ZONED F-1

# EXHIBIT 6

## 2008 Aerial Photo - Blue Mt. School. - Map 21-02-19 Tax Lot 900



**Legend**

- Road Names
- LC Boundary
- City/Town
- Roads(LC Inventory)
- UGBs
- Tax Lots
- Major Lakes/Rivers
- LAKE
- RIVER
- 2008 1ft

Prepared by James A. Mann LLC

0 0.018mi

# EXHIBIT 7

# Photographs of Former Blue Mt. School Property

**Photo 1** (Below): Main Building & Driveway Entrance on Blue Mt. School Road



**Photo 2** (Below): Blue Mt. School Road Heading South from Subject Property County park Entrance on Left and Opposite of the Entrance to Subject Property



# Photographs of Former Blue Mt. School Property

**Photo 3** (Below): Blue Mt. School Road Heading North from Subject Property



**Photo 4** (Below): View of South Side of Main Building
Other Buildings from Left to Right: Gym, Music & Lounge



**Photo 5 (Below): East Side of Main Building**
**Lounge Building on the Left**



**Photo 6 (Below): North side of Main Building**
**Lounge Building in the Background & Riparian Vegetation on the Right**



**Photo 7 (Below): Blue Mt. School Road, Pump House & Playing Field S. of Main Building**



**Photo 8 (Below): Gym Building**



**Photo 10 (Below): Music Building**



**Photo 10 (Below): Lounge Building**



Photo 11 (Below): Riparian Vegetation & Class 1 Stream behind the Lounge Building



# EXHIBIT 8a

| ORIGINAL ADOPTING ORDINANCE NUMBER | | ORD.PA1246 | | |
|---|---|---|---|---|
| Revision | Ordinance or Order Number | Date Effective | Planning Action Number | Revision Description |
| 1 | ORD.PA1246 | July 11, 2008 | NA | Map Adopted |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |





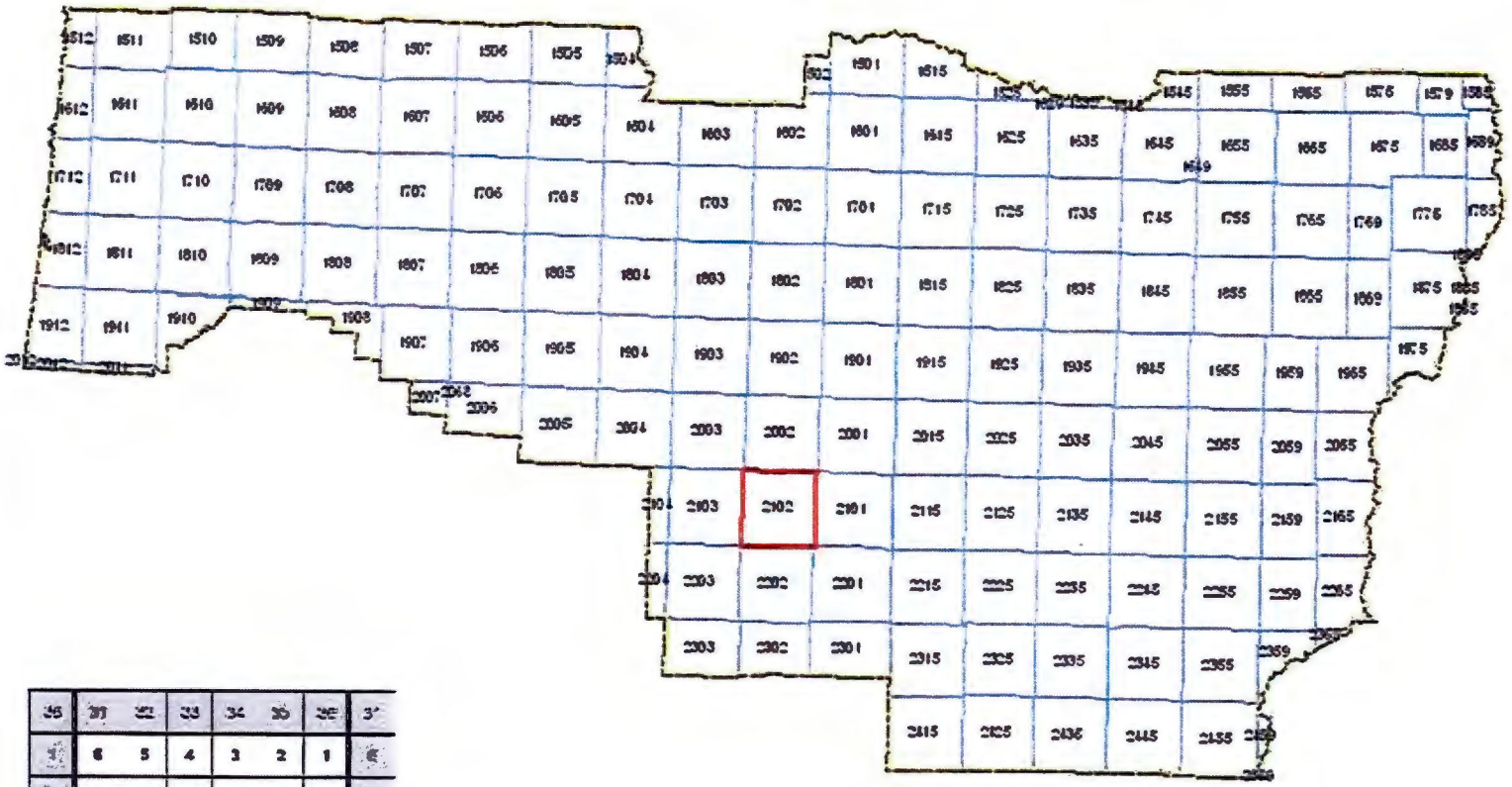






# Official Lane County Plan Map

# Township 21 South, Range 02 West



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| | 6 | 5 | 4 | 3 | 2 | 1 |
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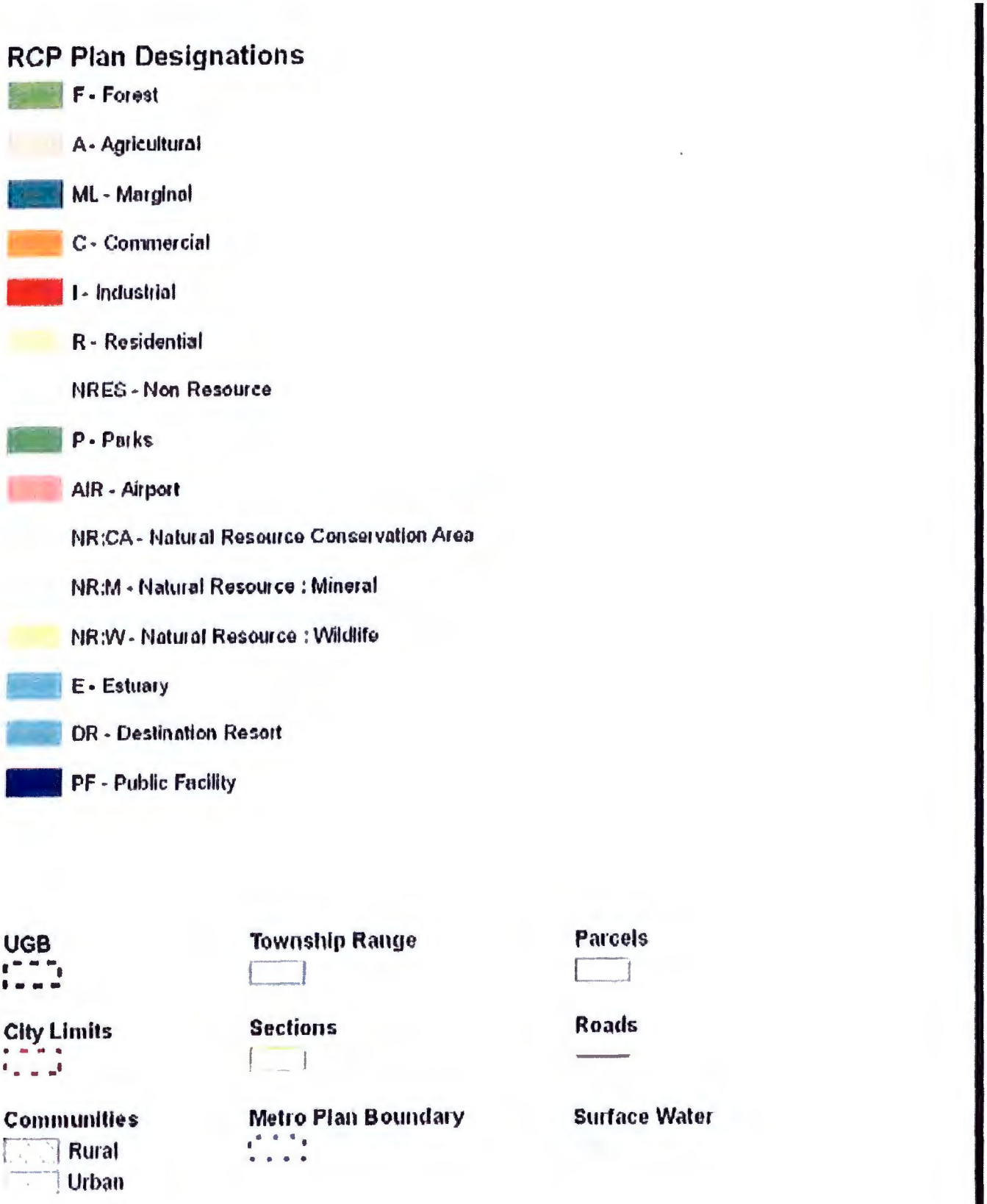
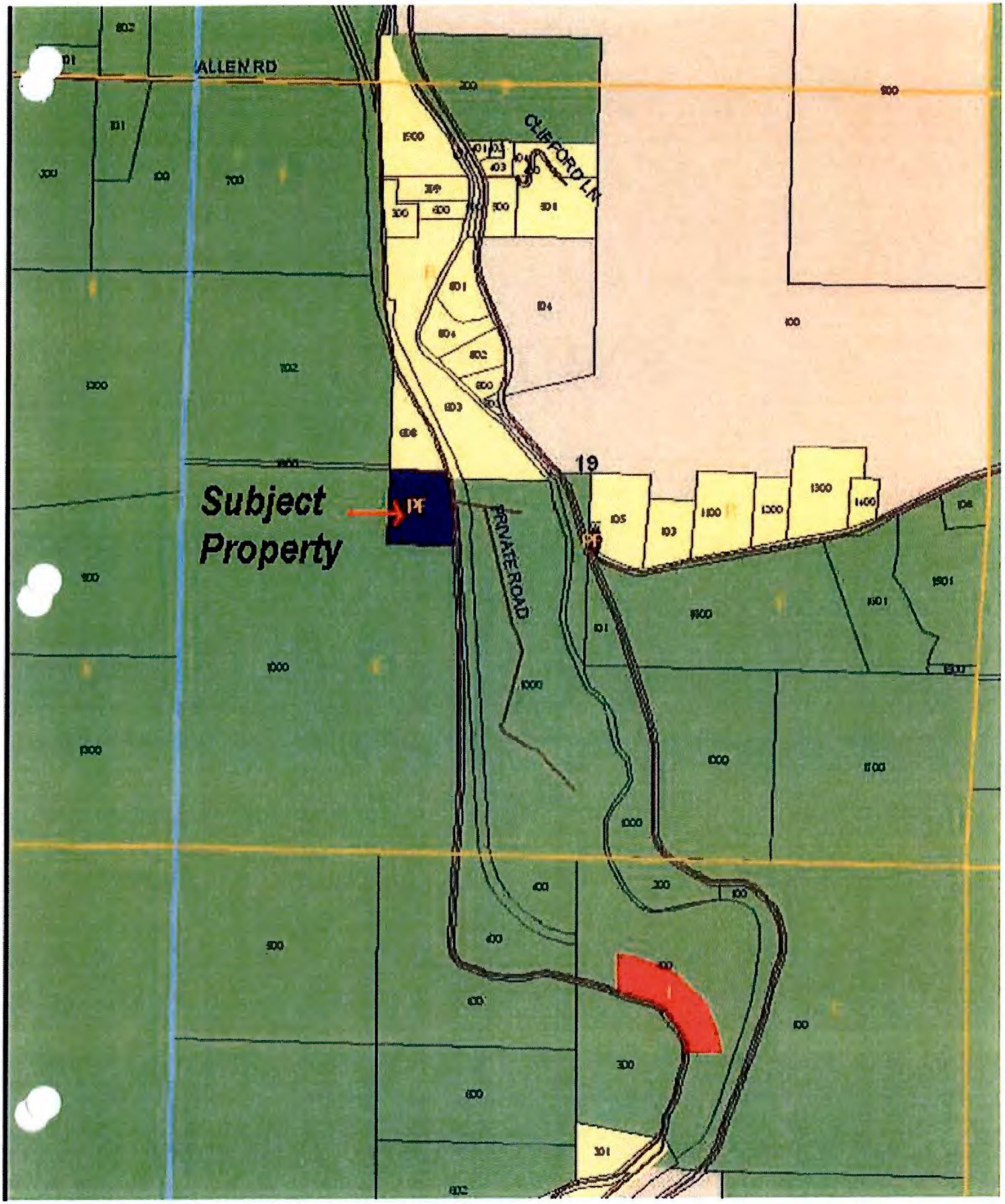
| | 18 | 17 | 16 | 15 | 14 | 13 |
| | 19 | 20 | 21 | 22 | 23 | 24 |
| | 30 | 29 | 28 | 27 | 26 | 25 |
| | 31 | 32 | 33 | 34 | 35 | 36 |

Section Legend


RCP Plan Designations
F - Forest
A - Agricultural
ML - Marginal
C - Commercial
I - Industrial
R - Residential
NRES - Non Resource
P - Parks
AIR - Airport
NR:CA - Natural Resource Conservation Area
NR:M - Natural Resource : Mineral
NR:W - Natural Resource : Wildlife
E - Estuary
DR - Destination Resort
PF - Public Facility
UGB
City Limits
Communities
Rural
Urban
Township Range
Sections
Metro Plan Boundary
Parcels
Roads
Surface Water


ALLEN RD
CLIFFORD LN
19
Subject Property
PF
PRIVATE ROAD

# EXHIBIT 8b

| ORIGINAL ADOPTING ORDINANCE NUMBER: | ORD.PA1246 | | | |
|---|---|---|---|---|
| Revision | Ordinance or Order Number | Date Effective | Planning Action Number | Revision Description |
| 1 | ORD.PA1246 | July 11, 2008 | NA | Map Adopted |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
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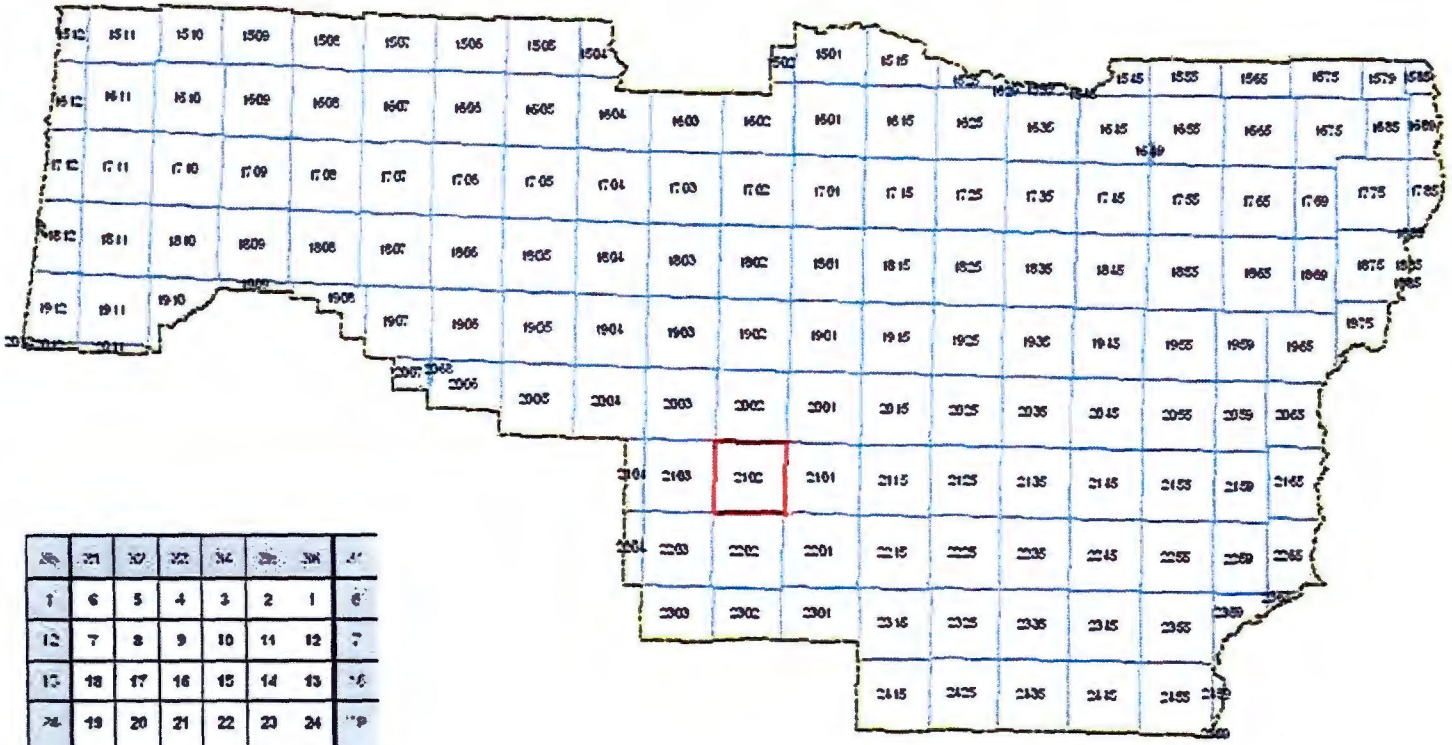
LMD
LAND MANAGEMENT DIVISION

# Official Lane County Zoning Map

# Township 21 South, Range 02 West



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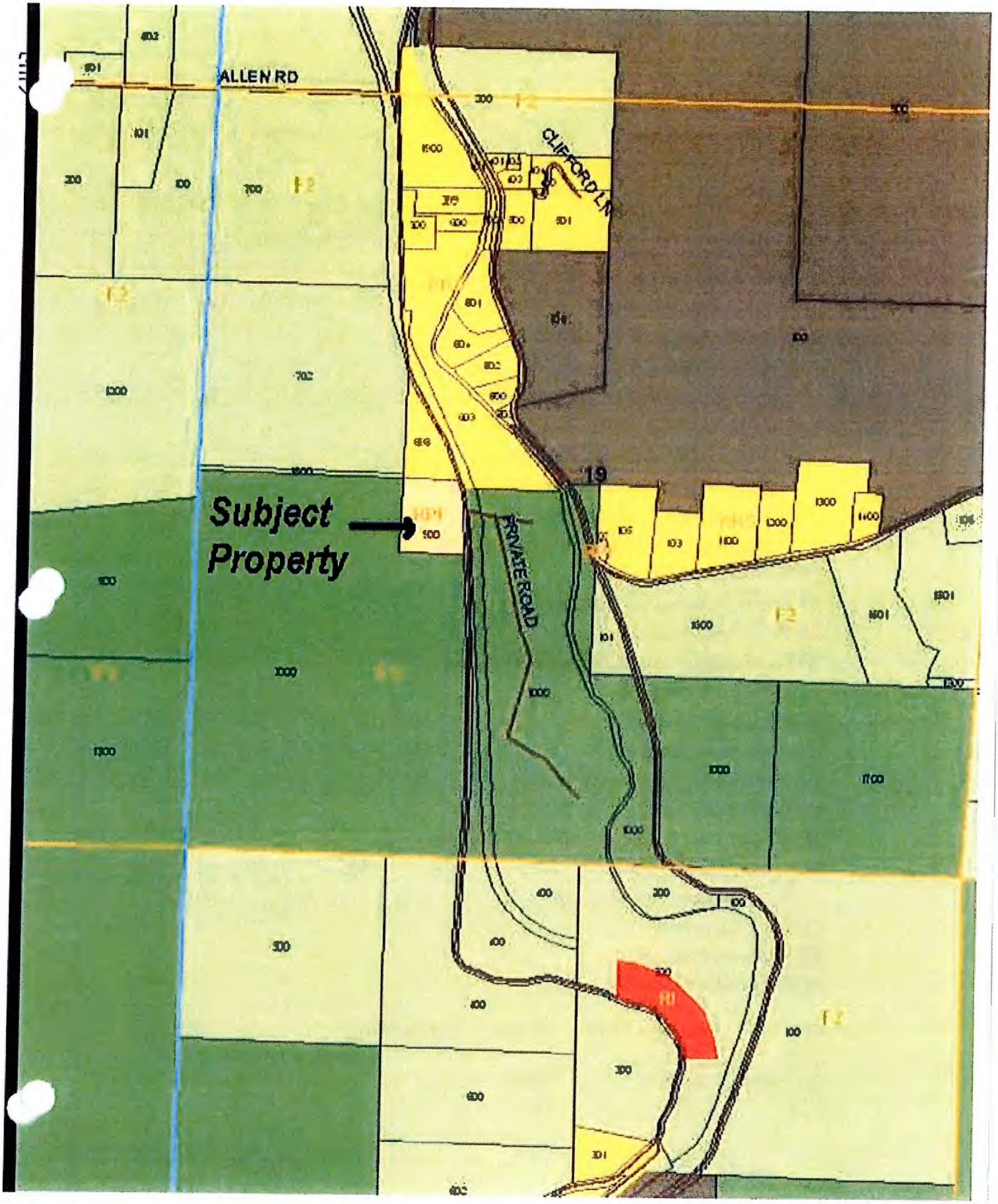
|---|---|---|---|---|---|---|---|
| | 31 | 32 | 33 | 34 | 35 | 36 | |
| 1 | 6 | 5 | 4 | 3 | 2 | 1 | |
| 12 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 13 | 18 | 17 | 16 | 15 | 14 | 13 | |
| 24 | 19 | 20 | 21 | 22 | 23 | 24 | |
| 25 | 30 | 29 | 28 | 27 | 26 | 25 | |
| 36 | 31 | 32 | 33 | 34 | 35 | 36 | |
| 1 | 6 | 5 | 4 | 3 | 2 | 1 | |

Section Legend


Zoning
F1 - Non-Impacted Forest
F2 - Impacted Forest
E25 - Exclusive Farm Use (25 acre minimum)
E30 - Exclusive Farm Use (30 acre minimum)
E40 - Exclusive Farm Use (40 acre minimum)
E60 - Exclusive Farm Use (60 acre minimum)
ML - Marginal Lands
RC - Rural Commercial
RI - Rural Industrial
RPF - Rural Public Facility
RR1 - Rural Residential (1 acre minimum)
RR2 - Rural Residential (2 acre minimum)
RR5 - Rural Residential (5 acre minimum)
RR5-NRES - Non Resource (5 acre minimum)
RR10 - Rural Residential (10 acre minimum)
RR10-NRES - Non Resource (10 acre minimum)
PR - Park and Recreation
RPR - Rural Park and Recreation
AO - Airport Operations
CLWP - Clear Lake Watershed Protection Area
NR - Natural Resource
NE - Natural Estuary
DR - Destination Resort
QM - Quarry and Mining Operations
SG - Sand, Gravel and Rock Products
SG/CP - Sand and Gravel Controlled Processing
CR - Rural Commercial
C2 - Neighborhood Commercial
C3 - Commercial
M2 - Light Industrial
PF - Public Facility
UGB
City Limits
Township Range
Sections
Parcels
Roads
Surface Water


ALLEN RD
CLIFFORD LN
Subject Property
PRIVATE ROAD
19

# EXHIBIT 8c

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

| ORDINANCE NO. PA 1246 | IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) TO REPLACE OUTDATED OFFICIAL PLAN, ZONE AND COASTAL ZONE MAPS WITH UPDATED MODERN MAPS AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. |
|---|---|

**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 jurisdiction of the of the Lane County Rural Comprehensive Plan; and

**WHEREAS,** the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

**WHEREAS,** Lane Code 12.050, 16.252 and 16.400 set forth procedures for review and adoption of amendments to the Rural Comprehensive Plan and implementing zoning; and

**WHEREAS,** it is necessary to amend the Rural Comprehensive Plan to replace outdated official plan, zone and coastal zone maps with updated modern maps; and

**WHEREAS,** the proposal was reviewed at a public hearing with the Lane County Planning Commission on April 15, 2008 and recommended for adoption; and

**WHEREAS,** the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on June 11, 2008; and

**WHEREAS,** evidence exists in the record indicting that the proposal meets the requirements of Lane Code Chapters 12 and 16, and the requirements of applicable state and local law; and

**WHEREAS,** the Board of County Commissioners has conducted a public hearing 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 (RCP) is hereby amended by repealing and deleting the official Lane County RCP Plan Maps (plots 1-1015) and substituting or adding new updated official Lane County RCP Plan Maps as depicted in Exhibit "A" attached and incorporated here by this reference.

Section 2. The Lane County Rural Comprehensive Plan is hereby amended by repealing and deleting the official Lane County Zoning Maps (plots 1-1015) and substituting or adding new updated official Lane County RCP Zoning Maps as depicted in Exhibit "B" attached and incorporated here by this reference.

Section 3. The Lane County Rural Comprehensive Plan is hereby amended by repealing and deleting the official Lane County Coastal Zoning Maps (plots 1-70) and substituting

or adding new official Lane County Coastal Zoning Maps as depicted in Exhibit "C" attached and incorporated here by this reference.

**FURTHER,** although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit "D".

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

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

**ENACTED** this 11th day of June, 2008.

Faye Stewart

Faye Stewart, Chair
Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 5-28-2008 Lane County

OFFICE OF LEGAL COUNSEL

Exhibit "D"

## FINDINGS AND CONCLUSIONS IN SUPPORT OF ADOPTION OF ORDINANCE No. PA 1246

The Lane County Board of Commissioners ("Board") finds as follows:

1. The Ordinance to which these findings are attached effects an update to the Lane County Rural Comprehensive Plan ("RCP"). The Board is amending the RCP by replacing outdated official plan, zone and coastal zone maps with modern maps as outlined in Sections 1, 2, and 3 of Ordinance No. PA1246. These changes will be referred to as the "map modernization updates" throughout these findings.

2. Pursuant to Lane Code (LC) 12.050(1), 16.015(1), 16.252(9)(b) and LC 16.400(6)(h)(i), amendments to the Comprehensive Plan and the Rural Comprehensive Plan shall be by ordinance. Adopting Ordinance No. PA 1246 accomplishes these requirements.

3. LC 12.050(2) provides review criteria to adopt the map modernization updates into the County Comprehensive Plan. The criteria are as follows:

> *LC 12.050*
> *(2) The Board may amend or supplement the comprehensive plan upon a finding of:*
> *(a) an error in the plan; or*
> *(b) changed circumstances affecting or pertaining to the plan; or*
> *(c) a change in public policy; or*
> *(d) a change in public need based on a reevaluation of factors affecting the plan;*
> *provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.*

The map modernization updates meet the needs of LC 12.050(2) (d). Access to and interpretation of the existing plan and zone maps is burdensome for the general public. Modern maps will help alleviate these problems and will not impair the purpose of Rural Comprehensive Plan.

LC 16.400(6)(h)(iii)(bb) provides similar review criteria for amendments to the Rural Comprehensive Plan, as follows:

> *LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:*
>
> **
>
> *(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 application of 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.*

With regard to these review criteria the Board finds that the map modernization updates are necessary to fulfill an identified public need. This need will be met by enabling the public access to

more readily understandable and accessible official planning documents (zone and plan maps). These updates are also, desirable, appropriate and proper to modernize maps and to make them more accessible to staff and the public.

Based upon these findings, the Board concludes that the proposed map modernization updates are consistent with the review criteria listed above

4. In addition to the requirements in LC 16.400(6)(h)(iii)(bb) listed above, additional findings under LC 16.400(6)(h)(iii)(aa) must be made to adopt the proposed map modernization updates. Specifically, the Board may amend the Rural Comprehensive Plan upon making certain additional findings, as follows:

> ***LC 16.400(6)(h)(iii) 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 amendment meets applicable requirements of local and state law in that it is being processed as a Plan Amendment pursuant to LC Chapter 14 requirements, and is subject to the approval criteria of LC Chapter 12 and 16, both of which chapters are in compliance with state law as outlined in the statewide planning Goal 2 findings, below. Findings of consistency with the approval criteria in LC 16 are contained herein, including findings of consistency with applicable Statewide Planning Goals and Oregon Revised Statues:

> ***Goal 1 - Citizen Involvement.*** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Pursuant to the requirements of Lane Code, citizen involvement occurred in the preparation and review of Ordinance No. PA 1246 and Ordinance No. 5-08 to as follows:

- On March 26, 2008, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in BCC Conference Room of the Lane County Public Service Building on April 15, 2008, at 7:00 P.M.
- On April 15, 2008, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed map modernization updates. By a vote of 8 to 0, the Planning Commission forwarded a recommendation to the Board of Commissioners to adopt the proposal.
- On May 21, 2008, a legal ad was published in *The Register Guard*, providing notice of the Lane County Board of Commissioners public hearing in the BCC Conference Room of the Lane County Public Service Building on June 11, 2008, at 1:30 P.M.
- On June 11, 2008, the Board of County Commissioners conducted a public hearing on Ordinance No. PA1246 and Ordinance No. 5-08.

The map modernization updates constitute a plan amendment that is subject to the public notification and hearing processes and provisions of LC Chapter 14 and 16. As described above, the public involvement requirements of these chapters have been met and opportunity for public involvement was afforded at all phases of the process. Additionally, the proposed map modernization updates are being implemented to allow for improved citizen involvement. The amendment is therefore consistent with statewide planning Goal 1.

***Goal 2 - Land Use Planning:*** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Rural Comprehensive Plan (RCP) was acknowledged by the Land Conservation and Development Commission (LCDC) as complying with state planning goals. LC 16.400 and 16.252, adopted and also acknowledged by LCDC specifies the means by which the RCP and implementing zones may be amended. Notice of the public hearing and pending adoption of the map modernization updates was mailed to the Oregon Department of Land Conservation and Development (DLCD) on October 18, 2007.The map modernization updates follow the procedures outlined in Lane Code and these findings provide an adequate factual basis for action. The amendment therefore conforms to the established land use planning process and framework consistent with Goal 2.

***Goal 3 - Agricultural Land:*** *To preserve and maintain agricultural lands.*

Adoption of the map modernization updates will not change the current agricultural land use designations or zoning for any properties. Therefore the amendment is consistent with Goal 3.

***Goal 4 - Forest Lands:*** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Adoption of the map modernization updates will not change the current forest land use designations or zoning for any properties. Therefore the amendment is consistent with Goal 4.

***Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources:*** *To conserve open space and protect natural and scenic resources.*

The treatment of resources regulated under Goal 5 will not change as a result of the map modernization updates, and therefore, they are consistent with Goal 5.

***Goal 6 - Air, Water and Land Resources Quality:*** *To maintain and improve the quality of the air, water and land resources of the state.*

The map modernization updates do not include any changes regarding the treatment of the resources protected under this goal, and therefore, the goal is not relevant to this amendment and the RCP remains consistent with this goal.

***Goal 7 - Areas Subject To Natural Disasters And Hazards:*** *To protect life and property from natural disasters and hazards.*

The map modernization updates do not include any changes pertinent natural disaster or hazards, so the goal is not relevant to this amendment and the RCP remains consistent with this goal.

***Goal 8 - Recreational Needs:*** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The map modernization updates do not include any changes related to management of recreational resources, and therefore, the goal is not relevant to this amendment and the RCP remains consistent with this goal.

> ***Goal 9 - Economic Development:*** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The map modernization updates do not include any changes related to economic development, and therefore, the goal is not relevant to this amendment and the RCP remains consistent with this goal.

> ***Goal 10 - Housing:*** *To provide for the housing needs of citizens of the state.*

The map modernization updates do not include any changes related to the housing needs of the state, and therefore, the goal is not relevant to this amendment and the RCP remains consistent with this goal.

> ***Goal 11 - Public Facilities and Services:*** *to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The map modernization updates will not change any County requirements related to public facilities and services, so this goal is not relevant to the amendment and the RCP remains consistent with this goal.

> ***Goal 12 - Transportation:*** *To provide and encourage a safe, convenient and economic transportation system.*

The map modernization updates do not include any changes related to transportation, and therefore, the goal is not relevant to this amendment and the RCP remains consistent with this goal.

> ***Goal 13 - Energy:*** *To conserve energy.*

The map modernization updates will not change any County requirements related to energy, so this goal is not relevant to the amendment and the RCP remains consistent with this goal.

> ***Goal 14 - Urbanization:*** *To provide for an orderly and efficient transition from rural to urban land use.*

The map modernization updates will not change any County requirements related to urbanization, so this goal is not relevant to the amendment and the RCP remains consistent with this goal.

> ***Goal 15 - Willamette River Greenway:*** *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The map modernization updates will not change any County requirements related to the Willamette River Greenway, so this goal is not relevant to the amendment and the RCP remains consistent with this goal.

> ***Goal 16 - Estuarine Resources:*** *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

The map modernization updates will not change any County requirements related to the estuarine resources, so this goal is not relevant to the amendment and the RCP and CRMP remains consistent with this goal.

> ***Goal 17 - Coastal Shorelands:*** *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-depending uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting form the use and enjoyment of Oregon's coastal shorelands.*

The map modernization updates will not change any County requirements related to coastal shorelands, so this goal is not relevant to the amendment and the RCP and CRMP remains consistent with this goal.

> ***Goal 18 - Beaches and Dunes:*** *To conserve, protect, where appropriate develop and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

The map modernization updates will not change any County requirements related to beaches and dunes, so this goal is not relevant to the amendment and the RCP and CRMP remains consistent with this goal.

> ***Goal 19 - Ocean Resources:*** *To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf. All local, state, and federal plans, policies, projects, and activities which affect the territorial sea shall be developed, managed and conducted to maintain, and where appropriate, enhance and restore, the long-term benefits derived from the nearshore oceanic resources of Oregon. Since renewable ocean resources and uses, such as food production, water quality, navigation, recreation, and aesthetic enjoyment, will provide greater long-term benefits than will nonrenewable resources, such plans and activities shall give clear priority to the proper management and protection of renewable resources.*

The map modernization updates will not change any County requirements related to ocean resources, so this goal is not relevant to the amendment and the RCP and CRMP remains consistent with this goal.

Oregon Revised Statute 197.175 (2)(a) requires counties to "*Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission*"

The official Lane County Plan, Zone and Coastal Zone Maps are a component of the Lane County Rural Comprehensive Plan. The map modernization updates will amend the RCP in compliance with the goals approved by the commission as outlined under the findings for the nineteen statewide planning goals, above, and incorporated herein by reference. Therefore, the Board finds the updates to be consistent with the applicable ORS.

5. Pursuant to Lane Code 16.252(2):

> **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.**

Enactment of Ordinance No. PA 1246 will require that changes be made to the requirements of Lane Code Chapter 16. The specific code language changes will be implemented through Ordinance No. 5-08. These changes are necessary to describe the use and maintenance of updated plan, zone and coastal zone maps being adopted through this Ordinance. As outlined above and incorporated here by reference, the map modernization updates are necessary to fulfill an identified public need and are therefore, desirable, appropriate and not contrary to the public interest.

The "*general purposes*" of Lane Code Chapter 16 are found in LC 16.003 (1)-(14). The map modernization updates achieve the applicable requirements of LC 16.003(1)-(14) as follows:

> ***(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.***

The map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan by providing both the public and county staff access to accurate and easily understandable Official Plan, Zone and Coastal Zone Maps. For the same reasons, use of the updated maps will help insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in a general sense, will help to promote and protect the public health, safety, convenience and welfare

> ***(2) Protect and diversify the economy of the County.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

> ***(3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(4) Conserve farm and forest lands for the production of crops, livestock and timber products.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(7) Provide for the orderly and efficient transition from rural to urban land use.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(9) Provide for and encourage a safe, convenient and economic transportation system within the County.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

*(10) Protect the quality of the air, water and land resources of the County.*

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

> ***(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

> ***(12) Provide for the recreational needs of residents of Lane County and visitors to the County.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

> ***(13) Conserve open space and protect historic, cultural, natural and scenic resources.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

> ***(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.***

As discussed under the finding for "general purpose #1", the map modernization updates will serve to facilitate the accurate and timely implementation of the Rural Comprehensive Plan. Proper implementation of the RCP will serve to achieve this general purpose statement. Therefore, adoption of the map modernization updates will further this general purpose statement.

6. Based upon all of the above findings, the Board concludes that the proposed map modernization updates and the Ordinance adopting them are consistent with the requirements set forth in the applicable approval criteria.

# EXHIBIT 9a

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

| | | |
|---|---|---|
| ORDINANCE NO. PA 884 | ) | IN THE MATTER OF APPLYING THE RURAL COMPREHENSIVE PLAN DESIGNATIONS AND RURAL COMPREHENSIVE PLAN ZONES TO RURAL LANE COUNTY OUTSIDE THE METROPOLITAN AREA GENERAL PLAN BOUNDARY, AND OUTSIDE ALL URBAN GROWTH BOUNDARIES, REPEALING PRIOR ZONING DISTRICTS AND PLAN DESIGNATIONS, AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE |

WHEREAS, the plan designations and zoning districts applicable to rural Lane County are not in full compliance with the Statewide Goals, and

WHEREAS, the Oregon State Land Conservation and Development Commission has granted Lane County an extension of time to revise its designations and zones to bring them into conformity with the Statewide Planning Goals, and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission and the West Lane County Planning Commission recommended application of the new plan designations and zones, and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. The Plan Designation and Zones as set forth on the attached maps (Exhibit "A") are hereby applied to Rural Lane County outside the Metropolitan Area General Plan Boundary and outside all Urban Growth Boundaries as modified by the attached change request summary, Board of County Commissioners action column (Appendix "B").

2. With exception of the following:

   (a) Rural Transportation Plan (Adopted by Ordinance No. 3-80).
   (b) Willamette Greenway Plan (Adopted by Ordinance No. 783).
   (c) Parks and Open Space Plan (Adopted by Ordinance No. 850).
   (d) Solid Waste Management Plan (Adopted by Ordinance No. 771 and subsequent amendment).
   (e) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(f) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).
(g) Housing Plan (Adopted by Ordinance 1-78).

the prior Plan and Zone designations are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this Ordinance.

3. 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 affect the validity of the remaining portions hereof.

4. The exceptions to Statewide Goals 3 and 4 are set forth in the attached Exhibit "B".

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this 29th day of February, 1984.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

## ORDINANCE NO. PA 884 - LEGISLATIVE FINDINGS

Ordinance No. PA 884 is the implementation of the policies adopted in Ordinance No. PA 883. The support documents and Findings adopted in that Ordinance are, therefore, adopted as if fully set forth herein.

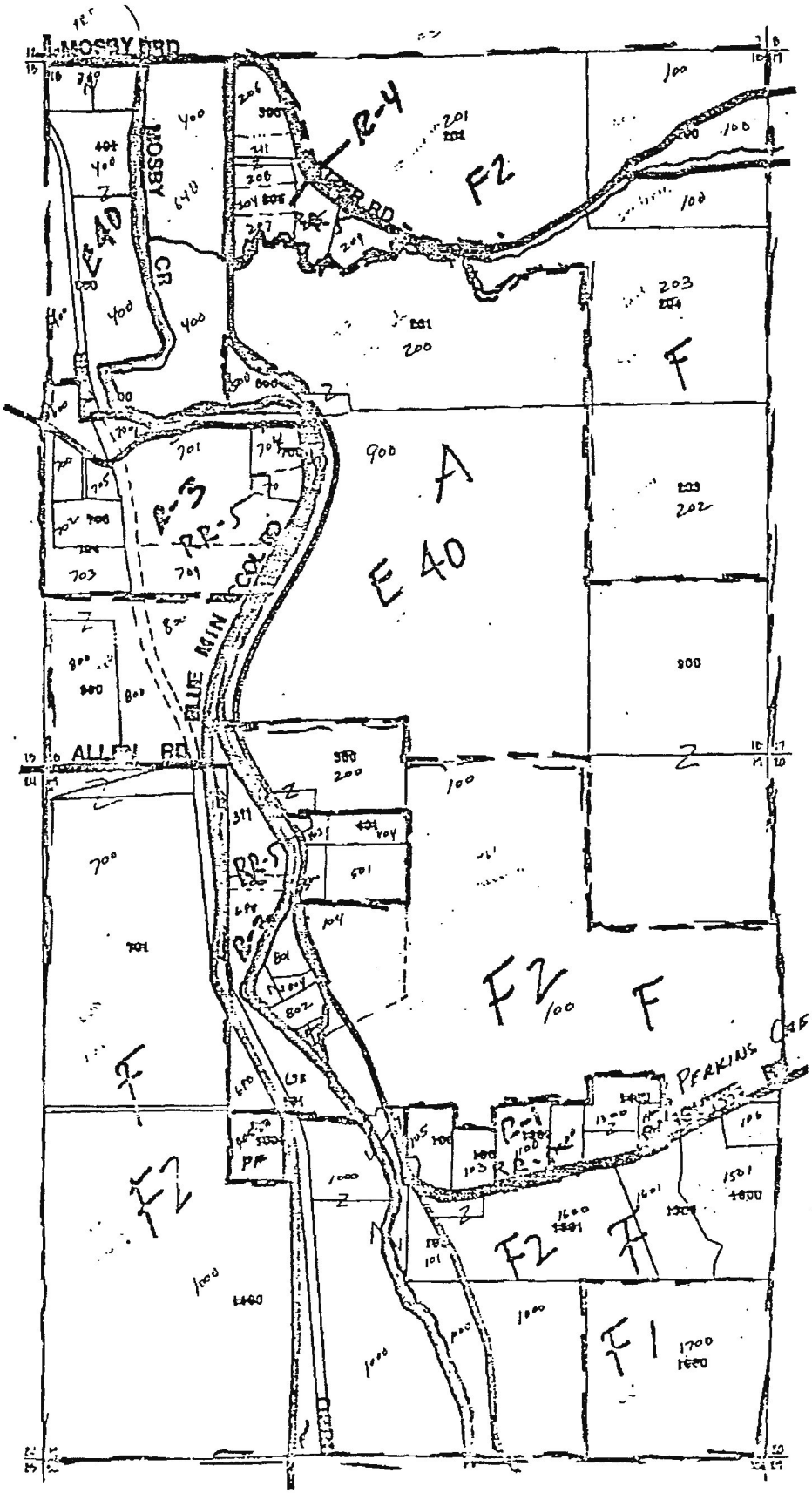
Major map changes, based upon a nonresource designation are supported by prior quasi-judicial or current Findings set forth on attached Exhibit "D".

The Diagrams and Zones reflect only one "need" exception arising from a prior quasi-judicial application. We, therefore, readopt the need exception set forth on attached Exhibit "E". Note that pursuant to CPR summary, the new designation is Destination Resort, rather than Commercial Zones. However, the exception to the Goal remains valid. The site review conditions are also readopted.

In addition, map changes occurring on the basis of a Marginal Lands designation are explained in the attached Exhibit "F".

All other changes to the maps from the original staff recommendation are supported by changes to the developed and committed exception and the information and Findings submitted with CPR requests. Because the amount of supporting information is very extensive, it is not possible to set out new Findings for each approval, nor is such analysis appropriate for a legislative Ordinance. However, the basis for the approval exists in the written attachments to the CPR's, public testimony and deliberation. This information is available on request.

(443)


MOSBY RD
MOSBY CR
BLUE MIN COAL RD
ALLEN RD
PERKINS CREEK ROAD
R-4
RP-5
RP-3
RP-1
PP
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E 40
F2
F
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INDEX
435
455

# EXHIBIT 9b

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

| | |
|---|---|
| ORDINANCE No. PA 888 | ) IN THE MATTER OF ADOPTING<br>) AN ORDINANCE FOR AMENDMENTS<br>) TO LANE COUNTY'S RURAL<br>) COMPREHENSIVE PLAN (ERRORS<br>) AND OMISSIONS/CORRECTIONS) |

WHEREAS, on or about February 29, 1984, the Board of County Commissioners of Lane County adopted and enacted Ordinance No. PA 883 amending Ordinance 870 entitled "The Lane County General Plan Policies," an element of the Lane County Rural Comprehensive Plan; and

WHEREAS, Goal 2, item 21 of those policies provides that

"* * *[b]etween March 2, 1984 and December 31, 1984, citizens who identify an error in plan or zone designation, as set forth below, are entitled to the County initiating correction, either quasi-judicial or legislative, as appropriate.

a. Identified plan designation/zone district application inconsistency.

b. Identified failure of plan and zone to recognize existing use on March 2, 1984.

c. Identified failure to zone F-2, where maps used by staff to designate F-1 zone did not display actual existing legal lots adjacent to the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone;" and

WHEREAS, at least nine citizens have identified errors in plan or zone designation and have applied to the County for correction of these errors; and

WHEREAS, the County has received evidence that errors were, in fact, made on the following enumerated properties and desires to correct the plan and zone designations to reflect the correct designation; and

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

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

A. 1. PA 913-84, Map 17-12-03, Tax Lots 200, 300, 400, 500 and 600, currently designated PR and C and zoned PR/SN and CR/SN, be amended as follows: All of Tax Lots 300, 400, 500 and 600 shall be designated CR in the Comprehensive Plan and zoned CR/SN. That portion of Tax Lot 200 which lies within the boundary described in Exhibit A of the document entitled "Findings, Ordinance PA 888" shall also be designated CR in the Comprehensive Plan and zoned CR/SN. That portion of Tax Lot 200 which

lies outside of that boundary shall be designated PR in the Comprehensive Plan and zoned PR/SN.

2. PA 915-84, Map 18-12-25, Tax Lots 101 and 1400, currently designated as F and zoned F-2, be amended to reflect a PF Comprehensive Plan and zoning designation.

3. PA 937-84, Map 16-25-28, that portion of Tax Lot 3001 identified as Parcel 1 in M 2224-83, currently designated as A and zoned E-30, be amended to reflect a R plan designation and a RR 5 zoning designation.

4. PA 938-84, Map 20-03-29.32, Tax Lot 100, currently designated R and zoned RR 10, be amended to reflect a PF Comprehensive Plan and zoning designation.

5. PA 939-84, Map 18-04-13, Tax Lot 3700, currently designated R and zoned RR 10, be amended to reflect a PF Comprehensive Plan and zoning designation.

6. PA 940-84, Map 18-03-19, Tax Lot 1300, currently designated F and zoned F-2 be amended to reflect a ML Comprehensive Plan and zoning designation.

7. PA 942-84, Map 21-02-19, Tax Lot 900, currently designated and zoned PF, be amended to reflect an I Comprehensive Plan designation and a M-1 zoning designation.

8. PA 1082-84, Map 19-04-14, Tax Lots 800, 601, 602, 1000 and an adjacent portion of County road right-of-way of approximately 1.3 acres. Tax Lot 1000 is currently designated A and zoned E 40, Tax Lots 800, 601, 602 and the excess right-of-way are currently designated F and zoned F-2. This should be changed to reflect a R Comprehensive Plan designation and RR 5 zoning designation for all tax lots and a Comprehensive Plan and zoning designation of PF for the excess right-of-way.

9. PA 941-84, Map 17-06-25.3 (Tax Lot 1400), Map 17-06-35 (Tax Lots 100, 102 and 103), Map 17-06-26 (Tax Lots 3200, 3202 and 3300). Tax Lots 100, 102, 103 and 1400 currently have a PR Comprehensive Plan and zoning designation. Tax Lots 3200, 3202 and 3300 have a Comprehensive Plan designation of R and a zoning designation of RR 5. This should be amended to reflect a Comprehensive Plan designation of R and a zoning designation of RR 5 for Tax Lots 3200, 3202, 3300, 102 and 1400 and a Comprehensive Plan designation of F and a zoning designation of F-2 for Tax Lots 100 and 103.

IT IS FURTHER ORDAINED that the official plan designation and zoning maps (Exhibit A to Ordinance No. PA 884) be changed to reflect these amendments.

B. The prior Plan and Zone designations listed above are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this ordinance.

C. 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 affect the validity of the remaining portions hereof.

D. While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in the attached document labeled "Findings, Ordinance PA 888."

Enacted this 17th day of July 1984.

Peter DeFazio, Chair
Lane County Board of Commissioners

Recording Secretary for this
Meeting of the Board

APPROVED AS TO FORM
DATE 6/27/84
Cynthia Phillips

NOW THEREFORE, based upon the evidence in the record the Board makes the following findings:

1. PA 913-84, Map 17-12-03, Tax Lots 200, 300, 400, 500 and 600. This is a proposal to modify the areas involved for portions of this property currently planned for PR (Park and Recreation) and C (Commercial) and zoned PR and CR with possible exceptions to LCDC Goal 4. (Note: The entire property is also zoned /SN, but the shorelands designation is not at issue under this application.)

   This is the Sea Lion Caves ownership which totals 95.32 acres and is identified as Map 17-12-03, Tax Lots 200, 300, 400, 500 and 600. The site is located about two miles south of Heceta Head along Highway 101 and includes commercial facilities, parking area, water system, forested area and rocky ocean headlands.

   Tax Lots 300 - 600 were zoned CR and Tax Lot 200 zoned PR under the CPR process. The owners filed CPR #638 under that process. Staff recommended CR for the areas previously covered by CT and PR for the balance. West Lane Planning Commission modified staff's proposal to zone the entire 95 acres CR. That action was reversed back to the staff's proposal due to "batching" of West Lane Planning Commission's actions by the Board of County Commissioners.

   The area currently zoned CR does not entirely cover those areas where improvements now lie; i.e., some development overlaps into the PR area. This overlap is an inconsistency which qualifies this application under the errors and omissions process.

   Because portions of the overall property are forest land and because open space/scenic/natural values exist, LCDC Goals 4 and 5 are applicable. The coastal goals are not applicable since no change is proposed to the extent of /SN zoning of the property which has already received acknowledgment from LCDC.

   The primary and single issue of this request is the extent of the property which is physically developed for uses other than those allowed by Goal 4 and for which an exception to Goal 4 can be justified. A built upon exception is justified rather than a committed exception which is based upon adjacent uses. All adjacent properties are undeveloped, therefore, a committed exception is not relevant. The Oregon Administrative Rule (660-04-000, Division 4) for the built upon exception process provides the following criteria with which a built upon exception must conform:

   "660-04-025(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.

(2) Whether land has been physically developed with uses not allowed by an applicable goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception."

The actual developed and developable portion of the applicant's property is described in Exhibit A, which is attached hereto and hereby incorporated by reference. This area is comprised of a portion of Tax Lot 200 and all of Tax Lots 300, 400, 500 and 600. Tax Lots 500 and 600 are committed and used for employee parking and the boundary line for the committed area should be drawn along the south boundary of Tax Lot 600 easterly to the section line and westerly to the west property line. The westerly line of the committed area should be the west property line and the northerly line of the committed area should be drawn east and west at the approximate mid-point between the north property line and the north line of the committed boundary. The extension to the west is the wildlife viewing area at the ocean edge. The extension to the north is to ensure that existing and future development is within the commercial area. The line as previously drawn probably did not encompass the sewage disposal area and parking.

2. PA 915-84, Map 18-12-25, Tax Lots 101 and 1400. This is a proposal to amend the Comprehensive Plan from F (Forest) to PF (Public Facilities) and rezone from F-2 to PF with possible exception to LCDC Goals 4 and 5. The Board finds that the staff report to the West Lane Planning Commission dated May 8, 1984, is a correct interpretation of the requirements of the statewide goals, the Comprehensive Plan and zoning ordinance as applied to the facts presented by this proposal. This Board therefore adopts this planning staff report as its findings in this matter with the exception that Tax Lot 1400 should also have been included in the CPR request. This is for the reason that Tax Lot 1400 was approved as a conditional use via CUP 80-423 effective February 9, 1981 and since the CUP approval, cemetery development has occurred. Therefore, Tax Lot 1400 is also developed and committed to the proposed redesignation and rezoning. The staff report referred to above is attached hereto, labeled Exhibit B and is hereby incorporated by reference.

3. PA 937-84, Map 16-25-28, Tax Lot 3001. This is a proposal to amend the Rural Plan (A to R) and change rural zoning (E 30 to RR 5) with exception to LCDC Goal 3 for parcel 1 of M 2224-83. The planning staff report to the Lane County Planning Commission, a copy of which is attached hereto, labeled Exhibit C and hereby incorporated by reference, is an accurate analysis of the requirements of the statewide goals, the Comprehensive Plan, and the zoning ordinance as applied to the facts of this proposal. The Board hereby adopts Exhibit C as its findings in this matter.

4. PA 938-84, Map 20-03-29.32, Tax Lot 100. This is a proposal to amend the Rural Plan (R to PF) and change rural zoning (RR-10 to PF) for the existing

Fir Grove Cemetery. The planning staff report to the Lane County Planning Commission dated May 15, 1984, a copy of which is attached hereto, labeled Exhibit D and hereby incorporated by reference, is an accurate analysis of the requirements of the statewide goals, the Comprehensive Plan and the zoning ordinance as applied to the facts presented in this proposal. Therefore, the Board hereby adopts Exhibit D as its findings in this matter.

5. PA 939-84, Map 18-04-13, Tax Lot 3700. This is a proposal to amend the Rural Plan from R to PF and change rural zoning from RR-10 to PF to recognize the prior to zoning KVAL-TV facilities. The planning staff report dated March 15, 1984, and the Lane County Planning Director Report of Findings, dated April 16, 1984, copies of which are attached hereto and labeled Exhibits E and E1 respectively, are accurate analyses of the requirements of the statewide goals, the Comprehensive Plan and zoning ordinance as applied to the facts presented by this proposal. Therefore, the Board adopts Exhibit E and E1 as its findings in this matter.

6. PA 940-84, Map 18-03-19, Tax Lot 1300. This is a proposal to amend the Rural Plan designation F to ML and change the rural zone F-2 to ML for the property covered by CPR request No. 751. The report on nonresource/nonexception and marginal lands criteria submitted by Paul Mehnert Associates, and the staff report to the Lane County Planning Commission dated May 15, 1984, copies of which are attached hereto, labeled Exhibit F and F1 respectively, are accurate analyses of the requirements of the statewide goals, the Comprehensive Plan and the zoning ordinance as they apply to the facts of this proposal. Therefore, the Board adopts Exhibits F and F1 as its findings in this matter.

7. PA 942-84, Map 21-02-19, Tax Lot 900. This is a proposal to amend the Rural Plan (PF to I) and rezone rural zoning (PF to M2) to allow operation of a small computer research facility in the former Blue Mountain School. The planning staff report to the Lane County Planning Commission dated May 15, 1984, a copy of which is attached hereto, labeled Exhibit G and hereby incorporated by reference, is an accurate analysis of the requirements of the statewide goals, the Comprehensive Plan and the zoning ordinance as they apply to the facts of this proposal. The Board adopts Exhibit G as its findings in this matter.

8. PA 1082-84, Map 19-04-14, Tax Lots 800, 601, 602 and 1000. This is a proposal to amend the Rural Plan designation from A and F to PF and R and change rural zoning from E40 and F-2 to PF and RR-5. The planning staff report to the Lane County Planning Commission, dated May 15, 1984, a copy of which is attached hereto, labeled Exhibit H and hereby incorporated by reference, is an accurate analysis of the requirements of the statewide goals, the Comprehensive Plan and the zoning ordinance as they apply to the facts presented by this proposal. Therefore, the Board hereby adopts Exhibit H as its findings in this matter.

9. PA 941-84. This is a proposal to amend rural plan (R and PR to R and F) and change rural zoning (PR and RR 5 to F-2 and RR 5) for the Oregon Country Fair property.

   This property is located south of Highway 126 and west of Elmira about one mile. The site consists of 236 acres and includes Map 17-06-25.3, Tax Lot

LANE COUNTY PLANNING COMMISSION

STAFF REPORT

Hearing Date: 05/15/84 File No. PA 942-84

## 1. PROPOSAL:

Amend rural plan (PF to I) and rezone rural zoning (PF to M2) to allow operation of a small computer research facility in the former Blue Mountain School.

## 2. PROPERTY:

This change is for the former Blue Mountain School facility located about 7 miles S.E. of Cottage Grove via Mosby Creek and Blue Mt. School Road. Site is identified as map 21-02-19/tax lot 900 and includes school structures and playground equipment on 4.5 acres.

## 3. STATUS:

The Blue Mountain School facilities are currently being leased from District 45J by Able Computer Co. of Irvine, Calif. On-site use is limited primarily to computer hardware research and equipment testing. Able Computer Co. uses the main school building for office space, a separate classroom building as a computer room and technical bench space and the former cafeteria as a research thinktank. Another building is used by the school district for storage, and the gymnasium building is vacant.

Able Computer Co. has only been in this site for less than a year. Staff discovered its presence here when a sign was posted without a sign permit and discovered by a building inspector on 1-30-84. Subsequently, it was also discovered that a Change of Occupancy Permit is needed. In addition, commercial research is a use not permitted in either the former PR zone or current PF zone. Building permits for sign and occupancy changes cannot be issued until zoning compliance is met.

This item was first brought up before planning scrutiny via CPR Request #1659, requesting M-2 zoning instead of the proposed PF. Staff's response was:

"The existing industrial use here was placed in violation of County zoning and building codes. Staff cannot recognize illegal uses as part of this project. This use should go through normal application processes so that the relative merits and potential effects to the area can be measured in a public forum situation. Staff's direction is to only recognize legally existing commercial/industrial uses with appropriate zoning."

Staff's position was upheld by the Lane County Planning Commission and subsequently batched out by the County Commissioners due to staff/LCPC decision consistency.

## 4. QUALIFICATION OF ERROR AND OMISSIONS PROCESS:

A request can be considered under the errors and omissions process for the County if one of the following three policies can be met. They are: A. Identified plan designation/zone district application inconsistency.

B. Identified failure of plan and zone to recognize existing use on March 2, 1984.

C. Identified failure to zone F-2, where maps used by staff to designate F-1 zone did not display actual existing legal lots....

Regarding the above, A. is not applicable as the proposed plan designation and zone are both consistent (both are PF). Item C. is also not applicable as this is not a forest situation.

Regarding B., although the Able Computer Co. use was operating as of March 2, 1984, it was not operating as a legal use. Staff interprets the "existing use" provision to generally imply legal use. However, for the correction of violation, interpretation of the plan policies may be done by the Planning Commission and Board to allow permissive zoning and to bring the use into conformity with the zoning.

## 5. ISSUES:

The first issue is whether or not an apparent zoning violation qualifies as an error or omission which warrents consideration for plan amendment/rezoning. Such a change would recognize an existing business with permissive zoning.

Regarding other issues, no LCDC Goal exceptions are required as the site is built upon and developed. No compatibility problems are evident as well based on a staff visit. The use on-site is guiet, no building modifications are desired and only 4 employees are present.

The M-2 zone is too intense a zone for this use. The M-1 zone allows research facilities and would be more appropriate for this type of use. The concern is that someday if Able Computer leaves the site, a more intensive industrial use might come in under M-2 that is not as compatible to the area. Since no other zone exists allowing commercial research, M-1 might be more appropriate for use than M-2. Although advertised for M-2, since M-1 is lesser intensive than M-2, M-1 could be substituted by the Planning Commission.

## 6. CONCLUSIONS:

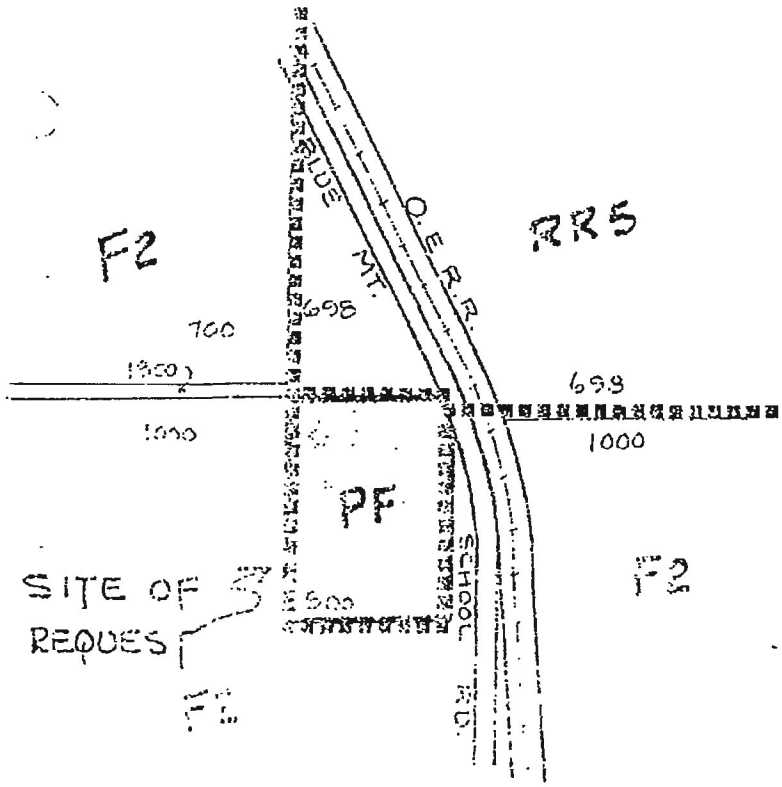
Considering the prior school use and existing playground/gymnasium facilities, the site may be ideal for a private or public recreational facility or community center. However, whether or not the school facilities should remain in public use is a policy matter for the school district and its citizens to decide. A statement in this regard should be obtained from the school district. Staff believes no zone more intensive than M-1 should be applied.

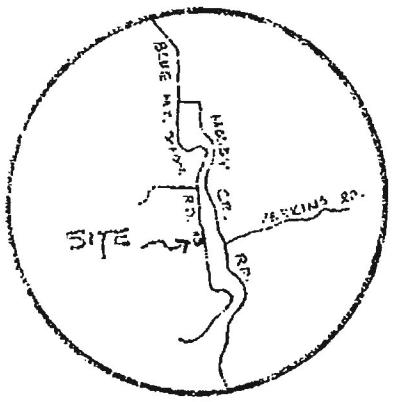
**Attachment:** Area Map

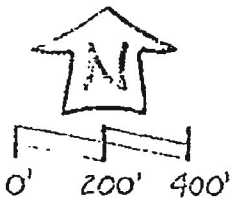
PA 942-84

Plan: PF to I

Zone: PF to M2



# EXHIBIT 9c

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

89-11-21-12

) IN THE MATTER OF ADOPTING
) SUPPLEMENTAL DEVELOPED AND
) COMMITTED FINDINGS IN SUPPORT OF
) ORDINANCE NO. PA 884 FOR:
) PLOT 038, EXCEPTION #1
) PLOT 043, EXCEPTION #1
) PLOT 055, EXCEPTION #1
) PLOT 056, EXCEPTION #1
) PLOT 058, EXCEPTION #1
) PLOT 060, EXCEPTION #1
) PLOT 063, EXCEPTION #1
) PLOT 145, EXCEPTION #1
) PLOT 166, EXCEPTION #2
) PLOT 167, EXCEPTION #1
) PLOT 176, EXCEPTION #2
) PLOT 176, EXCEPTION #3
) PLOT 321, EXCEPTION #1
) PLOT 321, EXCEPTION #2
) PLOT 351, EXCEPTION #1
) PLOT 355, EXCEPTION #2
) PLOT 372, EXCEPTION #2
) PLOT 375, EXCEPTION #2
) PLOT 387, EXCEPTION #2
) PLOT 391, EXCEPTION #1
) PLOT 392, EXCEPTION #1
) PLOT 400, EXCEPTION #2
) PLOT 404, EXCEPTION #2
) PLOT 406, EXCEPTION #1
) PLOT 413, EXCEPTION #1
) PLOT 413, EXCEPTION #2
) PLOT 414, EXCEPTION #1
) PLOT 420, EXCEPTION #3
) PLOT 424, EXCEPTION #1
) PLOT 426, EXCEPTION #1
) PLOT 426, EXCEPTION #2
) PLOT 437, EXCEPTION #2N
) PLOT 441, EXCEPTION #1
) PLOT 443, EXCEPTION #2
) PLOT 456, EXCEPTION #2
) PLOT 472, EXCEPTION #1
) PLOT 473, EXCEPTION #1
) PLOT 483, EXCEPTION #2
) PLOT 484, EXCEPTION #1
) PLOT 506, EXCEPTION #1
) PLOT 608, EXCEPTION #1
) PLOT 612, EXCEPTION #1
) PLOT 631, EXCEPTION #1

WHEREAS, on February 29, 1984 the Board of County Commissioners of Lane unty adopted Ordinance No. PA 884, which applied Rural Comprehensive Plan signations and zoning districts; and

:REAS, on 25 October 1989 the Lane County Board of County Commissioners ved Board Order 89-10-25-4 and adopted the 1989 Addendum to the Lane County ' Developed and Committed Lands Working Paper which includes the findings of a el of agricultural and forestry experts who formulated guidelines for eloping additional findings; now, therefore, be it

ORDERED that the attached Supplemental Findings set forth in Exhibit "A" ot 038), Exhibit "B" (Plot 043), Exhibit "C" (Plot 055), Exhibit "D" (Plot ), Exhibit "E" (Plot 058), Exhibit "F" (Plot 060), Exhibit "G" (Plot 063), ibit "H" (Plot 145), Exhibit "I" (Plot 166), Exhibit "J" (Plot 167), Exhibit ' (Plot 176), Exhibit "L" (Plot 176), Exhibit "M" (Plot 321), Exhibit "N" ot 321), Exhibit "O" (Plot 351), Exhibit "P" (Plot 355), Exhibit "Q" (Plot ), Exhibit "R" (Plot 375), Exhibit "S" (Plot 387), Exhibit "T" (Plot 391), ibit "U" (Plot 392), Exhibit "V" (Plot 400), Exhibit "W" (Plot 404), Exhibit ' (Plot 406), Exhibit "Y" (Plot 413,414), Exhibit "Z" (Plot 413), Exhibit "AA" ot 420), Exhibit "BB" (Plot 424), Exhibit "CC" (Plot 426), Exhibit "DD" (Plot ), Exhibit "EE" (Plot 437), Exhibit "FF" (Plot 441), Exhibit "GG" (Plot 443), ibit "HH" (Plot 456), Exhibit "II" (Plot 472), Exhibit "JJ" (Plot 473), ibit "KK" (Plot 483), Exhibit "LL" (Plot 484), Exhibit "MM" (Plot 506), ibit "NN" (Plot 608,612), Exhibit "OO" (Plot 631), are hereby adopted in port of Ordinance No. PA 884.

ENACTED this 21 day of November, 1989.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 11-14-89 lane county
OFFICE OF LEGAL COUNSEL

-IN THE MATTER OF ADOPTING SUPPLEMENTAL DEVELOPED AND COMMITTED FINDINGS
SUPPORT OF ORDINANCE NO. PA 884

EXHIBIT GG
SUPPLEMENTAL FINDINGS FOR
DEVELOPED & COMMITTED LANDS EXCEPTIONS

I. GENERAL INFORMATION

Maps: 21-02-19
Plot: 443-2
Location: Mosby Creek Road

Number of Parcels: 12
Size: 56.0 Acres

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. Section II of the 1989 Addendum to the Developed and Committed Lands Working Paper explains how these criteria have been applied to Exception Area 443-2.

III. METHODOLOGY FOR DETERMINING EXCEPTIONS

Section III of the 1989 Addendum to the Developed and Committed Lands Working Paper explains how Exception Area 443-2 has been mapped, how data pertaining to the area was collected, and how findings were made from the available evidence.

IV. FACTS RELIED UPON

A. Exception Area 443-2 is a residential settlement of 18 dwellings, located on the east and west banks of Mosby Creek. All of the homes were built prior to adoption of the State Planning Goals on December 27, 1974. Undeveloped land west of the creek is designated for forest use by the Rural Comprehensive Plan; land to the east is designated for agriculture. Small isolated residential settlements are also located to the north and south.

B. The soils throughout Exception Area 443-2 are rated Capability Class I-IV by the US Soil Conservation Service, which means they have good potential for agricultural production. The Oregon Department of Forestry rates these soils cu. ft. site class II & III, which means they are also well suited for forest production.

C. Access to Exception Area 443-2 from the north and south is provided by Blue Mountain School Road along the west bank of Mosby Creek and Mosby Creek Road along the east bank. Both are two lane county roads. Allen Road intersects Blue Mountain Road near the northern boundary of the exception area and leads to adjacent forest land to the west. Railroad tracks are located east of and immediately adjacent to Blue Mountain School Road. There is no public water or sewer service. Fire protection is provided by Southern Lane Rural Fire District, and the area is served by South Lane School District #45J, which places Exception Area 443-2

within special taxing district 045-02.

D. Exception Area 443-2 is 56 acres in size, and is comprised of 12 parcels. The average parcel size is 4.7 acres; the largest parcel is 15.6 acres and the smallest is 0.2 acre. All but 4 of the parcels were created prior to adoption of the State Planning Goals in 1974. The others were created prior to acknowledgment of the RCP in 1984.

E. Exception Area 443-2 is located about 4 miles southeast of Cottage Grove in the Mosby Creek basin. It is also about 4 miles from Farm Region 9B, which is among a series of farm regions described in the Lane County RCP Agricultural Lands Working Paper (addendum).

F. Exception Area 443-2 is located on both sides of Mosby Creek, which serves as one of the boundaries for each portion. The western portion is also bounded by Blue Mountain Road, resulting in a pattern of narrow irregularly shaped parcels.

G. 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 443-2. The findings were submitted to the Department of Land Conservation and Development (DLCD) for acknowledgment on 12 April 1989.

H. On 21 July 1989 the Land Conservation and Development Commission (LCDC) voted unanimously to adopt Acknowledgment Orders 89-ACK-569 and 89-POST-570, which approved the DLCD staff recommendation for partial acknowledgment of Developed and Committed Exception Areas in Lane County.

I. All but 20 of the 56 acres within Exception Area 443-2 were acknowledged by 89-ACK-569 and 89-POST-570. Approval was withheld for tax lots 399, 600, 698 and 700 because of an objection by 1000 Friends of Oregon: "Largely undeveloped, potential resource use, two owners".

J. On 25 October 1989 the Lane County Board of County Commissioners voted unanimously to approve Board Order 89-6-25-4, which adopted the 1989 Addendum to the Lane County RCP Developed and Committed Lands Working Paper. The 1989 Addendum includes the findings of a panel of agricultural and forestry experts who formulated the following guidelines for determining whether land that is otherwise suitable for resource production may be so used:

a) Parcels of 20 acres or less with dwellings on three or more 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 15 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.

V. ATTACHMENTS

1. Reference Data Sheet
2. Parcelization & Development Summary
3. Regional Location Map
4. RCP Map
5. Taxlot Data-Alphabetical Listing by Owner's Name
6. Taxlot Data-Numerical Listing by Legal Description
7. U.S.D.A. Soils Maps No. 150
8. USGS Quadrangle Map
9. Map of parcels deleted from LCDC Acknowledgment Orders 89-ACK-569/89-POST-570
10. 1989 Addendum to Lane County RCP Developed and Committed Lands Working Paper (under seperate cover)

VI. FINDINGS

Land in the Mosby Creek basin is designated for agricultural and forest use by the Lane County Rural Comprehensive Plan. Exception to the RCP agricultural and forest goals is taken for 56 acres of land within Section 19, Township 21, Range 02, which is elsewhere referred to as Exception Area 443-2. The exception is warranted because the land is developed or because it meets the criteria for irrevocably committed land specified in OAR 660-04-028(6):

a) Existing adjacent land uses

1. Land within Exception Area 443-2 is impracticable to manage for agricultural or timber production because it is isolated from other resource land by public roads and Mosby Creek, and because of the location of homes in and around the exception area boundary. Eighteen homes are located on the 12 parcels within the area, and all were in existance before the State Planning Goals were adopted in 1974. As a result of the narrow configuration of Exception Area 443-2 most of the homes are within 200 ft. of the area boundary. Many are closer.

b) Existing public facilities and services

1. Land within Exception Area 443-2 is unsuitable for agricultural and timber production because it is isolated from other resource land in the vicinity by public roads. As a whole Exception Area 443-2 is developed to the extent that it warrants protection from South Lane Rural Fire Protection District.

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

1. The 56 acres of land within Exception Area 443-2 are impracticable to manage for agricultural or timber production because the 12 different ownerships produce an average parcel size of only 4.7 acres.

d) Neighborhood and regional characteristics

1. Land within Exception Area 443-2 is impracticable to use for agricultural or timber production because of the extent and pattern of homes within in the area, according to resource management experts who contributed to the 1989 Developed and Committed Lands Working Paper Addendum. The experts formulated a series of guidelines that are applied to criteria f) below.

e) Natural or man-made features or other impediments

1. Land within Exception Area 443-2 is impracticable to manage for agricultural or timber production because it is bounded by Blue Mountain Road, Mosby Creek and Mosby Creek Road, resulting in unusually narrow, irregularly shaped parcels that are difficult to negotiate with heavy equipment.

f) Physical development

1. Almost all of the parcels within Exception Area 443-2 are developed to the extent that they have no further development potential under existing land use regulations. The remaining land is impracticable to manage for agricultural or timber production because of the close proximity of nearby homes that were in existance before the State Planning Goals were adopted in 1974.

2. The land within Exception Area 443-2 was acknowledged by the Land Conservation and Development Commission on 21 July 1989, except for 4 tax lots located between Blue Mountain School Road and Mosby Creek. Two homes are located in this area, and therefore 2 of the tax lots qualify for an exception to State Planning Goals according to OAR 197.732(a). The others are irrevocably committed to non resource use because of the presence of other homes in and around the exception area. Forestry experts who contributed to the 1989 Developed and Committed Lands Working Paper Addendum contend that parcels of 20 acres or less that are adjacent to a dwelling on more than 1 side are impracticable to manage for timber production. The largest of these two undeveloped parcels is 15.5 acres.

## VII. CONCLUSION

Exception Area 443-2 meets the criteria of ORS 197.732 because almost all of the 56 acres of land within are developed to the extent that they are no longer available for timber production, or because the remaining land is committed to uses that make commercial resource management impracticable.

DEVELOPED AND COMMITTED EXCEPTION FINDINGS

DATA SHEET

Map: 21-02-19 Plot: 443

Name: Mosby Creek Rd. Exception Number: 2

The following were adopted by the corresponding ordinances in support of this developed and committed exception area.

- Developed + Committed Lands Working Papers; adopted by Lane County Ordinance #PA 883.
- Plan Diagram Maps; adopted by Lane County Ordinance # PA 884.
- Zoning Maps; adopted by Lane County Ordinance # PA 884.
- Summary Exception Sheet; Plot: 443, Exception Number: 2; adopted by Lane County Ordinance # PA 884.

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The following are additional data resources used to generate supplemental findings in support of this exception area:

- GIS Exception Plot No. 443
- GIS Exception Listing No. 443-2
- Aerial Photo Map Number: 21-02-19
- SCS Soil Survey Map Number: 150
- USGS Topographical Quadrangle Map: Culp Creek
- Lane County Tax Codes for Public Service Districts; 045-02

  School District: South Lane #45J
  Fire District: South Lane R.F.P.D.
  Water District: None

____ Other:

Attachment 1

PARCELIZATION AND DEVELOPMENT SUMMARY SHEET
DEVELOPED AND COMMITTED EXCEPTIONS

Map: 21-02-19 Plot: 443

Name: Mosby Creek Rd Exception Number: 2

I. PARCELIZATION AND DEVELOPMENT PRIOR TO ADOPTION OF STATE PLANNING GOALS:

| | |
|---|---|
| Number of Parcels | 8 |
| Number of Dwellings | 18 |
| Other Uses(_____) | - |

II. PARCELIZATION AND DEVELOPMENT SINCE ADOPTION OF STATE PLANNING GOALS AND PRIOR TO ACKNOWLEGDEMENT OF COMPREHENSIVE PLAN:

| | |
|---|---|
| Parcels Created Pursuant to Goals 3 and 4 | - |
| Parcels Created by Exception to Goals 3 and 4 | - |
| Parcels Created Without Findings | 4 |
| Subtotal of Parcels | 4 |
| Number of dwellings | - |
| Number Of Other Uses (_____) | - |

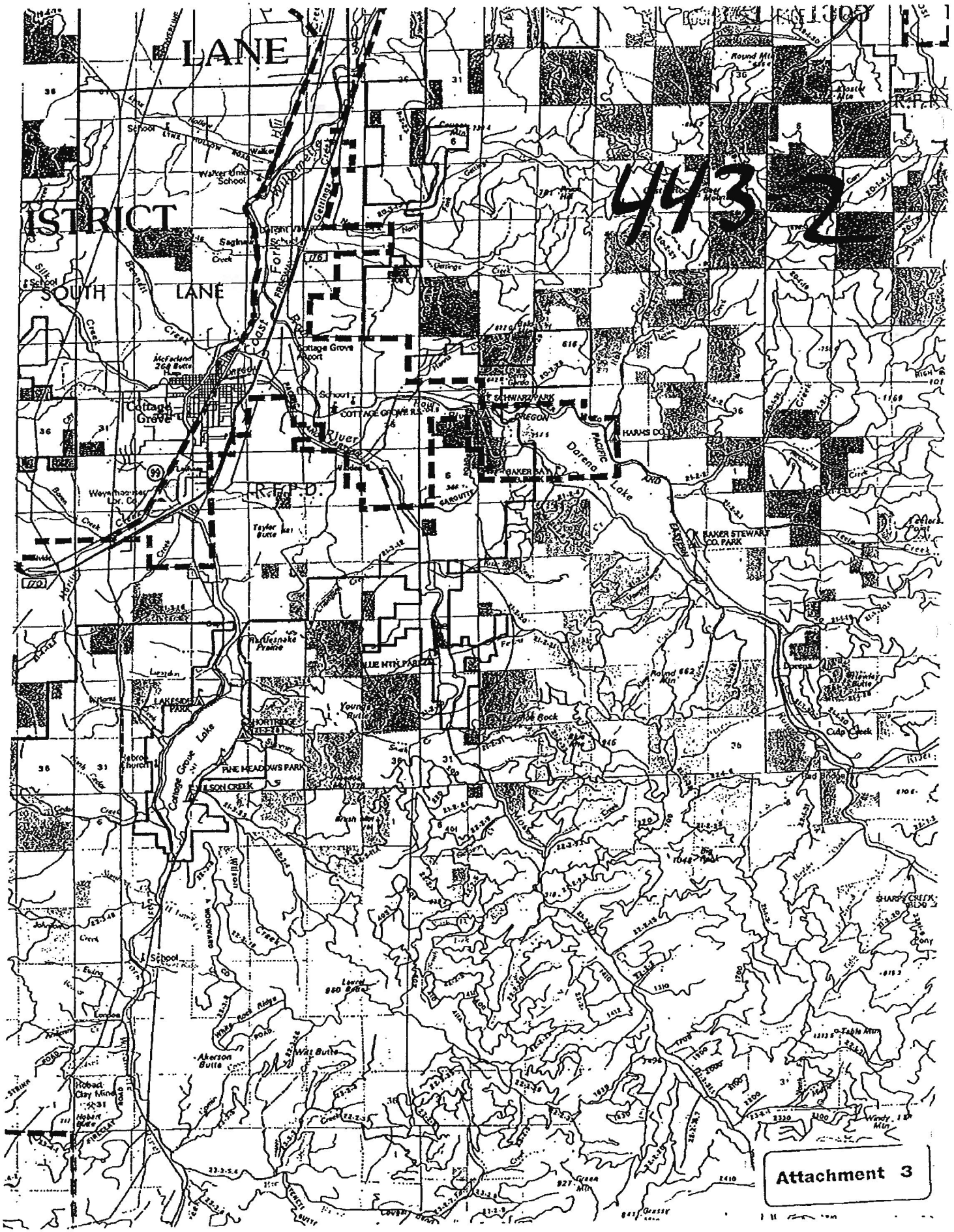
III. PARCELIZATION AND DEVELOPMENT SINCE ACKNOWLEDGEMENT OF COMPREHENSIVE PLAN:

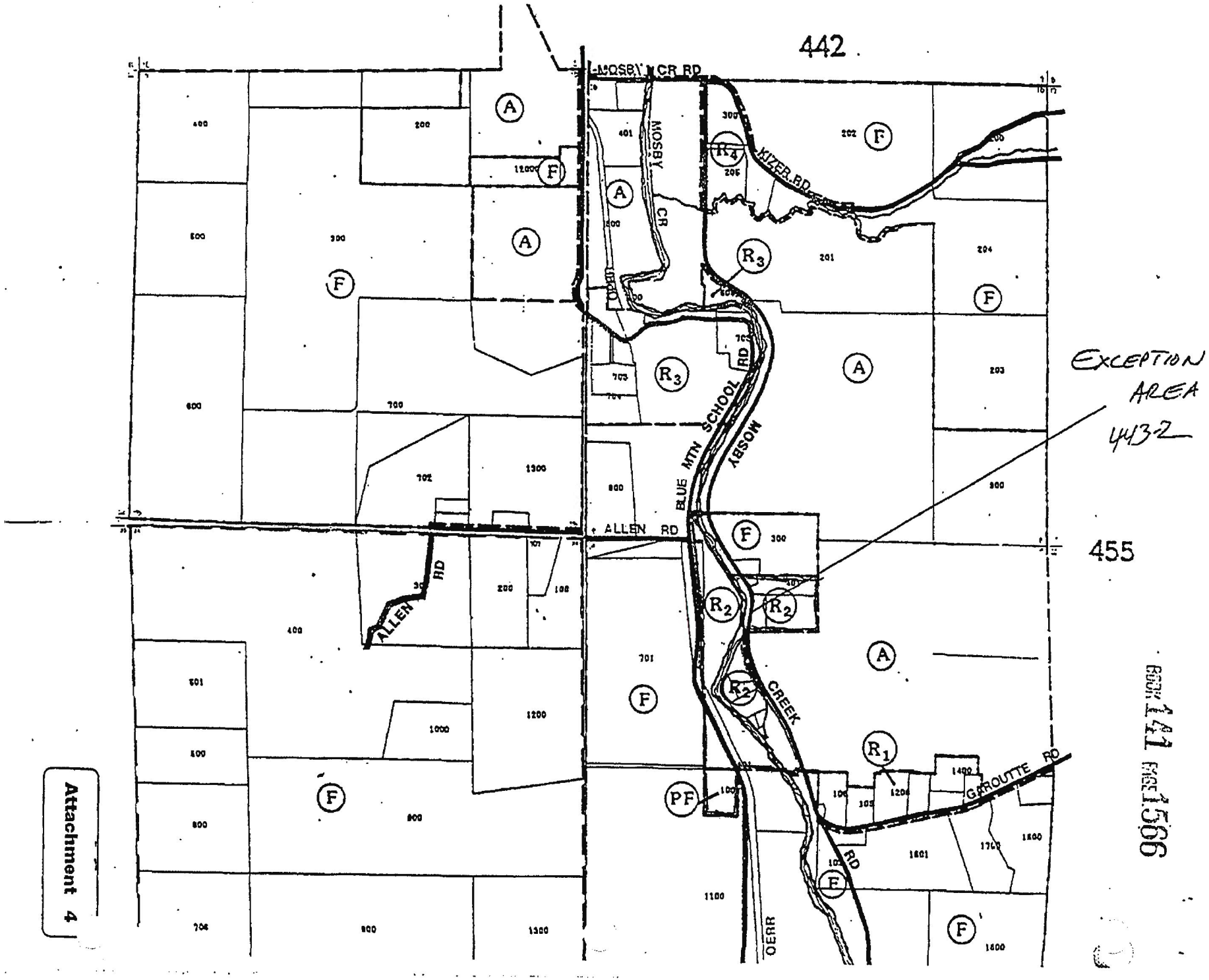
| | |
|---|---|
| Number of Parcels | - |
| Number of Dwellings | - |
| Number of Other Uses(_____) | - |

IV. PARCELIZATION AND DEVELOPMENT SUMMARY:

| | |
|---|---|
| Total Acreage | 56.0 |
| Total Number of Parcels | 12 |
| Largest Parcel | 15.6 |
| Average Parcel Size | 4.7 |
| Total Number of Dwellings | 18 |

Attachment 2


LANE
ISTRICT
SOUTH LANE
4432
Attachment 3




Attachment 4

BOOK 471 PAGE 1356

| OWNER | MAPLOT | PCL | SCL | FRM | FOR | UNITS | YBLT | ZONE4 | CACRES | ATACRES |
|---|---|---|---|---|---|---|---|---|---|---|
| CRITES DENNIS M & WANZA | 21021900 00803 | 141 | 140 | 0 | 0 | . | 72 | RR5 | 0.1511 | 0.1800 |
| DAVIS LENORE & JAMES F | 21021900 00300 | 131 | 130 | 0 | 0 | 1 | 0 | RR5 | 0.6939 | 0.9000 |
| ESKUE GREGORY D & TERESA | 21021900 00802 | 131 | 140 | 0 | 0 | 1 | 0 | RR5 | 2.0200 | 2.0500 |
| GENNETT VICTOR R & JEANN | 21021900 00800 | 131 | 130 | 0 | 0 | 2 | 63 | RR5 | 0.7091 | 0.8700 |
| GREEN ERMA Z | 21021900 00500 | 161 | 140 | 0 | 0 | 3 | 45 | RR5 | 7.9612 | 2.7500 |
| HEMENWAY RUTH | 21021900 00399 | 131 | 130 | 0 | 0 | . | 27 | RR5 | 6.0044 | 5.0000 |
| HEMENWAY RUTH | 21021900 00701 | 130 | 0 | 0 | 0 | 1 | 0 | RR5 | 0.9913 | 1.0000 |
| HICKEY KENDALL S JR & K | 21021900 00400 | 430 | 0 | 0 | 0 | . | 0 | RR5 | 3.9687 | 0.1200 |
| JURICH PAULINE | 21021900 00801 | 131 | 160 | 0 | 0 | 2 | 49 | RR5 | 2.3021 | 2.8600 |
| JURICH PAULINE | 21021900 00804 | 131 | 140 | 0 | 0 | 1 | 71 | RR5 | 1.8339 | 2.4100 |
| MCCLENDON JAMES R | 21021900 00401 | 131 | 140 | 0 | 0 | 1 | 0 | RR5 | 0.6225 | 0.6400 |
| REARRICK LESTER L + VENA | 21021900 00600 | 130 | 0 | 0 | 0 | . | 0 | RR5 | 1.0152 | 1.3300 |
| REARRICK LESTER L & VENA | 21021900 00698 | 460 | 0 | 0 | 0 | 1 | 0 | RR5 | 14.6697 | 15.5700 |
| SCHOOL DIST 45J | 21021900 00900 | 131 | 0 | 0 | 0 | . | 0 | M1 | 4.8084 | 4.5000 |

N= 14

BOOK 141 PAGE 1567

Attachment 5

DATA FOR EXCEPTION AREA DC-4432, MAPLOT ORDER 16:54 MONDAY, NOVEMBER 28, 1988 1

| OWNER | MAPLOT | PCL | SCL | UNITS | YBLT | ZONE4 | FRM | FOR | CACRES | ATACRES |
|---|---|---|---|---|---|---|---|---|---|---|
| DAVIS LENORE & JAMES F | 21021900 00300 | 131 | 130 | 1 | 0 | RR5 | 0 | 0 | 0.6939 | 0.9000 |
| HEMENWAY RUTH | 21021900 00399 | 131 | 130 | . | 27 | RR5 | 0 | 0 | 6.0044 | 5.0000 |
| HICKEY KENDALL S JR & K | 21021900 00400 (404) | 430 | 0 | . | 0 | RR5 | 0 | 0 | 3.9687 | 0.1200 |
| MCCLENDON JAMES R | 21021900 00401 (402) | 131 | 140 | 1 | 0 | RR5 | 0 | 0 | 0.6225 | 0.6400 |
| GREEN ERMA Z | 21021900 00500 | 161 | 140 | 3 | 45 | RR5 | 0 | 0 | 7.9612 | 2.7500 |
| REARRICK LESTER L + VENA | 21021900 00600 | 130 | 0 | . | 0 | RR5 | 0 | 0 | 1.0152 | 1.3300 |
| REARRICK LESTER L & VENA | 21021900 00698 | 460 | 0 | 1 | 0 | RR5 | 0 | 0 | 14.6697 | 15.5700 |
| HEMENWAY RUTH | 21021900 00701 | 130 | 0 | 1 | 0 | RR5 | 0 | 0 | 0.9913 | 1.0000 |
| GENNETT VICTOR R & JEANN | 21021900 00800 | 131 | 130 | 2 | 63 | RR5 | 0 | 0 | 0.7091 | 0.8700 |
| JURICH PAULINE | 21021900 00801 | 131 | 160 | 2 | 49 | RR5 | 0 | 0 | 2.3021 | 2.8600 |
| ESKUE GREGORY D & TERESA | 21021900 00802 | 131 | 140 | 1 | 0 | RR5 | 0 | 0 | 2.0200 | 2.0500 |
| CRITES DENNIS M & WANZA | 21021900 00803 | 141 | 140 | . | 72 | RR5 | 0 | 0 | 0.1511 | 0.1800 |
| JURICH PAULINE | 21021900 00804 | 131 | 140 | 1 | 71 | RR5 | 0 | 0 | 1.8339 | 2.4100 |
| SCHOOL DIST 45J | 21021900 00900 | 131 | 0 | . | 0 | M1 | 0 | 0 | 4.8084 | 4.5000 |

N= 14

| | | | |
|---|---|---|---|
| MCCLENDON JAMES. R. & BONNIE | 21021900 00402 | 0 | 0.22 |
| HICKEY KAREN LEE | 21021900 00403 | 0 | 0.78 |
| HICKEY KENDALL STEVEN | 21021900 00404 | 0 | 2.70 |
| GREEN ERMA Z | 21021900 00501 | 0 | 5.33 |

BOOK 441 PAGE 1568

Attachment 6

| | YR_CAT | |
|---|---|---|
| | B-1900 OR NOT KNOWN | C-1901-1974 |
| | N | N |
| DCAREA | | |
| 4432 | 8.00 | 6.00 |

BOOK 444 PAGE 1569

DATA

4432

| | | | |
|---|---|---|---|
| TOTAL POLYGON AREA = | | 55.98 | |
| NEGATIVE AREA = | | 0.00 | |
| SLIVER AREA = | | 0.00 | |
| TOTAL RETRACE LENGTH | = | | 0.00 |
| NUMBER OF POLYGONS = | 1 | | |
| NUMBER OF POINTS = | 37 | | |

| AREA | PERIF-LENGTH | TEST-AREA |
|---|---|---|
| 55.98 | 1.98 | 0.00 |

BOOK 141 PAGE 1570

(150)

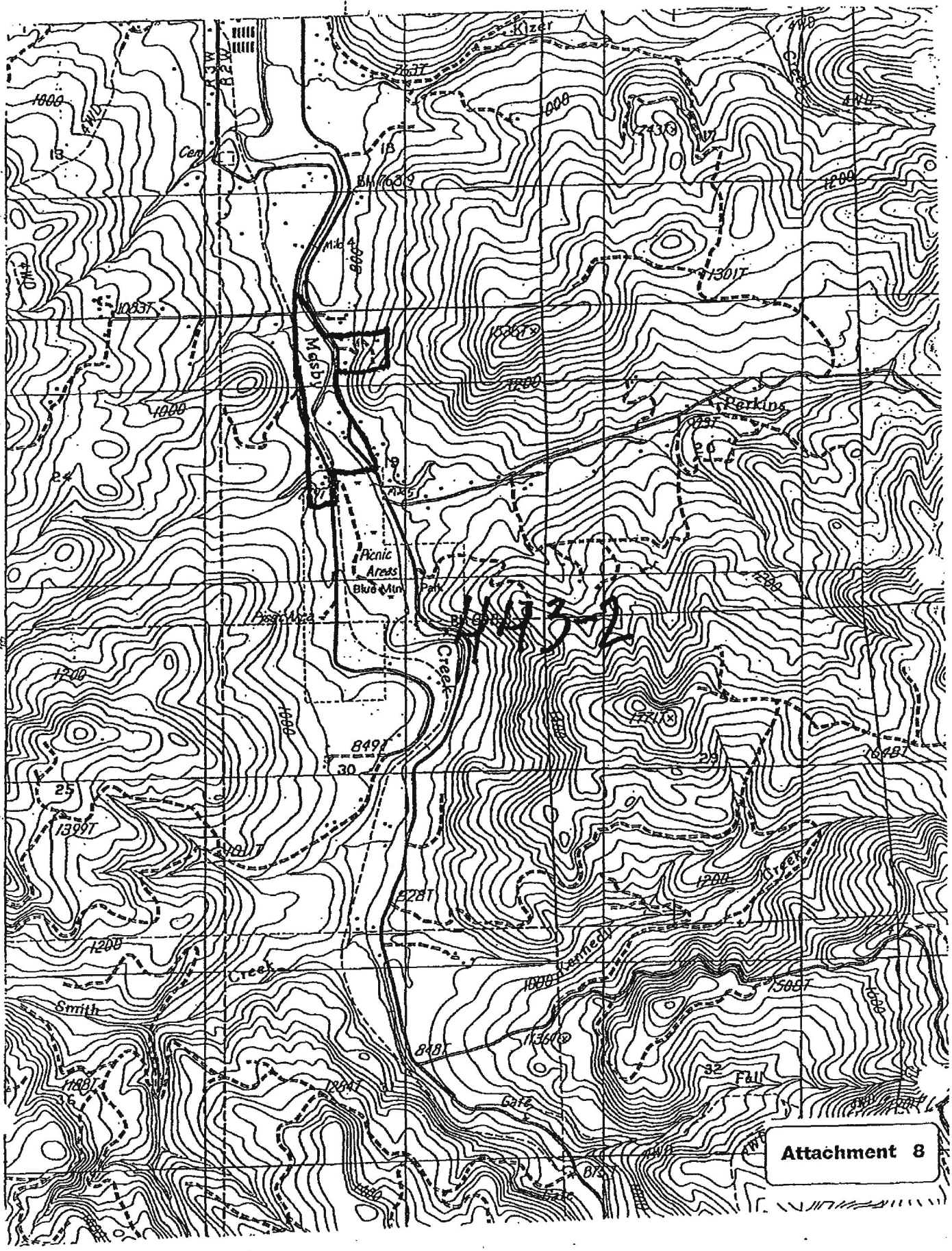
N




| TYPE | | AG CAP | EE IND. |
|---|---|---|---|
| 1A | ABIQUA | I | II |
| 1B | " | II | II |
| 11D | BELLPINE | III | II |
| 89E | NEKIA | IV | III |
| 96 | NEWBERG | II | III |

Attachment 7

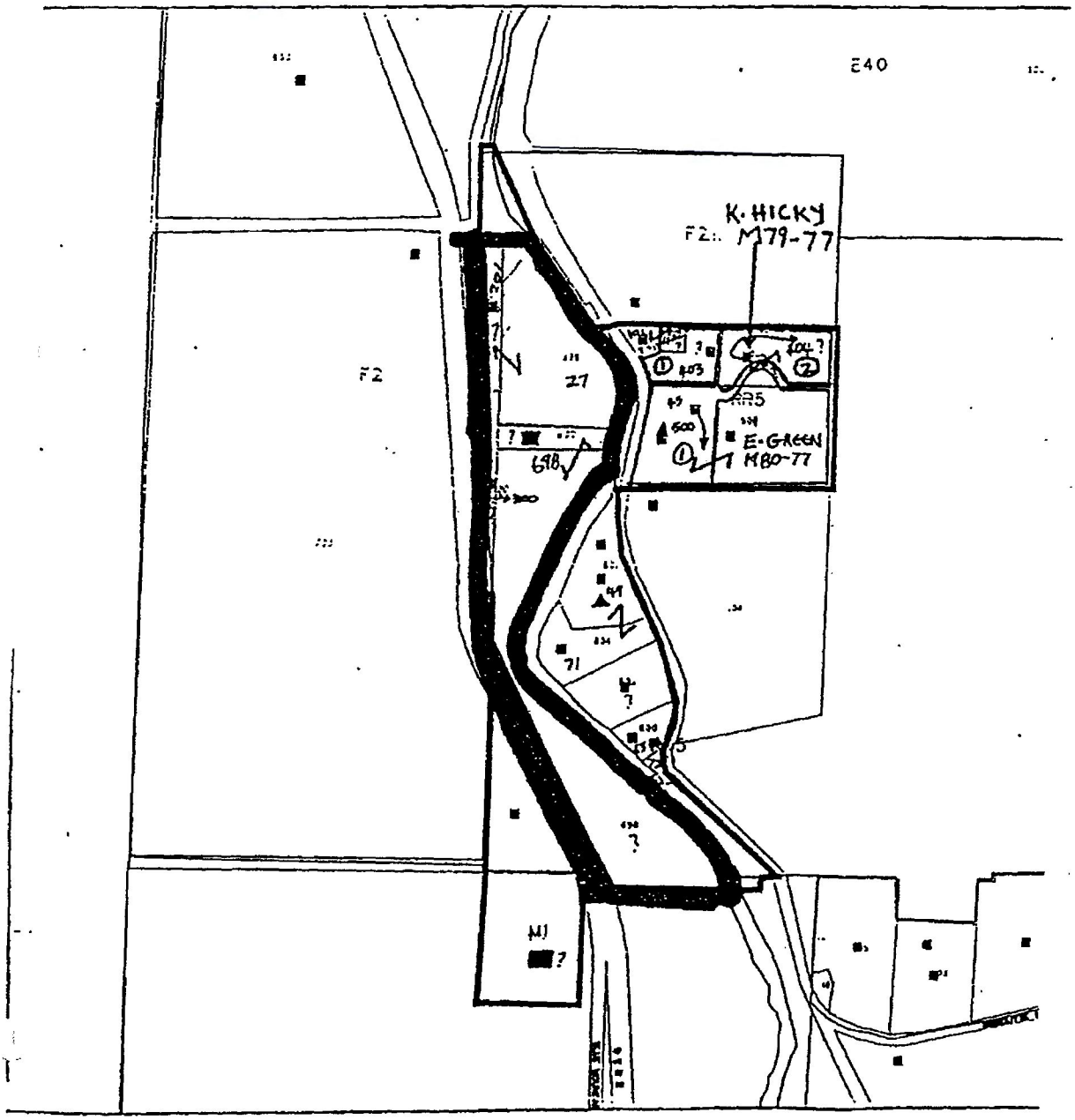
SOILS
EXCEPTION
AREA
443-2


Kizer
Mosby
Perkins
Picnic Areas
Blue Mtn Park
Creek
Smith
Gate
Fall
Attachment 8

443-2

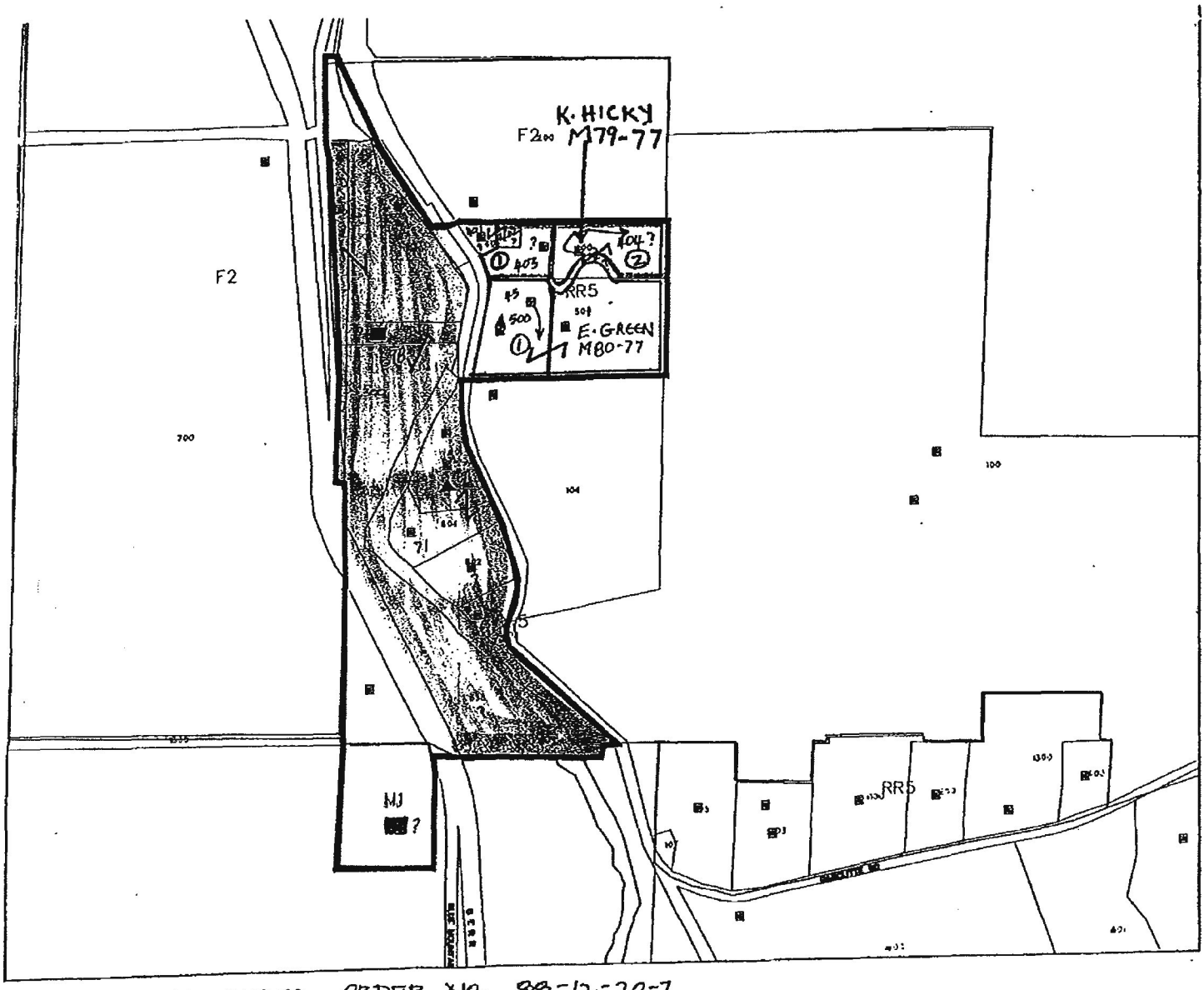
BOOK 141 PAGE 1573

000130




PLOT #443 AREA #2 [redacted] 11/28/88

Attachment 9




13 AREA #2 1:400 11/28/88 ORDER NO. 88-12-20-7

# EXHIBIT 9d

# LANE COUNTY HEARINGS OFFICIAL
# REQUEST FOR TEMPORARY USE PERMIT TO ALLOW THE OPERATION OF A SCHOOL WITHIN AN M–1 LIMITED INDUSTRIAL ZONE

## (UNCONTESTED)

## Application Summary

Blue Mountain School, Inc., c/o Lesley Stine, 1044 Ash Avenue, Cottage Grove, Oregon 97424. Lane County Tax Assessor Map 16-02-24, portion of tax lot 1209. The applicant requests a temporary use permit to operate a publicly funded private alternative school.

## Parties Of Record

| | | |
|---|---|---|
| Blue Mountain School, Inc. | Marston Morgan | David Rogers |
| Lotus Morgan | Carol Rogers | Leslie Stine |

## Application History

Hearing Date: September 24, 1998

Decision Date: October 13, 1998

Application Date: October 23, 1998

## Statement Of Criteria

Lane Code 16.255(2)

## Findings Of Fact

1. The subject property is a .9-acre parcel located at 76132 Blue Mountain School Road, southeast of the Cottage Grove. The subject property is identified on the Lane County Tax Assessor Map 21-02-19 as tax lot 900. Blue Mountain School Road feeds into Mosby Creek Road about one mile to the north of the subject property.

The tax lot currently has a split zoning as a result of a boundary line adjustment that occurred in 1994. The deeds that were recorded did not conform to the requirements of ORS 92.190. The problem can be corrected by recording a correction and property line adjustment deed with the Lane County Deeds and Records. While not required for review of the temporary use permit, the situation must be corrected prior to any submittal of an application for a rezoning.

The subject property is zoned M-1, Limited Industrial Zone and F-1, Non-Impacted Forest Lands Zone. The classroom buildings and office straddle the zoning boundary between the F-1 Zone and the M-1 Zones. The existing septic system and pump house are entirely within the F-1 Zone.

2. The applicant requests a Temporary Use Permit to operate the Blue Mountain School. The school consists of two large classrooms and an office. There is also a cafeteria building, a gym and a reading room. The school has six restrooms, five sinks, a functioning septic tank system and a water system with pump house. The school also has a playground and baseball field with a backstop. The playground is located near the center of the subject property and is not near adjacent properties. The sides of the school property are fenced. Outdoor activities are supervised so not to allow students off of the school grounds.

   The subject property has been used as a school since the 1860s.

   The applicant requests an enrollment of 75 students which will be served by eight staff. Students between the ages of 5 and 17 are enrolled. About forty percent of the students live in the Eugene area but most carpool in a van to school. About eighty percent of the students ride the school bus.

3. Lane County owns and operates Blue Mountain County Park, located adjacent and to the west and south of the school. The Park is zoned F–1 and about 200 of its 280 acres are managed for timber production. The subject property is 446 feet deep (east–west) and the school buildings extend only about 186 feet back from Blue Mountain School Road. The school buildings therefore are located more than 150 feet from the F–1 property to the west and 425 feet from the F–1 property to the south.

   Blue Mountain School Road borders the property on the east. Further east, along Perkins Creek Road, are a number of dwellings. The closest dwelling is located about 1,500 feet from the subject property. To the north is tax lot 698, which is zoned F–2 and is developed with a residence. The playground is located about 250 feet from this property although a creek buffers the residential use of that property from the proposed use. To the northeast, along Mosby Creek Road, are a large number of dwellings. The closest dwelling to the subject property, located on tax lot 803, is about 1,000 feet from the subject property.

## Decision

THE REQUEST (PA 98–5018) BY BLUE MOUNTAIN SCHOOL, INC. FOR A TEMPORARY USE PERMIT TO ALLOW A SCHOOL ON TAX LOT 900, ASSESSOR'S MAP 21–02–19 IS APPROVED subject to the following conditions:

1. The proposed use will be as warranted by the applicant. In this regard, the school enrollment shall be around 75 students and 8 staff members.

2. Application shall be made for a "Change of Occupancy" investigation with the Lane County Building Program.

3. Within 60 days of this decision becoming final, complete and record a FARM USE and FOREST MANAGEMENT AGREEMENT in the Lane County Deeds and Records Division, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

4. Prior to submittal of an application for rezoning, a correction and property line adjustment deed shall be recorded for the property line adjustment performed in 1994. The deed shall conform to the requirements of O.R.S. Chapter 92.190.

5. Prior to using any portion of Blue Mountain County Park for school purposes, the "School" will receive permission from the Lane County Parks Division.

6. This approval shall be valid for a period of five years.

**Justification for the Decision (Conclusion)**

Lane Code 16.255(2)(a) provides that temporary use permits may be permitted in any zone under the following conditions:

**(ii) Use of existing structures and premises which are designed and intended for a use which is not allowable in the applicable zone and new structures and premises and use thereof necessary for the physical and economic welfare of the area; provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use and new structure, if applicable:**

**(aa) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.**

The area adjacent to the subject property is designated for and zoned as forest lands. The property to the north and east is zoned F–2, Impacted Forest Land and the property to the west and south is zoned F–1, Non–Impacted Forest Land. Only one dwelling, located on tax lot 698 to the north, is located adjacent to the subject property. More extensive residential development occurs one–third of a mile to the east and one–fifth of a mile to the northeast. Since the residential development is located along Mosby Creek Road, the character of the neighborhood most relevant to the proposed use is that of forestry. The property to the west and south being actively managed for forestry purposes and the properties to the north and east being inactively managed for forestry purposes.

The impacts that might be associated with the proposed use include trespass and vandalism, nuisance lawsuits, fire hazard and competition for transportation routes. These issues will be examined separately below:

Trespass and vandalism – The school has existed in its present location for over 100 years. In that time there apparently has been no adverse impacts from the school on the surrounding forest management activities. The school's playground is located at the north corner of the property, closest to the adjacent F–2 property and dwelling. The subject property is buffered from the F–2 property on the north by a creek. Playground activities are closely supervised and trespass, and resulting vandalism, have not been a documented problem in

the past. The subject property is 446 feet deep (east–west) and the school buildings extend only about 186 feet from Blue Mountain School Road. The school buildings therefore are located more than 150 feet from the F–1 property to the west and 425 feet from the F–1 property to the south. It is unlikely that the opportunity for trespass, and potential vandalism therefrom, is significant.

Nuisance lawsuits – As stated above, the school has coexisted with forestry activities in the area for over 100 years. No nuisance lawsuits have been reported. As explained above, the school buildings are located more than 150 feet from the F–1 property to the west and 425 feet from the F–1 property to the south. It is unlikely that forest management practices conducted within the County Park will impact the proposed use to a degree that they would generate a nuisance lawsuit.

Fire Hazard – The subject property lies within the Southern Lane Rural Fire Protection District. A small pond on the subject property could serve as a source of water for the fire district in addition to that from the school well. The fire district did not respond to the referral regarding this proposed use. The school buildings, the most likely source of a fire on the subject property, are more than 150 feet from the F–1 land to the west and 425 feet from the F–1 property to the south. The properties on the north and east, respectively, are buffered from the proposed use by a creek and Blue Mountain School Road. The danger of fire hazard from the proposed use to the surrounding area appears to be remote.

Competition for transportation routes – The proposed use access directly onto Blue Mountain School Road. While it can be assumed that the removal of forest products on the F–1 property adjacent to the west and south will occur over this transportation route, it does not appear that this activity currently includes harvesting or that harvesting and removal is an activity that occurs very frequently .

One letter in opposition to the school was received into the record. The major complaint identified in this letter was the impact of traffic generated by the incremental development within the Mosby Creek Valley over the last 30 years. The complaint primarily focused upon the speed of the traffic that traveled on Mosby Creek Road. Most of the students and faculty associated with the proposed use will apparently access the school over Mosby Creek Road. A large majority of students and faculty , however, will arrive at the school via the school bus or a carpool van. The traffic generated by the proposed use therefore appears to be minimal.

Based upon the above analysis and the information in the record, the Hearings Official concludes that the proposed use, as stipulated by the applicant, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity

**(bb) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.**

The F-2 zoned parcel to the north is occupied with a residence but it does not appear that there can be any additional residential development on adjacent parcels due to current zoning. The only activity in the area that might have an impact upon the proposed use would the forestry activities conducted within the Blue Mountain County Park. These activities, however, are not currently intense and the school is buffered from the impacts of such activities by the distance from the school facilities to the property lines of the subject property and by the intervention of a creek to the south. It does not appear that the proposed use will be adversely affected by the development of abutting properties and the surrounding vicinity.

**Respectively submitted,**

**Gary Darnielle**
**Lane County Hearings Official**

# EXHIBIT 9e

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

| | | |
|---|---|---|
| ORDINANCE NO. PA 1226 | ) | IN THE MATTER OF ADOPTING AMENDMENTS TO |
| | ) | THE RURAL COMPREHENSIVE PLAN FOR PROPERTIES |
| | ) | IN THE COAST FORK WILLAMETTE WATERSHED AND |
| | ) | OTHER PORTIONS OF RURAL LANE COUNTY; |
| | ) | ADOPTING EXCEPTIONS TO STATEWIDE PLANNING |
| | ) | GOALS THREE AND FOUR WHERE NECESSARY; |
| | ) | ADOPTING CHANGES IN ZONING DESIGNATIONS TO |
| | ) | COMPLY WITH SUCH PLAN AMENDMENTS WHERE |
| | ) | NECESSARY; AND ADOPTING A SAVINGS AND |
| | ) | SEVERABILITY CLAUSE (CONTROL NO. 2-18, 20-21) |

**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 May 2004, 29 actions were initiated for minor amendments to redesignate properties or portions of properties within developed and committed exception areas or unincorporated rural communities of the Coast Fork Willamette Watershed and other portions of rural Lane County, and concurrently rezone the properties or portions thereof; three actions were initiated for amendments to redesignate properties or portions of properties within resource zones of the Coast Fork Willamette Watershed and other portions of rural Lane County and adopt exceptions to Statewide Planning Goals Three and Four, and concurrently rezone the properties or portions to nonresource zones thereof to comply with such amendments; and three actions were unzoned and initiated for amendments to designate properties as resource land in the Coast Fork Willamette Watershed and concurrently zone the properties to resource designations; and

**WHEREAS**, the Lane County Planning Commission reviewed the proposals in a public hearing on November 1, 2005, and in deliberations on January 10, 2006, forwarded recommendations on the proposed amendments, exceptions, and rezoning to the Board of County Commissioners; and

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

**WHEREAS**, the Board of County Commissioners conducted a public hearing on November 29, 2006, reviewed the record 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 and rezoning of the following properties or portions thereof, as identified in Control Numbers 2-18, 20-21.

(PR Control No. 2 - London Grange).

a. Redesignation of tax lot 2401 of map 22-03-30.1, from "Rural" to "Public Facility" on Plan Plot 360-1and further identified as Exhibit "A-2", attached and incorporated herein; and
b. Rezone tax lot 2401 of map 22-03-30.1, from "RR5/Rural Residential " (Lane Code 16.291) to "RPF/Rural Public Facility" (Lane Code 16.294) such territory depicted on Zoning Plots 360-1, and further identified as Exhibit "B-2" attached and incorporated herein; and,
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-2" (pages 1-9) attached, are adopted in support of this action.

(PR Control No. 3 - Skinner).

a. Redesignation of a designated 0.28 of-an-acre of tax lot 800 of map 16-04-20, from "Rural" to "Industrial", such territory depicted on Plan Plot 282 and further identified as Exhibit "A-3" attached and incorporated herein; and
b. Rezone a designated 0.28 of-an-acre of tax lot 800 of map 16-04-20, from "RR5/Rural Residential" (Lane Code 16.290) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 282 and further identified as Exhibit "B-3" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-3" (pages 1-13) attached, are adopted in support of this action.

(PR Control No. 4 - Maddux).

a. Redesignation of tax lot 402 of map 20-03-21, from "Rural" to "Commercial", such territory depicted on Plan Plot 388 and further identified as Exhibit "A-4" attached and incorporated herein; and
b. Rezone tax lot 402 of map 20-03-21, from "RR5/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 388 and further identified as Exhibit "B-4" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-4" (pages 1-10) attached, are adopted in support of this action.

(PR Control No. 5 – Wagon Wheel/Simons).

a. Redesignation of tax lot 1500 of map 20-03-03, from "Rural" to "Commercial", such territory depicted on Plan Plot 402 and further identified as Exhibit "A-5" attached and incorporated herein; and
b. Rezone tax lot 1500 of map 20-03-03, from "RR2/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 402 and further identified as Exhibit "B-5" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-5" (pages 1-11) attached, are adopted in support of this action.

(PR Control No. 6 – RC Saginaw).

a. Redesignation of tax lot 902 of map 20-03-15, from "Rural" to "Public Facility", such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and

b. Redesignation of a designated 0.12-acre of tax lot 700 of map 20-03-15, from "Rural" to "Commercial", such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
c. Remove the "Historical" designation "/H" on a portion of tax lot 700 of map 20-03-15, such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
d. Add the "Historical" designation "/H" to tax lot 900 of map 20-03-15.2.3, such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
e. Rezone tax lot 902 of map 20-03-15, from "RR5/C/Rural Residential" (Lane Code 16.290) to "RPF/C/Rural Public Facility" (Lane Code 16.294), such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
f. Rezone a designated 0.12-acre of tax lot 700 of map 20-03-15, from "RR5/C/Rural Residential" (Lane Code 16.290) to "RC/C/Rural Commercial", such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
g. Remove the "Historical" designation "/H" on a portion of tax lot 700 of map 20-03-15, such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
h. Add the "Historical" designation "/H" to tax lot 900 of map 20-03-15.2.3, such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
i. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-6" (pages 1-22) attached, are adopted in support of this action.

(PR Control No. 7 – EPUD).

a. Redesignation of tax lot 102 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
b. Redesignation of tax lot 3800 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
c. Redesignation of tax lot 3801 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
d. Redesignation of tax lot 3803 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
e. Rezone tax lot 102 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
f. Rezone tax lot 3800 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
g. Rezone tax lot 3801 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
h. Rezone tax lot 3803 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
i. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-7" (pages 1-14) attached, are adopted in support of this action.

(PR Control No. 8 – Doyle).

a. Redesignation of a designated 0.09 of-an-acre of tax lot 1300 of map 18-03-14, from "Commercial" to "Industrial" and retaining 0.45 of-an-acre as "Commercial", such territory depicted on Plan Plot 413 and further identified as Exhibit "A-8" attached and incorporated herein; and
b. Redesignation of a designated 0.54 of-an-acre of tax lot 1400 of map 18-03-14, from "Commercial" to "Industrial" and retaining 0.04 of-an-acre as "Commercial", such territory
c. depicted on Plan Plot 413 and further identified as Exhibit "A-8" attached and incorporated herein; and
d. Rezone a designated 0.09 of-an-acre of tax lot 1300 of map 18-03-14, from "RC/Rural Commercial" (Lane Code 16.291) to "RI/Rural Industrial" (Lane Code 16.292) and retaining 0.45 of-an-acre as "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 413 and further identified as Exhibit "B-8", attached and incorporated herein; and
e. Rezone a designated 0.54 of-an-acre of tax lot 1400 of map 18-3-14, from "RC/Rural Commercial" (Lane Code 16.291) to "RI/Rural Industrial" (Lane Code 16.292) and retaining 0.04 of-an-acre as "RC/Rural Commercial", such territory depicted on Zoning Plot 413 and further identified as Exhibit "B-8", attached and incorporated herein; and
f. Adopt an exception to the "3,500-square foot, commercial use floor area requirement" of Lane Code 16.291(4)(a) pursuant to Lane Code 16.291(4)(a)(i)-(iv) criteria, to allow use of 11,407 square feet of floor area for a single commercial use on the "RC/Rural Commercial" designated lands of the consolidated tax lots 1300 and 1400 of map 18-03-14; and
g. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-8" (pages 1-18) attached, are adopted in support of this action.

(PR Control No. 9 – Brooks).

a. Redesignation of tax lot 2401 of map 18-03-23.1, from "Industrial" to "Commercial", such territory depicted on Plan Plot 413 and further identified as Exhibit "A-9" attached and incorporated herein; and
b. Rezone tax lot 2401 of map 18-03-23.1, from "RI-C/Rural Industrial" (Lane Code 16.292) to "RC-C/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 413 and further identified as Exhibit "B-9" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-9" (pages 1-14) attached, are adopted in support of this action

(PR Control No. 10 – Jackson-Crawford).

a. Redesignation of tax lot 1400 of map 19-03-11, from "Rural" to "Commercial", such territory depicted on Plan Plot 415 and further identified as Exhibit "A-10" attached and incorporated herein; and
b. Rezone of tax lot 1400 of map 19-03-11, from "RR5/Rural Residential (Lane Code 16.291)" to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 415 and further identified as Exhibit "B-10" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-10" (pages 1-11) attached, are adopted in support of this action.

(PR Control No. 11 – Nash Enterprises).

a. Redesignation of tax lot 1301 of map 19-03-35, from "Forest" to "Industrial", such territory depicted on Plan Plot 417-3 and further identified as Exhibit "A-11" attached and incorporated herein; and
b. Redesignation of a designated 3.03 acres of tax lot 1202 of map 19-03-35, from "Forest" to "Industrial", such territory depicted on Plan Plot 417-3 and further identified as Exhibit "A-11" attached and incorporated herein; and
c. Rezone tax lot 1301 of map 19-03-35, from "F2/Impacted Forest Land" (Lane Code 16.211) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 417-3 and further identified as Exhibit "B-11" attached and incorporated herein; and
d. Rezone a designated 3.03 acres of tax lot 1202 of map 19-03-35, from "F2/Impacted Forest Land" to "RI/Rural Industrial", such territory depicted on Plan Plot 417-3 and further identified as Exhibit "B-11" attached and incorporated herein; and
e. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 1301 and a designated 3.03 acres of tax lot 1202 of map 19-03-35 as Exception Area 417-3, based on findings of fact and conclusions of law supporting the exceptions and amendments as set forth in Exhibit "C-11" (pages 1-20), attached and adopted in support of this action.

(PR Control No. 12 – Wilson Revocable Trust).

a. Redesignation of a designated 0.138 of an acre of tax lot 9300 of map 21-03-35, from "Rural" to "Industrial", such territory depicted on Plan Plot 420-3 and further identified as Exhibit "A-12-1" attached and incorporated herein; and
b. Redesignation of tax lot 501 of map 21-03-02.2.1, from "Rural" to "Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "A-12-2" attached and incorporated herein; and
c. Redesignation of a designated 0.065 of an acre of tax lot 200 of map 21-03-02.2.1, from "Rural" to "Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "A-12-2" attached and incorporated herein; and
d. Rezone of a designated 0.138 of an acre of tax lot 9300 of map 21-03-35, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 420-3 and further identified as Exhibit "B-12-1" attached and incorporated herein; and
e. Rezone of tax lot 501 of map 21-03-02.2.1, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "B-12-2" attached and incorporated herein; and
f. Rezone of a designated 0.065 of an acre of tax lot 200 of map 21-03-02.2.1, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "B-12-2" attached and incorporated herein; and
g. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-12" (pages 1-15) attached, are adopted in support of this action.

(PR Control No. 13 – City of Creswell).

a. Redesignation of tax lot 2901 of map 19-03-13, from "Agricultural" to "Public Facility", such territory depicted on Plan Plot 429-2 and further identified as Exhibit "A-13" attached and incorporated herein; and
b. Rezone tax lot 2901 of map 19-03-13 from "E30/Exclusive Farm Use" (Lane Code 16.212) to "RPF/Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 429-2 and further identified as Exhibit "B-13" attached and incorporated herein; and

c. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 2901 of map 19-03-13 as Exception Area 429-2, based on findings of fact and conclusions of law supporting the exceptions and amendments as set forth in Exhibit "C-13" (pages 1-17), attached and adopted in support of this action.

(PR Control No. 14 – Lane Electric Cooperative).

a. Redesignation of tax lot 107 of map 21-02-19, from "Rural" to "Public Facility", such territory depicted on Plan Plot 443-1 and further identified as Exhibit "A-14" attached and incorporated herein; and
b. Rezone tax lot 107 of map 21-02-19, from "RR5/Rural Residential" (Lane Code 16.290) to "RPF/Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 443-1 and further identified as Exhibit "B-14" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-14" (pages 1-9) attached, are adopted in support of this action.

(PR Control No. 15 – Blue Mountain School).

a. Redesignation of tax lot 900 of map 21-02-19, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 443-2 and further identified as Exhibits "A-15" attached and incorporated herein; and
b. Rezone tax lot 900 of map 21-02-19, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF/Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 443-2 and further identified as Exhibits "B-15", attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-15" (pages 1-10) attached, are adopted in support of this action.

(PR Control No. 16 – Culp Creek / Lane Electric Cooperative/ Qwest)

a. Redesignation of tax lot 4200 of map 21-01-30, from "Rural" to "Public Facility", such territory depicted on Plan Plot 509-2 and further identified as Exhibits "A-16", attached and incorporated herein; and
b. Redesignation of tax lot 1800 of map 21-01-31.1.2, from "Rural" to "Commercial", such territory depicted on Plan Plot 509-2 and further identified as Exhibits "A-16", attached and incorporated herein; and
c. Rezone tax lot 4200 of map 21-01-30, from "RR2-C/Rural Residential" (Lane Code 16.290) to "RPF-C/Rural Commercial" (Lane Code 16.294), such territory depicted on Zoning Plot 509-2 and further identified as Exhibits "B-16" attached and incorporated herein; and
d. Rezone tax lot 1800 of map 21-01-31.1.2, from "RR2/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 509-2 and further identified as Exhibits "B-16" attached and incorporated herein; and
e. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-16" (pages 1-15) attached, are adopted in support of this action.

(PR Control No. 17 -- Chrestman).

a. Redesignation of tax lot 8400 of map 20-03-35, from "Industrial" to "Rural", such territory depicted on Plan Plot 420-3 and further identified as Exhibit "A-17" attached and incorporated herein; and
b. Rezone tax lot 8400 of map 20-03-35, from "RI/Rural Industrial" (Lane Code 16.292) to "RR5/Rural Residential" (Lane Code 16.290), such territory depicted on Zoning Plot 420-3 and further identified as Exhibit "B-17" attached and incorporated herein; and

c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-17" (pages 1-9) and "C-17-1" (pages 1-8) attached, are adopted in support of this action.

(PR Control No. 18 – Sandland).

a. Designation of tax lot 800 of map 15-04-21, as "Agricultural", such territory depicted on Plan Plot 292 and further identified as Exhibit "A-18" attached and incorporated herein; and
b. Designation of tax lot 900 of map 15-04-21, as "Agricultural", such territory depicted on Plan Plot 292 and further identified as Exhibit "A-18" attached and incorporated herein; and
c. Designation of tax lot 1000 of map 15-04-21, as "Agricultural", such territory depicted on Plan Plot 292 and further identified as Exhibit "A-18" attached and incorporated herein; and
d. Zone tax lot 800 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
e. Zone tax lot 900 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212); such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
f. Zone tax lot 1000 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
g. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-18" (pages 1-4) attached, are adopted in support of this action.

(PR Control No. 20 – Bessett)

a. Redesignation of tax lot 1300 of map 18-02-19, from "Rural" to "Industrial", such territory depicted on Plan Plot 437 and further identified as Exhibit "A-20" attached and incorporated herein; and
b. Rezone tax lot 1300 of map 18-02-19, from "RR5/Rural Residential" (Lane Code 16.290) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 437 and further identified as Exhibit "B-20" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-20" (pages 1-9) attached, are adopted in support of this action

(PR Control No. 21 -- Nordahl).

a. Redesignation of tax lot 2200 of map 18-12-25, from "Industrial" to "Commercial", such territory depicted on Plan Plot 030 and further identified as Exhibit "A-21" attached and incorporated herein; and
b. Rezone tax lot 2200 of map 18-12-25, from "RI/Rural Industrial" (Lane Code 16.292) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 030 and further identified as Exhibit "B-21" attached and incorporated herein; and
c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-21" (pages 1-13) attached, are adopted in support of this action.

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts the Supplemental Findings of Fact in support of this action as set forth in the attached Exhibit "D".

The prior designations and zones 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.

*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 29th day of November, 2006.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

Approved As To Form
Date 11-29-2006 Lane County
OFFICE OF LEGAL COUNSEL

**Exhibit No. _C-15_**

**PRZC Control No. _15_**

***Lane County -/- Coast Fork Willamette Watershed***
***Legislative Rezoning Project***

# Developed and Committed Exception Area No. 443-2

**Plan Amendment and Zone Change for**
**Tax Lot 900 of Assessor's Map 21-02-19**

| Tax lot | Acreage | From | To |
|---|---|---|---|
| 900 | 5.41 | Rural Industrial (RI) | Rural Public Facility (RPF) |

## Statement of Criteria

OAR 660-04-018(2) - *Planning & Zoning for Exception Areas*
OAR 660-22-030(6)-(8) – *Planning and Zoning of Unincorporated Communities*
Lane County Rural Comprehensive Plan Policies
*Goal Two, Policy 27 Conformity Determination Amendment*
Lane Code 16.003 & 16.004 - *Purpose* and *Scope and Compliance*
Lane Code 16.292 - *Rural Industrial Zone*
Lane Code 16.294 - *Rural Public Facility Zone*
Lane Code 16.252(2), (5) - *Procedures for Zoning, Rezoning and Amendments to Requirements*

## I. FINDINGS OF FACT

1. The property subject to this application, hereinafter referred to as the "subject property," is located west of Blue Mountain School Road and approximately 2,700 feet south of the intersection of Allen Road. It is within the Developed & Committed Exception Area No. 443-1. It can be identified as tax lot 900 of Assessor's map 21-02-19, with a rural address of 76132 Blue Mountain School Road, Cottage Grove, OR 97424-9491, 5.41 acres in size.

2. The subject property, tax lot 900, is developed with the Blue Mountain School constructed in 1955 by the South Lane School District #45. The school is currently a private elementary school.

3. The subject property was designated as Public Facility (PF) in February 1984 in conjunction with the prior public school use of the property. In April 1984, the South Lane School District requested an amendment from PF to Limited Industrial (M1) zoning to allow the District to lease the facility to Able Computers as a research center. The amendment was approved in Ordinance No. PA 888 on July 17, 1984. In compliance with Work Task 5 of the Periodic Review Work Program, the property designation was amended from M1 Limited Industrial to Rural Industrial (RI) by Ordinance No. PA 1222 on June 15, 2005.

4. On October 13, 1998, the Lane County Hearings Official approved a temporary use permit (PA 98-5018) to allow the operation of a school within the M-1 Limited Industrial Zone.

5. This request for the zone change is to bring the existing uses of the subject property into conformity with the Rural Comprehensive Plan and Lane Code. The use of the subject property in connection with the school activities is inconsistent with the Rural Industrial Zone (RI) and a more permanent acknowledgement of the use of the facility is warranted.

6. Both educational and residential uses are consistent with the Rural Public Facility (RPF) zone and allowed by Lane Code 16.294(3)(f) and Lane Code 16.294(3)(v), respectively.

   *Lane Code (LC) 16.294(3)(f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, gymnastics and correspondence. Such uses must be located inside an unincorporated community.*

*Lane Code (LC) 16.294(3)(v) A single family dwelling for a caretaker that meets the following conditions:*

- *(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use.*
- *(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and*
- *(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from [a] portion of the same lot or parcel with the public facility use on it.*

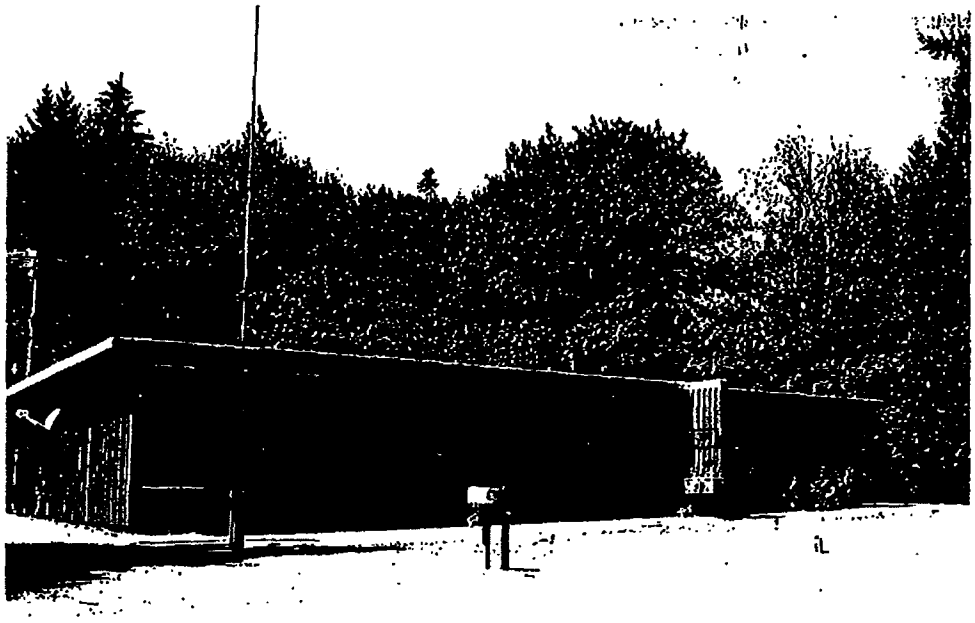
The use complies with the *Purpose* statement of *LC 16.294(1)(b) Purpose: The purposes of the Rural Pubic Facility Zone (RPF-RCP) are . . . (b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associate with other zones . . .*



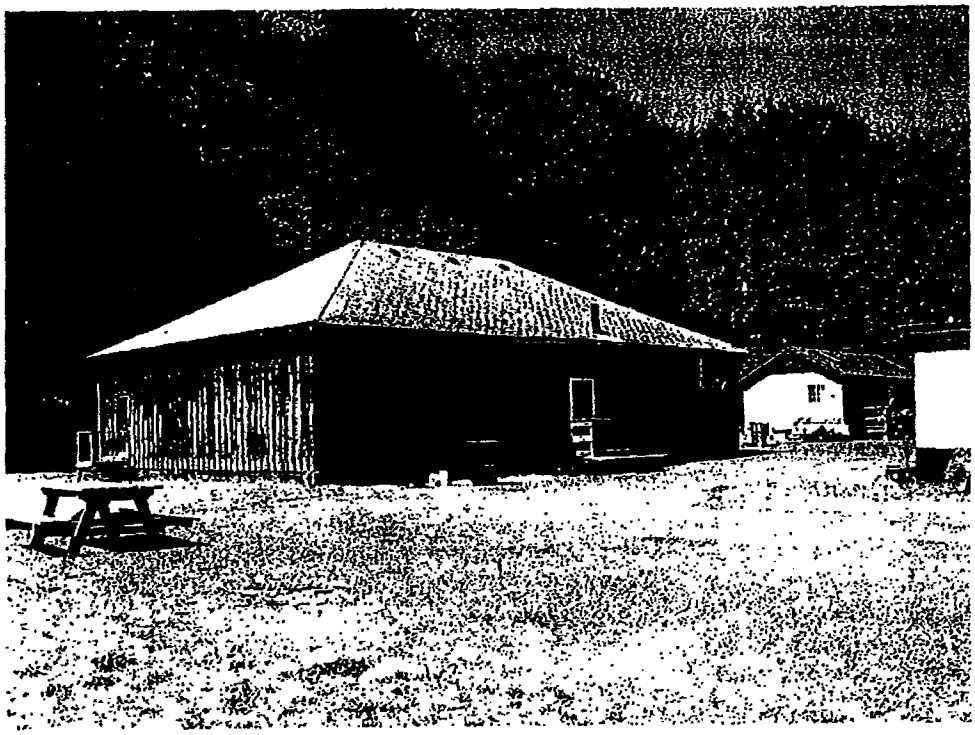

- The Blue Mountain facility is the cluster of buildings in the center of the aerial photograph above.

7. The existing school facilities and uses include:

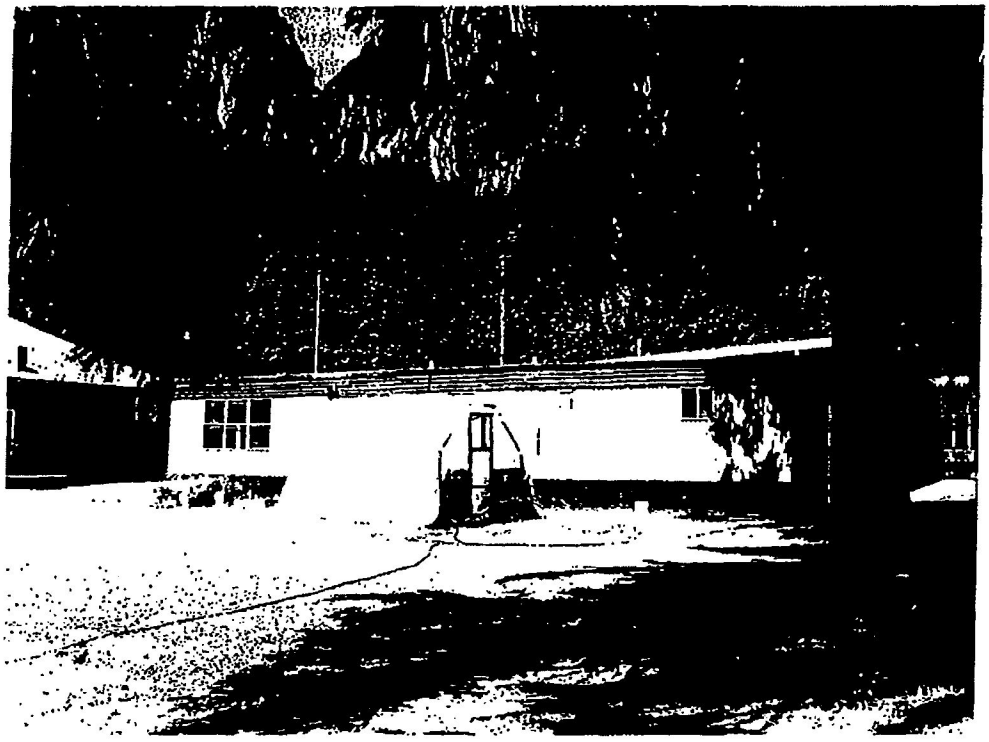
| | |
|---|---|
| Main school building: | 35' x 94' @ 3,290 sq. ft. (classrooms) |
| | 15' x 94' @ 1,410 sq. ft. (covered play area) |
| Gymnasium: | 41' x 60' @ 2,460 sq. ft. |
| Cafeteria: | 24' x 32' @ 1,128 sq. ft. (+ additional attached storage areas) |
| Quiet reading room: | 16' x 30' @ 480 sq. ft. |



Top: Main building (classrooms). Bottom: Gymnasium



8. On May 27, 1999, approval was granted for placement of a caretaker mobile home per BP 99-0751, to the south of the main school building.



9. There is no record of any historical compatibility issues occurring between the existing school uses on the subject property and their neighbors since the school was re-established in the 1998.

10. The subject property does lie within an area identified as a "water quantity limited" area in Lane Manual 13.010. However, the existing school and the prior operation of the District #45 facilities are adequately served by an on-site well.

11. The subject property receives the following public services: South Lane School District #45 (upper elementary, middle and high schools); Emerald People's Utility District (electrical power); South Lane County Fire & Rescue Department (fire and ambulance); US Qwest (telephone); Lane County Sheriffs Department and Oregon State Police. The property has access to the Lane Receiving Station and franchised haulers for garbage service.

12. There is no apparent wetland on the subject property, per NWI map Blue Mountain 2.

**II. Justification for the Recommendation (See Conclusion and Recommendation, below)**

**A. Statewide Planning Goals**

The subject property is within an area subject to the Lane County Rural Comprehensive Plan. This Plan has been acknowledged by the Land Conservation and Development Commission in a series of acknowledgment orders. Acknowledgment indicates that the Plan is generally in

compliance with the applicable standards of the statewide planning goals, and that appropriate exceptions have been approved for any matters of noncompliance. *Byrd v. Stringer*, 295 Or. 311, 666 P.2d 1332 (1983). Accordingly, the state statutes, the standards of the Plan, and the Lane Code provisions implementing the Plan, are relevant to this application. The statewide planning goals themselves do not apply to land use decisions in an area subject to an acknowledged Comprehensive Plan.

In implementing Part II of statewide planning Goal 2, Oregon Administrative Rule 660-04-018(2)(c) establishes requirements for zone changes in developed and committed exception areas:

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

Subsection (a) of OAR 660-04-018(2), the relevant requirement for changes in land use, density and public facilities for "physically developed" and "irrevocably committed" exception areas, allows zone changes for:

*(a) Uses which are the same as the existing types of land use on the exception site; or*

The zone change requested by this application is intended to apply a zoning designation in conformity with the existing use of the property as a school facility in conjunction with the existing caretaker residential use, that have been integrated into the surrounding rural area for 50 years, 1955-2005.

*(b) Which meet the following requirements:*

*(A) The rural uses, density, and public facilities and services maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and*

The Statewide Planning Goals define "Rural Land" as land located outside of an urban growth boundary that has no or hardly any public services and is not necessary or intended for urban use.

The subject property is not located within an urban growth boundary. The property receives a rural level of police and fire protection. The proposed rezoning will conform with and provide for the public and private educational uses that have existed on the subject property during several extended periods since 1955.

*(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource uses as defined in OAR 660-004-0028; and*

There are (F2) Impacted Forest Lands located to the northwest of the subject property. Nonimpacted Forest Land (F1) abuts on the western and southern boundaries . The closest EFU lands are located across Blue Mountain School Road, Mosby Creek and Mosby Creek Road approximately 700 feet to the east. Rural Residential (RR5) properties abut to the north. The eastern boundary is defined by Blue Mountain School Road and the Lane County Blue Mountain Park is situated east of the road right-of-way between the road and Mosby Creek. The RR5 lands were designated in 1984 within Developed and Committed Exception Area No. 443-2. The existing educational facility

on the subject property was present at the time and no intensification has occurred since then. No new impacts or increased commitment to nonresource uses have been identified on the F1 or F2 lands to the west, northwest and south since 1984.

*(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.*

The existing and prior schools on the subject property have been compatible with the resource use of the adjacent forest lands since 1955.

This proposed zoning change, as it can be restricted to the use that exists, is in accord with the requirements of state law.

**B. Plan Conformity**

The subject property is located in "developed and committed" exception area number 443-2 of Lane County. It is proposed to be designated Public Facility by the Lane County Rural Comprehensive Plan and zoned Rural Public Facility (RPF). The policies of the Rural Comprehensive Plan applicable to this request are as follows:

*A. Land Use Planning Policy #12. Changes to Plan designations for developed and committed exception areas outside of a Community designations shall be accomplished through the County's Plan Amendment Procedure.*

*Lane Code 16.252 Procedures for Zoning, Rezoning and amendments to Requirements.*

*LC 16.252, Section (2) Criteria. 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 which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.*

Applicable criteria from the *Lane Code 16.003 Purpose* subsection include:

*(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.*

The subject property (tax lot 900 of TRS Map 21-02-19) is relatively flat across the developed area enclosing the school facilities and rises to the west into 20-30 percent slopes. The slopes in the western portion of the subject property are forested with no identified hazards due to excessive slope, grade or terrain features. Development has been orderly since 1955 and through application of land use regulations providing for the current uses. The resulting educational uses have not contributed any known adverse impacts to the immediate area or resources. Any development or intensification of the current uses or new uses will require compliance with the applicable criteria and siting standards of the base zone: Lane Code 16.294 (RPF).

*(2) Protect and diversify the economy of the County.*

Re-designation of the subject property will allow diversification of the current uses and avenues for new uses in compliance with the required permit processes, criteria and standards.

(4) *Conserve farm and forest lands for the production of crops, livestock and timber products.*

The developed site is small, approximately 2.5 acres including the ball fields, and has been in existence since 1955. The upland 2.9 acres is wooded and under passive forest management.

b. *Water Resources Policies #3 and #5:*

These policies state that the adequacy of groundwater supply is a major issue in planning actions and that land use designations shall be commensurate with groundwater aquifer capacities.

The proposed rezoning of tax lot 900 will acknowledge the existing elementary school facility and provide an opportunity for continuation and improvements on the subject property. The current residential and educational uses are served by on-site well and sand filter subsurface disposal system and therefore will not alter the use or quality and availability of groundwater that is currently provided to the structures.

In the event that a more intensive or different use is proposed for the subject property, the property owners shall be required to secure Planning Director approval of the uses and comply with Lane Code 16.294(4)(i) *"The proposed use and development shall not exceed the carrying capacity of the soil or on the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available."*

c. *Public Facilities and Services Policy #6.f:*

The appropriate public service levels established by this policy are enumerated in Public Facilities and Services Policy #6.f: schools, on-site or community sewage disposal, individual or community water supply system, electrical service, telephone service, a rural level of fire and police protection, and reasonable access to a solid waste disposal facility. These services are all available to the subject property.

d. *Agricultural Lands, Policy # 8: "Provide maximum protection to agricultural activities by minimizing activities, particularly residential, which conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities."*

The existing school structures and residential use on the subject property has co-existed since 1955 and 1998 with the agricultural and forest product industries in the surrounding area. The nearest EFU E40 resource lands are located 700 feet to the northeast across Highway two county roads and Mosby Creek. Schools commonly occurred adjacent to resource lands in past decades to provide educational opportunities for forest and mill worker's families. Any expansion or intensification of the school would require compliance with Lane Code

16.294(4) siting standards and although the standards do not directly address this policy, new uses are intended to be "compatible with the surrounding vicinity" and to "minimize any adverse effect on existing or contemplated abutting land use".

e. Flora and Fauna, Policies 1 and 10 *"Implement construction, development and other land use activities which significantly alter natural systems only after evaluation of effects on wildlife habits and natural areas." "Lands with an acknowledged exception as built upon or committed will be treated as Impacted Big Game Range, as identified in the 1982 Lane County Working Paper on Flora and Fauna and as revised and updated in 1983."*

There are no delineated wetlands on the subject property. There is a small, unnamed stream that traverses from west to east along the northern property line that is identified as a Class I Stream for protection under the RCP riparian protection regulations. The closest structure on the subject property to the stream is approximately 55 feet which complies with the riparian setback standards of LC 16.294 and 16.253. The current development is approximately 500 feet from Mosby Creek, also a Class I stream (Type F) located 500 feet to the east. The continued use will not pose any anticipated risk of significantly altering the natural system in the area.

The proposed zone change for the subject property is in compliance with these Rural Comprehensive Plan Policies.

### C. Zone Conformity

Lane Code 16.252(2) requires that a rezoning be consistent with the general purposes of Chapter 16, as set forth in Lane Code 16.003, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements. Conformity with the Rural Comprehensive Plan has already been discussed.

a. Lane Code 16.003. Lane Code 16.003 describes 14 purposes for Chapter 16. Purpose statements 1, 2, and 4 were addressed in the **B. Plan Conformity** section above. The other purpose criteria relevant to this application are as follows:

(7) *Provide for the orderly and efficient transition from rural to urban land use.*

The proposed zone change occurs in an exception area where the specific development has been in place and active since 1955. The existing school and caretaker residence are rural uses that utilize a rural level of facilities. Recognizing the Blue Mountain School for what it has been for 50 years is prudent and does not accelerate the transition from rural to urban. It merely acknowledges the status quo.

(11) *Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.*

The subject property (tax lot 900) is not within the 100-year flood hazard area. There are no other natural hazards identified on the property.

b. Not Contrary to the Public Interest

The "public interest" has not been defined, as such, but for the purposes of this report it will be assumed that if the existing uses will not have an adverse impact on surrounding uses then

it will not be contrary to the public interest. Additionally, the longevity of the existing uses strongly suggests that there is a need for the school's services in this area.

c. *Lane Code 16.294*

Lane Code 16.294(1) states that one of the purposes of the Rural Public Facility Zone is . . . *to provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual not normally associated with other zones.* The proposed rezoning and uses on tax lot 900 are consistent with this purpose.

d. *Lane Code 16.004(4)*

Lane Code 16.004(4) requires, among other things, that an application to rezone land which creates the potential for additional parcelization or water demands demonstrate the adequacy of a long-term water supply, as described in Lane Code 13.050(13)(a)-(d).

The subject property is located in an area identified as being water quantity limited, however the subject property utilizes an onsite well that has provided adequate water for the school during the past 50 years...

The subject property is small in size (5.41 acres) and any future partitioning, which is unlikely, or change of use would by necessity have to comply with the capacity of the groundwater aquifer and carrying capacities of soils for subsurface waste disposal system requirements as required in LC 16.294(4)(i).

## III. CONCLUSIONS

This application has shown by a preponderance of evidence that the standards and criteria applicable for approval of an amendments of Official Plan and Official Zoning designations for TRS 21-02-19, tax lot 900 (5.41 acres) from Industrial (I) to Public Facility (PF), and Rural Industrial (RI) to Rural Public Facility (RPF), respectively, have been met.

## IV. RECOMMENDATIONS

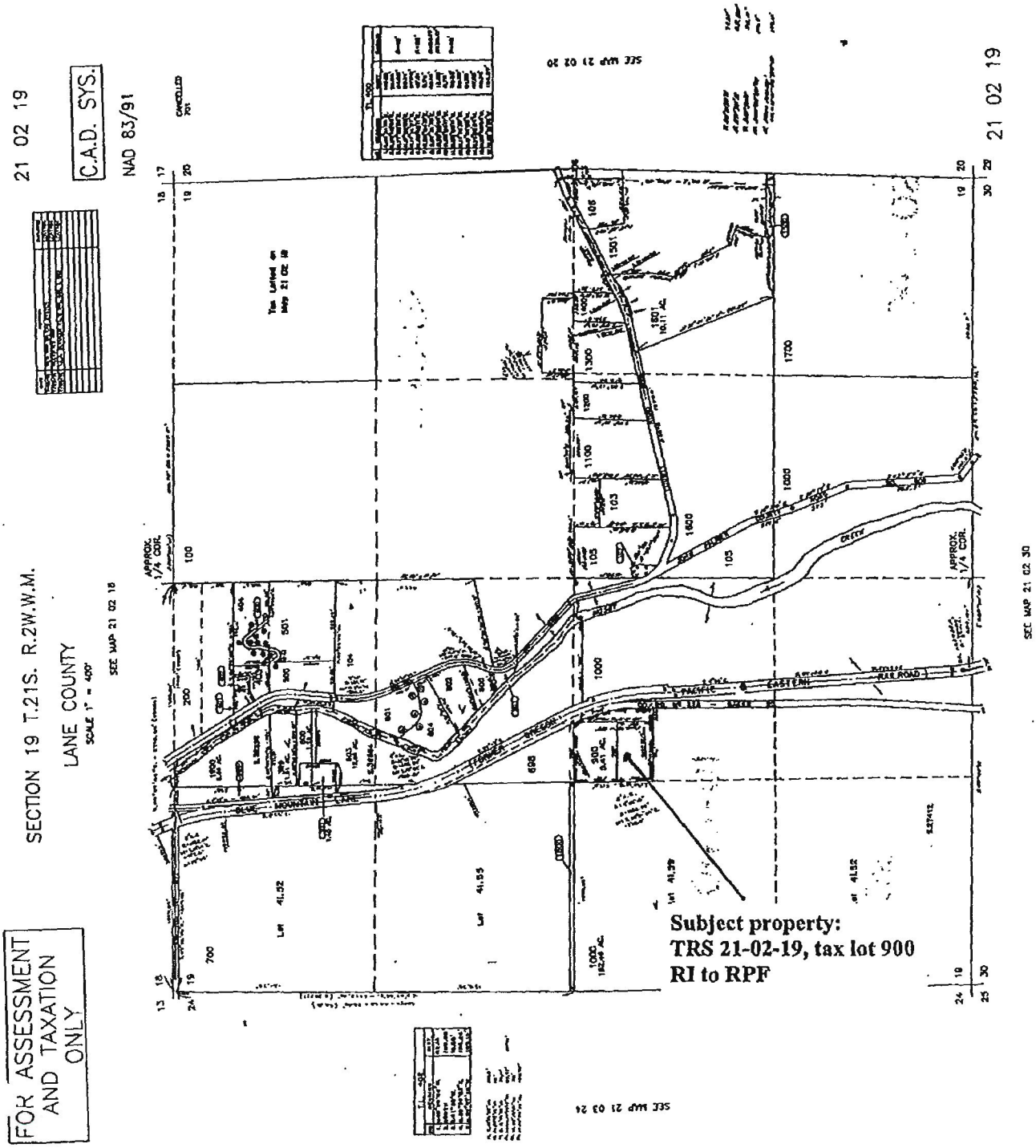
1. Approval of PRZC Control No. 15 of Ordinance No. PA 1226, amending the Official Plan Map No. 443 for tax lot 900 of Assessors Map TRS 21-02-19, from Industrial (I) to Public Facility (PF); and

2. Approval of PRZC Control No. 15 of Ordinance No. PA 1226, amending the Official Zoning Map No. 443 designations for tax lot 900 of Assessors Map TRS 21-02-19, from Rural Industrial (RI) to Rural Public Facility (RPF).

## V. EXHIBITS

A. Plan Map No. 443 with proposed plan change depicted.
B. Zoning Map Plot No. 443 with proposed zone change depicted.
C. Lane County Assessor's Maps TRS 21-02-19
D. Plot Plan (9-9-98)
E. Assessor's field notes

## C. Lane County Assessor's Maps TRS 21-02-19



# ITTAL FORM

**D. Plot Plan (9-9-98)**

r drawings

| APPLICANT NAME: | APPLICANT ADDRESS: |
|---|---|
| LESLEY STINE | 1044 ASH AVE. |
| APPLICANT PHONE #: | COTTAGE GROVE OR 97424 |
| 988-9417 | |

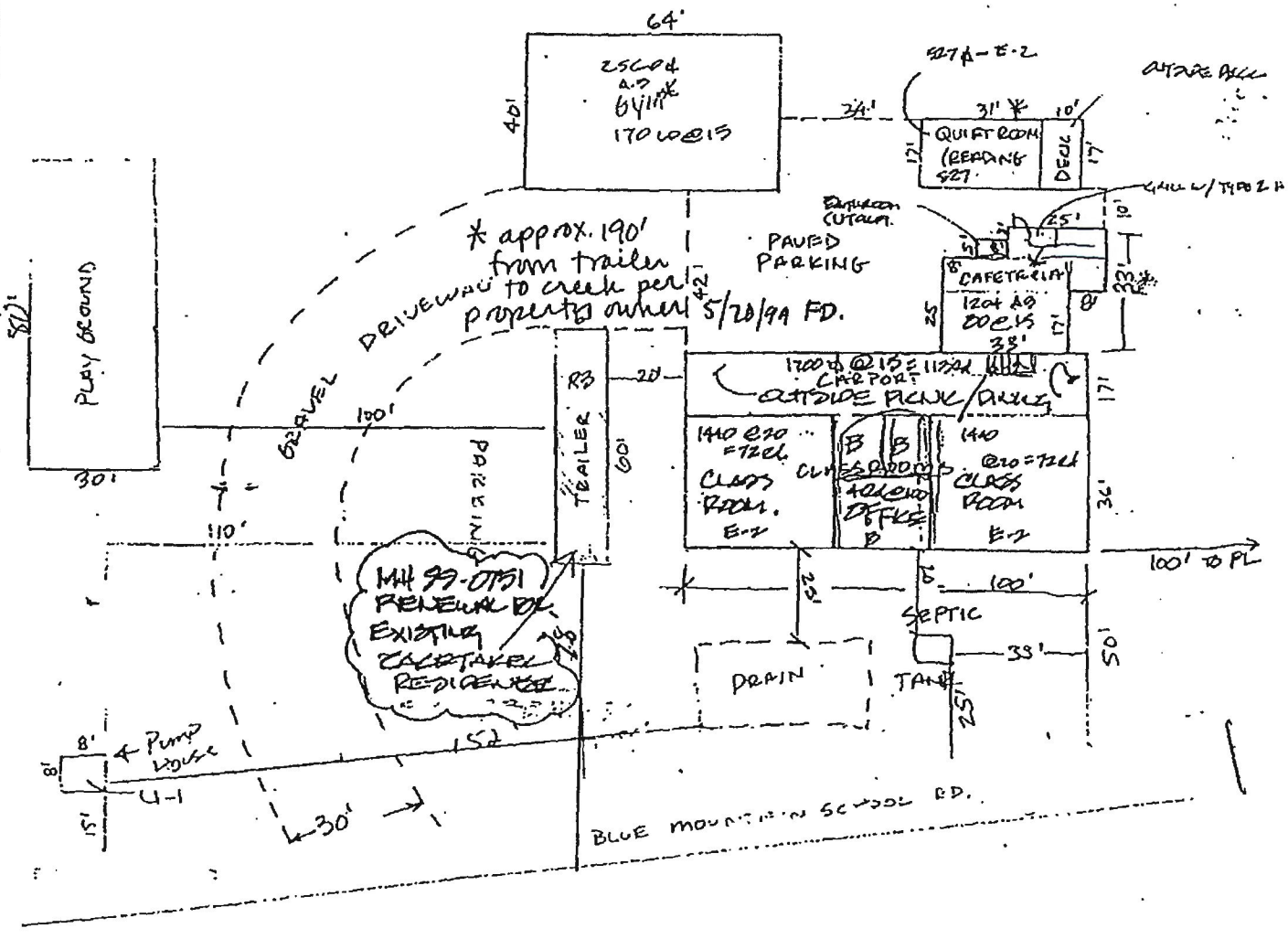
*ANTICIPATED USE(S)

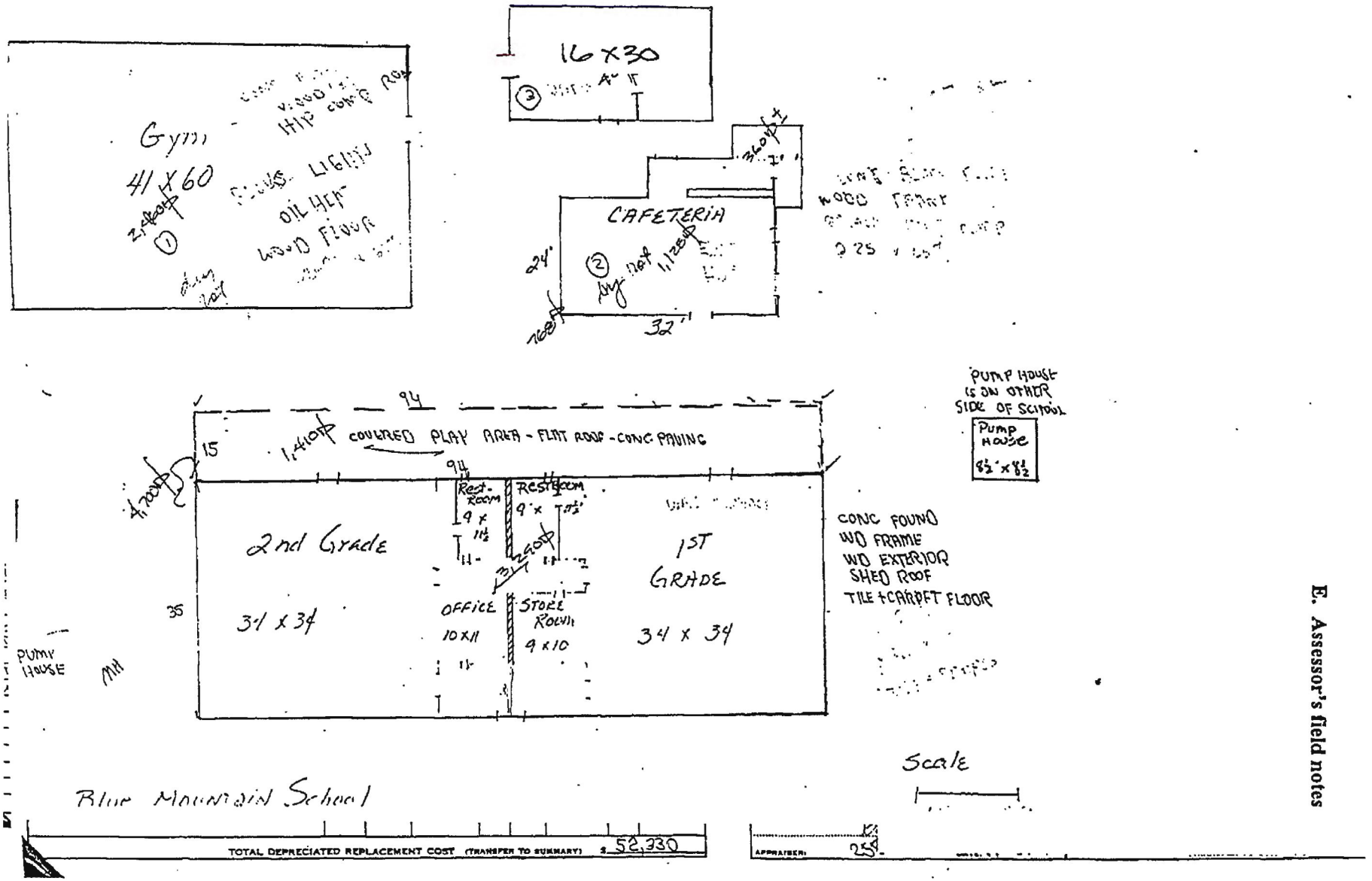
9/9/98
PLOT PLAN ACCEPTED
SUM

Indicate which direction is north with an arrow

BUILDING PLAN SCALE 1"=40'

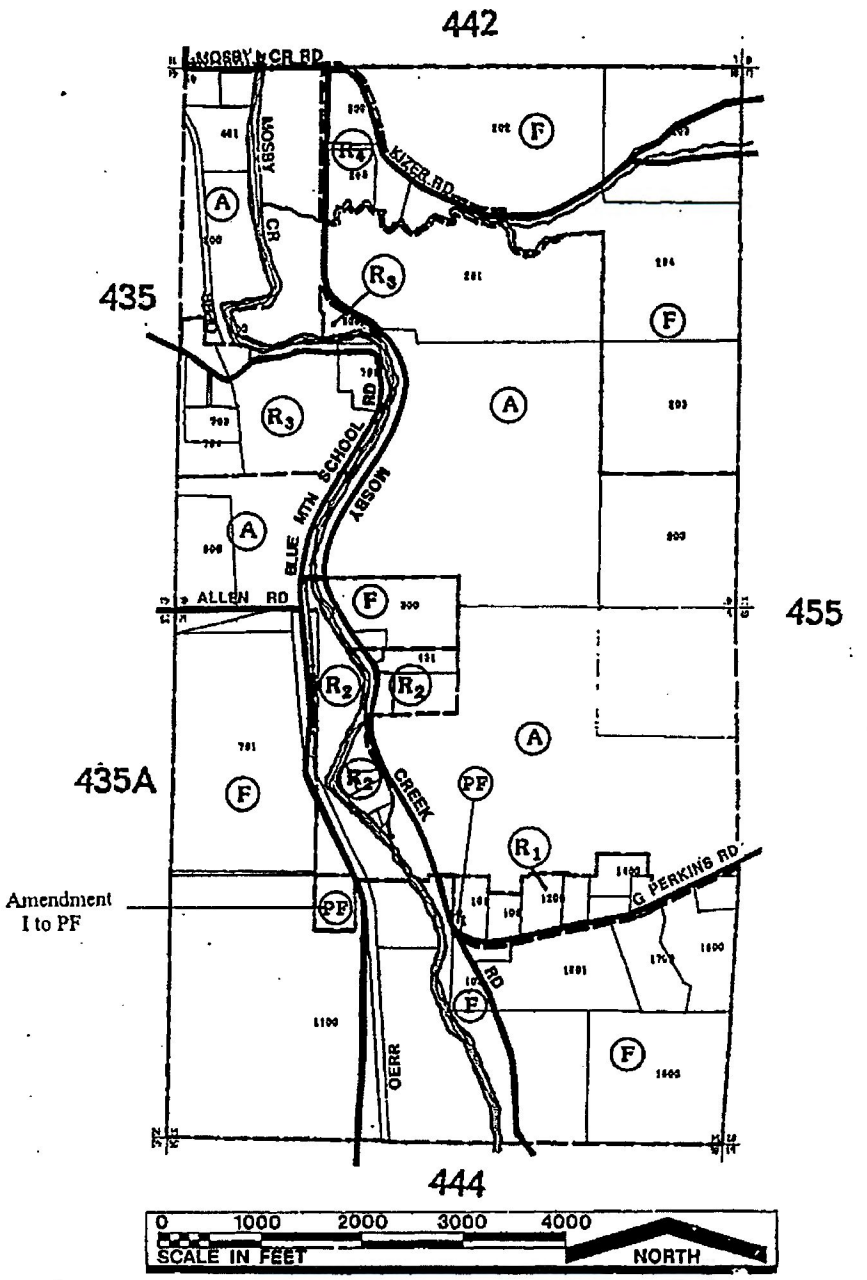
CLOSE-UP






E. Assessor's field notes

Exhibit A-15




ane county

# OFFICAL PLAN MAP

# PLOT# 443

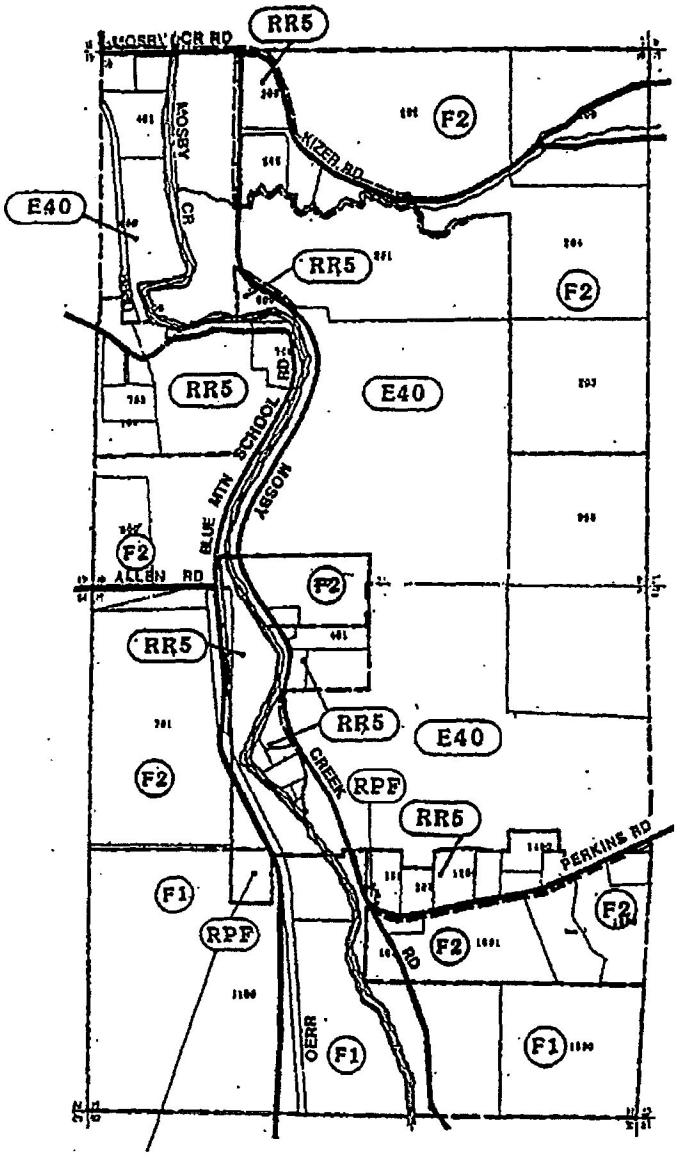
| Twnshp | Range | Section | | |
|---|---|---|---|---|
| 21 | 02 | 18 | / 21 02 19 | ( ) |

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

REVISION # 1 ORD. # PA 888 DATE 7/17/84 FILE #

Exhibit B-15

442




435

455

FLOODPLAIN

Amendment
RI to RPF

444




ine county

OFFICIAL ZONING MAP

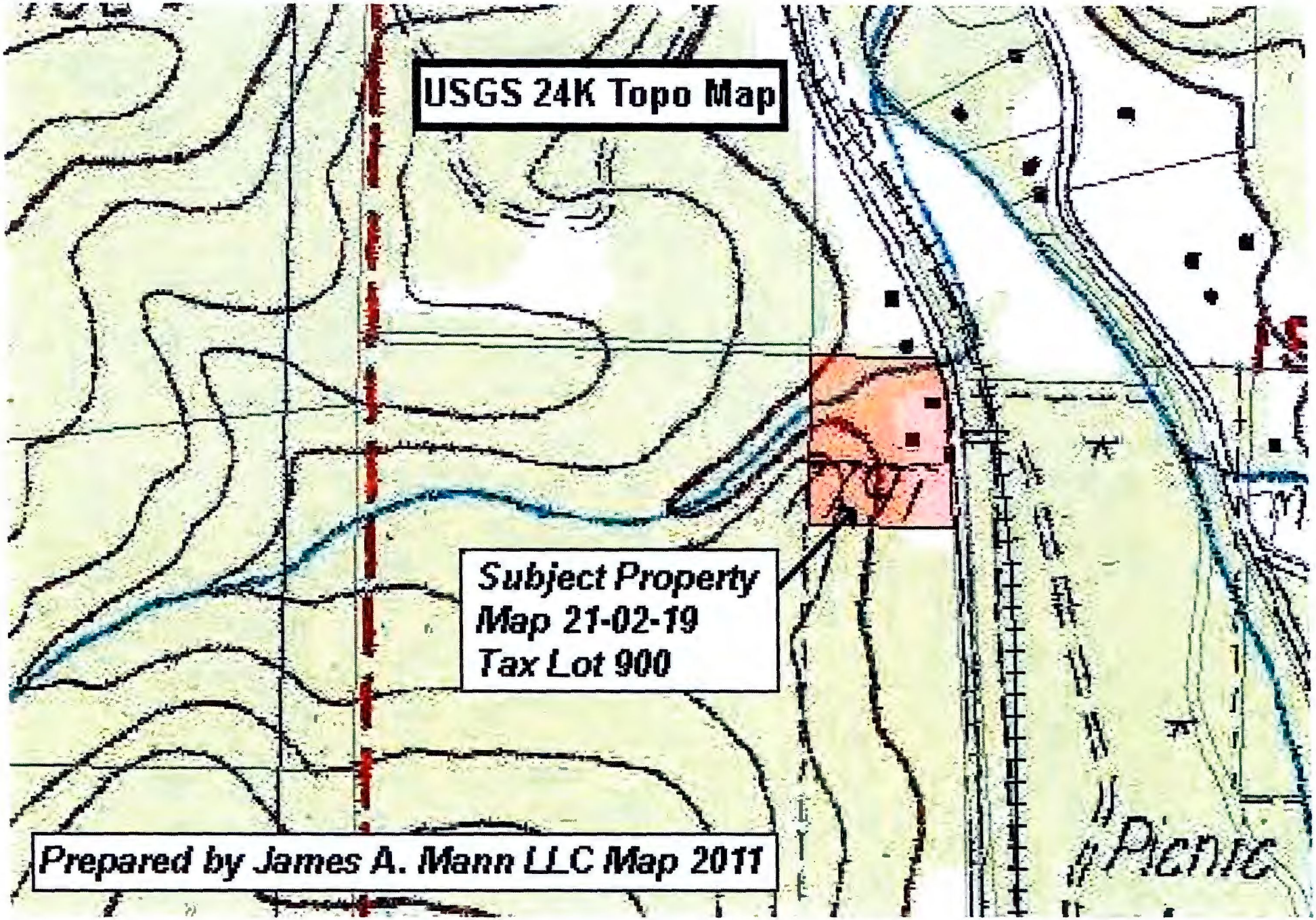
PLOT# 443

Twnshp Range Section
21 02 18 / 21 02 19

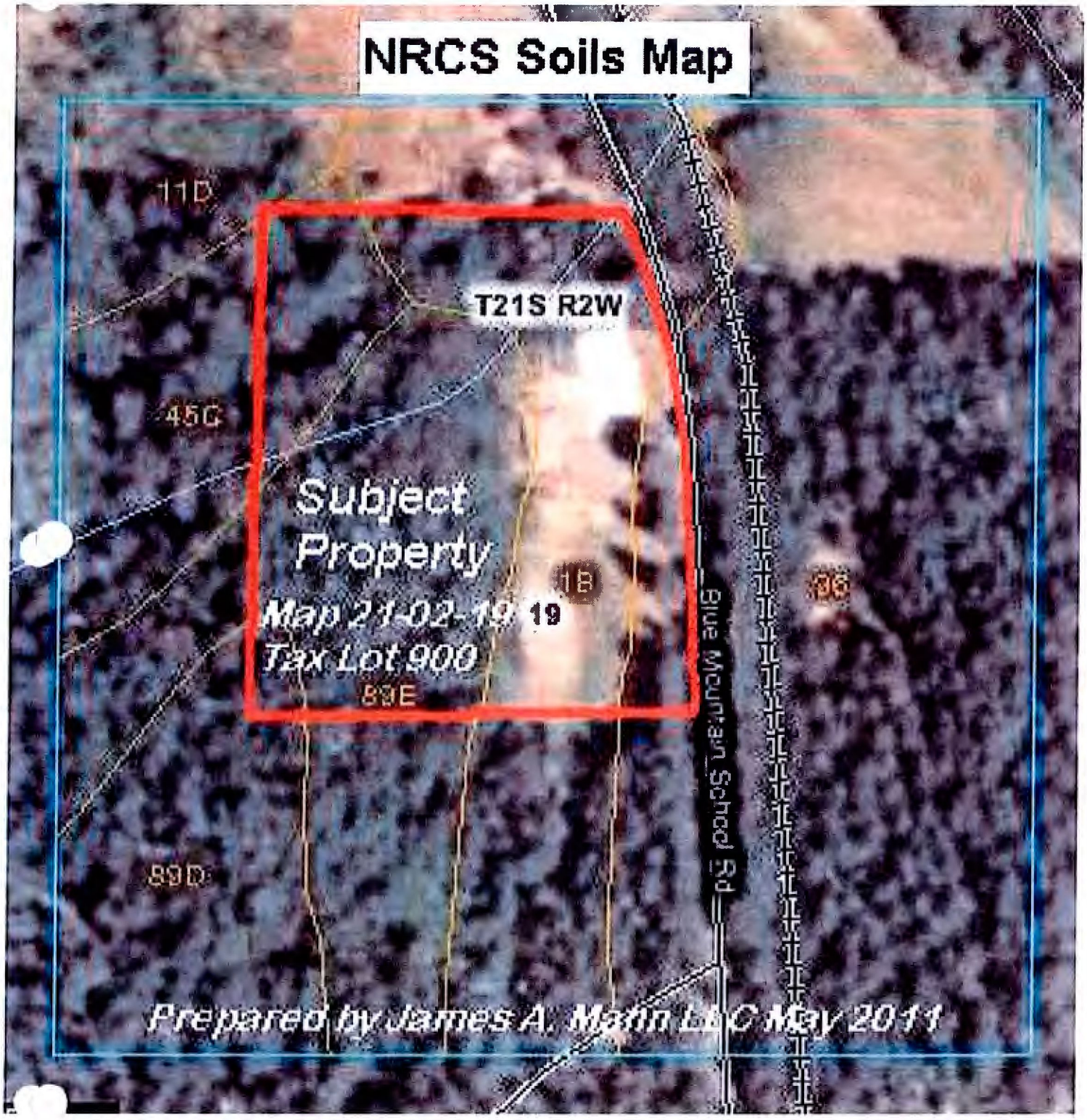
RIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

:VISION # 1 ORD. # PA 888 DATE 7/17/84 FILE #

# EXHIBIT 10


USGS 24K Topo Map
Subject Property
Map 21-02-19
Tax Lot 900
Prepared by James A. Mann LLC Map 2011
Picnic

# EXHIBIT 11a


NRCS Soils Map
11D
T21S R2W
45C
Subject Property
Map 21-02-19 19
Tax Lot 900
89E
1B
36
89D
Blue Mountain School Rd
Prepared by James A. Main LLC May 2011

# EXHIBIT 11b

could significantly affect use and management of the map unit. The included soils as well as miscellaneous areas are identified in each map unit description. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps.

This survey includes *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Riverwash is an example. Miscellaneous areas are shown on the maps. Some that are too small to be shown are identified by a special symbol on the maps.

Table 4 gives the acreage and proportionate extent of each map unit. Other tables (see "Summary of tables") give properties of the soils and the limitations, capabilities, and potentials for many uses. The Glossary defines many of the terms used in describing the soils or miscellaneous areas.

## Map Unit Descriptions

**1A-Abiqua silty clay loam, 0 to 3 percent slopes.** This deep, well drained soil is on high flood plains. It formed in mixed alluvium. Areas are elongated and irregular in shape and are 3 to 70 acres in size. The vegetation in areas not cultivated is mainly Douglas-fir, Oregon white oak, vine maple, salal, and western swordfern. Elevation is 350 to ;,000 feet. The average annual precipitation is about 40 to 60 inches, the average annual air temperature is 50 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface layer is dark brown silty clay loam about 21 inches thick. The upper 10 inches of the subsoil is dark brown silty clay, and the lower 7 inches is dark brown silty clay loam. The substratum to a depth of 60 inches or more is dark brown gravelly clay loam.

Included in this unit are small areas of McAlpin and Waldo soils and Riverwash. Included areas make up about 15 percent of the total acreage.

Permeability of this Abiqua soil is moderately slow. Available water capacity is about 9 to 11 inches. Water supplying capacity is 16 to 22 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight.

This unit is used mainly for pasture, hay, small grain, and row crops such as corn and snap beans. It is also used for timber production and urban development.

This unit is suited to most climatically adapted crops. In summer, irrigation is needed for maximum production of most crops. Sprinkler irrigation can be used, but water needs to be applied slowly to minimize runoff. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion.

This unit is suited to the production of timber. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 152. The potential production per acre is 9,660 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 88,480 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Ripping skid trails and landing areas after logging helps to break up the compacted layer and improves seedling survival and growth. If site preparation is not adequate, competition from undesirable plants can prevent natural or artificial reestablishment of trees. Reforestation can be accomplished by planting Douglas-fir seedlings.

The main limitations of this unit for use as homesites are the clayey texture of the soil, moderate shrink-swell potential, and the low strength of the soil when wet.

If buildings are constructed on this unit, properly designing foundations and footings and diverting runoff away from buildings help to prevent structural damage as a result of shrinking and swelling. Roads for year-round use need heavy base rock.

If the soil in this unit is used for septic tank absorption fields, the limitation of moderately slow permeability can be overcome by increasing the size of the absorption field.

This map unit is in capability class I.

**1B-Abiqua silty clay loam, 3 to 5 percent slopes.** This deep, well drained soil is on terraces and fans. It formed in mixed alluvium. Areas are fan-shaped or elongated and are 3 to 30 acres in size. The vegetation in areas not cultivated is mainly Douglas-fir, Oregon white oak, vine maple, salal, and western swordfern. Elevation is 350 to 1,000 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 50 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface layer is dark brown silty clay loam about 21 inches thick. The upper 10 inches of the subsoil is dark brown silty clay, and the lower 7 inches is dark brown silty clay loam. The substratum to a depth of 60 inches or more is dark brown gravelly clay loam. In some areas the subsoil is clay loam or sandy clay loam.

Included in this unit are small areas of McAlpin soils, Fluvents, and Riverwash and areas of Abiqua soils that have slopes of more than 5 percent or less than 3 percent. Included areas make up about 15 percent of the total acreage.

Permeability of this Abiqua soil is moderately slow. Available water capacity is about 9 to 11 inches. Water supplying capacity is 16 to 22 inches. Effective rooting

depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight.

This unit is used mainly for pasture, hay, small grain, and orchards. It is also used for timber production and urban development.

This unit is suited to irrigated crops. Sprinkler irrigation can be used, but water needs to be applied slowly to minimize runoff.

Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep pastures in good condition and to protect the soil from erosion.

This unit is suited to the production of timber. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 152. The potential production per acre is 9,660 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 88,480 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Ripping skid trails and landing areas helps to break up the compacted layer and improves seedling survival and growth. If site preparation is not adequate, competition from undesirable plants can prevent natural or artificial reestablishment of trees. Reforestation can be accomplished by planting Douglas-fir seedlings.

The main limitations of this unit for use as homesites are the clayey texture of the soil, moderate shrink-swell potential, and the low strength of the soil when wet, which may cause foundations to crack and roads to heave or settle.

If buildings are constructed on this unit, properly designing foundations and footings and diverting runoff away from buildings help to prevent structural damage as a result of shrinking and swelling. Roads for year-round use need heavy base rock.

If this unit is used for septic tank absorption fields, the limitation of moderately slow permeability can be overcome by increasing the size of the absorption field.

This map unit is in capability subclass IIe.

**2E-Astoria silt loam, 5 to 30 percent slopes.** This deep, well drained soil is on uplands in the Coast Range. It formed mainly in colluvium and residuum derived from sedimentary rock, but in some areas it formed in mixed alluvium and colluvium derived from basic igneous rock. Areas are irregular in shape and are 5 to 50 acres in size. The native vegetation is mainly Douglas-fir, western hemlock, western redcedar, red alder, vine maple, Pacific rhododendron, salmonberry, evergreen huckleberry, and western swordfern. Elevation is 400 to 1,700 feet. The average annual precipitation is 80 to 110 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 150 to 200 days.

Typically, the surface is covered with a mat of leaves, needles, twigs, and moss about 1 inch thick. The surface layer is very dark brown silt loam about 13 inches thick. The upper 16 inches of the subsoil is dark yellowish brown silty clay, and the lower 31 inches is dark brown clay and silty clay.

Included in this unit are small areas of Astoria Variant, Blachly, Hembre, Preacher, and Slickrock soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Astoria soil is moderate. Available water capacity is about 11 to 15 inches. Water supplying capacity is 20 to 26 inches. Effective rooting depth is 60 inches or more. Runoff is slow to medium, and the hazard of water erosion is slight to moderate.

This unit is used mainly for timber production and wildlife habitat and as watershed. It is also used for recreation and pasture.

If this unit is used for hay and pasture, the main limitations are slope and a prolonged, cool, rainy period. Grasses and legumes grow well if adequate fertilizer is used. Grazing when the soil is wet results in compaction of the surface layer, poor tilth, and excessive runoff.

This unit is suited to the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 170. The potential production per acre is 10,860 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 102,800 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

The main concerns in producing and harvesting timber are the hazard of erosion and susceptibility to compaction. Surface methods of harvesting timber generally are suitable, but the soil may be compacted if heavy equipment is used while the soil is moist. Highlead or other cable logging systems can be used for harvesting timber. Use of these methods is limited during November through April because of periods of excessive rainfall. Ripping skid trails and landing areas after logging helps to break up the compacted layer and improves seedling survival and growth. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. Roads for year-round use need heavy base rock.

Reforestation should be carefully managed to reduce competition from undesirable understory plants. Competing vegetation can be controlled by properly preparing the site and by spraying, cutting, or girdling to eliminate unwanted weeds, brush, or trees. Hand planting of nursery stock is usually necessary to establish or improve a stand; however, machine planting

# EXHIBIT 11c

designs and by backfilling with material that has low shrink-swell potential.

Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. Excavation for roads and buildings increases the risk of erosion. It is also increased if the soils are left exposed during site development. Preserving the existing plant cover during construction helps to control erosion. Topsoil can be stockpiled and used to reclaim areas disturbed by cutting and filling.

Plans for homesite development should provide for the preservation of as many trees as possible. In summer, irrigation is required for lawn grasses, shrubs, vines, shade trees, and ornamental trees. Selection of adapted vegetation is critical for the establishment of lawns, shrubs, trees, and vegetable gardens.

This map unit is in capability subclass VIe.

**44-Dune land.** This map unit is on large, deep, excessively drained, active dunes along the coast. The areas of Dune land formed in wind-deposited sand. The sand particles are drifted and piled up by the action of wind. Slopes are gently sloping to steeply undulating and are constantly changing as the dunes shift. Areas are elongated to irregular in shape and are 3 acres to several hundred acres in size. The native vegetation is mainly a few scattered clumps of beachgrass and forbs. Elevation is 10 to 150 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 200 to 250 days.

Typically, this unit consists of variegated, but dominantly light gray, fine sand many feet thick.

Included in this unit are small areas of Waldport, Yaquina, and Heceta soils. Included areas make up about 5 percent of the total acreage.

Permeability is very rapid. Available water capacity is about 2 to 4 inches. Water supplying capacity is about 16 to 20 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high.

This unit is used for wildlife habitat, recreation, and watershed.

The unstable, drifting sand limits the use of this unit to hiking and picnicking in undeveloped recreational areas. The unit is suited to use by vehicles that have large inflated tires. Beachgrass has been planted in some areas near roads and buildings to reduce drifting. Stabilized areas may become suitable building sites.

This map unit is in capability subclass VIIIe.

**45C-Dupee silt loam, 3 to 20 percent slopes.** This deep, somewhat poorly drained soil is in drainageways and other depressional areas and on alluvial fans of foothills. It formed in colluvium derived from sandstone. Areas are irregular in shape. They commonly occur as narrow stringers along drainageways and are 3 to 100 acres or more in size. The vegetation in areas not cultivated is mainly Douglas-fir, Oregon ash, Oregon white oak, poison-oak, wild rose, grasses, and sedges. Elevation is 300 to 1,200 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 52 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface layer is very dark grayish brown silt loam about 12 inches thick. The subsoil is dark brown and brown, mottled silty clay loam, silty clay, and clay loam about 39 inches thick. The substratum is variegated clay loam about 4 inches. Weathered bedrock is at a depth of 55 inches. Depth to bedrock ranges from 40 to 60 inches.

Included in this unit are small areas of Bellpine, Hazelair, Panther, and Willakenzie soils. Included areas make up about 15 percent of the total acreage.

Permeability of this Dupee soil is moderately slow. Available water capacity is about 8 to 14 inches. Water supplying capacity is 24 to 28 inches. Effective rooting depth is limited by a high water table that is at a depth of 2 to 3 feet from December to March. Runoff is medium to rapid, and the hazard of water erosion is moderate to high.

This unit is used mainly for hay and pasture, small grain, and orchards. It is also used for recreation, wildlife habitat, and Christmas trees.

Where drained, this unit is suited to cultivated crops. In summer, irrigation is required for maximum production of most crops. Sprinkler irrigation is a suitable method of applying water. Tile drainage can be used to lower the water table if a suitable outlet is available.

Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium.

This unit is suited to hay and pasture. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion and compaction.

If this unit is used for recreational development, the main limitations are wetness, slope, and the content of clay.

If this unit is used for homesite development, the main limitations are the seasonal high water table, low soil strength, and slope. Buildings and roads should be designed to offset the limited ability of the soil in this unit to support a load. Drainage is needed for roads and building foundations.

Moderately slow permeability and the high water table increase the possibility of failure of septic tank absorption fields. Interceptor drains upslope from absorption lines may lower the water table enough to allow absorption fields to function.

This map unit is in capability subclass IIIe.

# EXHIBIT 11d

**89C-Nekia silty clay loam, 2 to 12 percent slopes.** This moderately deep, well drained soil is on foothills adjacent to the Willamette Valley. It formed in colluvium and residuum derived from basalt and tuff. Areas are irregular in shape and are 3 to 100 acres in size. The vegetation in areas not cultivated is mainly Douglas-fir, Oregon white oak, Pacific madrone, and vine maple. Elevation is 350 to 1,400 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 51 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface is covered with a mat of needles, twigs, and moss about 0.5 inch thick. The surface layer is dark reddish brown silty clay loam about 10 inches thick. The subsoil is dark reddish brown and reddish brown clay about 25 inches thick. Fractured basalt is at a depth of about 35 inches. Depth to bedrock ranges from 20 to 40 inches.

Included in this unit are small areas of Bellpine soils, Jory soils in flat areas, Ritner soils on narrow ridges, and a soil that is similar to this Nekia soil but has more than 35 percent rock fragments in the surface layer and subsoil. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekia soil is moderately slow. Available water capacity is about 4 to 7 inches. Water supplying capacity is 17 to 24 inches. Effective rooting depth is 20 to 40 inches. Runoff is slow to medium, and the hazard of water erosion is moderate.

This unit is used for hay, pasture, cultivated crops, timber production, recreation, and homesites.

This unit is suited to hay and pasture. It is also suited to row crops if irrigation water is available. Fertilizer is needed for optimum growth of grasses and legumes. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from compaction and erosion. Areas of this unit used for Christmas tree nurseries may be subject to erosion if clean cultivation is used. If the soil is not protected by cover crops, gullies will form on this unit in a very short time.

This unit is suited to the production of timber. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Ripping skid trails arid landing areas after logging helps to break up the compacted layer and improves seedling survival and growth. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

This unit is suited to recreational development. It is limited mainly by slope and the silty clay loam surface layer. When wet, the soil becomes sticky and plastic, which limits its use for hiking paths, trails, and campgrounds in winter.

The main limitations for homesite development are the moderately slow permeability, low soil strength, and depth to rock. Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. The deep cuts needed to provide essentially level building sites can expose bedrock.

It is difficult to establish plants in areas that have had the surface layer removed. Mulching and fertilizing cut areas help to establish plants.

If the soil in this unit is used for septic tank absorption fields, the moderately slow permeability of the soil can be overcome by increasing the size of the absorption field.

This map unit is in capability subclass IIIe.

**89D-Nekia silty clay loam, 12 to 20 percent slopes.** This moderately deep, well drained soil is on foothills adjacent to the Willamette Valley. It formed in colluvium and residuum derived from basalt and tuff. Areas are irregular in shape and are 5 to 300 acres in size. The vegetation in areas not cultivated is mainly Douglas-fir, Oregon white oak, Pacific madrone, and vine maple. Elevation is 350 to 1,400 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 51 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface is covered with a mat of needles, twigs, and moss about 0.5 inch thick. The surface layer is dark reddish brown silty clay loam about 10 inches thick. The subsoil is dark reddish brown and reddish brown clay about 25 inches thick. Fractured basalt is at a depth of 35 inches. Depth to bedrock ranges from 20 to 40 inches.

Included in this unit are small areas of Bellpine, Jory, and Ritner soils and a soil that is similar to this Nekia soil but has more than 35 percent rock fragments in the surface layer and subsoil. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekia soil is moderately slow. Available water capacity is about 4 to 7 inches. Water supplying capacity is 17 to 24 inches. Effective rooting depth is 20 to 40 inches. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used for hay, pasture, grass seed, timber production, and berries.

If this unit is used for hay and pasture, the main limitations are droughtiness in summer and slope. Use of lime, nitrogen, and phosphorus promotes good growth of forage plants. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep

the pasture in good condition and to protect the soil from erosion and compaction. Proper grazing practices, weed control, and fertilizer are needed to ensure maximum quality of forage. In most years, supplemental irrigation is also needed.

If this unit is used for cultivated crops, the main limitations are slope. The unit is suited to Christmas trees, but the soil needs to be protected from gully erosion by planting winter cover crops or permanent cover crops. Crops respond to lime and fertilizer.

This unit is suited to. the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Management that minimizes the risk of erosion is essential in harvesting timber. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Limiting use of heavy equipment to periods when the soil is dry helps to prevent compaction and to maintain tilth and productivity for the next generation of trees. Ripping skid trails and landing areas after logging helps to break up the compacted layer. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

If this unit is used for recreational development, the main limitations are slope and the silty clay loam surface layer that is sticky and plastic when wet. Steepness of slope limits the use of areas of the unit mainly to a few paths and trails, which should extend across the slope.

If this unit is used for homesite development, the main limitations are steepness of slope, moderately slow permeability, the clay subsoil, and depth to bedrock. These limitations make construction costly. Because of the hazard of erosion, only those areas needed for construction should be disturbed. Revegetating disturbed areas as soon as possible helps to control erosion.

This unit is poorly suited to septic tank absorption fields because of slope and depth to bedrock. In some areas of this unit where the depth to bedrock is greater and that are less sloping, septic tank absorption fields may be suitable.

This map unit is in capability subclass IIIe.

**89E-Nekia silty clay loam, 20 to 30 percent slopes.** This moderately deep, well drained soil is on foothills adjacent to the Willamette Valley. It formed in colluvium and residuum derived from basalt and tuff. Areas are irregular in shape and are 5 to 300 acres in size. The native vegetation is mainly Douglas-fir, Oregon white oak, Pacific madrone, and vine maple. Elevation is 350 to 1,400 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 51 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface is covered with a mat of needles, twigs, and moss about 0.5 inch thick. The surface layer is dark reddish brown silty clay loam about 10 inches thick. The subsoil is dark reddish brown and reddish brown clay about 25 inches thick. Fractured basalt is at a depth of 35 inches. Depth to bedrock ranges from 20 to 40 inches.

Included in this unit are small areas of Bellpine, Jory, and Ritner soils and a soil that is similar to this Nekia soil but has more than 35 percent rock fragments in the surface layer and subsoil. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekia soil is moderately slow. Available water capacity is about 4 to 7 inches. Water supplying capacity is 17 to 24 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for pasture, timber production, wildlife habitat, and watershed.

If this unit is used for pasture, the main limitations are droughtiness in summer and steepness of slope. Use of lime, nitrogen, and phosphorus promotes good growth of forage plants. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion and compaction. Proper grazing practices, weed control, and fertilizer are needed to ensure maximum quality of forage. In most years, supplemental irrigation is also needed.

This unit is suited to the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Management that minimizes the risk of erosion is essential in harvesting timber. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Limiting use of heavy equipment to periods when the soil is dry or using highlead or other cable logging systems reduces damage to the soil surface and helps to maintain tilth and productivity for the next generation of trees. Ripping skid trails and landing areas after logging helps to break up the compacted layer. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

# EXHIBIT 11e

the pasture in good condition and to protect the soil from erosion and compaction. Proper grazing practices, weed control, and fertilizer are needed to ensure maximum quality of forage. In most years, supplemental irrigation is also needed.

If this unit is used for cultivated crops, the main limitations are slope. The unit is suited to Christmas trees, but the soil needs to be protected from gully erosion by planting winter cover crops or permanent cover crops. Crops respond to lime and fertilizer.

This unit is suited to the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Management that minimizes the risk of erosion is essential in harvesting timber. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Limiting use of heavy equipment to periods when the soil is dry helps to prevent compaction and to maintain tilth and productivity for the next generation of trees. Ripping skid trails and landing areas after logging helps to break up the compacted layer. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

If this unit is used for recreational development, the main limitations are slope and the silty clay loam surface layer that is sticky and plastic when wet. Steepness of slope limits the use of areas of the unit mainly to a few paths and trails, which should extend across the slope.

If this unit is used for homesite development, the main limitations are steepness of slope, moderately slow permeability, the clay subsoil, and depth to bedrock. These limitations make construction costly. Because of the hazard of erosion, only those areas needed for construction should be disturbed. Revegetating disturbed areas as soon as possible helps to control erosion.

This unit is poorly suited to septic tank absorption fields because of slope and depth to bedrock. In some areas of this unit where the depth to bedrock is greater and that are less sloping, septic tank absorption fields may be suitable.

This map unit is in capability subclass IIIe.

**89E-Nekia silty clay loam, 20 to 30 percent slopes.** This moderately deep, well drained soil is on foothills adjacent to the Willamette Valley. It formed in colluvium and residuum derived from basalt and tuff. Areas are irregular in shape and are 5 to 300 acres in size. The native vegetation is mainly Douglas-fir, Oregon white oak, Pacific madrone, and vine maple. Elevation is 350 to 1,400 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 51 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface is covered with a mat of needles, twigs, and moss about 0.5 inch thick. The surface layer is dark reddish brown silty clay loam about 10 inches thick. The subsoil is dark reddish brown and reddish brown clay about 25 inches thick. Fractured basalt is at a depth of 35 inches. Depth to bedrock ranges from 20 to 40 inches.

Included in this unit are small areas of Bellpine, Jory, and Ritner soils and a soil that is similar to this Nekia soil but has more than 35 percent rock fragments in the surface layer and subsoil. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekia soil is moderately slow. Available water capacity is about 4 to 7 inches. Water supplying capacity is 17 to 24 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for pasture, timber production, wildlife habitat, and watershed.

If this unit is used for pasture, the main limitations are droughtiness in summer and steepness of slope. Use of lime, nitrogen, and phosphorus promotes good growth of forage plants. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion and compaction. Proper grazing practices, weed control, and fertilizer are needed to ensure maximum quality of forage. In most years, supplemental irrigation is also needed.

This unit is suited to the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Management that minimizes the risk of erosion is essential in harvesting timber. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Surface methods of harvesting timber generally are suitable, but the soil may be compacted if it is moist when heavy equipment is used. Limiting use of heavy equipment to periods when the soil is dry or using highlead or other cable logging systems reduces damage to the soil surface and helps to maintain tilth and productivity for the next generation of trees. Ripping skid trails and landing areas after logging helps to break up the compacted layer. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

If this unit is used for recreational development, the main limitations are slope, depth to bedrock, and the clayey texture of the soil, which is sticky and plastic when wet. Steepness of slope limits the use of this unit mainly to a few paths and trails, which should extend across the slope.

If this unit is used for homesite development, the main limitations are slope, depth to rock, and the moderately slow permeability. These limitations restrict construction in most areas. Because of the hazard of erosion, only those areas needed for construction should be disturbed and cuts and fills should be seeded as soon as possible.

This unit is poorly suited to septic tank absorption fields because of slope and depth to bedrock.

This map unit is in capability subclass IVe.

**89F-Nekia silty clay loam, 30 to 50 percent slopes.** This moderately deep, well drained soil is on foothills adjacent to the Willamette Valley. It formed in colluvium and residuum derived from basalt and tuff. Areas are irregular in shape and are 5 to 300 acres in size. The native vegetation is mainly Douglas-fir, Oregon white oak, Pacific madrone, and vine maple. Elevation is 350 to 1,400 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 51 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface is covered with a mat of needles, twigs, and moss about 0.5 inch thick. The surface layer is dark reddish brown silty clay loam about 10 inches thick. The subsoil is dark reddish brown and reddish brown clay about 25 inches thick. Fractured basalt is at a depth of 35 inches. Depth to bedrock ranges from 20 to 40 inches.

Included in this unit are small areas of Bellpine soils, Jory soils in concave areas and on toe slopes, Ritner soils on ridges and shoulders, and a soil that is similar to this Nekia soil but has more than 35 percent rock fragments in the surface layer and subsoil. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekia soil is moderately slow. Available water capacity is about 4 to 7 inches. Water supplying capacity is 17 to 24 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production, wildlife habitat, and watershed.

This unit is suited to the production of Douglas-fir. On the basis of a 100-year site curve, the mean site index for Douglas-fir is 151. The potential production per acre is 9,540 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 87,680 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

Management that minimizes the risk of erosion is essential in harvesting timber. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Surface methods of harvesting trees can be used, but highlead logging is more efficient than most other logging methods and is less damaging to the soil surface. Because the soil is sticky when wet, most planting and harvesting equipment can be used only during dry periods. Undesirable plants limit natural or artificial reforestation unless site preparation and maintenance are intensive. Reforestation can be accomplished by planting Douglas-fir seedlings.

This unit is poorly suited to recreational development. It is limited mainly by steepness of slope.

This unit is poorly suited to homesite development. The main limitations are depth to rock and slope, which make construction costly. Access roads should be designed to control surface runoff and to help stabilize cut slopes.

This map unit is in capability subclass VIe.

**90-Nekoma silt loam.** This deep, well drained soil is on flood plains in the Coast Range. It formed in mixed alluvium. Slope is 0 to 3 percent. Areas are elongated in shape and are 3 to 40 acres in size. The vegetation in areas not cultivated is mainly Douglas-fir, western hemlock, western redcedar, and red alder. Elevation is 10 to 750 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 160 to 220 days.

Typically, the surface is covered with a mat of moss, needles, and twigs about 0.5 inch thick. The surface layer is very dark brown and very dark grayish brown silt loam about 11 inches thick. The subsoil is brown fine sandy loam about 9 inches thick. The substratum to a depth of 60 inches or more is stratified, brownish yellow loamy fine sand and yellowish brown fine sandy loam. Some areas have strata of very gravelly loamy sand at a depth of more than 40 inches.

Included in this unit are small areas of Eilertsen, Meda, Nehalem, Nestucca, and Willanch soils and Fluvents. Included areas make up about 15 percent of the total acreage.

Permeability of this Nekoma soil is rapid. Available water capacity is about 5.0 to 6.5 inches. Water supplying capacity is 18 to 22 inches. Effective rooting depth is limited by a high water table that is at a depth of 4 to 6 feet from November to April. Runoff is slow, and the hazard of water erosion is slight except during periods of flooding. All but the higher lying areas of this unit are frequently flooded for brief periods from November to April.

This unit is used mainly for hay and pasture, wildlife habitat, and timber production. It is also used for gardens, orchards, recreation, and homesites.

If this unit is used for hay and pasture, the main limitations are the hazards of seasonal flooding and

# EXHIBIT 11f

occasionally flooded for brief periods from December to March.

This unit is used mainly for row crops, hay and pasture, small grain, and orchards. It is also used for urban development and recreation.

This unit is suited to all climatically adapted crops. It is most valued for root crops such as carrots, because the texture of the surface layer permits easy digging, even when the soil is wet, without excessive compaction of the soil.

In summer, irrigation is required for maximum production of most crops. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water, reduces runoff, and minimizes the risk of erosion.

Grain and grasses grown on this unit respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and increase the available water capacity of the surface layer, which aids the establishment of small-seeded crops.

Streambank cutting, erosion caused by overflow, and sedimentation can be reduced by maintaining adequate plant cover.

If this unit is used for hay and pasture, proper stocking ates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion.

This unit is well suited to recreational development intended for use during the dry season.

If this unit is used for urban development, the main limitations are the hazard of flooding and the moderately rapid permeability. In some areas flooding can be controlled only by use of major flood control structures.

Septic tank absorption fields are suited to this unit.

This map unit is in capability subclass IIw.

**96-Newberg loam.** This deep, somewhat excessively drained soil is on flood plains and bottom lands. It formed in recent silty alluvium. Slope is 0 to 3 percent. Areas are elongated in shape and are 3 to 100 acres or more in size. The vegetation in areas not cultivated is mainly Douglas-fir, grand fir, Oregon white oak, bigleaf maple, black cottonwood, shrubs, (orbs, and grasses. Elevation is 290 to 850 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 52 to 54 degrees F, and the average frost-free period is 165 to 210 days.

Typically, the surface layer is dark brown loam about 14 inches thick. The substratum to a depth of 65 inches is dark brown fine sandy loam and coarse sandy loam. In some areas the surface layer is fine sandy loam, and in some areas layers of very gravelly sand are below a depth of 24 inches.

Included in this unit are small areas of Camas, Chehalis, Cloquato, and McBee soils. Included areas make up about 15 percent of the total acreage.

Permeability of this Newberg soil is moderately rapid. Available water capacity is about 5 to 8 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. The soil is occasionally flooded for brief periods from December to March.

This unit is used mainly for row crops, hay, and pasture. It is also used for urban development and recreation.

This unit is suited to all climatically adapted crops. It is most valued for root crops such as carrots, because the texture of the surface layer permits easy digging; however, this soil is subject to severe compaction damage by equipment if these crops are harvested when the soil is wet.

In summer, irrigation is required for maximum production of most crops. Use of the sprinkler method permits the even, controlled application of water, reduces runoff, and minimizes the risk of erosion.

Grain and grasses grown on this unit respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Cover crops are needed to protect the soil from erosion during periods of flooding in winter.

If this unit is used for hay and pasture, proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect soil from erosion.

This unit is well suited to recreational development intended for use during the dry season.

If this unit is used for urban development, the main limitations are the hazard of flooding and the moderately rapid permeability. In some areas flooding can be controlled only by use of major flood control structures.

In areas of this unit that have a gravelly sand substratum, alternative or community sewage systems are needed to prevent contamination of water supplies as a result of seepage.

This map unit is in capability subclass IIw.

**97-Newberg-Urban land complex.** This map unit is on flood plains. Slope is 0 to 3 percent. Areas are elongated in shape and are 3 to 100 acres in size. The native vegetation is mainly Douglas-fir, grand fir, Oregon white oak, bigleaf maple, black cottonwood, shrubs, forbs, and grasses. Elevation is 300 to 850 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 52 to 54 degrees F, and the average frost-free period is 165 to 210 days.

# EXHIBIT 11g

# HYDRIC SOILS LIST
## LANE COUNTY AREA, OREGON: Detailed Soil Map Legend

| Map symbol and map unit name | Component | Hydric | Local landform | Hydric soils criteria | | | | Acres |
|---|---|---|---|---|---|---|---|---|
| | | | | Hydric criteria code | Meets saturation criteria | Meets flooding criteria | Meets ponding criteria | |
| 1A: ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES | ABIQUA | No | --- | --- | --- | --- | --- | 4,428 |
| | McAlpin | No | --- | --- | --- | --- | --- | 260 |
| | Riverwash | Yes | flood plain | 4,2B2 | YES | YES | NO | 260 |
| | Waldo | Yes | flood plain | 2B3 | YES | NO | NO | 260 |
| 1B: ABIQUA SILTY CLAY LOAM, 3 TO 5 PERCENT SLOPES | ABIQUA | No | --- | --- | --- | --- | --- | 1,046 |
| | Abiqua <3% | No | --- | --- | --- | --- | --- | 37 |
| | Abiqua >5% | No | --- | --- | --- | --- | --- | 37 |
| | Fluvents | Yes | flood plain | 4 | NO | YES | NO | 37 |
| | McAlpin | No | --- | --- | --- | --- | --- | 37 |
| | Riverwash | Yes | flood plain | 4,2B2 | YES | YES | NO | 37 |
| 2E: ASTORIA SILT LOAM, 5 TO 30 PERCENT SLOPES | ASTORIA | No | --- | --- | --- | --- | --- | 2,535 |
| | Astoria Variant | No | --- | --- | --- | --- | --- | 169 |
| | Blachly | No | --- | --- | --- | --- | --- | 169 |
| | Hembre | No | --- | --- | --- | --- | --- | 169 |
| | Preacher | No | --- | --- | --- | --- | --- | 169 |
| | Slickrock | No | --- | --- | --- | --- | --- | 169 |
| 3E: ASTORIA VARIANT SILT LOAM, 3 TO 30 PERCENT SLOPES | ASTORIA VARIANT | No | --- | --- | --- | --- | --- | 680 |
| | Astoria | No | --- | --- | --- | --- | --- | 24 |
| | Bohannon | No | --- | --- | --- | --- | --- | 16 |
| | Formader | No | --- | --- | --- | --- | --- | 16 |
| | Hembre | No | --- | --- | --- | --- | --- | 16 |
| | Klickitat | No | --- | --- | --- | --- | --- | 16 |
| | Preacher | No | --- | --- | --- | --- | --- | 16 |
| | Salander | No | --- | --- | --- | --- | --- | 16 |

HYDRIC SOILS LIST--Continued
LANE COUNTY AREA, OREGON: Detailed Soil Map Legend

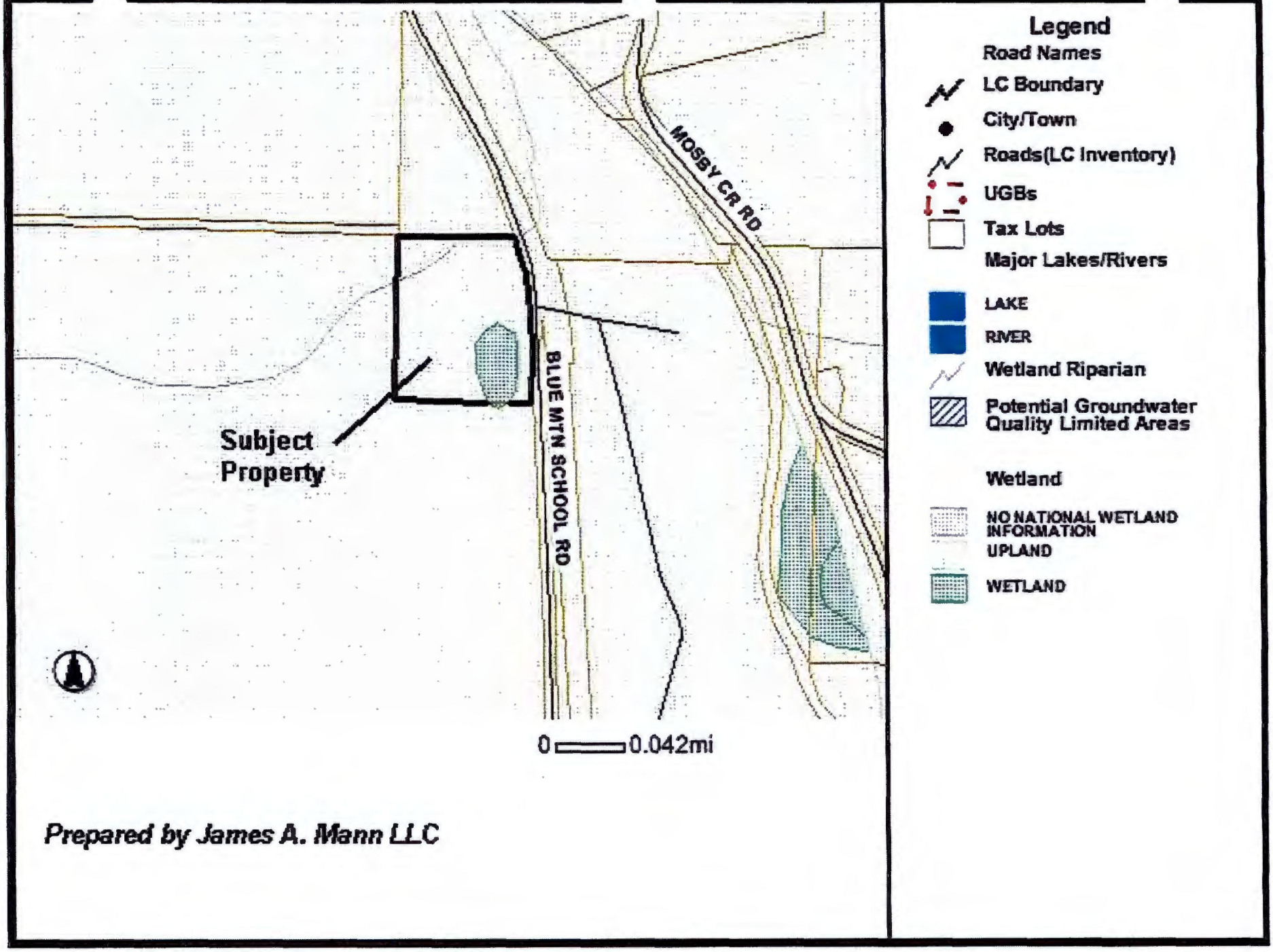
| Map symbol and map unit name | Component | Hydric | Local landform | Hydric soils criteria | | | | Acres |
|---|---|---|---|---|---|---|---|---|
| | | | | Hydric criteria code | Meets saturation criteria | Meets flooding criteria | Meets ponding criteria | |
| | PHILOMATH | No | --- | --- | --- | --- | --- | 3,444 |
| | HAZELAIR | No | --- | --- | --- | --- | --- | 2,870 |
| | Panther | Yes | swale | 2B3 | YES | NO | NO | 459 |
| | Ritner | No | --- | --- | --- | --- | --- | 459 |
| | Witzel | No | --- | --- | --- | --- | --- | 459 |
| | Rock outcrop | No | --- | --- | --- | --- | --- | 344 |
| 43E:<br>DIXONVILLE-PHILOMATH-HAZELAIR COMPLEX, 12 TO 35 PERCENT SLOPES | DIXONVILLE | No | --- | --- | --- | --- | --- | 8,012 |
| | PHILOMATH | No | --- | --- | --- | --- | --- | 6,867 |
| | HAZELAIR | No | --- | --- | --- | --- | --- | 4,578 |
| | Ritner | No | --- | --- | --- | --- | --- | 1,144 |
| | Rock outcrop | No | --- | --- | --- | --- | --- | 1,144 |
| | Witzel | No | --- | --- | --- | --- | --- | 1,144 |
| 44:<br>DUNE LAND | DUNE LAND | No | --- | --- | --- | --- | --- | 5,576 |
| | Waldport | No | --- | --- | --- | --- | --- | 117 |
| | Yaquina | Yes | marine terrace | 2A,3 | YES | NO | YES | 117 |
| | Heceta | Yes | interdune | 2B2,3 | YES | NO | YES | 59 |
| 45C:<br>DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES | DUPEE | No | --- | --- | --- | --- | --- | 17,162 |
| | Bellpine | No | --- | --- | --- | --- | --- | 808 |
| | Hazelair | No | --- | --- | --- | --- | --- | 808 |
| | Panther | Yes | swale | 2B3 | YES | NO | NO | 808 |
| | Willakenzie | No | --- | --- | --- | --- | --- | 606 |
| 46:<br>EILERTSEN SILT LOAM | EILERTSEN | No | --- | --- | --- | --- | --- | 1,352 |
| | Blachly | No | --- | --- | --- | --- | --- | 48 |
| | Meda | No | --- | --- | --- | --- | --- | 48 |
| | Nehalem | No | --- | --- | --- | --- | --- | 48 |
| | Nestucca | No | --- | --- | --- | --- | --- | 32 |

HYDRIC SOILS LIST--Continued
LANE COUNTY AREA, OREGON: Detailed Soil Map Legend

| Map symbol and map unit name | Component | Hydric | Local landform | Hydric soils criteria | | | | Acres |
|---|---|---|---|---|---|---|---|---|
| | | | | Hydric criteria code | Meets saturation criteria | Meets flooding criteria | Meets ponding criteria | |
| | Nestucca peat or muck below20" | No | --- | --- | --- | --- | --- | 175 |
| 94C: NETARTS FINE SAND, 3 TO 12 PERCENT SLOPES | NETARTS | No | --- | --- | --- | --- | --- | 901 |
| | Heceta | Yes | interdune | 2B2,3 | YES | NO | YES | 53 |
| | Waldport | No | --- | --- | --- | --- | --- | 53 |
| | Yaquina | Yes | marine terrace | 2A,3 | YES | NO | YES | 53 |
| 94E: NETARTS FINE SAND, 12 TO 30 PERCENT SLOPES | NETARTS | No | --- | --- | --- | --- | --- | 357 |
| | Bandon | No | --- | --- | --- | --- | --- | 21 |
| | Waldport | No | --- | --- | --- | --- | --- | 21 |
| | Yaquina | Yes | marine terrace | 2A,3 | YES | NO | YES | 21 |
| 95: NEWBERG FINE SANDY LOAM | NEWBERG | No | --- | --- | --- | --- | --- | 7,624 |
| | Camas | No | --- | --- | --- | --- | --- | 359 |
| | Chehalis | No | --- | --- | --- | --- | --- | 359 |
| | Cloquato | No | --- | --- | --- | --- | --- | 359 |
| | McBee | No | --- | --- | --- | --- | --- | 269 |
| 96: NEWBERG LOAM | NEWBERG | No | --- | --- | --- | --- | --- | 8,066 |
| | Camas | No | --- | --- | --- | --- | --- | 380 |
| | Chehalis | No | --- | --- | --- | --- | --- | 380 |
| | Cloquato | No | --- | --- | --- | --- | --- | 380 |
| | McBee | No | --- | --- | --- | --- | --- | 285 |
| 97: NEWBERG-URBAN LAND COMPLEX | NEWBERG | No | --- | --- | --- | --- | --- | 465 |
| | URBAN LAND | Unranked | --- | --- | --- | --- | --- | 326 |
| | Camas | No | --- | --- | --- | --- | --- | 37 |
| | Chehalis | No | --- | --- | --- | --- | --- | 37 |
| | Cloquato | No | --- | --- | --- | --- | --- | 37 |
| | McBee | No | --- | --- | --- | --- | --- | 28 |

# EXHIBIT 12a

# Lane County Mapper Ripari[illegible] and Wetlands Map




*Prepared by James A. Mann LLC*

# EXHIBIT 12b

# WILDLIFE HABITAT MAPS MAY 1980

LEGEND FOR
WILDLIFE HABITAT MAPS December,1980

B - Beaver dam
E - Eagle nest
H - Heron rookery
N - Northern Spotted Owl
O - Osprey snag
P - Band Tailed Pigeon
S - Snowy Plover site
● - Oregon Natural Heritage Program inventory sites
■ - Natural Area Preservation Committee sites
- Deer and elk winter range (or as noted)
- Older seral stages
- Silver Spot Butterfly (coast only)
- Riparian vegetation (around bodies of water and Class I streams)

BIG GAME DESIGNATIONS
- Peripheral

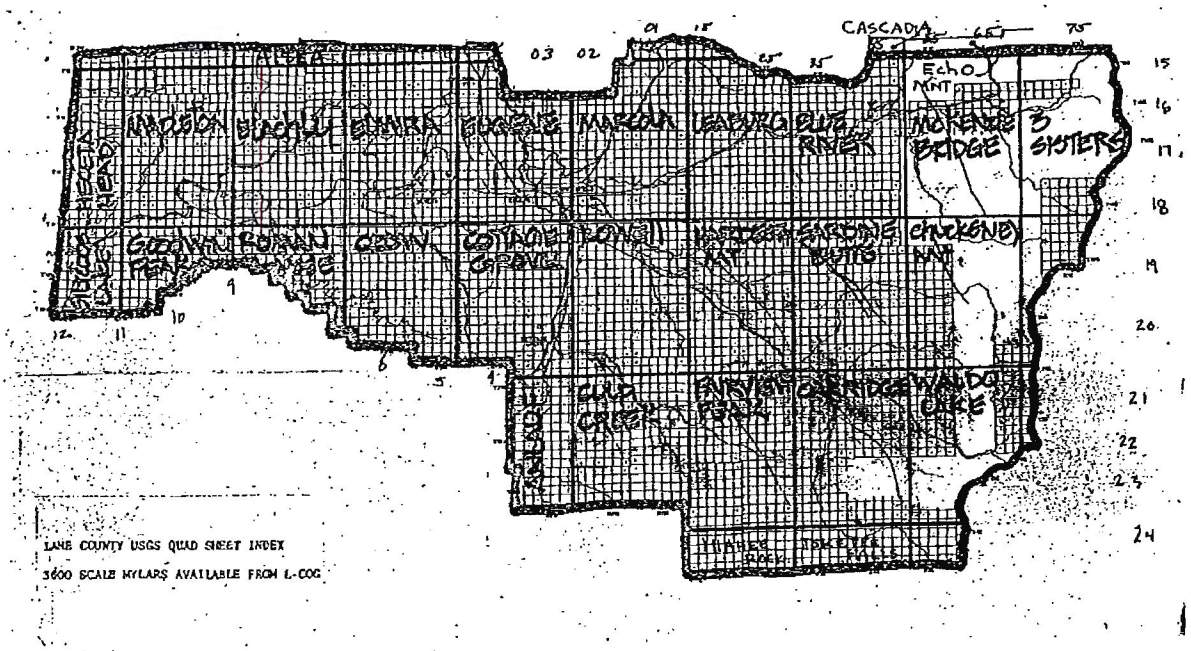
▨ - Silver Spot Butterfly (coast only)

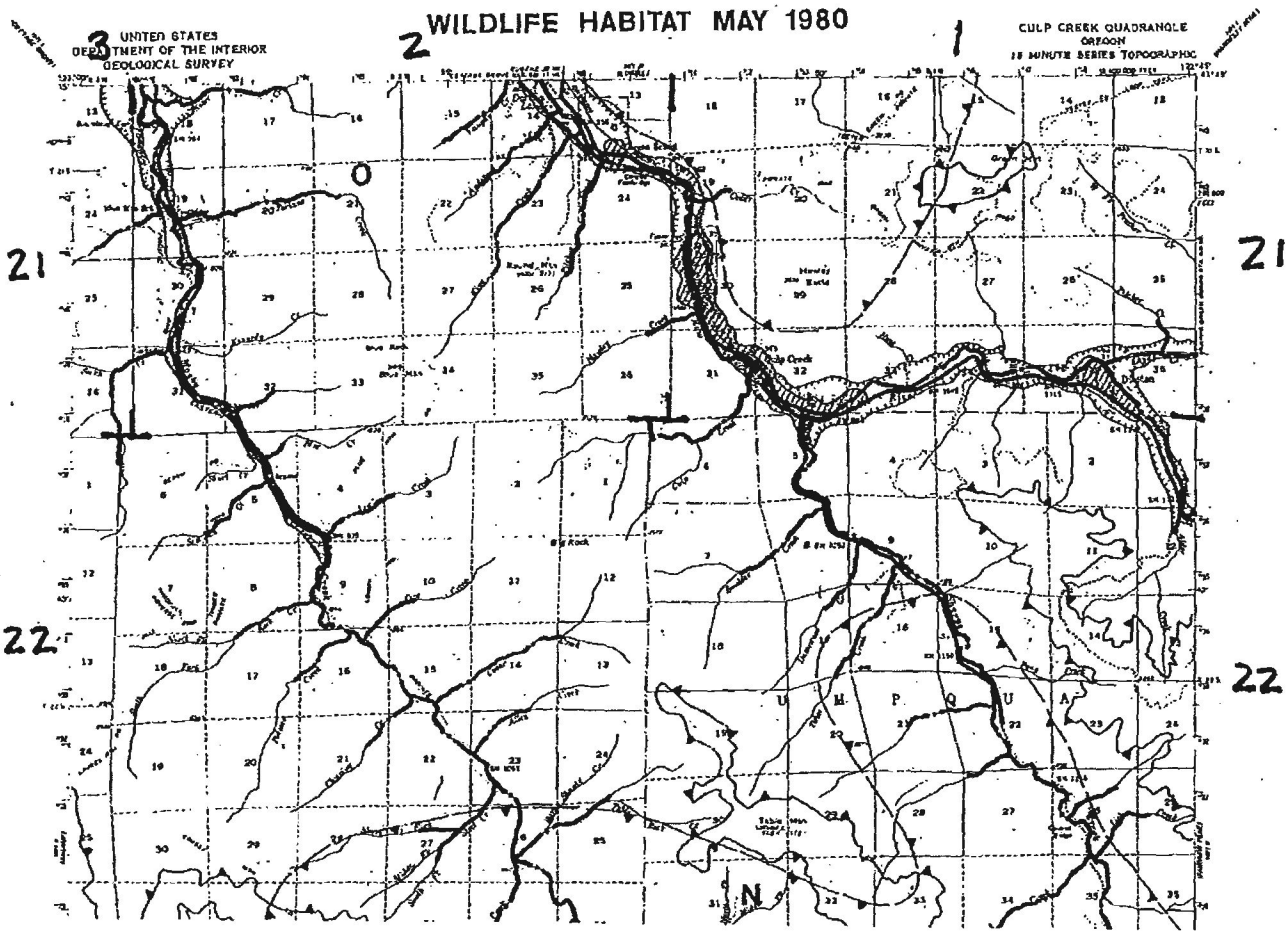
~·~ - Riparian vegetation (ground bodies of water and Class I streams)

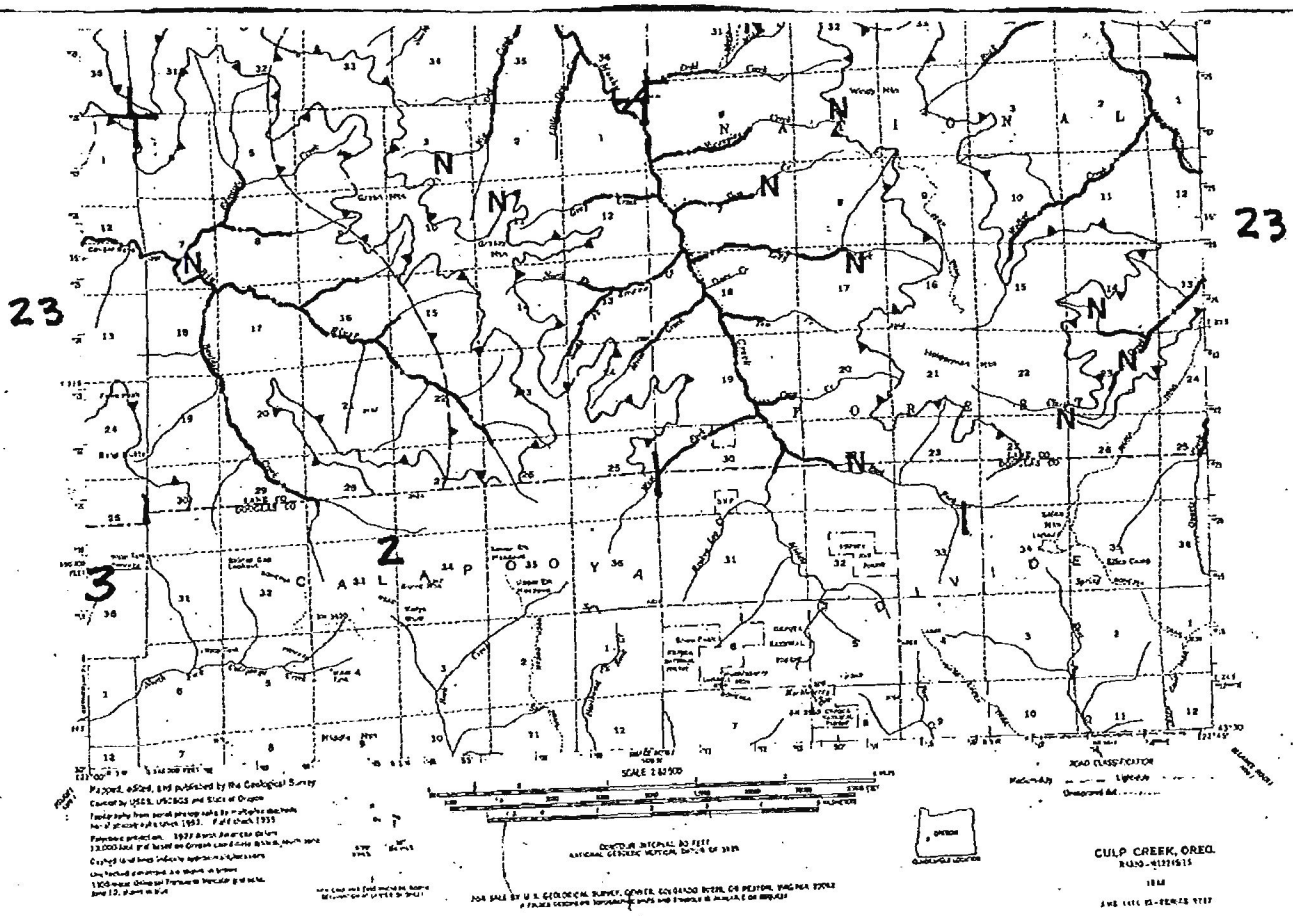
BIG GAME DESIGNATIONS

- Peripheral
- Impacted

AINDER - Major

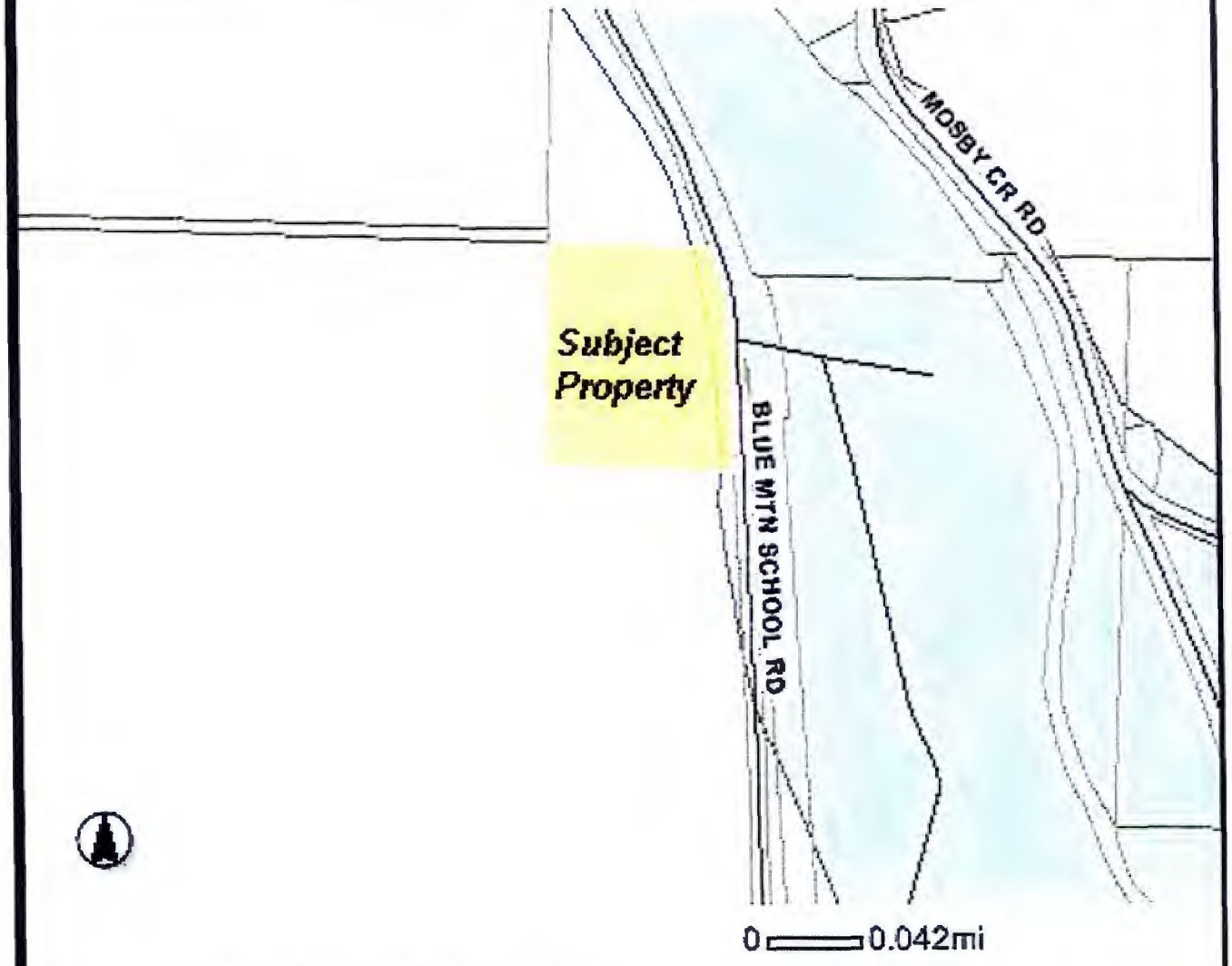



WILDLIFE HABITAT MAY 1980
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CULP CREEK QUADRANGLE
OREGON
15 MINUTE SERIES TOPOGRAPHIC
21
22
U M P Q U A
N


23
23
CULP CREEK, OREG.

# EXHIBIT 12c

# Lane County Mapper Floodplain Map




Legend

- Selected Features
- Road Names
- LC Boundary
- City/Town
- Roads(LC Inventory)
- UGBs
- Tax Lots
- DFirm/Flood
  - A
  - AE
  - AO
  - FW
  - X5
- Major Lakes/Rivers
  - LAKE
  - RIVER

*Prepared by James A. Mann LLC*
*May 2011*

**Subject Property**
**Map 21-02-19 Tax Lot 900**

# EXHIBIT 13

# Appendix B: County Roads Inventory

The Inventory in Appendix B represents the County Road system at the time this document was adopted. It is essentially a snapshot in time, and all data included in the inventory is subject to change.

## LEGEND

**Road ID –** Road number assigned to the road segment by Lane County

**Road Name –** Legal name of Road

**BMP –** Beginning Mile Post of road segment

**EMP –** Ending Mile Post of road segment

**Functional Class –** The classification of a road segment according to its expected level of service and function.

**Terrain –** The topography of the road segment. L=Level, R=Rolling, M=Mountainous.

If a discrepancy exists with the Terrain data appearing in the inventory, the following terrain definitions shall prevail:

a) **Roads where no 500' segment exceeds 5% in grade shall be considered Level.**
b) **Roads where any 500' segment exceeds 5% in grade but does not exceed 8% in grade shall be considered Rolling.**
c) **Roads where any 500' segment exceeds 8% in grade shall be considered Mountainous.**

- In **level terrain**, highway sight distance, as governed by both horizontal and vertical restrictions, is generally long or can be made to be so without construction difficulty or major expense.
- In **rolling terrain**, natural slopes consistently rise above and below the road or street grade, and occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment.
- In **mountainous terrain**, longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment.

**PCI –** Pavement Condition Index. A method of rating the surface condition of pavement on a scale of 0 to 100, where 100 is the best.

**CBE -** Crushed Base Equivalent. An indicator of the underlying structural integrity of the roadway expressed as an equivalent depth of crushed rock in inches.

**Width -** The measured width of travel surface on identified road segment.

**ADT Volume -** The most recently measured Average Daily Traffic volume expressed as number of vehicles per day.

## Lane County Roads Inventory

| Road ID | Road Name | BMP | EMP | Functional Class | Terrain | PCI | CBE (in) | Width | ADT Volume |
|---|---|---|---|---|---|---|---|---|---|
| 125600 | BLANTON RD | 1.110 | 2.097 | Rural Local | R | 79 | | 20 | 900 |
| 324500 | BLAZER AVE | 0.000 | 0.090 | Urban Local | L | 89 | | 36 | 480 |
| 324500 | BLAZER AVE | 0.090 | 0.310 | Urban Local | L | 94 | 16.0 | 28 | |
| 324550 | BLAZER AVE CUL 'A' | 0.000 | 0.030 | Urban Local | L | 93 | | 32 | |
| 324570 | BLAZER AVE CUL 'B' | 0.000 | 0.029 | Urban Local | L | 92 | | 32 | |
| 507300 | BLOCK RD | 0.000 | 0.216 | Rural Local | L | | 6.0 | 11 | 20 |
| 184000 | BLOOMBERG RD | 0.000 | 0.870 | Rural Local | L | 95 | 9.3 | 22 | 300 |
| 188000 | BLOSSOM ST | 0.000 | 0.204 | Rural Local | L | 100 | | 34 | 550 |
| 257200 | BLUE MOUNTAIN LANE | 0.000 | 0.720 | Rural Local | L | | 9.5 | 15 | |
| 277100 | BLUE MTN LN (N) | 0.000 | 0.449 | Rural Local | L | | | 12 | |
| 257000 | BLUE MTN SCHOOL RD | 0.000 | 1.000 | Rural Local | R | 75 | 16.3 | 24 | 380 |
| 257000 | BLUE MTN SCHOOL RD | 1.000 | 1.500 | Rural Local | R | 59 | | 20 | 260 |
| 257000 | BLUE MTN SCHOOL RD | 1.500 | 3.206 | Rural Local | R | 69 | 10.4 | 20 | |
| 110500 | BLUE RIVER DR | 0.000 | 1.555 | Rural Minor Collector | R | 74 | 17.3 | 22 | 600 |
| 110200 | BLUE RIVER RD | 0.000 | 1.640 | Rural Local | R | 68 | 13.8 | 22 | 180 |
| 330300 | BOBOLINK AVE | 0.000 | 0.230 | Urban Local | L | 96 | 12.0 | 30 | 370 |
| 427200 | BODENHAMER RD | 0.000 | 1.062 | Rural Minor Collector | L | 88 | 22.0 | 24 | 900 |
| 427200 | BODENHAMER RD | 1.062 | 1.345 | Rural Minor Collector | L | 88 | | 24 | 750 |
| 427295 | BODENHAMER RD (Y) | 1.303 | 1.342 | Rural Minor Collector | L | 98 | | 24 | |
| 406200 | BOLTON HILL RD | 0.000 | 1.171 | Rural Major Collector | R | 89 | 15.1 | 26 | 1750 |
| 406200 | BOLTON HILL RD | 1.171 | 3.254 | Rural Major Collector | R | 89 | 11.3 | 26 | 400 |
| 405600 | BOLTON RD EAST | 0.556 | 0.560 | Rural Local | L | 79 | 8.3 | 20 | 800 |
| 405600 | BOLTON RD EAST | 0.560 | 1.328 | Rural Local | L | 79 | | 20 | 650 |
| 361700 | BOND RD | 0.000 | 1.310 | Rural Local | L | | | 21 | 60 |
| 243000 | BOOTH KELLY CAMP RD | 0.000 | 0.560 | Rural Local | L | 84 | 15.8 | 20 | |
| 105900 | BOOTH KELLY RD | 0.000 | 1.440 | Rural Local | L | 86 | 15.0 | 22 | 400 |
| 534200 | BOY SCOUT RD | 0.000 | 0.050 | Urban Local | L | 86 | 10.0 | 20 | 220 |
| 534200 | BOY SCOUT RD | 0.050 | 0.510 | Urban Local | L | 73 | | 20 | |
| 130200 | BOYCE ST | 0.000 | 0.046 | Urban Local | L | 94 | 10.5 | 28 | |
| 605000 | BRABHAM RD | 0.000 | 0.500 | Rural Local | L | 89 | 10.5 | 18 | 500 |
| 605000 | BRABHAM RD | 0.500 | 0.770 | Rural Local | L | 88 | | 18 | 130 |
| 335200 | BRADFORD CT | 0.000 | 0.094 | Urban Local | L | 81 | 15.0 | 28 | |
| 602400 | BRADFORD RD NO | 0.000 | 0.590 | Rural Local | L | 80 | 10.5 | 20 | 200 |
| 603000 | BRADFORD RD SO | 0.000 | 0.385 | Rural Local | L | 79 | 8.0 | 22 | 310 |



*Note: Urban and rural designations are not considered part of a road's functional class. The urban and rural designation is informational and is used when applying design standards to road improvements.*

# EXHIBIT 14

SUBDIVISION

13.005 River Road-Santa Clara Area.
13.010 Quantity and Quality Groundwater Limited Areas.

# Chapter 13

# SUBDIVISION

**13.005 River Road-Santa Clara Area.**
In the interests of safeguarding the public health, safety and welfare, the following policy regarding major subdivision plat approval in the River Road-Santa Clara area is established, effective June 9, 1971.

(1) No new subdivision (i.e., a subdivision not previously granted preliminary and/or final approval) will be approved.

(2) Any subdivision previously granted preliminary and/or final approval that has expired will be evaluated on an individual basis.

(3) This policy shall remain in effect until such time as a program for the installation of a public sewerage system in the River Road-Santa Clara area has been undertaken.

(4) Further resolutions by the Board:

(a) The Board will exert all possible efforts to establish a sewerage system and is confident that this curtailment of subdivision activity is in the public interest.

(b) Should the conditions of potential public health hazards resulting from continued development without public sanitary sewer services, as has occurred in the River Road-Santa Clara area, occur in other areas of Lane County, the Board will take similar action.

(c) In the event engineered sewer plans for the River Road-Santa Clara area are adopted by Lane County or other agency, no subdivision will be approved in the area covered by such sewer plans unless "dry line" sewers are installed in the subdivision to the specifications of Lane County. *(Revised by Order No. 74-7-10-1; Effective 7.10.74)*

**13.010 Quantity and Quality Groundwater Limited Areas.**
In the interest of public health and the economic well being of the citizens of Lane County, the following areas of Lane County are to be designated quantity and/or quality groundwater limited areas, pursuant to LC 13.050(13).

(1) The following areas are designated quality limited areas for groundwater and are depicted on the "Geologic Map of Oregon West of the 121st Meridian" on file at the Lane County Department of Public Works, Land Management Division. Those applicants who are in dispute with regard to whether or not they will be withdrawing water from the referenced formations may submit a geological report performed by a registered geologist which indicates the groundwater source will not be within the referenced formations or they may submit water quality reports as required by Lane Code Chapter 13, showing the water is not quality limited:

(a) Areas of Natural Contamination.

(i) That portion of the Spencer Creek Watershed in the vicinity of Pine grove Road and the south side of Erickson Road for salt water.

(b) Areas of man-induced pollution or contamination.

(i) The River Road/Santa Clara area as defined by the Willamette River on the east, the Northwest Expressway on the west and south and Beacon Drive on the north for nitrate and biological contamination.

(ii) The East Creswell area as defined by I-5 on the west, Cloverdale Road on the north, the Willamette River on the east and River Drive on the south for nitrate and biological contamination.

(iii) The Junction City South area as defined by Junction City city limits on the north, Prairie Road on the west and Highway 99 on the east to the intersection with Prairie Road for nitrate and biological contamination.

(2) The following areas are designated quantity limited areas for groundwater:

(a) Broad areas of very limited groundwater.

(i) The Spencer Creek Watershed as defined by the topographic expression of the watershed boundaries.

(ii) All of Township 16 South, Range 3 West, Sections 27, 34, 35 and 36.

(b) Specific defined areas of limited groundwater and significant potential use.

(i) The committed lands' areas listed below are in quantity limited (QT) areas and have parcelization, which can reasonably be expected to locally exceed the carrying capacity of the groundwater system:

| | | |
|---|---|---|
| 014 | 18-12-34/19-12-03 | R-1 GLENADA |
| 015 | 19-12-10/19-12-15 | R-1 GLENADA |
| 023 | 18-12-26/18-12-35 | R-1 GLENADA |
| 024 | 19-12-02/19-12-11 | R-1 GLENADA |
| 032 | 19-12-12/19-12-13 | R-1 |
| 032 | 19-12-12/19-12-13 | R-2 |
| 032 | 19-12-12/19-12-13 | R-3 |
| 033 | 19-12-24/19-12-25 | R-1 |
| 039 | 18-11-19/18-11-30 | R-3 |
| 109 | 16-07-18/16-07-10 | RR |
| 112 | 18-07-06 | R-2 |
| 124 | 15-07-35/16-07-02 | R-1 |
| 140 | 17-06-08/17-06-17 | R-1 |
| 141 | 17-06-20/17-06-29 | NOTI |
| 148 | 17-06-16/17-06-21 | R-1 |
| 168 | 18-06-02/18-06-11 | R-1 |
| 173 | 16-06-13/16-06-24 | R-3 |
| 174 | 16-06-25/16-06-36 | R-2 |
| 175 | 17-06-01/17-06-12 | R-3 |
| 186 | 16-05-19/16-05-30 | R-1 |
| | | R-2 |
| | | R-3 |
| 187 | 17-05-07/17-05-18 | R-1 |
| 195 | 16-05-08/16-05-17 | R-1 |
| 199 | 17-05-20 | R-1 |
| 200 | 17-05-29/17-05-32 | R-1 |
| 201 | 18-05-05/18-05-08 | R-1 |
| | | R-2 |
| | | R-3 |
| 205 | 15-05-21/15-05-16 | R-1 |
| 212 | 18-05-04/18-05-09 | R-1 |
| | | R-2 |
| | | R-3 |
| 254 | 18-05-12/18-05-13 | R-1 |
| 255 | 18-05-24/18-05-25 | R-1 |
| | | R-2 |
| | | R-3 |
| 256 | 18-05-36/19-05-01 | R-1 |
| 260 | 20-05-12/20-05-13 | R-1 LORANE |
| | | R-3 |
| 261 | 20-05-24/20-05-25 | R-1 |
| 296 | 18-04-06/18-04-07 | R-3 |

| | | |
|---|---|---|
| 270 | 18-04-18/18-04-19 | R-1 |
| | | R-2 |
| | | R-3 |
| | | R-4 |
| 271 | 18-04-30/18-04-31 | R-1 |
| | | R-2 |
| 272 | 18-04-06/18-04-07 | R-1 |
| 284 | 18-04-05/18-04-08 | R-1 |
| 285 | 18-04-17/18-04-20 | R-1 |
| | | R-2 |
| 286 | 18-04-29/18-04-32 | R-1 |
| 298 | 18-04-16/18-04-21 | R-1 |
| 299 | 18-04-28/18-04-33 | R-1 |
| 309 | 18-04-15/18-04-22 | R-1 |
| | | R-2 |
| 310 | 18-04-27/18-04-34 | R-1 |
| | | R-2 |
| 311 | 19-04-03/19-04-10 | R-1 |
| 320 | 18-04-14/18-04-23 | R-1 |
| 321 | 18-04-26/18-04-35 | R-1 |
| | | R-2 |
| 334 | 18-04-13/18-04-24 | R-1 |
| | | R-2 |
| | | R-3 |
| 335 | 18-04-25/18-04-36 | R-1 |
| 348 | 18-03-18/18-03-19 | R-1 |
| 349 | 18-03-30/18-03-31 | R-1 |
| | | R-2 |
| 351 | 19-03-18/19-03-19 | R-1 |
| 352 | 19-03-30/19-03-31 | R-1 |
| 355 | 20-03-30/20-03-31 | R-1 |
| 356 | 21-03-06/21-03-07 | R-1 |
| | | R-3 |
| 367 | 19-03-17/19-03-20 | R-1 |
| 371 | 20-03-29/20-03-21 | R-1 |
| | | R-2 |
| 375 | 22-03-05/22-03-08 | R-1 |
| | | R-2 |
| 378 | 23-03-05 | R-1 |
| 382 | 18-03-16/18-03-21 | R-1 |
| 383 | 18-04-28/18-03-33 | R-1 |
| 385 | 19-03-16/19-03-21 | R-1 |
| | | R-2 |
| 387 | 20-03-04/20-03-09 | R-2 |
| 388 | 20-03-17/29-03-21 | R-3 |
| 390 | 21-03-04/21-03-09 | R-2 |
| 391 | 21-04-16/21-03-21 | R-1 |
| | | R-2 |
| 400 | 19-03-15/19-03-22 | R-1 |
| | | R-2 |
| | | R-3 |
| 420 | 20-03-26/20-03-35 | R-1 |
| 433 | 20-03-25/20-03-36 | R-1 |

| | | |
|---|---|---|
| | | R-2 |
| | | R-3 |
| 434 | 21-03-01/21-03-12 | R-1 |
| 440 | 19-02-18/19-02-19 | R-1 |
| 441 | 20-02-30/20-02-31 | R-1 |
| 443 | 21-02-18/21-02-19 | R-3 |
| 446 | 17-02-17/17-02-20 | R-1 |
| 451 | 19-02-17/19-02-20 | R-1 |
| 456 | 16-02-33/17-02-04 | R-1 |
| | | R-2 |
| 461 | 19-02-04/19-02-09 | R-1 |
| 466 | 16-02-10 | R-1 |
| 468 | 16-02-34/17-02-03 | R-1 |
| | | R-3 |
| 472 | 18-02-15/18-02-09 | R-1 |
| 474 | 19-02-03/19-02-10 | R-1 |
| | | R-2 |
| | | R-3 |
| 476 | 20-02-27/20-02-34 | R-1 |
| 477 | 21-02-03/21-02-10 | R-1 |
| 478 | 16-02-11/16-02-14 | R-1 |
| 479 | 16-02-23/16-02-26 | R-1 |
| | | R-2 |
| 480 | 16-02-35/17-02-02 | R-1 |
| | | R-2 |
| 482 | 18-02-20/18-02-11 | R-1 |
| 490 | 17-02-13/17-02-24 | R-1 |
| | | R-2 |
| 498 | 21-02-13/21-02-24 | R-1 |
| 502 | 17-01-19/17-01-30 | R-1 |
| 504 | 17-04-31/18-01-08 | R-2 |
| 507 | 19-01-18/19-01-19 | R-1 |
| | | R-2 |
| 511 | 16-01-08/16-01-17 | R-1 |
| 514 | 17-01-29/17-01-32 | R-2 |
| 516 | 18-01-29/18-01-32 | R-2 |
| 518 | 19-01-17/19-01-20 | R-2 |
| 521 | 15-01-21/15-01-28 | R |
| | | R-2 |
| 527 | 18-01-28/18-01-33 | R-1 |
| 529 | 19-01-16/19-01-21 | R-1 |
| | | R-2 |
| 530 | 19-01-28/19-01-33 | R-1 |
| 531 | 20-01-04 | R-1 |
| 533 | 15-01-22/15-01-27 | R-1 |
| 535 | 17-01-22/17-01-27 | R-1 |
| 536 | 18-01-27/18-01-34 | R-1 |
| 539 | 20-01-03/20-01-10 | R-1 |
| 549 | 17-01-13/17-01-24 | R-1 |
| | | R-2 |
| 587 | 16-25-29/16-25-32 | R-1 |
| 593 | 16-25-27/16-25-34 | R-1 |
| 596 | 17-25-02 | R-1 |

610 21-35-10/21-35-15 R-1
614 21-35-14/21-35-23 R-1

*(Revised by Order No. 83-12-6-2; Effective 12.6.83)*

# EXHIBIT 15

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

| | | |
|---|---|---|
| | ) | IN THE MATTER OF AMENDING ORDINANCE |
| | ) | 870 ENTITLED THE LANE COUNTY |
| | ) | GENERAL PLAN POLICIES, AN ELEMENT |
| ORDINANCE NO. PA 883 | ) | OF THE LANE COUNTY RURAL COMPRE- |
| | ) | HENSIVE PLAN, AND ADOPTING A |
| | ) | SAVINGS AND SEVERABILITY CLAUSE |

WHEREAS, the Board of County Commissioners adopted the Lane County General Plan Policies on November 10, 1981 (Ordinance No. 870), and

WHEREAS, the Oregon State Land Conservation and Development Commission has granted Lane County an extension of time to revise Ordinance No. 870 to bring it into conformity with the Statewide Planning Goals, and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission and the West Lane County Planning Commission recommended amendments to the Lane County General Plan Policies, consistent with that directive from the Land Conservation and Development Commission, and

WHEREAS, the Board of County Commissioners has received and considered the revised General Plan Policies along with the testimony received at its public hearings and is ready to take action, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. That the Lane County General Plan Policies, as adopted by Ordinance No. 870, copy attached as Exhibit "A", are hereby amended by repeal and substitution of a new set of General Plan Policies as set forth in Exhibit "B", and

2. It is further intended that the following documents (working papers) on file in the Land Management Division of the Lane County Department of Public Works, be recognized as supportive technical information used in the preparation of this Plan element:

| | |
|---|---|
| Goal 1: | Citizen Involvement |
| Goal 2: | Land Use Planning |
| Goal 3: | Agricultural Lands |
| Goal 4: | Forest Lands |
| Goal 5: | Open Spaces, Scenic and Historic Areas and Natural Resources; Historic Resources; Mineral and Aggregate Resources; Flora and Fauna; Open Spaces and Scenic Areas; Energy; Water Resources |

| | |
|---|---|
| Goal 6: | Air, Water and Land Resources; Water Quality; Air Quality |
| Goal 7: | Areas Subject to Natural Disasters and Hazards |
| Goal 8: | Recreational Needs |
| Goal 9: | Economy of the States |
| Goal 10: | Housing |
| Goal 11: | Public Facilities and Services |
| Goal 12: | Transportation |
| Goal 13: | Energy Conservation |
| Goal 14: | Urbanization |
| Goal 15: | Willamette Greenway |

3. Ordinance No. 870 shall remain in full force and effect until the effective date of this Ordinance.

4. 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 affect the validity of the remaining portions hereof.

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this ~~15th~~ 29th day of February, 1984.

Chair, Lane County Board of Commissioners

Recording Secretary for ~~this~~ Meeting of the Board

Legislative Findings in
Support of PA 883

Exhibit "C"

# INTRODUCTION

Lane County comprises an area of over 4600 square miles ranging some 120 air miles from east to west and averaging about 40 miles from north to south, with 30 miles of ocean frontage.

The single greatest influence on development in overall Lane County has been the topographical features. Elevations range from the east at the high plateau of the Cascades with elevations up to 10,359 feet (summit, South Sister) to the upper Willamette Valley with a ground elevation average of 450 feet west to the Pacific Ocean at Florence. The County represents sea level to ski level diversity. Habitable land, development patterns natural resources and tranportation routes are all conditioned by the topographic definition.

Lane County has a long history of development from Elijah Bristow's first land claim in 1846 and the County's legal establishment in 1851 up to today where the County encompases 276,000 people, the second largest metropolitan area within the state and serves as a significant center of commerce, trade and education. The County offers a pleasant climate blended with a high degree of livability.

The Rural Comprehensive Plan being submitted completes the final important element for all of Lane County's residents, both urban and rural and will establish a basis for balanced future growth which recognizes and maintains our forest and agricultural based economy.

## I. Historical Planning Perspective

1. Scope. Lane County is one of only two counties stretching from the Pacific Ocean to the crest of the Cascades, currently has twelve incorporated cities, and is the only county in the State to which all 19 Statewide Planning Goals apply. Therefore, the range of comprehensive land use planning issues in Lane County is innately complex. This complexity has been gradually addressed through a jurisdictional and geographical approach to comprehensive land use planning. All twelve cities with County support, have submitted comprehensive land use plans to LCDC and had these plans approved or acknowledged by LCDC (except for the Eugene-Springfield Metro Area General Plan area outside of the UGB). Lane County has submitted its Coastal Goals Compliance Report and, in July of 1983, was found by LCDC to be in compliance with Goals 16-18. Finally, Lane County has completed its Rural Comprehensive Plan for the remaining areas of the County and will submit the plan, together with a request for acknowledgement, to LCDC.

2. Compliance Status. Lane County believes its current Rural Comprehensive Plan substantially complies with all applicable Statewide Planning Goals. In the past, compliance with the Goals has eluded the County. On Feb. 13, 1981, LCDC formally denied Lane County's last compliance request and adopted over 200 pages of findings describing plan deficiencies. At that time, Lane County's Comprehensive Plan submittal consisted of a series of subarea plans, a policies document and several chapters of implementing codes. The current Rural Comprehensive Plan consists of a single policies document, set of plan and zone maps, and chapter of Lane Code.

3. 1981 and 1982 Planning Efforts. After LCDC denied Lane County's Comprehensive Plan in February of 1981, Lane County developed a work program to achieve Goal compliance. Twenty different technical reports (Working Papers) were developed to address each Goal in terms of inventory and suggested policy approaches. Ordinance 870 for the plan policies was adopted on Nov. 10 of 1981 and amended in Dec. of 1982. During this period, plan and zone maps were developed for public review and subsequent hearings.

4. 1983 and 1984 Planning Efforts. In January of 1983, public hearings to adopt county-wide plan and zoning map designations were stopped because of plan and zone deficiencies identified by County staff as well as DLCD staff. Between January and November of 1983, staff developed an additional set of working papers and working paper addendums to address identifiable Goal deficiencies. In October of 1983, the Board of Commissioners appointed the Planning Commissions as the Citizen Involvement Program Committee and adopted a work program to achieve citizen review, input and ultimate adoption of the plan. In November of 1983, joint Board/Planning Commission public meetings were held to review the additional working papers and working paper addendums.

In December of 1983, public meetings and hearings were held to review the plan policies and zone provisions. During January and the first half of February 1984, extensive public meetings and hearings were held to adopt the plan policies, map designations, zones and other implementing measures.

5. Board of Commissioner Adoption of Plan. The comprehen- sive plan work effort culminated on February 29, 1984 with the Lane County Board of Commissioners' formal adoption of the Rural Comprehensive Plan and Lane Code Chapter 16 (Ordinance No. PA 883 and Ordinance No 1-84). Explicit policies contained in the comprehensive plan expressed the committment by Lane County for future comprehensive plan refinement.

## II. COMPLIANCE WITH STATEWIDE PLANNING GOALS

### CITIZEN INVOLVEMENT GOAL LEGISLATIVE FINDINGS

Goal #1 provides:

"GOAL: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

"The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

"The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

"Federal, state and regional agencies and special purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities;"

### FINDINGS

1. Summary of Lane County's Citizen Involvement Program. Citizen Involvement in various forms, has been a part of Lane County's planning process since its beginning. The former County General Plan, consisting of subarea plans, and Countywide Goals and Policies was developed with attention toward involving as many citizens as possible in the process. Some features of this effort included:

a. A Countywide "Planning for People" program begun in 1971, wherein public attitudes about planning were systematically solicited.

b. Appointment of a County Plan Advisory Committee (CPAC) at this time, to provide first-line policy direction to the then-emerging County Plan.

c. Establishment of a subarea format -- plans were developed on a sub-County basis, to provide citizens of various parts of the County with more intimate involvement in planning for their areas. This eventually resulted not only in 13 published subarea plans, but gave rise to a number of 'subarea-based citizens' organizations, many of which are still active.

d. A County program in the mid-1970s of chartering community organizations, as official organizations recognized citizen involvement groups, community and subarea organizations and formal integration of them into the County's information generation process. These groups still exist and many are as active as when they began.

e. An informal policy of holding meetings and hearings in the area affected by the subject matter was initiated -- that is, holding citizen involvement meetings (with Planning Division staff) or official public hearings (by Planning Commissions and/or the Board of County Commissioners) in one or another subarea, instead of requiring subarea residents to come to Eugene. Although more expensive and time-consuming than the reverse, the effort brought planning awareness to many citizens who might not otherwise have become involved.

f. Our current citizen involvement program was originally adopted in 1976 and revised in 1978, 1980, 1981 and 1983. Concurrently with revising the citizen involvement program in 1981, the Board approved a citizen involvement program for the rural comprehensive plan revision project. See the attached LANE COUNTY CITIZEN INVOLVEMENT PROGRAM FOR PLANNING, Goal 1 Attachment "A". In October of 1983, the Board of Commissioners appointed the Planning Commissions (Lane County Planning Commission and West Lane Planning Commission) as the Citizen Involvement Program Committee. Goal 1 Attachment "A" does not reflect the change of the CIPC membership to the two planning commissions. However, Goal 1, Policy #4 reflects this change.

2. Over the years the CIPC has been plagued by lack of consistent participation by its membership. The restructuring of its membership in 1983 was to overcome this difficulty. As stated in the October 12, 1983 report of the Board the prior structuring was not successful in its objective. See Goal 1 Attachment "B".

3. Goal 1 gives preference to an independent committee, however offers two alternatives; the governing body (Board of Commissioners) may assume the CIPC function s or it may assign it to the Planning Commission. In appointing the Planning Commission as the CIPC, the Board considered the following three alternatives and considered alternative 3 to be preferrable:

a. An attempt could have been made to revitalize the independent CIPC. As a minimum this would have required assignment of staff liaison to provide close and continuous support. The support would have been both direct (i.e., CIPC meetings) and indirect. The indirect support would have included such things as maintaining contact with represented groups, keeping individual interest high through personal contacts, etc. Such effort would have been almost a full time position. Financial limitations precluded allocation of this amount of resources to achieve an objective that could be attained by other means. Additionally, the long term success of this approach would have been questionable.

b. A second approach would have been for the Board to assume the role of the CIPC. Advantages included the Board members familiarity with current and proposed planning efforts, broad public contact, high interest level and selection by a district election. Disadvantages were the additional load to an already overcrowded schedule, limited membership (5 members) and

narrowing the scope of information input (the advisors are the implementors).

c. The third alternative, and the one selected by the Board in October 1983, was to delegate CIPC repsonsibility to the two Planning Commissions. Advantages included familiarity with current and proposed planning efforts, broad public contact, widely based membershp, regular meeting schedule, high interest level of the two commissions, and noninvolvement in the application process The Board's realignment of Planning Commission duties (the elimination of the planning commissions from the application process) placed them in an ideal position to also oversee the citizen involvement process. Being the primary body to develop comprehensive plans, they also were front line observers to the publics' interaction with the process. Additionally, experience has shown that citizen involvement and access are matters of paramount concern to the commission members. The Planning Commission appointment process established by the Board more than adequately meets Goal requirements for CIPC membership.

4. 1981-1984 Comprehensive Plan Revision Time Span. Lane County has been working on its comprehensive plan since mid 1981 when the first working papers were developed. The Plan revision work has been in process for two and one half years. There has been more than adequate time for interested citizens to review working papers prepared early in the plan revision process.

5. 1983-1984 Work Program. Lane County halted hearings in January of 1983 to correct several plan deficiencies. Additional plan inventory, code work needed to be done and reviewed in order to have a comprehensive plan that would comply with the Goals. See Goal 1 Attachment "C".

6. Work Program and Citizen Involvement Program Committee. In October of 1983 the Board of Commissioners tentatively adopted an intensive work program for public review and adoption of a revised comprehensive plan capable of being acknowledged. The two planning commissions in Lane County were then appointed as the Citizen Involvement Program Committee for the reasons mentioned earlier. The work program was designed to involve the Planning Commissions and public in the comprehensive plan revision consistent with Goal #1 and to comply with stringent submittal timelines mandated by the 1983 Oregon Legislature.

7. Between October 18, 1983 and February 29, 1984, 61 separate public meetings were held to revise the comprehensive plan. Public information meetings were held prior to final Planning Commission deliberation and final Board adoption of the plan and implementing codes. See Goal 1 Attachment "D".

8. Comprehensive Plan revision documents prepared in 1983 were made available to the public from Nov. of 1983 to Feb. of 1984 in a self service area located in the first floor of the County Courthouse. Between Nov. 1983 and Feb. 1984, planning staff kept a

sign-up sheet for persons wishing assistance regarding comprehensive plan revision matters. 1109 persons were provided with such assistance. See Goal 1 Attachment "E".

9. To organize individual plan, zone or implementing code requests, Lane County developed Comprehensive Plan Revision CPR Request forms. These forms allowed owners to clearly identify specific property and to state their request for a revision. All request were entered into the County's computer and an accurate tracking system was in place. More than 1800 such requests were received and reviewed by Lane County. See Exhibit "L".

10. Written correspondence was received which was not tracked like CPR requests. The record shows that in excess of 100 such correspondences were received by Lane County prior to final decisions. See Goal 1 Attachment "F".

11. A Comprehensive Plan/Zoning Revision Newsletter was mailed to persons on the County's mailing list and to the Register Guard and Siuslaw News on November 17, 1983. See Goal 2 Attachment "G". As a result of public hearings, many names were added to the mailing list, those persons receiving comprehensive plan revision information. See Goal 1 Attachment "H".

12. Prior notice of all public hearings and meetings was provided through the Board of Commissioners office, Goal 1 Attachment "I", and the Land Management Division, Goal 1 Attachment "J".

13. Public Announcements were provided to the news media disclosing news or topics of special interest. See Goal 1 Attachment"K".

14. Between December 1983 and February 1984 at least 87 news articles and editorials appear in local newspapers. See Goal 1 Attachment "L".

15. Between December 1983 and February 1984, at least 52 letters to the editor appeared in local newspapers. See Goal 1 Attachment "M".

16. Between November 1983 and February 1984, the comprehensive plan revision efforts received radio and tv coverage.

17. Between November 1983 and February 1984, special interest groups contacted and informed members about the comprehensive plan revision. See Goal 1 Attachment "N".

## CONCLUSION

Based upon the above facts, we find that Lane County has provided extensive opportunities for citizen participation in full compliance with Goal 1 and the County's citizen involvement program.

## LAND USE PLANNING LEGISLATIVE FINDINGS

Goal #2 provides:

"GOAL: PART 1 - PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

"City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS 197.705 through 197.795.

"All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable state-wide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents and implementation ordinances shall be filed in a public office or other plce easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

"All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

"PART II - EXCEPTIONS: When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted in the notices of hearing shall summarize the issues in an understandable meaningful manner.

"If the exception to the goal is adopted, then the compellinreasons and fac ts for that conclusion shall be completely set forth in the plan and shall include:

(a) Why these other uses should be provided for'

(b) What alternative locations within the area could be used for the proposed uses;

(c) What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;

(d) A finding that the proposed uses will be compatible with other adjacent uses.

"PART III - USE OF GUILDELINES: Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the goals. All land us plans shall state how the guidelines or alternative means utilized achieve the goals."

## FINDINGS

1. Factual Base. Goal #2 requires that there be "inventories and other forms of date ... as the basis for the policies and other deicisions set forth in the plan. The Lane County Rural Comprehensive Plan is based upon extensive inventories, as identified below, and conforms to this requirement:

a) 1981 - 1982 Working Papers:

"1. County Planning Process
2. Citizen Involvement
3. Agricultural Resources
4. Forest Resources
5. Historic Resources
6. Natural Resources: Flora and Fauna
7. Public Facilities
8. Recreation
9. Transportation
10. Urbanization
11. Energy Resources
12. Environmental Quality
13. Economy
14. Population
15. Natural Resources: Minerals and Aggregate
16. Water Resources
17. Natural Resources
18. Housing
19. Willamette Greenway"

b) 1983 Working Papers and Working Paper Addendums:

1. Developed and Committed Lands
2. Marginal LAnds (and Nonresource Lands)
3. Addendum to Agricultural Lands
4. Addendum to Forest Lands
5. Addendum to Historic Resources
6. Addendum to Flora and Fauna
7. Addendum to Energy
8. Addendum to Mineral and Aggregate Resources
9. Addendum to Willamette Greenway

c) Citizen Input:

1. 1800 individual comprehensive plan revision request formal (CPR Requests) and accompanying information.

2. Written documentation submitted to the Planning Staff, Commission or Board. Approximately 100 written submittals.

3. Oral testimonies obtained from dozens of public meetings and hearings.

d) Other inventories:

1. Committed Lands Documentation
2. Nonresource Lands Documentation
3. Marginal Lands Documentation
4. Other data such as aerial photos, soils maps and information, addressing maps, assessment information, and etc.

2. Policies. Goal 2 requires plan policies addressing all Goal concerns. We find that Lane County's General Plan Policies (Ordinance PA 883) comply with all Goal concerns, are interrelated to the data base, and therefore comply with this portion of Goal #2.

3. Certain Goal 2 policies discussed below are a direct result of citizen participation and evaluations made during the hearings process:

a. Policy 15 and Policy 19. These two policies are substantially the same and are responsive to public testimony. Throughout previous years, many people obtained approval of land use applications from Lane County and have relied on those approvals for the future development of their properties. This policy emphasizes that Lane County will consider these prior approvals as much as possible when developing the plan and implementing measures, and within the parameters of the Statewide Planning Goals. Lane Code 16.100 and LC 14.700(4) implement this policy by recognizing, within certain limitations, the validity of prior approvals.

b. Policy 16. This policy was modified as a result of testimony received at a public hearing from Ray Bishop (West Lane Planning Commission) requesting that nonresource lands also be available for public reserve zoning. The rationale for PR zoning of nonresource lands is to provide greater recreational opportunities within Lane County. The West Lane Planning Commission and Lane County Planning Commission supported this request.

c. Policy 18. Overwhelming public testimony has been received requesting that additional comprehensive plan work be conducted. In response to this testimony, this policy identifies and prioritizes the additional comprehensive plan work.

d. Policy 20. Because of its size and geographical local, Lane County has numerous, natural recreational amenities. To provide greater opportunities for citizens to utilize these amenities, to promote economic diversification, and to promote tourism; Lane County developed Policy 20 for destination resorts. The provisions of this policy and the DR/RCP zone provide adequate standards to assure that such development would be destination resort oriented and distinguishable from purely commercial or residential development. When discussed at public meetings and hearings, feedback regarding this policy was supportive.

e. Policy 21. This policy is in response to the large number of specific property, plan/zone requests Lane County has received via written Comprehensive Plan Revision (CPR) requests. It assures that all citizens will receive notification of the final status of their requests. It also recognizes the complex review and factual findings necessary to support marginal lands or nonresource designations and provides the framework to obtain additional information and Planning Commission reviews.

f. Policy 22. This policy anticipates that certain errors or omissions will occur when Lane County adopts the plan, and when such errors are identified, provides a framework for Lane County to initiate corrective action without citizens having to pay application fees for such corrective action. Citizen support for such a policy was received during hearings.

g. Policy 23. This policy responds to concerns for interim protection of Goal's resources raised by the Department of Fish and Wildlife, the League of Women Voters, and the Ad Hoc Fish and Wildlife Committee. It recognizes the value of protecting Goal 5 resources in a 1B category and provides a framwork for applying interim protective measures.

4. Planning Map. Goal 2 requires that the comprehensive plan also consist of a general plan map including general plan designation. We find that Lane County's adoption of the general plan maps and plan designations via Ordinance PA 883 satisfies this requirement.

5. Implementing Ordinances. Goal 2 requires that the comprehensive plan shall have adequate implementing measures to implement the purposes of the plan policies and designations. We find that Lane County's adoption of Lane Code Chapter 16 satisfies this requirement.

TABLE OF CONTENTS

Part I: Introductory Material----------1
Introduction to the Rural Comprehensive Plan---------1
Introduction to the Policies Component----------3
History of the Policies Document----------3
Cities, Communities and Rural Lands----------4
Implementation----------5

Part II: Lane County General Plan Policies
Goal One: Citizen Involvement
Goal Two: Land Use Planniug
Goal Three: Agricultural Lands
Goal Four: Forest Lands
Goal Five: Open Spaces, Scenic and Historic Areas and Natural Resources
Historic Resources
Mineral & Aggregate Resources
Flora & Fauna
Open Spaces & Scenic Areas
Energy
Water Resources
Goal Six: Air, Water and Land Resources
Water Quality
Air Quality
Goal Seven: Areas Subject to Natnral Disesters & Hazards
Goal Eight: Recreational Needs
Goal Nine: Economy of the State
Goal Ten: Housing
Goal Eleven: Public Facilities & Services
Goal Twelve: Trnasportation
Goal Thirteen: Energy Conservation
Goal Fonrteen: Urbanization
Goal Fifteen: Willamette Greenway

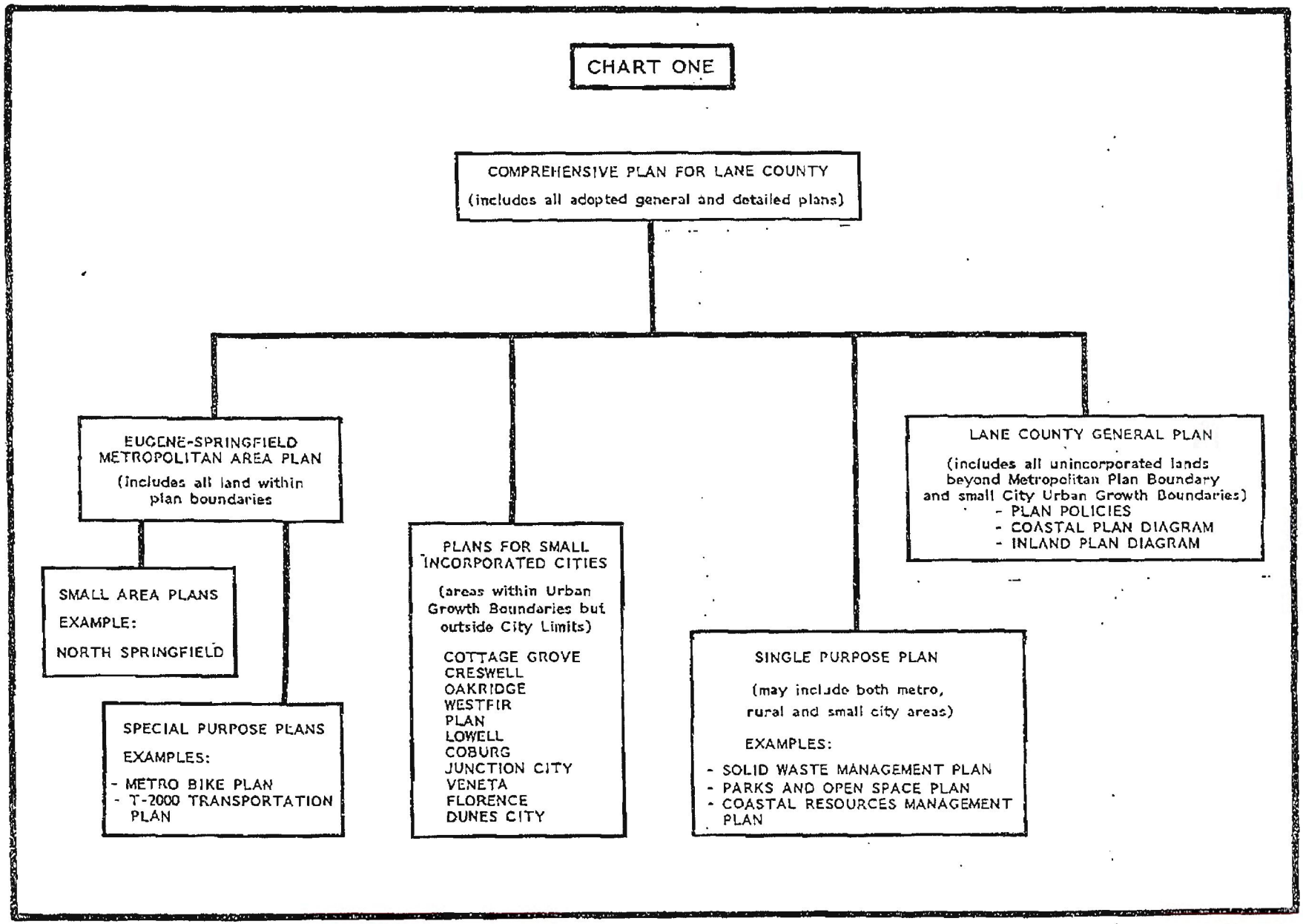


CHART ONE
COMPREHENSIVE PLAN FOR LANE COUNTY
(includes all adopted general and detailed plans)
EUGENE-SPRINGFIELD METROPOLITAN AREA PLAN
(includes all land within plan boundaries
SMALL AREA PLANS
EXAMPLE:
NORTH SPRINGFIELD
SPECIAL PURPOSE PLANS
EXAMPLES:
- METRO BIKE PLAN
- T-2000 TRANSPORTATION PLAN
PLANS FOR SMALL INCORPORATED CITIES
(areas within Urban Growth Boundaries but outside City Limits)
COTTAGE GROVE
CRESWELL
OAKRIDGE
WESTFIR
PLAN
LOWELL
COBURG
JUNCTION CITY
VENETA
FLORENCE
DUNES CITY
SINGLE PURPOSE PLAN
(may include both metro, rural and small city areas)
EXAMPLES:
- SOLID WASTE MANAGEMENT PLAN
- PARKS AND OPEN SPACE PLAN
- COASTAL RESOURCES MANAGEMENT PLAN
LANE COUNTY GENERAL PLAN
(includes all unincorporated lands beyond Metropolitan Plan Boundary and small City Urban Growth Boundaries)
- PLAN POLICIES
- COASTAL PLAN DIAGRAM
- INLAND PLAN DIAGRAM

# PART I: INTRODUCTORY MATERIAL

## A. INTRODUCTION TO THE RURAL COMPREHENSIVE PLAN

The Lane County Rural Comprehensive Plan applies to all unincorporated lands within the County beyond the Urban Growth Boundaries of incorporated cities in the County and beyond the boundary of the Eugene-Springfield Metropolitan Area Plan. Where these lands are beyond County jurisdiction (such as National Forest lands), the Plan applies but its application is regulated by federal law. In addition, it does contain provisions and representations of County positions on various issues, to be used by those agencies, such as the US Forest Service, in their own management actions, and also used in the event that lands not in County jurisdiction enter County jurisdiction.

The Plan follows the format of the LCDC Statewide Planning Goals, recognizing that they must be met by all local jurisdictions in Oregon. It is composed of two major elements:

1. County General Plan Policies: For each LCDC Goal, there are one or more Policies to be applied by the County toward land use and other planning and resource-management issues, in the interests of compliance with sound planning principles and statewide planning law. Policies are binding commitments, but will be carried out within established work programs and over all County priorities. The application of Policies which call for new programs or studies will occur as County resources in terms of both staff and budgetary allocations permit.

2. Plan Diagrams: Two major planning regions are identified for Lane County--the Coastal Region and the Inland Region. For each, detailed representations of land use are depicted on maps, or Plan Diagrams. Land use regulation methods, such as zoning, are applied to carry out the intent of the designations. The application of the general plan is primarily through zoning. In fact planning and zoning designations are set forth on the same map.

Chart One diagrams the relationship of these elements, and also indicates relationships with other portions of the County Comprehensive Plan.

The document now before the reader is one of the two above components--the County General Plan Policies document. The Policies document is the broad, direction-setting portion of the Plan, and lays out approaches for interpretation of County planning needs and means of complying with State of Oregon planning law. This law attaches great importance to local jurisdictions having adopted comprehensive plans which in turn meet the requirements of Statewide Planning Goals. Accordingly, matters of interpretation concerning the General Plan are to be resolved in favor of compliance with these Goals, and the Plan itself shall be recognized as representing the County's best effort in meeting the requirements of LCDC and its policy expressions, including Goals.

## B. INTRODUCTION TO THE COUNTY POLICIES COMPONENT OF THE GENERAL PLAN

County Policies are broad, somewhat generalized statements that provide direction to County decision makers in their efforts to choose between competing uses for given resources, and in their efforts to solve historic problems and prevent new ones from occurring. The Policies cover complex topics and lay the groundwork for future actions of various kinds. The Policies expressed here apply to rural Lane County, ontside of the Urban Growth Boundaries of cities and beyond the Plan Diagram Boundary of the Engene-Springfield Metropolitan Area General Plan. They are designed to be compatible with similar Policies--and planning efforts--of other governmental jurisdictions in the County.

In some respects, the Policies can be considered rhe basis of the County plan, in that they provide the lead, or the general direction, for subsequent County actions to deal with various land use and resource management decisions. In doing so, they are directly intended to fulfill the mandate of the LCDC statewide planning Goals.

Four statewide planning Goals are not addressed in this document: the four "Coastal Goals" (LCDC Goals 16-19). These, and Policies connected with them, are located in a special-purpose Coastal Resource Management Plan developed and adopted for use in the Coastal portion of the County. They should be used in concert with the "basic fifteen" Goals. Since they are special-purpose in nature, and deal more specifically with particular concerns of rhe Coastal area, conflicts may arise or be generated between the Coastal Policies and the "basic fifteen" and should be resolved in favor of the Coastal Policies until and if one or rhe other conflicting statement is changed to eliminate the conflict.

The Willamerte Greenway Goal is considered to be part of the "basic fifteen".

## C. HISTORY OF THE POLICIES DOCUMENT

The Policies contained in this document were developed during a period of more than a year, beginning in early 1983. A process was devised at the beginning of the period to utilize existing working papers and to prepare a series of new working papers which, along with other sources, were ro serve as the technical data based for the Policies. The Working Papers were written and published from mid-1981 to early 1984. Each Working Paper contained information on a given topic or topics, and a number of them contained preliminary Policies which were drawn from the information in the Papers and which were presented for initial discussion purposes.

Hearings were held on rhe Papers as they were published. Each Planning Commission reported to the Board of County Commissioners containing irs reaction to the Paper and draft Policies. Often the Policy statements drew on sources orher than the Working Papers -- exisring County Plan information (such as special-purpose plans or technical studies), comments or testimony of individuals or groups appearing at the hearings, the judgement and views of Planning Commission members and so on -- and so represented a broad array of perspectives and attitudes. Each Planning Commission Report cited information used in Policy development, in order to provide a firm basis for Policy use. The background information, including the Working Papers, is to

be used to help interpret and understand General Plan approaches but is not itself designed to be adopted as legislative law. The Board formally adopted the Policies in February of 1984.

## D. CITIES, COMMUNITIES AND RURAL LANDS

While the Policies in this document are directed at Lane County government, it is clearly recognized that the County has a responsibility to, and must coordinate efforts closely with, the incorporated cities within its boundaries. Statewide planning law requires that each incorporated city develop and adopt its own land use plan which must itself comply with LCDC Goals. The plan must contain essentially the same elements as the County General Plan, with an additional element of an identified Urban Growth Boundary (required by Goal 14). Future urban growth for each city is to take place within that Boundary. In the case of the Eugene-Springfield Metropolitan Area Plan, a mutual Boundary is adopted by both cities, and the County. For all other cities, the County must ratify the cities' UGBs by independent evaluation of, and adoption of, appropriate city plan provisions.

Through this method, the County becomes responsible for administering the provisions of city plans within the city UGBs but outside of the corporate city limits. "Joint Agreements for Planning Coordination" drawn up between the County and each city lay the framework for cooperative action in the effort. Policies concerning Goal 14 in this document further indicate County posture toward city plans. County adoption of city plans--or amendments thereto-- ensures that conflicts between city plans and County Plan do not readily occur.

Unincorporated communities are treated differently. They are identified as "community" on the Plan Diagrams, but are not given official Urban Growth Boundaries. Instead, the probable limits of growth over the planning period are reflected in the area within the "community" designation. Since lands within these areas are under County jurisdictions, no Joint Agreements are required, but development there must be justified by "committed lands" exceptions.

Areas within rural Lane County qualifying as Exception areas on the basis of precommitted uses are not necessarily "communities" as such, but do have some of the characteristics of community development--higher densities, for example. These areas are treated much as unincorporated communities are within the General Plan, in that they are soley under the County jurisdiction, and they are provided with specific land use designations and zoning reflective of their characteristics. They are not portrayed, however, with the broad "community" designation in most cases. For purposes of Plan administration, a parcel of land is either within a UGB or designated community or it is not--the deciding factor is the portrayal on the Plan Diagram. Lands adjacent to such boundaries are not considered to be within them until and if the boundaries are adjusted to accommodate them.

Finally, lands considered as agricultural, forest or natural resource are lands not within any of the above classifications. These lands include the vast majority of total Lane County acreage, and are under the jurisdiction of the County plus state and federal governments (e.g., National Forests). The Statewide Planning Goals and the Policies of this Plan limited substantial rural development. However, it is recognized that such development may occur provided it is consistent with the policies contained in this document.

## E. IMPLEMENTATION

As stated earlier, the County Policies are intended to guide actions and decisions. Although the policies have a common feature (i.e., relating to one or more aspects of land use) they cover a broad range of topics and concerns. Because of this wide range, it is not reasonable to assume all policies are to be implemented in the same manner. Visualizing a policy as being in one or more of the following categories will provide a better understanding as to its application.

Advisory Policies

These are statements describing the County's position on a certain topic or issue; generally but not always, relating to a subject not under the direct jurisdiction of the County. These policies are primarily intended to inform or influence the actions of other parties. They do not have direct influence on the implementation of the General Plan through Plan Map designation, zoning of land or County Regulations.

Examples: "Lane County recommends that no new wilderness areas be designated without a complete analysis of the revenue and employment impacts on Lane County. Where designations are made, negative employment and revenue impacts should be mitigated by increasing allowable timber harvests on other public lands."

Commitment Policies

These are statements describing a future action the County intends to undertake. The policies cover a variety of topics including (a) guidance in County operations, procedures and relationships with other agencies, (b) recognition of state and federal requirements, and (c) general direction or intent. Where the County believes the action is necessary to carry out State Planning Goals or the General Plan the commitment will be in a mandatory, binding form (i.e., Lane County shall . . .). Where the action may be desirable, however, not absolutely necessary, the statement may be phrased in a nonmandatory, advisory manner (i.e., Lane County is encouraged to. . .). As with advisory policies, the commitment policies do not have a direct influence in plan diagram designations or zoning. Actions resulting from the commitment may, however, have a direct influence. Inasmuch as these policies are describing a future action, lack of achievement at any particular point in time due to lack of resources shall not be construed as a failure to carry out the plan.

Examples: "Lane County shall actively support and assist progressive solid waste management efforts. The Lane County Solid Waste Management Plan shall be the primary instrument to effect this policy".

"Lane County is encouraged to investigate and utilize fee acquisition, easements, cluster development, preferential assessment, development rights acquisition and similar techniques to implement these policies."

"Avoidance and/or control of soil erosion shall be a major criterion addressed in all applicable County review procedures."

Plan Conformity Policies

These are directives applicable to land use designations. They are intended to guide designations on both plan diagrams and zoning maps. These policies are initially implemented by the adoption of the plan diagrams and zoning maps. Subsequent rezoning and/or plan diagram amendments must be in accord with these policies (i.e., an action that would be inconsistent with policies in this category is consistent with the plan). The policies are applicable to both legislative and quasi-judicial actions:

Example: "Land use designations in the Comprehensive Plan and implementing zoning shall be commensurate with groundwater aquifer capacities."

Depending on the circumstances, a given policy may fall into more than one category. The purpose of establishing these classifications is 1) provide a better understanding of how the plan will be implemented, and 2) provide a review standard for future land use changes. This latter purpose is accomplished by requiring any future rezoning and/or plan diagram be in accord with the Plan Conformity Policies. This review standard is considered to be the minimum level of review. As a minimum threshold, however, it shonld not be construed to mean that compliance with the plan conformity policies is the sole criterion and other policies cnanot be taken inro consideration. If it can be demonstrated that approval of a change, even though satisfying the plan conformity policies, is in conflict with other policies or State Planning Goals, the request may be denied. The classification of the Policies will be set forth as an appendix to this document.

## PART II: LANE COUNTY GENERAL PLAN POLICIES

### GOAL ONE: CITIZEN INVOLVEMENT

1. Lane County shall assure the availability of planning information in a timely manner to all County citizens.

2. Plan implementation shall include participation by the general public through a citizen involvement program in the development, adoption and application of codes and ordinances needed to carry out the County General Plan requirements.

3. Firmly identified public needs and desires shall be responded to by the County planning process, within the parameters of state and local planning requirements.

4. The Citizen Involvement Program Committee (CIPC) of Lane County is recognized as the primary body advising the Board as to:
   a. citizen access to planning information;
   b. effectiveness of the existing program;
   c. needed program changes or new program areas;
   d. compliance with LCDC Goal #1 (Citizen Involvement).

   Because of their regular meeting schedule, and expertise the Planning Commissions have been designated as Lane County's Citizen Involvement Program Committee's.

5. The program of communicating with chartered community organizations shall be continued.

6. Identification of priorities for and adoption of capital improvement programs shall be done through the citizen involvement program.

## GOAL TWO: LAND USE PLANNING

1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.

2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.

3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.

4. The County shall be divided into two snb-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the eastern jurisdictional boundary of the West Lane Planning Commission.

5. The Lane County Planning Commission and the West Lane Planning Commission shall have primary advisory authority for the Inland and Coastal Regional Plan Diagrams, respectively. Both Commissions shall have equal anthority with respect to Countywide issues, including County Policies (not including geographically-based Policies, subh as the Coastal Goals or the Willamette Greenway). Conflicts between the two Commissions shall be resolved by the Board of County Commissioners.

6. The revised General Plan shall have primary jnrisdiotion in all areas of the County outside the incorporated City Urban Growth Bonndaries and the Plan Boundary shown on the Eugene-Springfield Metropolitan Area Plan Diagram (which includes UGB plus additional territory).

7. The Planning period for the revised Plan shall be 20 years with revisions and update to occur every five years, beginning five years from the date of adoption.

8. It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs. This will be accomplished by future admendment of the Lane Code.

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 (Goal 2 Exception Process) and shall only be taken at times of Plan adoption or amendment.

10. An exception area may receive a Community designation provided the area contains the following characteristics:

    a. a mixture of uses (i.e., residential, commercial and/or indnstrial, and/or public);
    b. a more compact development pattern and greater density of development than other exception areas;
    c. an area having an established commnnity identity usually reflected in a place name and bolstered by the presence of places for community congregation including: post-office, and/or school, and/or churches, etc.

11. Land use designations and densities appropriate for developed and commited areas shall be determined through compliance with other plan policies and the following criteria:

a. A Rural Residential designation shall be applied to lands which are devoted to rural housing nses as evalnated by the following criteria:

i. existing development pattern and density;
ii. on-site sewage disposal suitability, or commnnity sewerage;
iii. domestic water snpply availability;
iv. access;
v. public services;
vi. lack of natural hazards;
vii. effect on resource lands.

Densities of 1, 2, 5 or 10 acres shall be applied to represent existing development patterns and to limit problems resulting from a negative evaluation of any of the above criteria.

b. A Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation. The Rural Commercial designation shall encompass all commercial activities in rural area. The range of limited, medium and medium/heavy commercial designations shall be applicable in areas receiving a Community designation.

c. An Industrial designation of limited, medinm or medinm/heavy shall be applied to existing nses and/or tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation.

d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.).

e. A Public Facility designation shall be applied to publicly owned grounds and facilities (i.e., schools, etc.).

f. An Airport designation shall be applied to existing, developed airport facilities.

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.

13. Plan refinement within a Community designation shall be accomplished by means of rezoning within rhe Community designation, addressing the following criteria:

a. The proposed use will uot adversely affect the livability or appropriate development of the surrounding area;
b. Commercial and industrial activities wirhin Communities shall, to the greatest degree practicable, be coucentrated in identifiable nodes which are favorably located with reference to transportation facilities and other public services.

14. Zone changes for developed aud committed exception areas within an area receiving a Community designation shall be accomplished through the Plan refinement prooess unless a finding exists that the refinement criteria are either non-applicahle to, or satisfied by, the proposed zone change.

15. Lane County shall recognize and incorporate into the Lane County Comprehensive Plan all prior land use applications approved since Jannary 1980 with respect to the Statewide Planning Goals to the extent legally possible.

16. Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:
    a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.
    b. An exception to any of the Statewide Planning Goals is not required.
    c. Small isolated non-resource tracts snrronnded by farm and forest lands shall be disconraged if such non-resource designation would create compatibility prcblems.
    d. The Rnral Residential Designation would be consistent with other Comprehensive Plan Policies.

17. Residential densities for non-resonrce lands shall be one residence per five or ten acres and shall be determined throngh consistency with other plan policies and the following criteria:
    a. Existing development pattern and density of any adjacent committed areas;
    b. Snbsnrface sewage disposal suitability;
    c. Domestic water snpply availability;
    d. Access;
    e. Pnblic service;
    f. Lack of natural hazards;
    g. Effect on resource lands.

18. Plan refinements shall be prioritized for purposes of County financial revenue allocation and program planning provided by Lane County for planning servcies subject to fund availability in the following sequence:
    a. Performance standards for minimum parcel size determinations within impacted forest lands.
    b. Performance standards for minimum parcel size determinations within farm lands designated EFU.
    c. Goal 5 conflict resolntion
    d. Coastal Lakes
    e. Sand & Gravel Study

19. Destination Resorts shall be permitted in Lane County subject to the requirements stated below. For purposes of this Policy, a Destination Resort shall be defined as a multi-use recreational facility which provides a wide range of services to visitors, including but not limited to temporary lodging, meals and related services, gift shop sales, transportation and tours, indoor and outdoor recreation, and on-site entertainment. Specific uses may vary from site to site. A Destination Resort has the following characteristics:
    a. Location on a site with a high level of amenities;
    b. Use of a site design which is compatible with the natural and scenic attributes of the site and area, and which emphasizes open space and natnral one-site conditions;
    c. Provision of visitor-oriented accommodations and recreational facilities, and natural amenities, which serve as the primary attraction for visitors;
    d. Reservation of not less than 75% of living units on the site for only temporary, limited-stay residential nse.

Destination Resorts may be developed subject to the following:

a. Satisfaction of Lane County Plan Amendment requirements, including, where applicable, the fulfillment of LCDC Goal Exception requirements;
b. Compliance with the provisions of the Lane County "Destination Resort" zoning district.

Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absense of a specific application which addresses the criteria stated above.

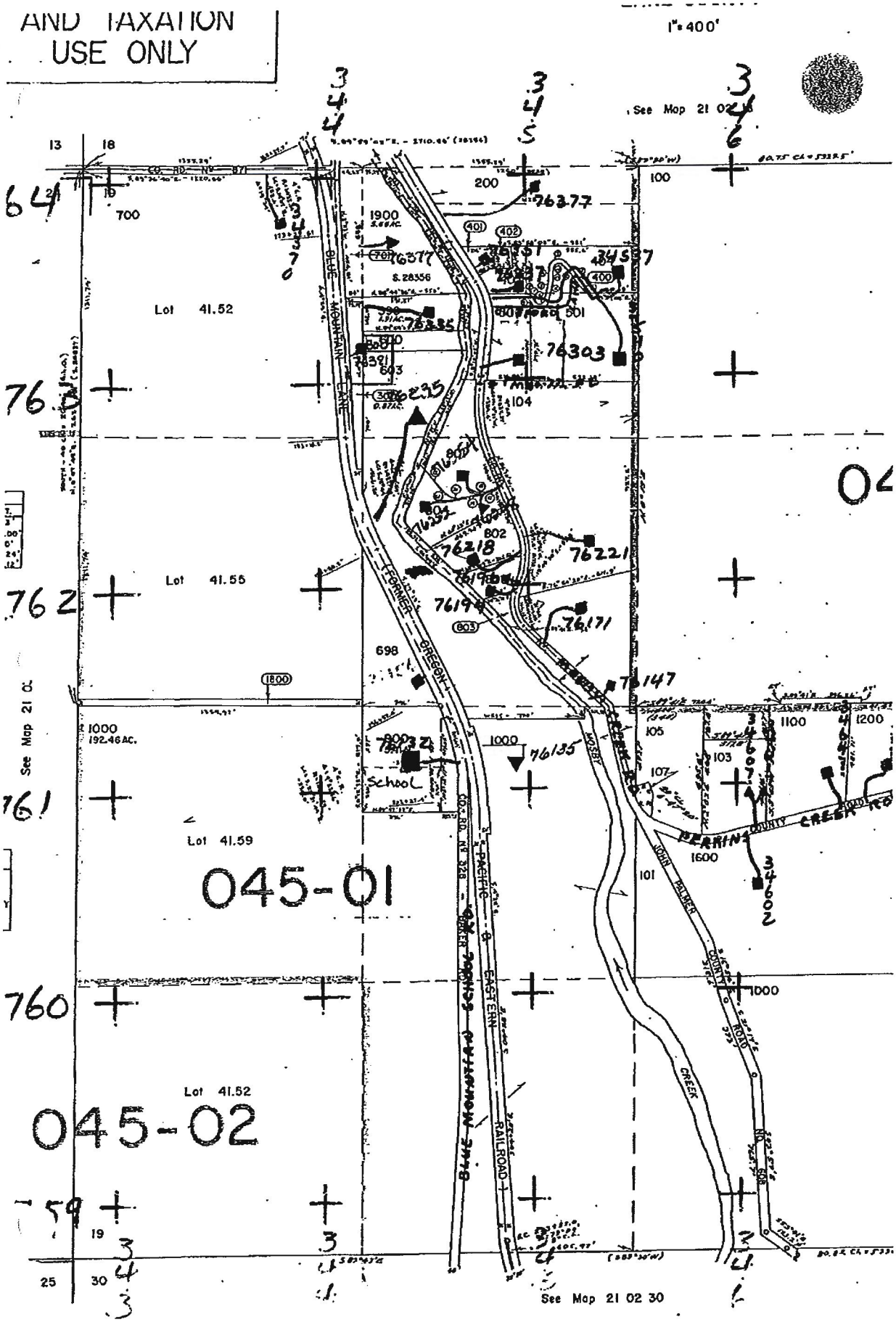
20. CPR Process. Lane Connty recognizes that the legislative process does not allow for time-consuming scrutiny of individual requests, yet the County also recognizes that there may be substantial merit to numerous CPR requests.
    a. After adoption of the Comprehensive Plan, all citizens who filed a CPR are to be advised in writing of the final action thereon.
    b. The County shall advise those who filed requests pursnant to the nonresource or marginal lands policies that they may request in writing further review of their request. Supplemental information may be submitted within 30 days of the date of the letter specified in 21(a) above. Commencing in May 1984, the Planning Commissions will review each request with the CPR information previously submitted. For those requests where all applicable criteria and supporting information were submitted, the Planning Commission will initiate a legislative plan amendment/zone change. All others will be advised to follow the quasi-judicial process if they desire a change in their land use designation.

21. Errors or Omissions. Between March 2, 1984 and December 31, 1984, citizens who identify an error in plan or zone designation, as set forth below, are entitled to the County initiating correction, either quasi-judicial or legislative, as appropriate.
    a. Identified plau designation/zone district application inconsistency.
    b. Identified failure of plan and zone to recognize existing use on Match 2, 1984.
    c. Identified failure to zone F-2, where maps used by staff to designate F-1 zone did uot display actual existing legal lots adjacent to the subject property, and had the actual parcelizatiou pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone.

22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "1B" option) shall be protected by Lane County through the applicatiou of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "siguificant" sites and after sufficient information is available regardiug the location, quality and quantity of the "significant" sites.

# EXHIBIT 16

AND TAXATION
USE ONLY



# EXHIBIT 17a

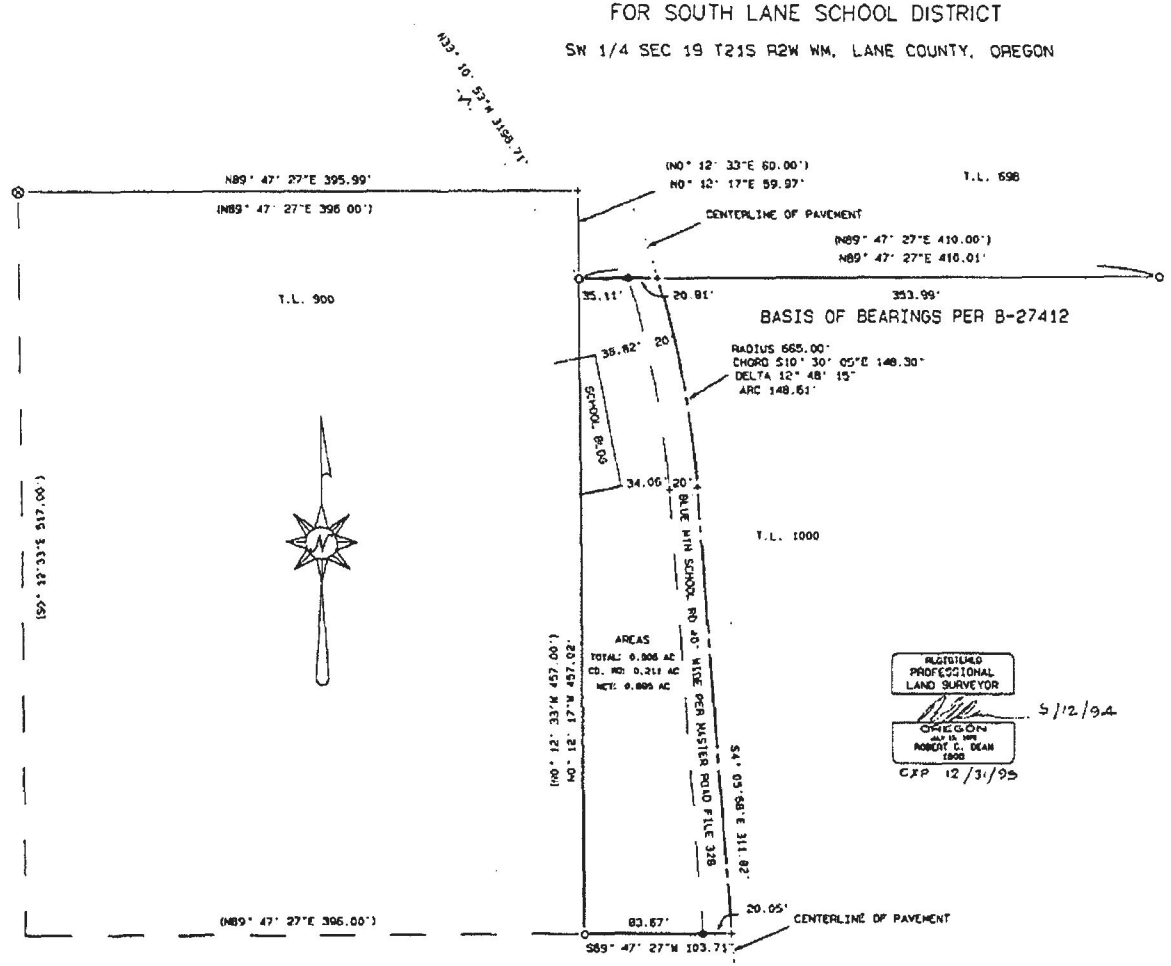
LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. 22051
FILING DATE 6-30-94 C

R3W 13 18 R2W 24 19 T21S

# RECORD OF SURVEY

## FOR SOUTH LANE SCHOOL DISTRICT

SW 1/4 SEC 19 T21S R2W WM, LANE COUNTY, OREGON




REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 15, 1975
ROBERT C. DEAN
1908
EXP 12/31/95
5/12/94

## LEGEND

- ● SET 5/8"X30" IRON REBAR STAMPED "LS 1908" ON TOP WITH AL CAP;
- ○ FOUND 5/8" IRON REBAR PER B-27412;
- \+ CALCULATED POINT NOT MARKED;
- ( ) RECORD PER B-27412;
- ⊗ FOUND 5/8" IRON REBAR PER B-27412 FROM WHICH: A 15"X15"X11" STONE LYING LOOSE WITH 4" X ON W. FACE (SEE B-16845) BEARS S87° 00'E 33.6';
- ⊙ FOUND BRASS CAP IN CONCRETE PER REEST #11200 FROM WHICH: FOUND 5/8" IRON RODS BEAR N7° 43'W 16.59' & S7° 38'E 20.18' FOUND STONE MARKED "W" BEARS N0° 07'E 15.9'; BRASS CAP SET 1/20/89 BY LANE COUNTY SURVEYOR'S OFFICE.

## NARRATIVE

**PURPOSE:** TO PREPARE A DESCRIPTION OF LAND LYING BETWEEN BLUE MOUNTAIN SCHOOL ROAD AND THE EAST LINE OF TAX LOT 900 AS SHOWN ON SURVEY B-27412.

**PROCEDURE:** A CLOSED LOOP TRAVERSE WAS RUN AROUND THE NEW PARCEL AND THROUGH MONUMENTS OF B-27412 USING TOPCON DMC2 EDM AND TOPCON TL60E ONE MINUTE THEODOLITE (6 REPETITIONS). CLOSURE 1:300,000 AFTER 17" ANGULAR BALANCE - NO OTHER ADJUSTMENTS. A CLOSED LOOP TRAVERSE WAS ALSO RUN TO TIE THE SECTION CORNER. CLOSURE 1:70,000 AFTER ZERO ANGULAR MISCLOSE - ADJUSTED BY COMPASS RULE.

**FINDINGS:** THE EAST/WEST CENTERLINE OF SECTION 19 WAS HELD PER SURVEY B-27412 WHICH IS IN CLOSE AGREEMENT WITH THE LOCATIONS OF OLD EAST/WEST FENCES AND STONES WHICH POSSIBLY WERE SET TO MEMORIALIZE MONUMENTS OF CS 740. MONUMENTS OF SURVEY B-27412 WERE HELD FOR NORTH/SOUTH LINES IN THE NEW DESCRIPTION. THE CENTERLINE OF BLUE MOUNTAIN SCHOOL ROAD IS THE CENTERLINE OF EXISTING PAVEMENT.

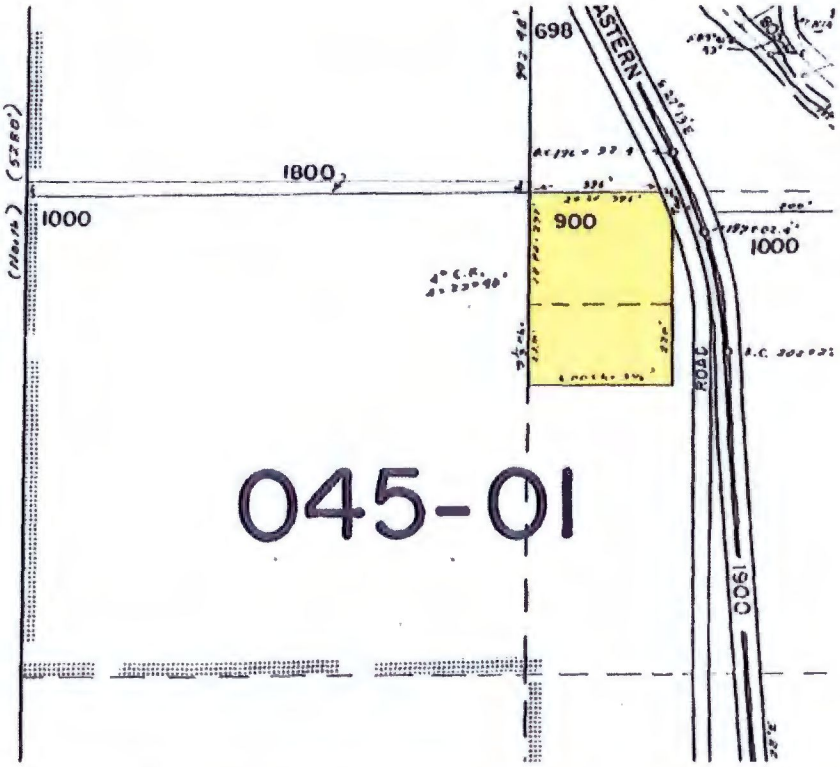
FEET
0 50 100 150 200
SCALE 1" : 50'

DATE OF SURVEY: APRIL 24, 1994

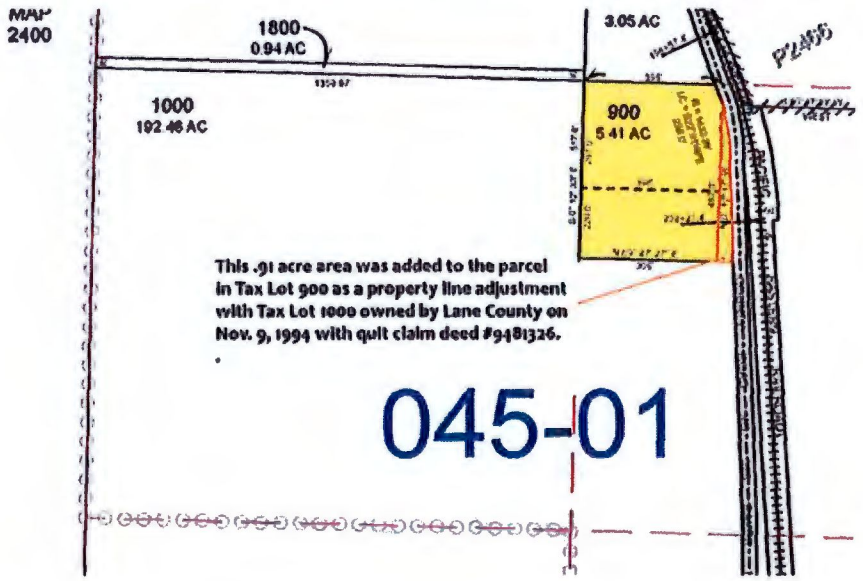

DEAN SURVEYING
7101 NE 74TH AVE, VANCOUVER, WA 98662

# EXHIBIT 17b

The following map shows the 1941 to 1994 configuration of Map 21-02-19 Tax Lot 900 that containing 4.5 acres.




In 1994, a property line adjustment was done between Map 21-02-19 Tax Lots 900 and 1000 that added .91 acres from Tax Lot 1000 to Tax Lot 900 and that enlarged Tax Lot 900 to 5.41 acres.




Prepared by James A. Mann LLC

# EXHIBIT 17c

# PARCEL RECORD - Cartographic Unit 934743



| Code Area | Township | Range | Section | 1/4 | 1/16 | Parcel Number | Type | Number |
|---|---|---|---|---|---|---|---|---|
| | 21 | 02 | 19 | 0 | 0 | 00900 | | |

Map Number

Tax Lot Number

Special Interest

Formerly part of

## History of Parcel Prior to Re-mapping

Previous Account Number #4007-E

Previous Tax Lot Number 21-02-19 900

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

26222-A OFFICE OF COUNTY ASSESSOR, LANE COUNTY, OREGON

| YEAR | TAX LOT No. | SECTION | TOWNSHIP | RANGE E or W | W. M. | DEED RECORD VOL. | DEED RECORD PAGE | ACRES REMAINING |
|---|---|---|---|---|---|---|---|---|
| | 7 | 19 | 21 S. | 2 | W. M. | 934 | 743 | |

| YEAR | BEARING | DISTANCE | BEARING REFERENCE OR LEGAL SUBDIVISION |
|---|---|---|---|
| 1941 | | | Begin at Northwest corner of Northeast quarter of Southwest quarter Section 19, Township 21 South, Range 2 West, WM, run |
| 1951 | South | 18.00 rds | thence |
| | East | 24.00 rds | thence |
| | North | 18.00 rds | thence |
| | West | 24.00 rds | to beginning. |
| | | | Containing more or less |
| | | | 415/253 |
| | | | 1.50 |
| 1960 | | | Beginning 18 rods South of the NW corner of the NE¼ of the SW¼ of Sec. 19, Twp. 21 South, Range 2 West of the WM. in Lane County, Oregon |
| 1994 wd | | | R-2021/9486019 |
| | East | 6 chains | thence |
| | South | 3 1/3 chs. | |
| | West | 6 chains | |
| | North | 3 1/3 ch.s | to the place of beginning, all in Lane County, Oregon. Contains more or less 2.00 |
| | | | Contains more or less |
| | | | 4.50 |

CANCELLED

Remarks

## History of Parcel

| Exceptions/Additions | Date of Entry/ Acquisition | Deed Record Volume | Deed Record Page | Acres Remaining |
|---|---|---|---|---|
| ALSO here from TL 1000 | 1995 qc | 2014 | 9481326 | 5.41 |
| by two deeds/New Descr | 1995 wd | 2021 | 9486019 | |
| | 2004 WD | 2003 | 107356 | |
| | 2006 BS | 2006 - | 067117 | |
| | 2010 DE | 2010 - | 01965 | |

150-303-050 (3-97)

BARGAIN AND SALE DEED BOOK 415 PAGE 253

THIS INDENTURE made this 30 day of March 1950, between the Lane County 4-H Leader's Association, a non-profit corporation organized under the laws of the State of Oregon, acting by and through Earl C. Jager, president, and Mrs. Jeanne Morton, secretary, Grantor, and School District No. 31, Lane County, Oregon, Grantee,

W I T N E S S E T H :

That the Grantor, in consideration of One Dollars ($1.00) lawful money of the United States of America and other good and valuable considerations, receipt of which is hereby acknowledged by the Grantor as paid by the Grantee to the said Grantor, does hereby grant and release and convey unto the Grantee, its heirs and assigns forever, all of the Grantors' right, title and interest in and to the following described real property, to-wit:

> Begin 18 rods south of the NW corner of the NE¼ of the SW¼ of Section 19, Township 21S, Range 2 West of the Willamette Meridian, in Lane County, Oregon; thence East 6 chains (24 rods) South 3 and 1/3 chains (13 and 1/3 rods) west 6 chains, North 3 and 1/3 chains to place of beginning, all in Lane County, Oregon and containing two acres, more or less.

together with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted to the Grantee herein, its heirs and assigns forever, and the Grantor covenants that the Grantor have not done or suffered any thing whereby the said premises have been encumbered in any way whatever.

IN WITNESS WHEREOF the Grantor have hereunto set their hand and seal this 30 day of March, 1950.

LANE COUNTY 4-H LEADERS ASSOCIATION,
a non-profit corporation organized
under the laws of the State of Oregon.
GRANTOR

By Earl C. Jager
PRESIDENT

Jeanne Morton
Secretary

BOOK 415 PAGE 254

STATE OF OREGON )
County of Lane ) ss.

Be it remembered that on this 30 day of March 1950, personally appeared before me the within named Earl C. Jager and Mrs. Jeanne Morton, to me personally known to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand this 30 day of March, 1950.

Notary Public for Oregon
My Commission Expires: Nov 3, 1953

State of Oregon,
County of Lane—ss.
I, Harry L. Chase, County Clerk and ex-officio Recorder of Conveyance, in and for said County, do hereby certify that the within instrument was received for record at

1950 MAR 20 AM 9 16

and
Recorded
In Book 415 on Page 253-4

Lane County D. R. E. D. Records.
HARRY L. CHASE, County Clerk.
By Marjorie Briggs Deputy.

Mtg. Rel'd
Rel. Book
1st Ent.

CORPORATE WARRANTY DEED 934743 21 02 19 00 00900 WFT 114067 50-6853
934750 22 02 19 60 01000

10
10
90

# 94860193

SOUTH LANE SCHOOL DISTRICT 4513

Grantor,

conveys and warrants to

DAVID EARL ROGERS and CAROL HILLEEN ROGERS, husband and wife, as tenants by the entirety

Grantee,

the following described real property situated in LANE County, OR

free of encumbrances except as specifically set forth herein, to-wit:

AS DESCRIBED ON ATTACHED EXHIBIT "A"

This conveyance is subject to and excepts: RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OF RECORD.

The true consideration for this conveyance is $ 150,000.00

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

Dated: 12/02/94

SOUTH LANE SCHOOL DISTRICT 4513

BY: _____ DIRECTOR OF BUDGET & FINANCE
JERRY JONES

0609DEC.15'94MORREC 10.00

0609DEC.15'94MOOPFUND 10.00

0609DEC.15'94MOGAT FUND 20.00

STATE OF OREGON )
) ss.
County of LANE )

This instrument was acknowledged before me on December 15, 1994 by JERRY JONES as DIRECTOR OF BUDGET AND FINANCE of SOUTH LANE SCHOOL DISTRICT 4513

OFFICIAL SEAL
LINDA L. SCHMALE
NOTARY PUBLIC - OREGON
COMMISSION NO. A04401
MY COMMISSION EXPIRES MAR. 1, 1998

Notary Public for Oregon
(My commission expires: )

Until a change is requested, all tax statements shall be sent to the following address:
76132 BLUE MOUNTAIN SCHOOL ROAD, COTTAGE GROVE, OR 97424

After Recording Return to:
Western Pioneer Title Co.
P.O. Box 10146
Eugene, OR 97440

WESTERN PIONEER TITLE CO. of Lane County

9481326

QUITCLAIM DEED

1°
10
2°

LANE COUNTY, a political subdivision of the State of Oregon, Grantor, hereby releases and quitclaims unto SOUTH LANE SCHOOL DISTRICT 4573, an Oregon School District, Grantee, the following described real property with tenements, hereditaments and appurtenances, to-wit:

See attached Exhibit "A" attached hereto and by this reference incorporated herein as if set out in full.

The true and actual consideration for this transfer is $650

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated November 9, 1994.

LANE COUNTY

Jerry Rust

Marie Frazier

Steve Cornacchia

Ellie Dimi

STATE OF OREGON )
) ss.
County of Lane )

9758 NOV 22 '94 HD4REC 10.00
9758 NOV 22 '94 HD4SFLND 10.00
9758 NOV 22 '94 HD6A&T FUND 20.00

On this 9th day of November, 1994, personally appeared the above named Jerry Rust, Marie Frazier, Steve Cornacchia, Ellie Dimi as members of the Board of Directors of Lane County, a Political Subdivision of the State of Oregon, and acknowledged the foregoing instrument to be their voluntary act and deed authorized by the Board. Before me:

OFFICIAL SEAL
SHARON I. GILES
NOTARY PUBLIC-OREGON
COMMISSION NO. 018750
MY COMMISSION EXPIRES MAY 31, 1996

Sharon I. Giles
Notary Public for Oregon
My Commission Expires: 5-31-96

Until a change is requested, all tax statements shall be sent to: South Lane School Dist.
P.O. Box 218
Cottage Grove, OR 97424

After recording return to: Gary R. Ackley
P.O. Box 725
Cottage Grove, OR 97424

9481326

EXHIBIT "A"

Real property lying within the Southwest Quarter of Section 19, Township 21 South, Range 2 West, Willamette Meridian, Lane County, Oregon and more particularly described as follows:

Beginning at the point marked with a 5/8" x 30" iron rod, set in the survey by the Lane County Surveyor's Office dated August 1985, designated corner "E" on the map of said survey filed in drawer B 27412 and recorded April 25, 1986 in the Lane county Survey(R)'s Office and from which point the Northwest corner of said Section 19 bears North 33° 10' 53" West 3,198.71 feet; thence running North 89° 47' 27" East 35.11 feet to a point marked with a 5/8" X 30" iron rod stamped "LS 1808" on top and from which point a 5/8" X 30" iron rod per said survey B 27412 bears North 89° 47' 27" East 374.90 feet; thence North 89° 47' 27" East 20.91 feet to a point on the centerline of the travelled way of Blue Mountain School Road, said point being a point on a 665.00 foot radius curve; thence, along said centerline, from a tangent bearing of South 16° 54' 13" East, along said curve to the right (the long chord of which bears South 10° 30' 05" East 148.30 feet), through a central angle of 12° 48' 15", an arc distance of 148.61 feet and South 4° 05' 58" East 311.82 feet to a point from which a 5/8" X 30" iron rod stamped "LS 1808" on top bears South 89° 47' 27" West 20.05 feet; thence, leaving said centerline, South 89° 47' 27" West 103.71 feet to the 5/8" X 30" iron rod designated corner "F" on said survey B 27412; thence North 0° 12' 17" West 457.02 feet to the Point of Beginning.

Containing 0.906 acres of land, more or less. Subject to the reservation of the rights of the public in 0.211 acres of land in a strip 20 feet wide, the Easterly line of which is the Easterly line of the above described real property, within the right of way of Blue Mountain School Road indexed in Master Road File 328 of Lane County road records and shown as 40 feet wide in said records.

9481326

State of Oregon,
County of Lane—ss.
I, the County Clerk for the said County do hereby certify that the within instrument was received for record at

2:17 3:48 PM

on the 2nd day of May 2014R

and recorded in book of

Lane County OFFICIAL Records

Lane County Clerk

By [signature] Deputy

01-000 DIVISION 1-12-95 DEC 19 1994 934743

CORPORATE WARRANTY DEED 934743, 21 02 19 00 00900
934750, 21 02 19 00 01000

WPI 114067 38-8813

10-
10-
70-

9486019 Voucher

SOUTH LANE SCHOOL DISTRICT 4513

01

, Grantor,

conveys and warrants to

DAVID EARL ROGERS and CAROL EILEEN ROGERS, husband and wife, as tenants by the entirety

, Grantee,

the following described real property situated in LANE County, OR
free of encumbrances except as specifically set forth herein, to-wit:

AS DESCRIBED ON ATTACHED EXHIBIT "A"

This conveyance is subject to and excepts: RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OF RECORD.

The true consideration for this conveyance is $ 150,000.00

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

Dated: 12/02/94 md

SOUTH LANE SCHOOL DISTRICT 4513

BY: _____ DIRECTOR OF BUDGET & FINANCE
JERRY JONES

DEC.15'94 #008REC 10.00

DEC.15'94 #008PFUND 10.00

DEC.15'94 #008A&T FUND 20.00

STATE OF OREGON , }
} ss.
County of LANE }

This instrument was acknowledged before me on December 15, 1994, by JERRY JONES as DIRECTOR OF BUDGET AND FINANCE of SOUTH LANE SCHOOL DISTRICT 4513

OFFICIAL SEAL
LINDA L SCHMALE
NOTARY PUBLIC - OREGON
COMMISSION NO. A038401
MY COMMISSION EXPIRES JUL 1, 1998

Notary Public for Oregon

My commission expires:

Until a change is requested all tax statements shall be sent to the following address:
76132 BLUE MOUNTAIN SCHOOL ROAD, COTTAGE GROVE, OR 97424 md

After Recording Return To:
Western Pioneer Title Co.
P.O. Box 10146
Eugene, OR 97440

WESTERN PIONEER TITLE CO. of Lane County

21 02 19 0 0 00900 rth

9486019

EXHIBIT "A"

PARCEL I:

Beginning at the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 297 feet; thence East 396 feet; thence North 297 feet; thence West 396 feet to the Point of Beginning, in Lane County, Oregon.

EXCEPTING any portion lying within the County Road.

PARCEL II:

Beginning at a point 297 feet South of the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 220 feet; thence East 396 feet; thence North 220 feet; thence West 396 feet to the Point of Beginning, in Lane County, Oregon.

PARCEL III: ALSO:

Real property lying within the Southwest Quarter of Section 19, Township 21 South, Range 2 West, Willamette Meridian, Lane County, Oregon, and more particularly described as follows:

Beginning at the point marked with a 5/8" x 30" iron rod, set in the survey by the Lane County Surveyor's Office dated August 1985, designated corner "E" on the map of said survey filed in Drawer B 27412 and recorded April 25, 1986, in the Lane County Surveyor's Office and from which point the Northwest corner of said Section 19 bears North 33° 10' 53" West 3,198.71 feet; thence running North 89° 47' 27" East 35.11 feet to a point marked with a 5/8" x 30" iron rod stamped "LS 1808" on top and from which point a 5/8" x 30" iron rod per said survey B 27412 bears North 89° 47' 27" East 374.90 feet; thence North 89° 47' 27" East 20.91 feet to a point on the centerline of the travelled way of Blue Mountain School Road, said point being a point on a 665.00 foot radius curve; thence along said centerline, from a tangent bearing of South 16° 54' 13" East, along said curve to the right (the long chord of which bears South 10° 30' 05" East 148.30 feet) through a central angle of 12° 48' 15", an arc distance of 148.61 feet and South 4° 05' 58" East 311.02 feet to a point from which a 5/8" x 30" iron rod stamped "LS 1808" on top bears South 89° 47' 27" West 20.05 feet; thence leaving said centerline, South 89° 47' 27" West 103.71 feet to the 5/8" x 30" iron rod designated corner "F" on said survey B 27412; thence North 0° 12' 17" West 457.02 feet to the Point of Beginning, in Lane County, Oregon.

State of Oregon,
County of Lane—ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

15 DEC 94 3:25

Rec 2021R

Lane County OFFICIAL Records.
Lane County Clerk

By: _____ County Clerk

21 02 19 0 0 00900

card 2 of 2

After Recording Return To
First American Title
PO Box 10146
Eugene, OR 97440

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Blue Mountain School Foundation, Inc.
P.O. Box 907
Cottage Grove, OR 97424

Until a change is requested all tax statements shall be sent to the following address:
Blue Mountain School Foundation, Inc.
P.O. Box 907
Cottage Grove, OR 97424

File No.: 7191-857381 (tam)
Date: September 13, 2006

934743 & 1727070/2102190000900

Division of Chief Deputy Clerk
Lane County Deeds and Records
2006-067117
$36.00
00843991200600671170030034
09/14/2006 01:41:28 PM
RPR-DEED Cnt=1 Stn=4 CASHIER 02
$15.00 $11.00 $10.00

# STATUTORY BARGAIN AND SALE DEED

**Blue Mountain School Foundation, Inc., an Oregon Corporation, who acquired title as The Blue Mountain School, Inc.**, Grantor, conveys to **Blue Mountain School Foundation, Inc., an Oregon Corporation**, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **$to correct vesting for new loan.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 14 day of September, 20 06.

Bryan Dickson, President

Lesley Stine, Treasurer

STATE OF Oregon )
)ss.
County of Lane )

This instrument was acknowledged before me on this 14 day of Septemer, 20 06 by Bryan Dickson and Lesley Stine as President and Treasurer of Blue Mountain School Foundation, Inc., on behalf of the corporation.

Notary Public for Oregon
My commission expires: 7/17/2009

OFFICIAL SEAL
TAMARA A MC KINNEY
NOTARY PUBLIC – OREGON
COMMISSION NO. 394944
MY COMMISSION EXPIRES JULY 17, 2009

## EXHIBIT A

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 297 FEET; THENCE EAST 396 FEET; THENCE NORTH 297 FEET; THENCE WEST 396 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

EXCEPTING ANY PORTION LYING WITHIN THE COUNTY ROAD.

PARCEL II:

BEGINNING AT A POINT 297 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 220 FEET; THENCE EAST 396 FEET; THENCE NORTH 220 FEET; THENCE WEST 396 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

PARCEL III:

REAL PROPERTY LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, LANE COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT MARKED WITH A 5/8" X 30" IRON ROD, SET IN THE SURVEY BY THE LANE COUNTY SURVEYOR'S OFFICE DATED AUGUST 1985, DESIGNATED CORNER "E" ON THE MAP OF SAID SURVEY FILED IN DRAWER B 27412 AND RECORDED APRIL 25, 1986, IN THE LANE COUNTY SURVEYOR'S OFFICE AND FROM WHICH POINT THE NORTHWEST CORNER OF SAID SECTION 19 BEARS NORTH 33° 10' 53" WEST 3,198.71 FEET; THENCE RUNNING NORTH 89° 47' 27" EAST 35.11 FEET TO A POINT MARKED WITH A 5/8" X 30" IRON ROD STAMPED "LS 1808" ON TOP AND FROM WHICH POINT A 5/8" X 30" IRON ROD PER SAID SURVEY B 27412 BEARS NORTH 89° 47' 27" EAST 374.90 FEET; THENCE NORTH 89° 47' 27" EAST 20.91 FEET TO A POINT ON THE CENTERLINE OF THE TRAVELLED WAY OF BLUE MOUNTAIN SCHOOL ROAD, SAID POINT BEING A POINT ON A 665.00 FOOT RADIUS CURVE; THENCE ALONG SAID CENTERLINE, FROM A TANGENT BEARING A SOUTH 16° 54' 13" EAST, ALONG SAID CURVE TO THE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 10° 30' 05" EAST 148.30 FEET) THROUGH A CENTRAL ANGLE OF 12° 48' 15", AN ARC DISTANCE OF 148.61 FEET AND SOUTH 4° 05' 58" EAST 311.82 FEET TO A POINT FROM WHICH A 5/8" X 30" IRON ROD STAMPED "LS 1808" ON TOP BEARS SOUTH 89° 47' 27" WEST 20.05 FEET; THENCE LEAVING SAID CENTERLINE, SOUTH 89° 47' 27" WEST 103.71 FEET TO THE 5/8" X 30" IRON ROD DESIGNATED CORNER "F" ON SAID SURVEY B 27412; THENCE NORTH 0° 12' 17" WEST 457.02 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

Division of Chief Deputy Clerk
Lane County Deeds and Records
2010-019615
$62.00
01145051201000196150030051
04/26/2010 10:52:01 AM
RPR-DEED Cnt=1 Stn=15 CASHIER 05
$25.00 $11.00 $16.00 $10.00

After recording return to:
Hershner Hunter, LLP
Attn: Patrick W. Wade
PO Box 1475
Eugene OR 97440

UNTIL A CHANGE IS REQUESTED,
TAX STATEMENT SHOULD BE SENT
TO:
Siuslaw Bank
P O Box 11529
Eugene, OR 97440

# DEED IN LIEU OF FORECLOSURE

BLUE MOUNTAIN SCHOOL FOUNDATION, INC., an Oregon non-profit corporation, which took title as Blue Mountain School, Inc., Grantor, conveys and warrants to Siuslaw Bank, Grantee, all of Grantor's interests in the real property described below, free of encumbrances except as set forth on the attached Exhibit B (hereinafter the Property).

Legal Description: See Exhibit A

Property Address: 76132 Blue Mountain School Road, Cottage Grove, OR

Consideration: The true consideration for this conveyance is Grantee's covenants (described in paragraph 6 below) with respect to collection of indebtedness secured by the trust deed(s) described in paragraph 3 below.

Grantor covenants that:

1. This deed is absolute in effect and conveys fee simple title to the Property to Grantee, and conveys, transfers and assigns to Grantee any and all rights to possession of the Property and any other rights associated with or appurtenant to the Property, and does not operate as a mortgage, trust conveyance or security of any kind.

2. Grantor is the owner of the Property free of all encumbrances except as set forth on the attached Exhibit B.

3. Grantor is in default under the trust deed(s) set forth on the attached Exhibit B as exceptions 11 and 14. Grantor hereby waives, surrenders, conveys and relinquishes any equity of redemption and any statutory rights of redemption concerning the Property and the said trust deed(s). Grantee may retain all payments previously made on the secured debt without any duty to provide an accounting.

4. Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence or misrepresentation of Grantee, Grantee's agents or attorneys, or any other person.

5. This deed does not effect a merger of the fee simple ownership and the lien(s) of the trust deed(s) described in paragraph 3 above. The fee and the lien(s) of such trust deed(s) shall hereafter remain separate and distinct until Grantee merges those interests by a separate instrument.

6. By acceptance of this deed, Grantee covenants and agrees that it shall forever forbear taking any action whatsoever to collect against Grantor on the promissory note secured by the trust deed(s) described in paragraph 3 above, other than by foreclosure of such trust deed(s), and that in any proceeding to foreclose such trust deed(s), Grantee shall not seek, obtain or permit a deficiency judgment against Grantor, Grantor's assigns or successors, nor against any other person who has guarantied the indebtedness secured by the trust deed(s) described in paragraph 3 above, such remedies and rights being hereby waived. Grantee shall have accepted this deed only if Grantee has caused this deed to be recorded. Other than set forth in this paragraph, the debt secured by the trust deed(s) is not satisfied or forgiven.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301

AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 1st day of April, ~~2009~~ 2010

BLUE MOUNTAIN SCHOOL FOUNDATION, INC.

By: _____
President

STATE OF OREGON )
) ss.
COUNTY OF Lane )

The foregoing instrument was acknowledged before me this 1st day of April, 2010, by Uyen-Thi Thi Nguyen (Therese) as President of Blue Mountain School Foundation, Inc.

_____
Notary Public for Oregon
My commission expires: 10-7-2011

OFFICIAL SEAL
LACEY B TEAGUE
NOTARY PUBLIC - OREGON
COMMISSION NO. A420627
MY COMMISSION EXPIRES OCTOBER 7, 2011

PROPERTY DESCRIPTION

PARCEL 1:

Beginning at the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 297 feet; thence East 396 feet; thence North 297 feet; thence West 396 feet to the point of beginning, in Lane County, Oregon;

EXCEPTING any portion lying within the County Road, in Lane County, Oregon.

PARCEL 2:

Beginning at a point 297 feet South of the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 19, Township 21 South, Range 2 West of the Willamette Meridian; thence South 220 feet; thence East 396 feet; thence North 220 feet; thence West 396 feet to the point of beginning, in Lane County, Oregon.

PARCEL 3:

Real property lying within the Southwest quarter of Section 19, Township 21 South, Range 2 West, Willamette Meridian, Lane County, Oregon, and more particularly described as follows: Beginning at a point marked with a 5/8" X 30" iron rod, set in the Survey by the Lane County Surveyor's Office dated August 1985, designated corner "E" on the map of said Survey Filed in Drawer B 27412 and recorded April 25, 1986 in the Lane County Surveyor's Office and from which point the Northwest corner of said Section 19 bears North 33° 10' 53" West 3,198.71 feet; thence running North 89° 47' 27" East 35.11 feet to a point marked with a 5/8" X 30" iron rod Stamped "LS 1808" on top and from which point a 5/8" X 30" iron rod per said Survey B 27412 bears North 89° 47' 27" East 114.90 feet; thence North 89° 47' 27" East 20.91 feet to a point on the centerline of the traveled way of Blue Mountain School Road, said point being a point on a 665.00 foot radius curve; thence along said centerline, from a tangent bearing a South 16° 54' 13" East, along said curve to the right (the long chord of which bears South 10° 30' 05" East 148.30 feet) through a central angle of 12° 48' 15", an arc distance of 148.61 feet and South 4° 05' 58" East 311.82 feet to a point from which a 5/8" X 30" iron rod Stamped "LS 1808" on top bears South 89° 47' 27" West 20.05 feet; thence leaving said centerline, South 89° 47' 27" West 103.71 feet to the 5/8" X 30" iron rod designed corner "F" on said survey B 27412; thence North 0° 12' 17" West 457.02 feet to the point of beginning, in Lane County, Oregon;

Subject to the reservation of the rights of the public in 0.211 acres of land in a strip 20 feet wide, the Easterly line of which is the Easterly line of the above described real property, within the right of way of Blue Mountain School Road indexed in Master Road File 328, of Lane County Road Records and shown as 40 feet wide in said records, in Lane County, Oregon.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIAL EXCEPTIONS:

6. Taxes, Account No. 1727070, Assessor's Map No. 21 02 19, #900, Code 45-02, 2008-2009, a balance due of $6.21. (Tax was $144.06)
2009-2010, a balance due of $119.95, BOTH DUE PLUS INTEREST.
Taxes, Account No. 0934743, Assessor's Map No. 21 02 19, #900, Code 45-01, 2008-2009, a balance due of $2.25. (Tax was $57.92)
2009-2010, a balance due of $59.86, BOTH DUE PLUS INTEREST.
Taxes, Account No. 4133656, Assessor's Map No. 21 02 19, #900, Code 45-01, 2009-2010, a balance due of $270.22. (Tax was $405.34)

7. Rights of the public in and to that portion lying within streets, roads and highways.

8. Agreement, including the terms and provisions thereof, as set forth in instrument recorded May 15, 1947, in Book 348, Page 353, Lane County Oregon Deed Records.

9. Easement, including the terms and provisions thereof, as set forth in instrument recorded October 27, 1954, Reception No. 41275, Lane County Oregon Deed Records.

10. Reciprocal Easement Agreement, including the terms and provisions thereof, as set forth in instrument recorded November 25, 1994, Reception No. 9481983, Lane County Official Records.

11. Deed of Trust, including the terms and provisions thereof, executed by The Blue Mountain School, Inc., Grantor, to Western Pioneer Title Company, Trustee, for the benefit of Siuslaw Bank, Eugene Branch, Beneficiary, dated October 31, 2003, recorded October 31, 2003, Reception No. 2003-107357, Lane County Official Records, to secure payment of a note in the amount of $173,000.00.

12. Assignment of Leases and Rents, including the terms and provisions thereof, from The Blue Mountain School, Inc., to Siuslaw Bank, Eugene Branch, dated October 31, 2003, recorded October 31, 2003, Reception No. 2003-107358, Lane County Official Records.

13. Financing Statement recorded October 31, 2003, Reception No. 2003-107359, Lane County Official Records, lists The Blue Mountain School, Inc., as Debtor, and Siuslaw Bank, Eugene Branch, as Creditor, with security information obtainable from creditor.

14. Deed of Trust (Line of Credit), including the terms and provisions thereof, executed by Blue Mountain School Foundation, Inc., Grantor, to First American Title Insurance Company, Trustee, for the benefit of Siuslaw Bank, Beneficiary, dated September 7, 2006, recorded September 14, 2006, Reception No. 2006-067118, Lane County Official Records, to secure payment of a note in the amount of $210,302.79.

15. Assignment of rents due or to become due and accruing from said property, including the terms and provisions thereof, from Blue Mountain School Foundation, Inc., to Siuslaw Bank, dated September 7, 2006, recorded September 14, 2006, Reception No. 2006-067119, Lane County Official Records.

16. Financing Statement recorded September 14, 2006, Reception No. 2006-067120, Lane County Official Records, lists Blue Mountain School Foundation, Inc., as Debtor, and Siuslaw Bank, as Creditor, with security information obtainable from creditor.

# EXHIBIT 18

21.02-19.00-00980
School Dist 45J

REC'D SEP 11 2003

September 5, 2003

Dave White
Land Management Division
Public Works Department
125 East 8th Avenue
Eugene, OR 97401

Dear Dave,

I wanted to thank you for taking time to talk with me, Mark Oyer and Jim Belknap about Blue Mountain School on July 18th.

I also wanted to go over our understanding of the main points of that conversation. Our discussion was in reference to Roger McGuckin's letter of December 15, 1998, a copy of which is included.

The main points we discussed were:

1. Bathroom upgrades to ADA status. Currently the campus has 4 toilets in the main building (two in a "girls" bathroom and two in a "boys" bathroom), one in the "lounge/cafeteria" building, and one in the "quiet room." You indicated that if we followed our plan to convert each of the main building bathrooms into ADA accessible bathrooms with <u>one</u> toilet stall each, then this would be a sufficient number of ADA accessible bathrooms for our site, and it would not also be necessary to upgrade the toilets in the other buildings to ADA accessible standards.
   In addition, this would bring the total number of toilets from 6 to 4. You indicated a need for one toilet for each 35 occupants. Given that our enrollment has been between 55 and 80 we would still have a sufficient number of toilets.
2. Main exit (east exit of main building). The width of this exit (36 inches) is sufficient for fire purposes taking into account the 4 west exits to this building.
3. The cafeteria building: Although the relative siting of the main building and the cafeteria building requires considering them as one building, the construction of this building (wood frame construction for the cafeteria building) is appropriate for the uses we intend (classroom/general use for the main building and classroom/cafeteria use for the other building). It isn't necessary for us to build a 2 hour seperation wall between the buildings. It *is* necessary to install a type 1 hood if the kitchen in the cafeteria building is to be used for cooking.
   In addition, in that building ADA access through the west entrance may or may not be sufficient. If the entrance wasn't through a kitchen it probably *would* be sufficient.
4. It is possible to apply for a permit to convert the mobile home on the site into school use, but this is likely to involve at least various construction issues, and

dealing with the fact that it is situated too close to the main building.

Summarizing, we believe that the work that remains for us to do to bring the main building and lounge up to code is

- upgrade bathrooms in main building to ADA compliant one-stall bathrooms.
- Install a type 1 hood over the cooking area in the kitchen.
- Possibly provide the cafeteria building with an ADA compliant entrance that isn't through the kitchen.

Our hope for the other buildings is to replace them with appropriate, and permitted, structures.

If it is possible for you to confirm our understanding of the situation by mail, we would greatly appreciate it.

yours, Hal Sadofsky
Secretary, Blue Mountain School Assembly
Blue Mountain School
PO Box 907
Cottage Grove, Oregon, 97424

Hal Sadofsky

-TRS-

# LANE COUNTY
# PERMIT

**Permit No: BP061323**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: APPROVED

Applied: 08/21/2006
Approved: 09/19/2006
Issued:
Expiration: 03/14/2007

Parcel No: **21-02-19-00-00900**

| | | Phones: |
|---|---|---|
| Applicant: | HEMSOTH SCOTT | 541-461-4821 |
| Owner: | BLUE MOUNTAIN SCHOOL FOUNDATION INC | 942-7764 |
| Contractor: | COMMERCIAL AIR INC | 541-461-4821 |

Description of Work:
INSTALL ONE 57,600 BTU COOLING UNIT WITH 54,400 BTU HEATING UNIT FOR THE FOUR NEW CLASSROOMS AND FOR THE EXISTING ART ROOM. THE MECHANICAL UNIT TO BE PLACED ON THE BREEZEWAY ROOF. (SEE BP050716)

**********

| | |
|---|---|
| Total Permit Fees ..: | $114.16 |
| Total Payments .....: | $69.51 |
| Balance Due .....: | $44.65 |

**********

Occupancy: E; Construction Type: V-B; Use: BP05-0716 FOR CLASSROOM ADDITIONS; Area: 4784 sf

*Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.*

Building Official (or approved delegee): Date: 09/19/2006

**CALL 682-4065 TO REQUEST AN INSPECTION**

Failure to secure an inspection within 180 days of the date issued -or- if the inpections lapse more than 180 days, prior to receiving final approval to occupy the structure, will cause your permit to expire by limit. A new permit will then be required.

left msg
9 19 06
SGP

TRS

# LANE COUNTY ELECTRICAL PERMIT

Permit No: EL061201

Type: Electrical Permit
Sub-Type: Branch Circuits

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: ISSUED

Applied: 08/04/2006 Approved: 08/04/2006
Issued: 08/04/2006 Expiration: 01/31/2007

Parcel No: 21-02-19-00-00900

Applicant: DAVID A WHITE
Contractor: DAVID A WHITE Phone: 541-942-7040
Owner: BLUE MOUNTAIN SCHOOL FOUNDATION INC Phone:

Description of Work: BRANCH CIRCUITS & SERVICE FEEDER FOR BP05-0716
Directions to site: SEE 1720

| | | |
|---|---|---|
| Residential per unit service: | | |
| 1,000 sf or less: | 0 | $0.00 |
| Each add. 500 sf: | 0 | $0.00 |
| Limited Energy: | 0 | $0.00 |
| Manuf/Mod. Home: | 0 | $0.00 |
| Services/Feeders: | | |
| 200 amps or less: | 1 | $88.00 |
| 201-400 amps: | 0 | $0.00 |
| 401-600 amps: | 0 | $0.00 |
| 601-1,000 amps: | 0 | $0.00 |
| Over 1,000 amps: | 0 | $0.00 |
| Reconnect Only: | 0 | $0.00 |
| Temporary Services/Feeders: | | |
| Up to 200 amps: | 0 | $0.00 |
| 201-400 amps: | 0 | $0.00 |
| Over 400-600 amps: | 0 | $0.00 |
| Branch Circuits: | | |
| W/Service/Feeder: | 8 | $32.00 |
| w/o Serv/Feeder 1st: | 0 | $0.00 |
| each additional: | 0 | $0.00 |

| | | |
|---|---|---|
| Miscellaneous (servie/feeder not included): | | |
| Pump/Irrigation Circle: | 0 | $0.00 |
| Sign/Outline Lighting: | 0 | $0.00 |
| Signal Circ/Ltd Energy: | 0 | $0.00 |
| Additional Inspections: | 0 | $0.00 |
| Other Electrical Fees: | | $0.00 |
| Total Electrical Fees: | | $120.00 |
| State Surcharge: | | $9.60 |
| Plan Review Fee: | | $0.00 |
| Additional Plan Review: | | $0.00 |
| Long Range Planning Fees: | | $9.00 |
| Administration Fee: | | $18.00 |
| New Technology Fee: | | $10.00 |
| Compliance Fee: | | $0.00 |
| Special Adjustment Fee: | | $0.00 |
| **Total Fee:** | | **$166.60** |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

## CALL 541-682-4065 FOR INSPECTIONS

Failure to secure an inspection within 180 days of the date issued -or- if the inpections lapse more than 80 days, prior to receiving final approval for the installation, will cause your permit to expire by limit. A new permit will then be required.

# LANE COUNTY PERMIT FOR:

PERMIT NO: 1561-76

CONSTRUCTION [x] MOBILE HOME [ ] PLAN REVIEW [ ] CHANGE OF OCCUPANCY [ ]

□ Owner South Lane School Dist. #45 J 3 (NAME) 103 S. 5th, Cottage Grove (ADDRESS, CITY) 97424 (ZIP CODE) 942-3381 (PHONE)

□ Contractor _____ (NAME) _____ (ADDRESS) _____ (CITY) _____ (ZIP CODE) _____ (PHONE)

O.S. Reg. # _____

Twp 21 Range 02 Section 19 Tax Lot 900 Code 45-01 Census Tract _____

Subdivision _____ Lot _____ Block _____ Acreage _____ Width _____

Access to Property (Road Name): Blue Mountain Road Depth _____

Existing Structures on Property: School House (Blue Mountain School)

Directions to Property - Address: _____

| STRUCTURE (# BEDROOMS) | SQ. FT. | | VALUATION |
|---|---|---|---|
| Pier Footings, Portable Class rooms | | Est Value | $300.00 |
| (Footings plan same as present location) ---Blue Mountain School) | | | |

SEWAGE DISPOSAL:
PUBLIC [ ] SEPTIC TANK [ ] OTHER [ ]

PLUMBING INSTALLED BY:
OWNER [ ] OTHER [ ] NAME _____

| | |
|---|---|
| BLDING | $5.00 |
| PLUMBING | 4.00 |
| 3% SURCHARGE | .27 |
| MOBILE HOME | |
| WASTE DISPOSAL | |
| PLAN REVIEW | 5.00 |
| TOTAL | $14.27 |

WATER SUPPLY: PROPOSED [ ]
EXISTING [ ]
[ ] PUBLIC
[ ] COMMUNITY - NAME: _____
[x] PRIVATE WELL
[ ] OTHER - SPECIFY: _____

## CONSTRUCTION PERMITS & INSPECTIONS AND WATER POLLUTION CONTROL SPECIFICATIONS

MIN. SEPTIC TANK CAPACITY:
GALS. _____ MIN. DRAINFIELD _____ LIN. FT. MAX. TRENCH DEPTH _____ INCHES
No part of new building to be within 10' of existing drainfield.

(prefab) STAY 100' FROM ALL WELLS

TYPE OF CONSTRUCTION 5N GROUP C-1 FIRE ZONE 3 USE CLASSIF. School
All notes on approved plans to be included in construction.

SETBACKS - FT. FROM CTR. OF r/W:
FRONT n/a SIDE EXT. _____

FT. FROM PROP. LINE:
SIDE INT. _____ REAR _____ ZONE None

AUTHORIZED SIGNATURES: ISSUANCE DATE:

/s/ J. S. Smeed/ Stan Honn McKay/Shook 7-15076 sh

LDG. PERMIT — WHITE
OFFICE COPY — WHITE
COUNTY TAX — PINK
PLUMBING — CANARY
BUILDING — GREEN
SANITATION — GOLDENROD

IMPORTANT: Call 687-4065 to schedule all required construction inspections. Call 687-4061 to schedule all required septic system inspections. All construction shall comply with the State Building Code, D.E.Q. standards for subsurface sewage disposal and the State Plumbing Code. All buildings require a certificate of occupancy before being occupied.

(See Details on Reverse Side)

**(POST THIS PERMIT ON MAIN BLDG. AT SITE)**

LANE COUNTY, DEPT. OF ENVIRONMENTAL MANAGEMENT
COURTHOUSE ANNEX, 135 EAST 6th, EUGENE, OREGON 97401

C55-13

SITE EVALUATION JMC/JSS

BUILDING PERMIT APPLICATION NO. 1561-76

T 21 R 02 S 19 TAX LOT 1900

SUBDIVISION: LOT: BLOCK:

( ) SITE INSPECTION

APPLICANT SOUTH LANE DIST 45J3

DATE 6/28/76

**PLANNING DIVISION**

| | Not Applicable | No | Yes |
|---|---|---|---|
| 1. Zoning Ordinance Compliance: Zone NONE | ( ) | ( ) | ( ) |
| 2. Subdivision Ordinance Compliance | ( ) | ( ) | ( ) |
| 3. Required Access | ( ) | ( ) | ( ) |
| 4. Building Site (Area, Width, Frontage) | ( ) | ( ) | ( ) |
| 5. Other (see comments) | ( ) | ( ) | ( ) |

CK'D BY: KET 6-30-76

6. Setbacks from c/l of road:
   - Front
   - Side Exterior

   Setbacks from interior lines:
   - Side
   - Rear

COMMENTS:

PLANNING DIVISION ACTION PENDING: YES( ) NO( ) APPLICATION#

**BUILDING INSPECTION DIVISION**

| | Not Applicable | No | Yes |
|---|---|---|---|
| 7. Plans Submitted | ( ) | ( ) | (X) |
| 8. Soil Stability (footings) | ( ) | ( ) | ( ) |
| 9. Flood Plain | ( ) | ( ) | ( ) |
| 10. Other (see comments) | ( ) | ( ) | ( ) |

CK'D BY: Shurtleff 7/14/76 DATE

COMMENTS:

**WATER POLUTION CONTROL**

| | Not Applicable | No | Yes |
|---|---|---|---|
| 11. Meets Department of Environmental Quality Standards. | (X) | ( ) | ( ) |
| 12. Other (see comments) | ( ) | ( ) | ( ) |

CK'D BY: 7-6-76 DATE

COMMENTS:

TO APPLICANT:

Your Building / Site Inspection:

(X) Can be approved.

( ) Cannot be approved at this time as indicated on item NO. above. Questions and further information on items 1 through 6 contact the LANE COUNTY PLANNING DIVISION. Questions and further information on items 7 through 12 contact the LANE COUNTY BUILDING AND SANITATION DIVISION.

( ) Will be held in this office until you can resolve the problems indicated.

( ) Is being returned.

( ) Your building permit application fee is being returned under separate cover.

7-15-76

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
135 Sixth Avenue East Eugene Oregon 97401
PHONE: 687-4065
LANE COUNTY PLANNING DIVISION PHONE: 687-4186

C55-28

PERMIT 145 6-76

NOTE: NO PERMIT WILL BE ISSUED UNTIL THIS APPLICATION HAS BEEN APPROVED

APPLICATION FOR:

CONSTRUCTION [X] MOBILE HOME [ ] PLAN REVIEW [ ] CHANGE OF OCCUPANCY [ ]

[X] OWNER South Lane School Dist 45 J3 / 03 S 5th 9483381
Name Address City Zip Phone

[ ] CONTRACTOR SAME Cottage Grove, OR
Name Address City Zip Phone

O.S. REG. #

Twp. 21 Range 02 Section 19 Tax Lot 900 Code 15.01 Census Tract

Subdivision Lot Block Property Acreage Width Depth

ACCESS TO PROPERTY (Road Name) Blue Mt Road

Existing Structures on Property: School House BLUE MOUNTAIN SCHOOL

Property Location - Address/Directions:

Below for Office Use Only

Sq. Ft. Bedrooms Valuation

Pier Footings, Portable Class Rooms
Est. 300.00
(Footings Plan Same as Present Location)
AT BLUE MOUNTAIN SCHOOL

AGE DISPOSAL:
ce Inspection # Existing Sewage Disposal System [ ] or New System Required [ ]

WATER SUPPLY: Existing
Well: [X] Spring Other Public [ ] Community [ ] Name of Community or Public System

FEES:
Bldg. 5.00
Plumbing 4.00
3% Surcharge .27
Waste Disp.
Plan Review 5.00
Mobile Home
TOTAL $14.27

PLUMBING: Installed by Owner [X] Other [ ] Name
PLUMBING FEES: 2 # of Fixtures
Sewage Connection 2.00 Water Connection 2.00

PLANS FURNISHED [X] YES [ ] NO
FACILITY PERMIT [ ] YES [X] NO 942-4211 942-6142 HANK

[ ] CASH [X] CHECK

Signature of Applicant: Donald E Hank
Fee Received By: WM/OK Date: 6/28/76

Min. Septic Tank Capacity Drainfield Required - Lineal Feet Maximum Depth
No part of new building to be within 10' of existing drainfield

DRAWER 2

Type of Construction 5N(1EFAS) Group C-1 Fire Zone 3 Use Classification SCHOOL
ALL NOTES ON APPROVED PLANS TO BE INCLUDED IN CONSTRUCTION

Setbacks - from Center of Road Right of Way:
Front N/A Side Int. Side Exterior Rear Zone NONE

PLANNING: RET 6-30-76 DATE: SANITATION: McKay Shook 7-6-76 DATE: BUILDING: J.S. Sweed by Stauffer DATE: 7/14/76

C56-12 LANE COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

TRS, TL 21-02-19 TL900 JOB LOCATION 76152 BLUE MOUNTAIN SCHOOL RD COTTAGE GROVE PERMIT # 3253

# LANE COUNTY PERMIT

Acreage or Lot Size _____ Partitioning #_____ ( ) Completed Subdivision _____
Contractor's O.S. # _____ Lot_____ Block_____

APPLICANT'S NAME AND ADDRESS SOUTH LANE SCHOOL DIST #45 J-3 Phone 942-3381
OWNER'S NAME AND ADDRESS SAME Phone
CONTRACTOR'S NAME AND ADDRESS Phone
Mail permit to (X) Applicant ( ) Owner ( ) Contractor. ( ) Prefer to pick up. Call _____ (owner, etc.) when ready.

STRUCTURES NOW ON THE PROPERTY BLUE MOUNTAIN SCHOOL
THIS PERMIT IS FOR 1 BATH 2 PLUMBING FIXTURES # BEDROOMS ___ # PLUMBING CONNECTIONS 3
WATER SUPPLY EXISTING SEWAGE DISPOSAL EXISTING S.I. # _____

THIS PROPERTY IS WITHIN ONE MILE OF THE CITY OF _____ PLUMBING BY _____

I hereby certify that the above statements are true and accurate, and that I have the following legal interest in the property: ____owner of record; ____contract purchaser; ____ potential buyer; ____ realtor or agent. I further certify that (if not the owner) I am authorized to act for the owner of record, and that said owner is aware and approves of this action. I hereby agree to comply with all applicable Codes relating to this permit.

Fee Paid $ 185.00 Check Signature X M. Mabe Hand Date 9-16-77

( ) NEW ADDRESS ( ) FACILITY PERMIT TO TRANSPORTATION DEPT. _____ ( ) SPECIAL PMT. AREA. MIN. ELEVATION: _____

SANITATION
_____ Minimum Septic Tank Capacity (Gallons)
_____ Drainfield Required - Lineal Feet
_____ Maximum Depth
Comments:

BUILDING
SN Type of Construction V-2 Group 3 Fire Zone
PUBLIC SCHOOL Use Classification (DRAWING 4)
Comments: APPROVED FOR CONSTRUCTION AS NOTED ON PLANS

By: [illegible] Date: 10-21-77 By: Bill Whitbeck Date: 10-4-77

PLANNING REQUIREMENTS SATISFIED. By: [illegible] Date: [illegible] Date Issued: 10-7-77

ZONE _____ SETBACKS: FRONT _____ SIDE FACING STREET _____ (FROM C/L) INT. SIDE YARD _____ REAR _____

LANE COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, 125 EAST 8TH AVE., EUGENE, OREGON 97

POST THIS PERMIT ON MAIN BUILDING AT SITE

C55: BLDG. PERMIT — WHITE; BUILDING — GREEN; PLUMBING — CANARY; SANITATION — GOLDENROD

- TR2 -

# LANE COUNTY INSPECTION RECORD

TRS# 21-02-19/900 DATE ISSUED: 12-Feb-1992 PERMIT# 0045-92

OWNER'S NAME: School Dist. 45J — PHONE NUMBER **NONE**

PERSON RESPONSIBLE FOR INSTALLATION: Marlow, Bryan — PHONE NUMBER 942-8025

SETBACK REQUIREMENTS — # PLUMBING FIXTURES

PL FRONT: 20' PL SIDE: N/A INT 10' REAR 10' RIPARIAN N/A

WORK AUTHORIZED BY PERMIT:

Place Mobile Home

DIRECTIONS TO SITE:

Out Mosby Creek Rd. 5 miles to Blue Mountain School Rd.; 2 miles on Blue Mt. School Rd. to old school building

SITE ADDRESS:

76132 Blue Mountain School Rd., Cottage Grove

MOBILE HOME PLACEMENT INSPECTION

Approved ✓ Date 4-6-92 /Correction ____ Date ____ Inspector CB

FINAL PLUMBING INSPECTION

Approved ✓ Date 4-6-92 /Correction ____ Date ____ Inspector CB

OTHER INSPECTION (Previous MH removed)

Approved ____ Date ____ /Correction CANCELLED Date EXPIRED BY Inspector CB

FINAL MOBILE HOME INSPECTION (The initials or name below show completion of the work for the project and approval for occupancy, where applicable.)

Approved ____ Date ____ /Correction ____ Date 8-22-96 Inspector ____

INSPECTOR GENERATED INSPECTION

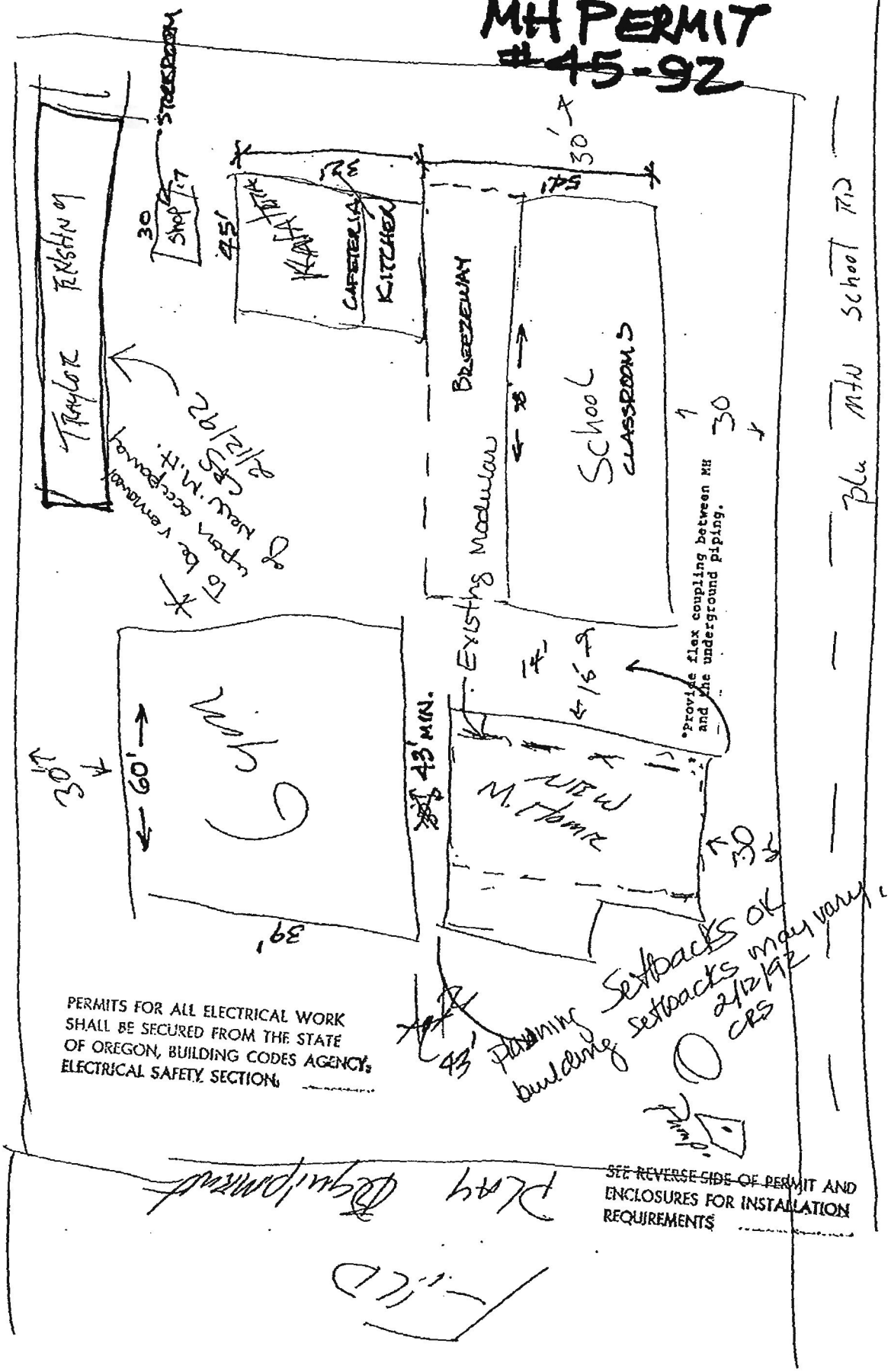
Approved ____ Date ____ /Correction ____ Date ____ Inspector ____

COMMENTS:

Verify that the other buildings are not being used, i.e., no businesses, etc.

INSP

# MH PERMIT #45-92



TRS

# LANE COUNTY
# PERMIT

**Permit No: BP041571**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: ISSUED

Applied: 08/25/2004
Approved: 09/03/2004
Issued: 09/03/2004
Expiration: 03/02/2005

Parcel No: **21-02-19-00-00900**

Applicant: EMEL RUSS
Owner: BLUE MOUNTAIN SCHOOL INC

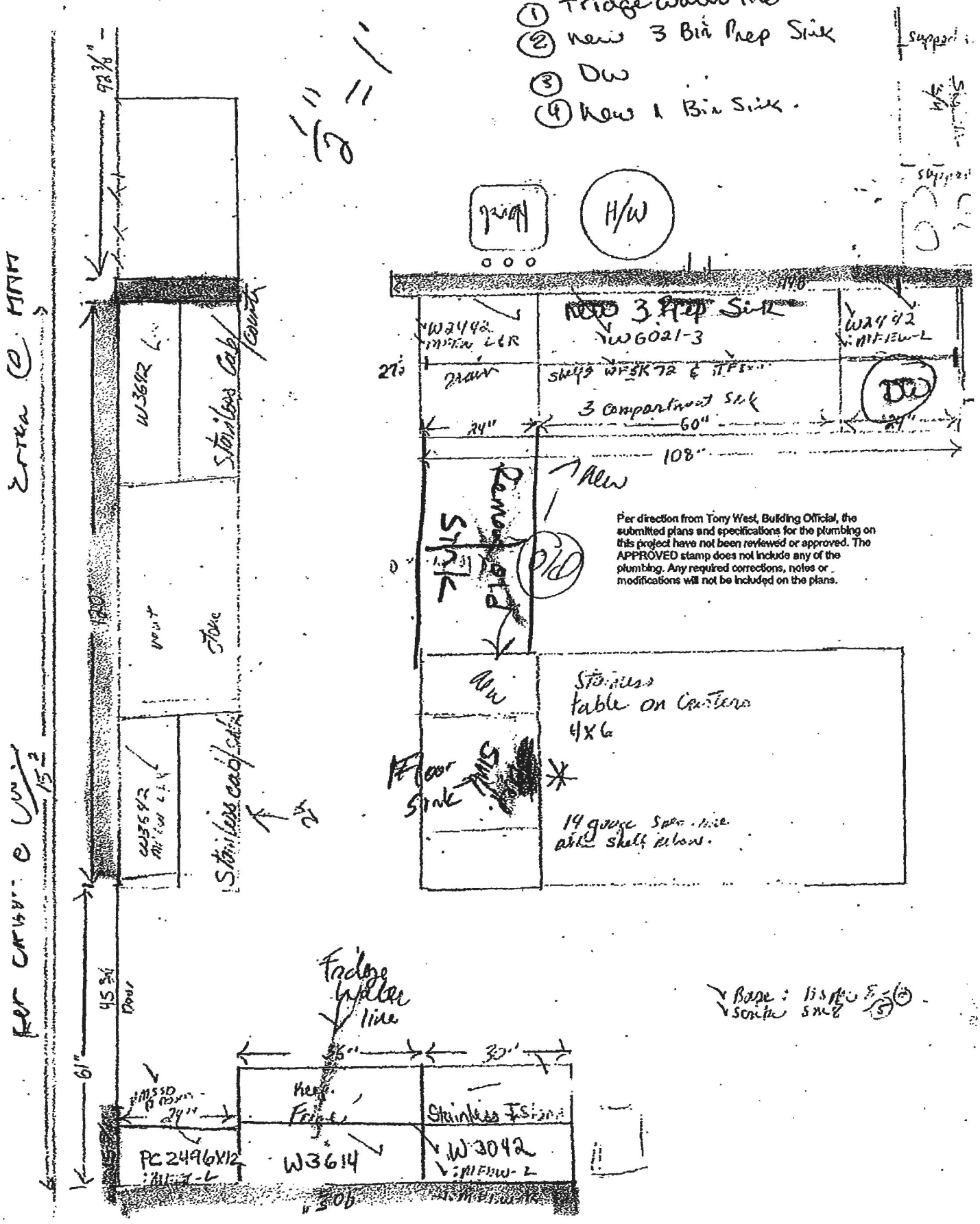
Description of Work: PLUMBING MODIFICATIONS TO EXISTING KITCHEN - DOES NOT COVER REMODEL/MODIFICATIONS TO KITCHEN OTHER THAN PLUMBING

| | |
|---|---|
| Total Permit Fees ..: | $308.45 |
| Total Payments .....: | $308.45 |
| Balance Due .....: | $0.00 |

Occupancy: E-1 ; Construction Type: V-N ; Use: SCHOOL KITCHEN AREA

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

(PROCESSED ONLY)
Building Official (or approved delegee): _____ Date: 09/03/2004


1 Fridge water line
2 new 3 Bin Prep Sink
3 DW
4 New 1 Bin Sink.
H/W
New 3 Prep Sink
W3492
W3492
3 Compartment Sink
24"
60"
108"
New
Per direction from Tony West, Building Official, the submitted plans and specifications for the plumbing on this project have not been reviewed or approved. The APPROVED stamp does not include any of the plumbing. Any required corrections, notes or modifications will not be included on the plans.
Stainless table on casters 4X6
14 gauge
Stainless Cabinets
W3612
W3612
Fridge water line
W3614
W3042
PC2496X12
Base: Stainless Steel

FILTRS

21-02-19/900



**Requested Inspect Date:** Monday, February 28, 2005
**Inspection Area:** DB
**Site Address:** 76132 BLUE MOUNTAIN SCHOOL COT
I-5S/CG EXIT/ROW RIVER/MOSBY CK RD/R BLU

**A/P/D Information**

Activity: BP041571 Type: BLD_MEPL Sub Type: COM Status: ISSUED
Const Type: Occupancy: Use: V-N Insp Area: DB
Parcel: 21-02-19-00-00900
Owner: BLUE MOUNTAIN SCHOOL INC Phone: 541-942-7764
Applicant: EMEL RUSS Phone: 541-836-2022
Contractor: RUSS EMEL Phone: 541-836-2022
Description: PLUMBING MODIFICATIONS TO EXISTING KITCHEN - DOES NOT COVER REMODEL/MODIFICATIONS TO KITCHEN OTHER THAN PLUMBING

**Requested Inspection(s)**

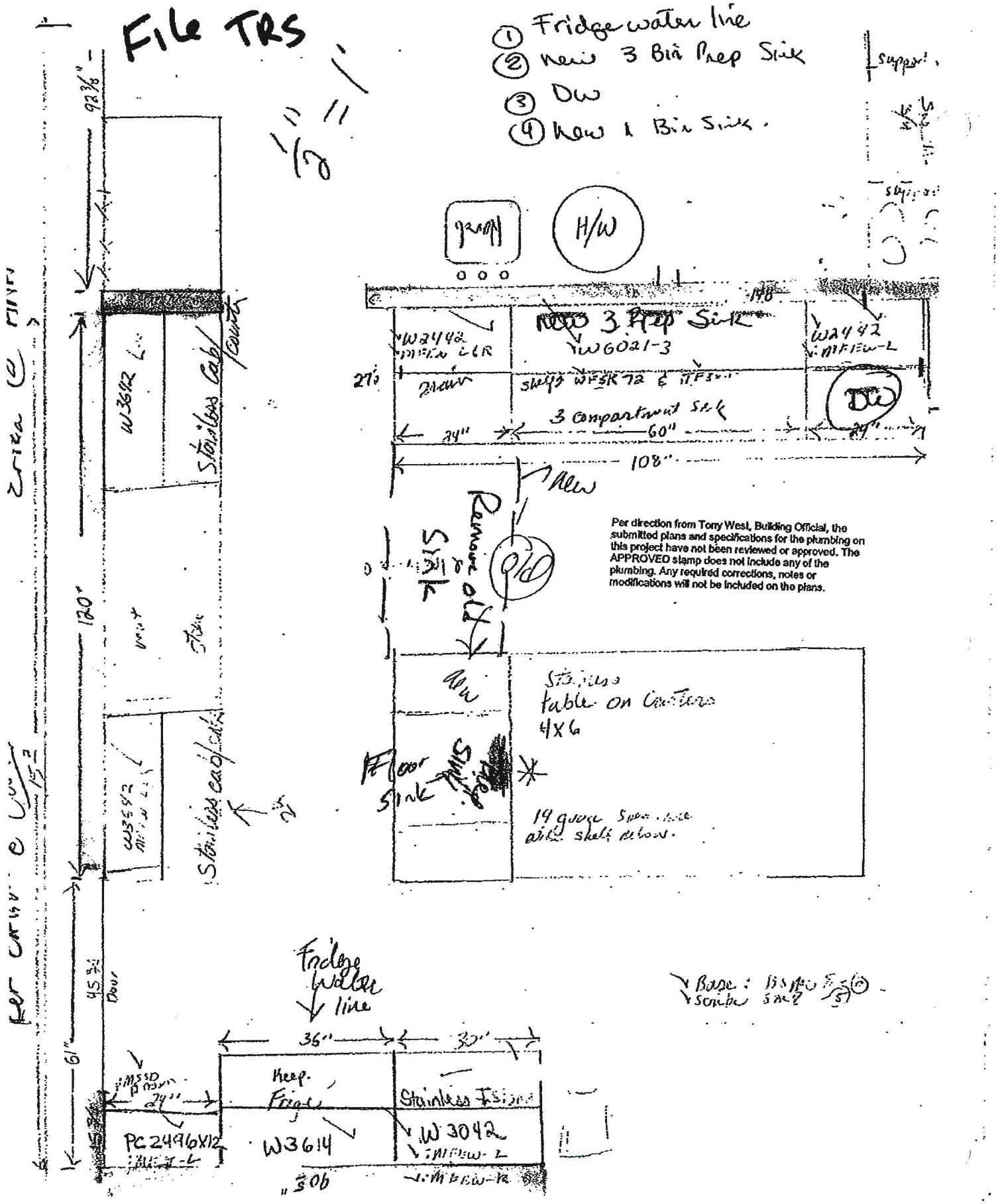
**Item:** 2840 PLMG-Final
Requestor: RUSS
Assigned To: **********
Action: Approved DB Time Exp: 2-28-05

**Requested Time:** 08:00 AM
Phone: 541-836-2022
Entered By: LCPWSGS K

FINAL

**Inspection History**

Item: 2810 PLMG-Underfloor Plumbing ** Approved **
09/16/04 Inspector: DB Action: AP Approval
Item: 2830 PLMG-Rough-In Plumbing ** Approved **
09/16/04 Inspector: DB Action: AP Approval
Item: 2840 PLMG-Final


File TRS
1 Fridge water line
2 new 3 Bin Prep Sink
3 DW
4 new 1 Bin Sink.
H/W
3 Prep Sink
W2442
W3642
Stainless Cabinet
3 Compartment Sink
DW
108"
New
Remove
Per direction from Tony West, Building Official, the submitted plans and specifications for the plumbing on this project have not been reviewed or approved. The APPROVED stamp does not include any of the plumbing. Any required corrections, notes or modifications will not be included on the plans.
Stainless table on Castors 4X6
Floor Sink
14 gauge Stainless with shelf below.
Fridge water line
Prep. Fridge
Stainless Fridge
W3614
W3042
PC2496X12
120"
61"
36"
30"
24"

# LANE COUNTY ELECTRICAL PERMIT

Permit No: EL04LA1260

Type: Electrical Permit
Sub-Type: Service & Feeders

Job Address: 76132 BLUE MOUNTAIN SCHOOL COT

Status: ISSUED

Applied: 08/26/2004 Approved: 08/26/2004
Issued: 08/26/2004 Expiration: 02/22/2005

Parcel No: 21-02-19-00-00900

Applicant: BEAR MOUNTAIN ELECTRIC LLC
Contractor: BEAR MOUNTAIN ELECTRIC LLC
Owner: BLUE MOUNTAIN SCHOOL INC

Phone: 541-741-8844
Phone:

Description of Work: RELOCATION OF PANEL AND ELECTRICAL IN KITCHEN
Directions to site: I-5S/CG EXIT/ROW RIVER/MOSBY CREEK/BLUE

| | | |
|---|---|---|
| Residential per unit service: | | |
| 1,000 sf or less: | 0 | $0.00 |
| Each add. 500 sf: | 0 | $0.00 |
| Limited Energy: | 0 | $0.00 |
| Manuf/Mod. Home: | 0 | $0.00 |
| Services/Feeders: | | |
| 200 amps or less: | 1 | $79.00 |
| 201-400 amps: | 0 | $0.00 |
| 401-600 amps: | 0 | $0.00 |
| 601-1,000 amps: | 0 | $0.00 |
| Over 1,000 amps: | 0 | $0.00 |
| Reconnect Only: | 0 | $0.00 |
| Temporary Services/Feeders: | | |
| Up to 200 amps: | 0 | $0.00 |
| 201-400 amps: | 0 | $0.00 |
| Over 400-600 amps: | 0 | $0.00 |
| Branch Circuits: | | |
| W/Service/Feeder: | 12 | $48.00 |
| w/o Serv/Feeder 1st: | 0 | $0.00 |
| each additional: | 0 | $0.00 |

| | | |
|---|---|---|
| Miscellaneous (servie/feeder not included): | | |
| Pump/Irrigation Circle: | 0 | $0.00 |
| Sign/Outline Lighting: | 0 | $0.00 |
| Signal Circ/Ltd Energy: | 0 | $0.00 |
| Additional Inspections: | 0 | $0.00 |
| Other Electrical Fees: | | $0.00 |
| Total Electrical Fees: | | $127.00 |
| State Surcharge: | | $8.89 |
| Plan Review Fee: | | $0.00 |
| Additional Plan Review: | | $0.00 |
| Long Range Planning Fees: | | $6.35 |
| Administration Fee: | | $19.05 |
| New Technology Fee: | | $10.00 |
| Compliance Fee: | | $0.00 |
| Special Adjustment Fee: | | $0.00 |
| **Total Fee:** | | **$171.29** |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

## CALL 541-682-4065 FOR INSPECTIONS

Lane County Public Works

TRS

called mgr. 1-14-05 QSC

# LANE COUNTY PERMIT

**Permit No: BP041791**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**
Directions to site: BLUE MOUNTAIN SCHOOL

Status: APPROVED

Applied: 09/29/2004
Approved: 01/13/2005
Issued:
Expiration:

Parcel No: **21-02-19-00-00900**

Applicant: WRIGHT NYLES 800-422-7818
Owner: BLUE MOUNTAIN SCHOOL INC 942-7764

Description of Work: INSTALL HOOD W/ EXHAUST

| | |
|---|---|
| Total Permit Fees ..: | $75.21 |
| Total Payments .....: | $50.00 |
| Balance Due .....: | $25.21 |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon. Failure to secure an inspection or if inspections lapse for more than 180 days, prior to receiving final approval, will cause your permit to expire by limit. A new permit will be required.

**CALL 541-682-4065 TO REQUEST AN INSPECTION**

Building Official (or approved delegee): Date: 01/13/2005

| | | |
|---|---|---|
| **2405** Underfloor Mechanical | Date_____ | Inspector_____ |
| **2400** Rough Mechanical | Date_____ | Inspector_____ |
| **2410** Rough GasPiping | Date_____ | Inspector_____ |
| **2420** Final Gas Piping | Date_____ | Inspector_____ |
| **2430** Final Mechanical | Date_____ | Inspector_____ |

-TRS-

mag. 1-14-05 QSC

# LANE COUNTY
# PERMIT

**Permit No: BP050030**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT** Status: APPROVED
Directions to site: MOSBY CREEK RD TO BLUE MOUNTAIN SCHOOL
Applied: 01/06/2005
Approved: 01/13/2005
Parcel No: **21-02-19-00-00900** Issued:
Expiration:

Applicant: AAA HOMES & INTERIORS INC 541-942-0590
Owner: BLUE MOUNTAIN SCHOOL INC

Description of Work: HOOD SHAFT FROM STOVE(SEE BP04-1791 FOR HOOD & EXHAUST

| | |
|---|---|
| Total Permit Fees ..: | $73.18 |
| Total Payments .....: | $50.00 |
| Balance Due .....: | $23.18 |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon. Failure to secure an inspection or if inspections lapse for more than 180 days, prior to receiving final approval, will cause your permit to expire by limit. A new permit will be required.

**CALL 541-682-4065 TO REQUEST AN INSPECTION**

Building Official (or approved delegee): Date: 01/13/2005

| | | |
|---|---|---|
| **2405** Underfloor Mechanical | Date_____ | Inspector_____ |
| **2400** Rough Mechanical | Date_____ | Inspector_____ |
| **2410** Rough GasPiping | Date_____ | Inspector_____ |
| **2420** Final Gas Piping | Date_____ | Inspector_____ |
| **2430** Final Mechanical | Date_____ | Inspector_____ |

7 RS

# LANE COUNTY
# PERMIT

**Permit No: BP050095**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT** Status: ISSUED
Directions to site: I-5S/EXIT 174/ROW RIVER E/S MOSBY CREEK/

Applied: 01/18/2005
Approved: 01/21/2005
Parcel No: **21-02-19-00-00900** Issued: 01/21/2005
Expiration: 07/20/2005

Applicant: LILES KEN 541-688-8155
Owner: BLUE MOUNTAIN SCHOOL INC

Description of Work: INSTALL GAS PIPING & RANGE-SEPARATE PERMIT REQUIRED FOR LPG TANK

| | |
|---|---|
| Total Permit Fees ..: | $81.12 |
| Total Payments .....: | $81.12 |
| Balance Due .....: | $0.00 |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon. Failure to secure an inspection or if inspections lapse for more than 180 days, prior to receiving final approval, will cause your permit to expire by limit. A new permit will be required.

**CALL 541-682-4065 TO REQUEST AN INSPECTION**

Building Official (or approved delegee): Steven Dirkse Date: 01/21/2005

| | | |
|---|---|---|
| **2405** Underfloor Mechanical | Date_____ | Inspector_____ |
| **2400** Rough Mechanical | Date_____ | Inspector_____ |
| **2410** Rough GasPiping | Date_____ | Inspector_____ |
| **2420** Final Gas Piping | Date_____ | Inspector_____ |
| **2430** Final Mechanical | Date_____ | Inspector_____ |

-TRS-

# LANE COUNTY
# PERMIT

**Permit No: BP050173**
**Type: Bldg Permit--Residential**
**Sub-Type: Residential Fuel Tank**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: APPLIED

Applied: 01/31/2005
Approved:
Issued:
Expiration:

Parcel No: **21-02-19-00-00900**

Applicant: ERIC NELSON
Owner: BLUE MOUNTAIN SCHOOL INC

Description of Work: PLACE 120 GAL LPG TANK-PIPING ON BP05-0095

| | |
|---|---|
| Total Permit Fees ..: | $133.35 |
| Total Payments .....: | $0.00 |
| Balance Due .....: | $133.35 |

Occupancy: U-2 ; Construction Type: N/A ; Use: 120 GAL LPG TANK

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): _____ Date: 1-31-05

**CALL 682-4065 TO REQUEST AND INSPECTION**

Failure to secure an inspection within 180 days of the date issued -or- if the inpections lapse more than 180 days, prior to receiving final approval to occupy the structure, will cause your permit to expire by limit. A new permit will then be required.

-TRS-

called 4-11-05 JSC

# LANE COUNTY PERMIT

Permit No: BP050320
Type: Bldg Permit--Commercial
Sub-Type: Comm/Ind Fire Sprinklers

Job Address: 76132 BLUE MOUNTAIN SCHOOL COT

Status: APPROVED

Applied: 02/22/2005
Approved: 04/11/2005
Issued:
Expiration:

Parcel No: 21-02-19-00-00900

Applicant: STINE LESLEY E
Owner: BLUE MOUNTAIN SCHOOL FOUNDATION INC

Description of Work: INSTALL FIRE SUPPRESSION SYSTEM FOR HOOD IN KITCHE

| | |
|---|---|
| Total Permit Fees ..: | $122.65 |
| Total Payments .....: | $50.00 |
| Balance Due .....: | $72.65 |

Occupancy: B; Construction Type: V-B; Use: CAFETERIA KITCHEN HOOD SPRINKLERS
Area: 1496 sq. ft.

Drawer # 13

Planning Setbacks:
CL: feet; PL Front: feet; Side: feet; Rear: feet; Riparian: feet

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): _____ Date: 04/11/2005

## NOTICE TO APPLICANT

**THIS IS YOUR FIELD INSPECTION RECORD AND MUST REMAIN ON THE JOB SITE**

TRS# 21-02-19/900 Date: 11-Apr-05 PERMIT # **BP05-0320**

| **OWNER'S NAME:** | | **PHONE NUMBER** |
|---|---|---|
| *Blue Mountain School* | | 942-7764 |
| **CONTRACTOR'S NAME:** | **CCB#** | **PHONE NUMBER** |
| *Laing Enterprises* | 134668 | 485-3566 |

**PLANNING MINIMUM SETBACK REQUIREMENTS**

CL FRONT: PL SIDE: INT: PL REAR: RIPARIAN:

**WORK AUTHORIZED BY PERMIT:**

**Install Fire Suppression in Kitchen Range Hood**
**Drawer #13; Group B Occupancy; Type V-B Construction**

**SITE ADDRESS:**

**76132 Blue Mountain School Rd., Cottage Grove**

**The following inspections are required to be completed to receive final approval for this sprinkler system approval for this sprinkler system.**

**1230 - FIRE SUPPRESSION SYSTEM INSPECTION**

**CALL 682-4065 TO REQUEST AN INSPECTION.**

**Failure to secure an inspection within 180 days of the date issued - or - if the inspections lapse more than 180 days, prior to receiving final approval for this sprinkler system, will cause your permit to expire by limit. A new permit will then be required for the sprinkler system installation.**

NOTICE TO BUILDERS: Until the Building Official has completed the final inspection, 1) these plans and related specifications must be kept on the job for the builder's use during construction and readily available to the building inspectors, and 2) the construction shall be completed in compliance with the related drawings and specifications as amended during processing, and 3) the construction shall not be changed without authorization from the Building Official. Approval of submitted plans is not approval of omissions or oversight by this office or of non-compliance with the State Building Codes, or other pertinent laws and regulations.

- TRS -

Lane County Public Works

# LANE COUNTY
# PERMIT

**Permit No: BP050442**
**Type: Mechanical/Plumbing Perm**
**Sub-Type: Commercial Mech/Plumb**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: APPROVED

Applied: 03/10/2005
Approved: 03/21/2005
Issued:
Expiration: 09/17/2005

Parcel No: **21-02-19-00-00900**

Applicant: BRAGG DAVE
Owner: BLUE MOUNTAIN SCHOOL INC

Description of Work: INSTALL LP GAS FURNACE IN ATTIC AND DUCTING

| | |
|---|---|
| Total Permit Fees ..: | $97.92 |
| Total Payments .....: | $81.12 |
| Balance Due .....: | $16.80 |

Occupancy: B ; Construction Type: V-B ; Use: LUNCHROOM

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): _____ Date: 03/21/2005

**CALL 682-4065 TO REQUEST AND INSPECTION**

Failure to secure an inspection within 180 days of the date issued -or- if the inpections lapse more than 180 days, prior to receiving final approval to occupy the structure, will cause your permit to expire by limit. A new permit will then be required.

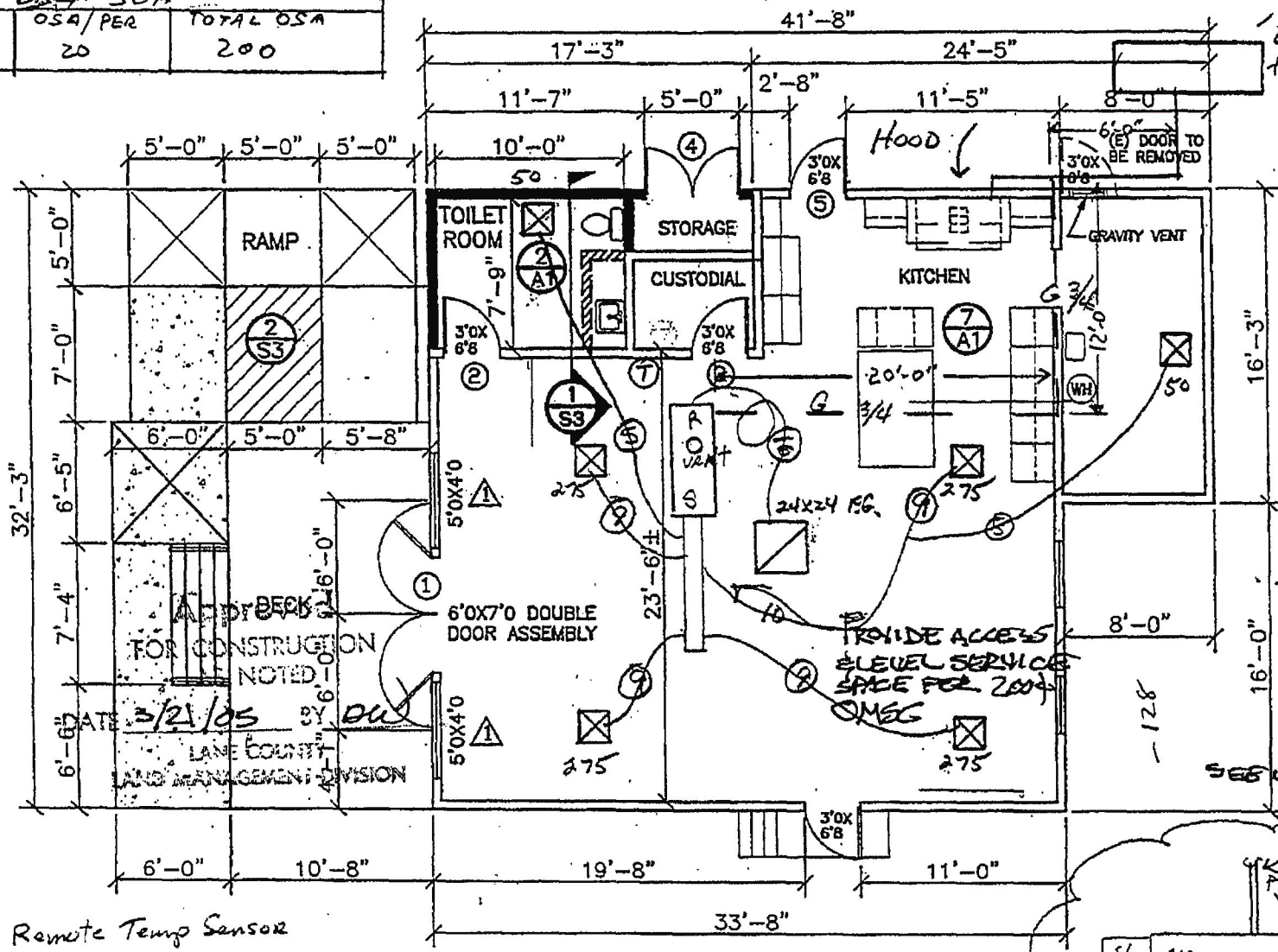
3-21-05 SP

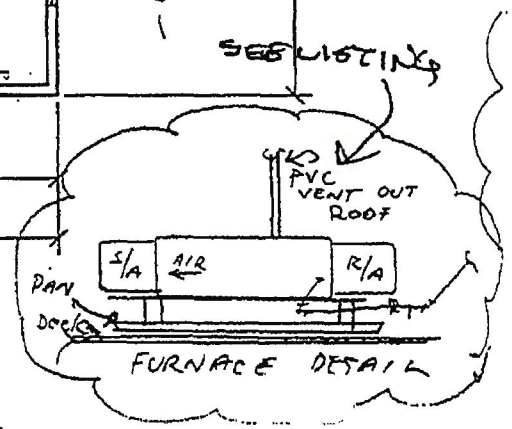
| EQUIPMENT SCH. | | | |
|---|---|---|---|
| LENNOX LP GSIMP-036-070 | 66,000 BTU | 115V, 15A | WT 146lb |

| OSA SCH | | |
|---|---|---|
| OCC | OSA/PER | TOTAL OSA |
| 10 | 20 | 200 |

PROVIDE DUCT INSULATION PER SEC. 604.1 OF THE 2004 OMSC.

Existing LP Tank for Range.




S Remote Temp Sensor

T Thermostat

FG Filter Grille

Gas Pipe 3/4"

1/A1 FLOOR PLAN
1/8" = 1'-0"

NOTE: VERIFY ALL DIMENSIONS.

FLOOR PLAN LEGEND:

APPROVED FOR CONSTRUCTION NOTED
DATE 3/21/05 BY DW
LANE COUNTY LAND MANAGEMENT DIVISION

55

126

## NOTICE TO APPLICANT

**THIS IS YOUR FIELD INSPECTION RECORD AND MUST REMAIN ON THE JOB SITE**

TRS# 21-02-19/900 Date: 21-Mar-05 PERMIT # **BP05-0442**

| OWNER'S NAME: | | PHONE NUMBER |
|---|---|---|
| Blue Mountain School Inc | | 942-7764 |
| **CONTRACTOR'S NAME:** | **CCB#** | **PHONE NUMBER** |
| Commercial Air Inc | 110075 | 461-4821 |

**PLANNING MINIMUM SETBACK REQUIREMENTS**

CL FRONT: PL SIDE: INT: PL REAR: RIPARIAN:

**WORK AUTHORIZED BY PERMIT:**

**Install Gas Furnace In Attic with Ducting and Piping**
**Group B Occupancy; Type V-B Construction**

**SITE ADDRESS:**

**76132 Blue Mountain School Rd., Cottage Grove**

**The following list of inspections are required to be completed to receive final approval for this mechanical system. It is recommended that the called inspections follow the order below.**

| |
|---|
| **2410 - ROUGH GAS PIPING INSPECTION** |
| **2400 - ROUGH MECHANICAL INSPECTION** |
| **2403 - DUCT INSULATION INSPECTION** |
| **2415 - ACCESS INSPECTION for Furnace** |
| **2420 - FINAL GAS PIPING INSPECTION** |
| **2430 - FINAL MECHANICAL INSPECTION** |

**CALL 682-4065 TO REQUEST AN INSPECTION.**

**Failure to secure an inspection within 180 days of the date issued - or - if the inspections lapse more than 180 days, prior to receiving final approval for this mechanical system, will cause your permit to expire by limit. A new permit will then be required for the mechanical system installation.**

NOTICE TO BUILDERS: Until the Building Official has completed the final inspection, 1) these plans and related specifications must be kept on the job for the builder's use during construction and readily available to the building inspectors, and 2) the construction shall be completed in compliance with the related drawings and specifications as amended during processing, and 3) the construction shall not be changed without authorization from the Building Official. Approval of submitted plans is not approval of omissions or oversight by this office or of non-compliance with the State Building Codes, or other pertinent laws and regulations.

-T RS-

# LANE COUNTY
# PERMIT

Permit No: BP041637
Type: Bldg Permit--Commercial
Sub-Type: Comm/Indust Addition

Job Address: 76132 BLUE MOUNTAIN SCHOOL COT

Status: APPROVED

Applied: 09/02/2004
Approved: 02/15/2005
Issued:
Expiration:

Parcel No: 21-02-19-00-00900

Applicant: SADOFSKY HAL
Owner: BLUE MOUNTAIN SCHOOL INC

Description of Work: BATHROOM REPLACEMENT & DECK ADDITION

| | |
|---|---|
| Total Permit Fees ..: | $1,703.75 |
| Total Payments .....: | $750.00 |
| Balance Due .....: | $953.75 |

Occupancy: B; Construction Type: V/N; Use: SCHOOL BATHROOM & DECK ADDITION
Area: 0 sq. ft.

Drawer # 2

Planning Setbacks:
CL: feet; PL Front: * feet; Side: * feet; Rear: * feet; Riparian: feet

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): Date: 02/15/2005

left message 2-16-05 SP

# Land Use Review

Lane County
Public Works
LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/RW_LMD/

**Permit No:** BP04-11637 **Parcel No:** 21-02-19-00-00 900

**Description of Work:** Add. to School

**Zoning** PF/RCP

**Comments**
Maintenance repair replacement & Add to:
LC 16.294 (2) (f)
on per LC 16.294 (2)(b). 5.41Ac.

Willamette Greenway.....: N
Flood Hazard Area.....: N
Class I Stream.....: N/A.
Sensitive Wildlife Habitat.: N/A.
Access...: N A
Legal Lot Status: N/A
NWI Wetlands on Site.....: N A.

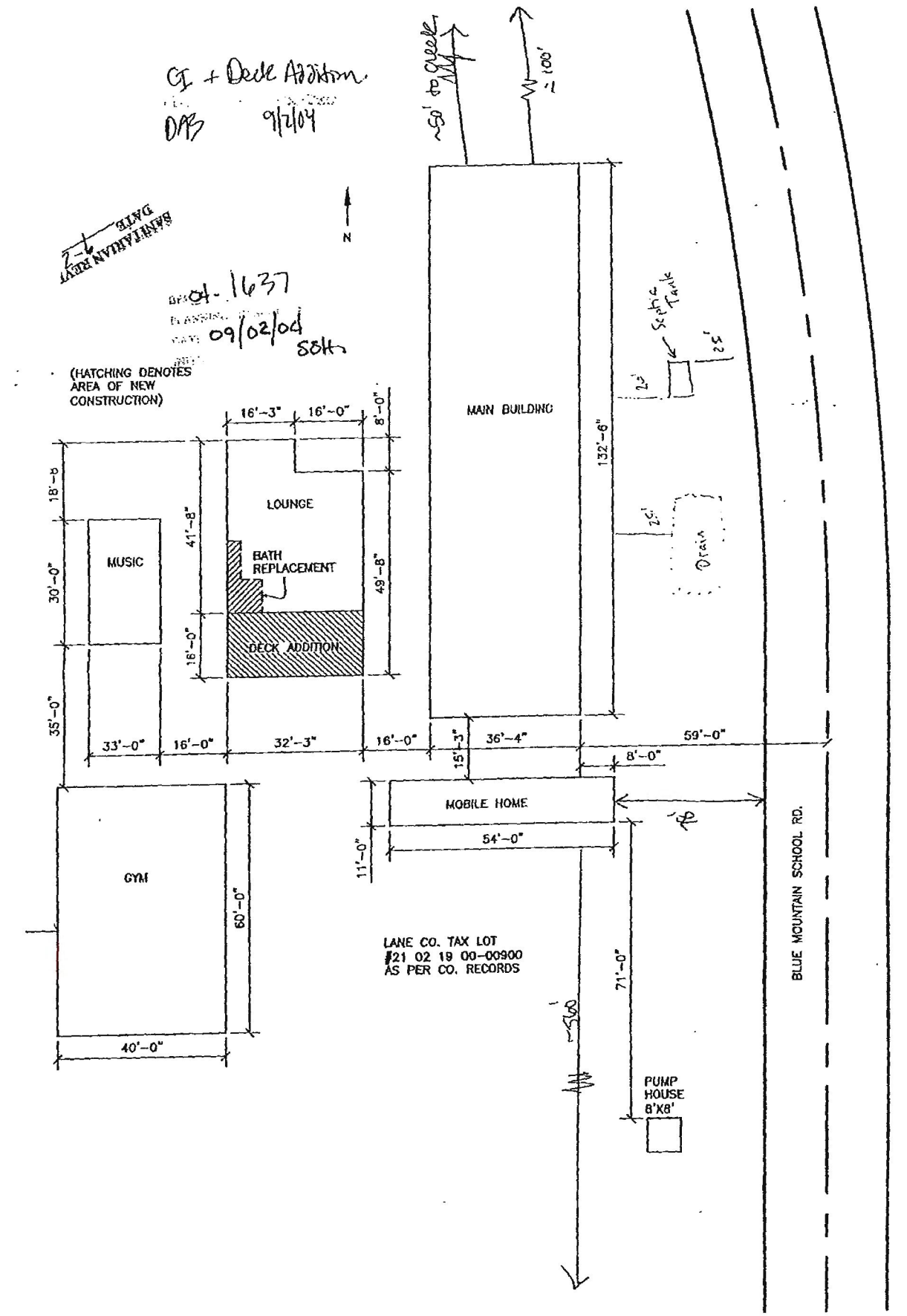
**Required Setbacks from:**
Centerline of Road Right-of-way: * feet
Front: * feet Side: * feet Rear: * feet
Riparian: * feet from ordinary high water

**Conditions:**
* Locate per the approved plot plan.

Base Fee $215 ☐ Wetlands 65/92 ☐ Floodplain 60/120/700
☐ /BD ☐ /PW ☐ /NRC ☐ /SN ☐ /RD ☐ /MD ☐ /DMS ___ @ $55 = ___
☐ Greenway ☐ Legal Lot ☐ Access ☐ /AS

**Land Use Approved:** Y **TOTAL PLANNING FEES:** $215

**Planner Signature:** SSH **Date:** 09/09/04


GI + Deck Addition
DAB 9/2/04
~50' to Creek
~100'
SANITARIAN REVIEW DATE 9-2
N
BP# 04-1637
PLANNING DATE 09/02/04 SBH
(HATCHING DENOTES AREA OF NEW CONSTRUCTION)
MAIN BUILDING
132'-6"
Septic Tank
2'
2'
2'
Drain
16'-3"
16'-0"
8'-0"
18'-6"
LOUNGE
41'-8"
MUSIC
30'-0"
BATH REPLACEMENT
49'-8"
16'-0"
DECK ADDITION
35'-0"
33'-0"
16'-0"
32'-3"
16'-0"
15'-3"
36'-4"
59'-0"
8'-0"
MOBILE HOME
54'-0"
11'-0"
GYM
60'-0"
40'-0"
LANE CO. TAX LOT
#21 02 19 00-00900
AS PER CO. RECORDS
71'-0"
PUMP HOUSE
8'X8'
BLUE MOUNTAIN SCHOOL RD.

- TRS -

Lane County Public Works

# LANE COUNTY
# PERMIT

**Permit No: BP982483**
**Type: Change of Occupancy Inv.**
**Sub-Type: Commercial C of O Investigation**

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: FINAL

Applied: 09/03/1998
Approved: 10/11/2004
Issued: 10/11/2004
Expiration: 04/09/2005

Parcel No: **21-02-19-00-00900**

Applicant: STINE LESLEY
Owner: ROGERS DAVID E & CAROL E

Description of Work: CHANGE OF OCCUPANCY FROM COMPUTER SOFTWARE COMPANY TO SCHOOL

| | |
|---|---|
| Total Permit Fees ..: | $100.00 |
| Total Payments .....: | $100.00 |
| Balance Due .....: | $0.00 |

Occupancy: ; Construction Type: ; Use:

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee):_____ Date: 10/11/2004

Tuesday, December 15, 1998

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

Blue Mountain School
ATT: Leslie Stine
76132 Blue Mountain School Rd.
Cottage Grove, OR 97424

Subject: "Change of Occupancy" for existing buildings last used for computer software Company.

Dear Leslie:

This report is provided for use by the Blue Mountain School as a project assessment guide for the school. It has been developed in conjunction with the decision contained in Lane County Planning Action No. 98-5018 regarding "temporary use" (i.e. land use) within the zone for the site. One of the conditions of that decision, rendered on October 13, 1998 was that a"Change of Occupancy investigation" was to be initiated with the Lane County Building Program.

**BACKGROUND**

Section 106.1 of the 1996 Oregon State Structural Specialty Code (OSSC) specifies that "...no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the building official. See ORS 455.020(2)."

Section 109.1 of the 1996 OSSC states: "No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy ..."

Section 109.2 of the 1996 OSSC states: "Changes in the character or use of a building shall not be made except as specified in Section 3405 of this code."

Section 3405 of the 1996 OSSC states: "no change shall be made in the character of occupancies or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy."

Section 109.4 of the 1998 OSSC states: "If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

A "Change of occupancy is based on documentation provided regarding how you intend to re-use the existing buildings for educational purposes. A change of occupancy investigation and report is not a building permit and by itself does not assure any occupancy or use.




Work required or anticipated by the findings of this report require that construction / installation documentation be developed by the operators and that applications are made for such permits as required by ORS 455.150.



**DESCRIPTION**

Blue Mountain School's site contains five (5) structures and one (1) manufactured dwelling. The structures have been identified as:

☐ Caretaker Residence:

This mobile home (MH R-3 ) was placed on property under permit number 0045-92. The current status is not lawful since the permit expired by limit and was cancelled on January 1, 1998 (See enclosed permit and inspection record). Lawful occupancy of the mobile home requires that the work of the original permit be reinstated with fees and inspections completed.

☐ Pump House:

This is a small structure of 64 square feet (type V-N) housing the pump for the site. No permit shall be required for this structure at this time. Permits are required for any re-roofing or re-building or additions to this structure.

☐ Class Rooms / Administration Building:

This masonry and wood building (type III-N) of 5,292 square feet has had minor modifications made to it since it was last used as a school by district 45-J-3. The modifications include decreasing the size of the classrooms to allow an office space near the center. It is not clear whether or not this central space is permanent construction or anticipated to be removed. Permits are required for any modifications, alterations, additions or remodels within this building.

☐ Kitchen / Cafeteria building

This wood frame building (type V-N) of 1024 square feet appears to be one of the original buildings on the site. Lane County building permit No.2852-77 accounts for a 5' X 8' addition that provided a bathroom with one toilet and one lavatory.

☐ Quiet Room / Reading Room building

This wood frame building (type V-N) of 510 square feet was originally a storage building. A walking deck has been added to the north end of the building and a sliding door installed. This work was done without a permit.

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

☐ Gymnasium building

This wood frame building (type V-N) of 2340 square feet appears to have had no change in use or occupancy. Work has been done within the structure that seems to have been done at the direction of the district fire chief to achieve a maximum utility for the space. The building does not appear to be in good structural condition and has had modifications and alterations at the tops of the walls to reinforce what appears to be an unstable wall and roof framing system. Remedial structural work should be initiated if this building use is to be continued as a gymnasium.

**ANALYSIS:**

1. *Manufactured Dwelling:* (MH occupancy, approved for dwelling use only) The mobile home or manufactured dwelling is required to be placed on property in accord with the requirements of the 1997 Oregon Manufactured Dwelling Standard. Landing and steps are required at each egress door from the unit. Instructions and requirements will be provided and stipulated upon issuance of a permit for reinstatement of the placement permit.

   The site plan indicating the placement of this unit appears to indicate that the location is twenty (20) feet from the existing classroom building. A different and previous site plan indicates the location as only 14 feet. In either case, the location is appropriate and adequate so long as it can be established that there are no openings in the masonry of the south wall of the existing classroom / administration building. In addition, all portions of the south wall of the classroom / administration building must meet One Hour Fire Resistive construction criteria unless the manufactured dwelling is moved and the distance increased to twenty-three (23) feet so that no modifications need be made to either the classroom structure south wall or the manufactured dwelling.

2. The Pump House (U-1 Occupancy) may be located in the flood plain and the finish floor or lowest usable floor may be below the established base flood elevation for the area. Any anticipated permits to repair, modify or alter the pump house may require that the floor level be raised to one foot above the base flood elevation for the parcel.

3. The Classrooms / Administration building (E-1 Occupancy – Classroom occupancy load – 1440 square feet at 20 sq. ft. per occupant = 72 load maximum)

   The primary occupancy of this structure appears to be teacher offices and classrooms. The west side of the structure has a pedestrian walkway or weather cover that also serves as the primary egress route from the classrooms under cover. The swing and size of the doors of the west side are appropriate and require no changes with the exception of installation of "panic hardware" at all classroom exit doors, based on the current configuration, square footage and occupancy load.

Each classroom of 1440 square feet has an occupancy load greater than 50. This means that two approved means of egress are required from each classroom. This appears to be the situation, however, the main entry / exit does not appear to meet one hour fire resistive construction requirements at its location on the East Side. must be established that the East Side main egress / entry has a minimum dimension of six feet in width. If the recollection of the main entry / exit is incorrect information is required to establish that a second exit with out swinging doors from the classroom exits appropriately into a protected exit way which in turn exits directly out of the building. It appears that this "main exit / entry" does provide atmospheric separation from the classrooms and other adjoining spaces. The teacher / administration offices appear to directly serve the classrooms and appear to have a combined occupant load of four (4) at a rate of one occupant per 100 sq. ft.

On the West Side the egress doors for the classrooms open directly onto a covered walkway that is open to grade. An unobstructed exit way shall be maintained from each classroom door to the exterior of the building including the walkway cover. It appears that this can easily be accomplished with a visual indicator such as paint to define the required exit way so that it can remain unobstructed by street furniture or other appliances.

Local alarms for fire shall be coordinated for this existing building with the district fire chief.

The bathrooms shall be required to be reconfigured so that one toilet and one lavatory meet ADA accessibility requirements and the requirements of Chapter Eleven, 1998 Oregon State Structural Code, Section 1108.2.2 which requires at least one toilet and one lavatory in each bathroom be configured for accessibility requirements. In lieu of this change, since the building is an existing building and is not required to meet all of the requirements for accessibility, reconfiguration of the bathroom in the cafeteria building may provide the necessary requirements.

4. The Kitchen / Cafeteria building (A-3 Occupancy, 80 occupancy load at 15 sq. feet per occupant) appears to be a multifunctional space utilized for dining as well as assembly purposes. This building does not meet the requirements for fire resistance for its apparent use or occupancy. As previously noted, this structure appears to be one of the original structures on the site. Lane County has record of a single permit for a small bathroom addition that was added in 1977. It is apparent that the steps and landing on the east entry were added in conjunction with later construction.

   The classroom building and cafeteria building were both constructed prior to the adoption of an Oregon State building code. Under Oregon's initial building code adopted in 1974 as well as the 1998 building code only one possibility allows the relative location on property for these two building relative to each other which could be considering them as a single building. There is concern in doing this since it limits the overall available area for the building occupancy and construction type. This would downgrade the classroom and administration building to the equivalent of ordinary unprotected wood-frame construction. In any case, the anticipated use of the kitchen and cafeteria building as the multifunctional assembly and dining area for

the school requires that the exterior walls be reconstructed to meet one hour fire resistive requirements.

In order to avoid having to reconstruct the exterior walls of the cafeteria building, the building could be downgraded to a classroom use but that will preclude the overa use of the building for dining and assembly purposes.

In addition, this building has inadequate access. Each entry / egress point does not comply with ADA or Oregon disability requirements. (See Chapter Eleven, enclosed)

In addition, this building's cooking facilities do not meet the Oregon Mechanical Code requirements. The primary issue is the use of a type 2 hood over an existing cooking range. A type 1 hood with full fire suppression capability is required to be installed if the range is to be used for any warming or cooking purpose.

In addition, the occupancy type for this structure requires additional toilet facilities. The toilet facilities in the existing Classroom / Administration building may be used but if so, the existing facilities in the Cafeteria / Assembly building shall be upgraded so that there are two single toilet facilities conforming to Oregon accessibility requirements for each sex.

To fulfill the toilet upgrade requirements, access to and within the Cafeteria building must comply with accessibility standards as they currently exist for this building and in compliance with the scope of the alteration and modification of this existing structure.

5. The Quiet Room / Reading Room building (B Occupancy, 6 occupancy load at 100 sq. ft per occupant) was on site and utilized for storage by 1977. Lane County has no record of a construction permit for the initial construction or for the addition of the walking deck at the north side or for the sliding door that serves it. The modifications to the north wall, interior, installation of the door and the deck require that permits be secured for this remodel and added construction. The apparent anticipated use appears to be consistent with the quality of construction and the existing building should or can provide good service for several years.

   Again, this structure is not accessible and does not meet Oregon accessibility standards. In this case, the structure does not appear to have been constructed with permit authority. This building does not lawfully exist for any purpose and again is located on site so as to compromise the Cafeteria / Assembly building exterior wall requirements or reinforce the requirement for that building's anticipated assembly and dining use which as noted previously, requires a one hour exterior wall construction.

   In the case of the Quiet Room building, the distance between it and the Cafeteria building requires that each building have "protected openings" or that one of the buildings have no openings at all in the facing wall planes. A permit is required for the Quiet Room building.

6. Gymnasium Building

This building is an existing wood frame building that may be considered to be a classroom (E-1 occupancy) or as a multi-purpose building in which case, an occupancy designation of A-3 is required. In either case, the occupancy load exceeds 50 requiring two exist minimum that meet current exit requirements including a minimum door size of 3 feet of width and 6 feet 8 inches of height and panic hardware mounted on all of the exit doors. The building does not have to be modified to meet Oregon accessibility requirements however, the south exit door does require a landing and change of level that is acceptable and in compliance with exit requirements. Meeting the exit door and landing requirements are modifications that will cause those building elements to be required to meet accessibility standards. Providing proper exit doors and landings will allow the building to be accessible. This work requires a permit for construction.

In addition, any work on this building shall include a structural analysis to establish and verify that the 'cable' work within the building solves the apparent structural problem. You must consider that preserving this building for use as a classroom or assembly purposes will require that the 'cable' modifications be protected for one-hour fire resistive requirements since they appear to be a part of the wall system and were installed without permit at a later date than the building was built. If the building were built today, the exterior walls are required to be one hour construction if the intent is to use the space for assembly purposes. This structures continued use without modification and upgrading should be carefully considered.

**SUMMARY AND CONCLUSION**

Following the order of presentation of the various structures on the site, it must be noted that the continued use of the existing structures has been approved on a temporary basis. It is recommended that any modification or alteration to almost any of the structures is done with an overall plan in mind that helps solve some of the inherent fire and life safety issues within the buildings.

A permit for placement and installation of the existing manufactured dwelling or mobile home is required. It may be a reinstatement permit, which will have smaller fees, but it should be noted that this might be an opportunity to move the structure to a more suitable location on site in which case, full placement fees are required.

The pump house building requires no action at this time. Any modification or alteration to the structure will require that the flood plane requirements, noted in 1982, are explored to verify whether or not the building will be required to be raised at that time.

The classroom / administration building is suitable for it's intended purposes as an existing building. Door hardware and bathrooms remain the major issues if modifications or alterations are anticipated. This building's relative location on site with regard to the cafeteria building may cause additional requirements to be met for fire resistive construction in the cafeteria / kitchen building.

In the case of the Cafeteria / Kitchen building, this office shall require that the issues be addressed and a plan for modification be developed and permits applied for the required work not later than January 1, 2000. Accessibility requirements should be addressed

earlier than this date for the convenience of the users as well as adherence to Oregon State law.

The Quiet Room / Reading room building requires a permit for construction. The overall plan for the Cafeteria / Kitchen building may include relocating this building on site, installed on a complying foundation and with appropriate and complying accessibility.

The Gymnasium building shall not be used by greater than 49 people until all of the issues addressed in the analysis section have been solved. This building cannot be verified to be safe at this time and certainly is not suitable for any assembly purpose.

Please plan to meet with me in several pre-development conferences addressing the anticipated and evolving uses for these structures. I am willing to assist you in developing an overall plan for the campus. I recommend that the district fire chief be included in these meetings.

Thank you for you cooperation and patience. I wish for every success for the Blue Mountain School effort.

-Roger McGuckin
Building Official
Lane County.

TRS

# LANE COUNTY
# PERMIT

Permit No: BP991987
Type: Mechanical/Plumbing Perm
Sub-Type: COM

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: APPROVED

Applied: 10/08/1999
Approved: 10/11/1999
Issued:

Parcel No: 21-02-19-00-00900

Expiration:

Applicant: MARSHALLS OIL & INSULATION CO
Owner: ROGERS DAVID E & CAROL E

Description of Work: INSTALL 2 ELECTRIC FURNANCES

**********

| | |
|---|---|
| Total Permit Fees ..: | $61.81 |
| Total Payments .....: | $25.00 |
| Balance Due .....: | $36.81 |

**********

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): _____ Date: 10/11/1999

# NOTICE TO APPLICANT

TRS# 21-02-19/900 Date: 11-Oct-99 PERMIT # **99-1987**

| OWNER'S NAME: | | PHONE NUMBER |
|---|---|---|
| Rogers, David | | 942-0500 |
| **CONTRACTOR'S NAME:** | **CCB#** | **PHONE NUMBER** |
| Marshalls Oil & Insulation Co | 25790 | 747-7445 |

**PLANNING MINIMUM SETBACK REQUIREMENTS**

CL FRONT: PL SIDE: INT: PL REAR: RIPARIAN:

**WORK AUTHORIZED BY PERMIT:**

**Install Two Electric Furnaces**

**SITE ADDRESS:**

**76132 Blue Mountain School Rd., Cottage Grove**

**The following list of inspections are required to be completed to receive final approval for this mechanical system. It is recommended that the called inspections follow the order below.**

**2400 - ROUGH MECHANICAL INSPECTION**
**2050 - FINAL STATE ELECTRICAL INSPECTION**
**2430 - FINAL MECHANICAL INSPECTION**

**Failure to secure an inspection within 180 days of the date issued - or - if the inspections lapse more than 180 days, prior to receiving final approval for this mechanical system, will cause your permit to expire by limit. A new permit will then be required for the mechanical system installation.**

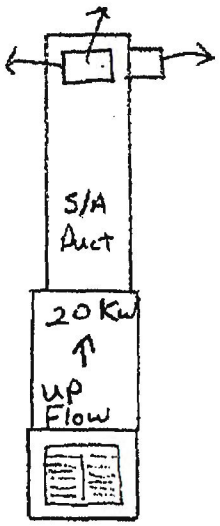
**CALL 682-4065 TO REQUEST AN INSPECTION.**

NOTICE TO BUILDERS: Until the Building Official has completed the final inspection, 1) these plans and related specifications must be kept on the job for the builder's use during construction and readily available to the building inspectors, and 2) the construction shall be completed in compliance with the related drawings and specifications as amended during processing, and 3) the construction shall not be changed without authorization from the Building Official. Approval of submitted plans is not approval of omissions or oversight by this office or of non-compliance with the State Building Codes or other pertinent laws and regulations.

Blue Mnt School
76132 Blue Mnt School Rd
Cottage Grove

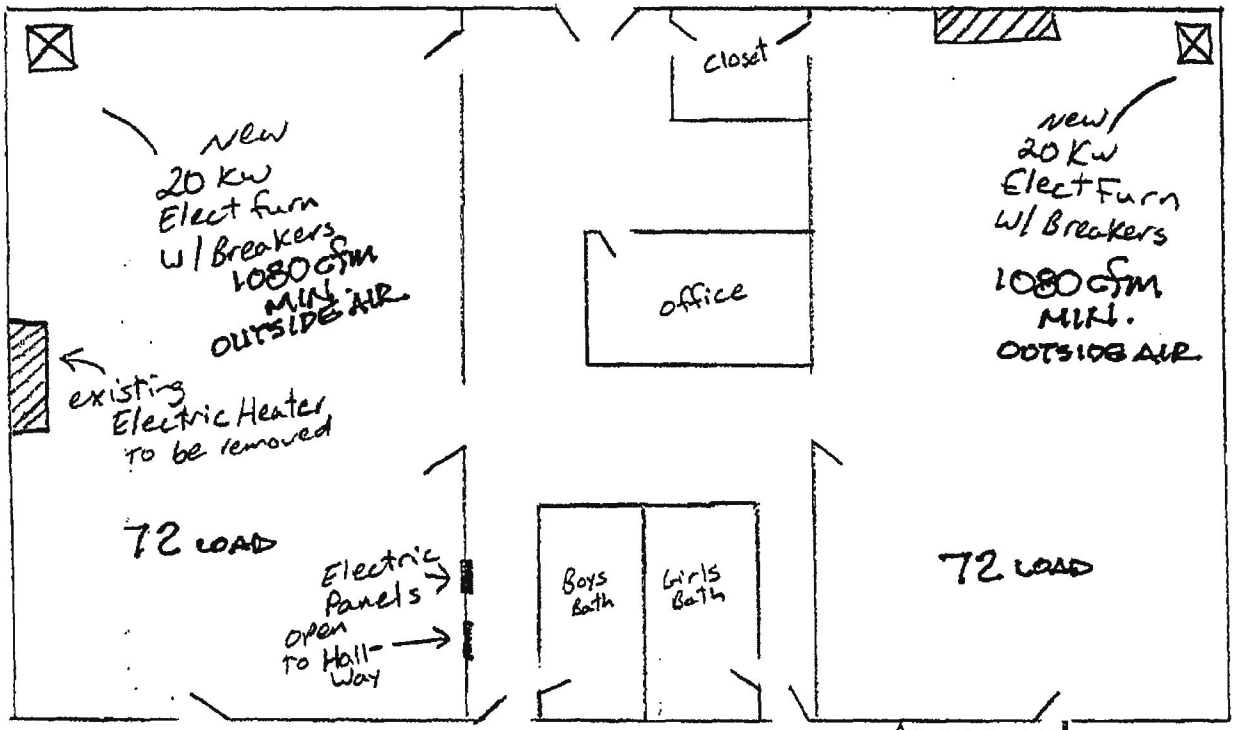
Owner Dave Rogers 942-0500
School Les 942-7764

PERMITS FOR ALL ELECTRICAL WORK SHALL BE SECURED FROM THE STATE OF OREGON, BUILDING CODES DIVISION, ELECTRICAL SAFETY SECTION.




Side view of Furn

existing Electric Heater to be removed.




→ Electrical by J.B Electric
687-5770

Approved
FOR CONSTRUCTION
AS NOTED
DATE 10/11/99 BY CW
LANE COUNTY
LAND MANAGEMENT DIVISION

BP 99-1987

Lane County
Public Works
LAND MANAGEMENT DIVISIO
http://www.LaneCounty.org/PW_LM

June 16, 2003

Michael Farthing
767 Willamette Street, Suite 203
Eugene, OR 97401

Re: Land Use Status of Blue Mountain School
Assessor's Map 21-02-19 Taxlot 900

Mr. Farthing:

I have reviewed the materials submitted with your letter of May 30, 2003 regarding the zoning history of the subject property. I concur with the research presented in the letter documenting a zoning designation of Public Facility for the subject property beginning in September 1984. The subsequent Rural Public Facility Zone that was applied to the property on May 17, 2002 does allow the maintenance, repair and replacement of the lawfully existing use (Blue Mountain School) under Lane Code 16.294(2)(a).

Please let me know if I can be of further assistance.

Sincerely,

Kent Howe

Kent Howe, Planning Director
Land Management Division

cc. TRS File

**Michael E. Farthing**
*Attorney at Law*

Smeede Hotel Building
767 Willamette Street, Suite 203
Eugene, Oregon 97401
Office (541) 485-1141 – Fax (541) 485-1174
email - mefarthing@yahoo.com

May 30, 2003

**HAND DELIVERED**

Kent Howe
Thom Lanfear
Land Management Division
Lane County Courthouse/Public Service Bldg.
125 E. 8th Avenue
Eugene, OR 97401

Re: Land Use Status of Blue Mountain School
Assessor's Map No. 21-02-19, Tax Lot 900

Gentlemen:

The purpose of this letter is to clarify and confirm the plan designation and zoning for the above-referenced property which is the site of the Blue Mountain School. Please refer to my previous letter, dated February 26, 2003, which included a lengthy letter from Jim Belknap regarding the land use and zoning history of the site. Based on current County records, Mr. Belknap and I believed that Tax Lot 900 was split-zoned (M-2 and F-1) and the school building and school use were legal, nonconforming uses.

However, due to Mr. Lanfear's research, we now believe Tax Lot 900 is presently and has, since 1984, been zoned PF, Public Facility. In addition, the small sliver of Tax Lot 900 that formed the eastern border of the property along Blue Mountain School Road was included in the entire site as part of the developed and committed exception area. The main school building is partially located in this sliver area (See attachment to Mr. Belknap's letter). This means the school building and operation are legal uses on the site and no plan amendment and zone change will be required to make them lawfully permitted land uses. The following discussion provides the background information which supports this conclusion.

Mr. Lanfear's research uncovered the following:

- In April, 1984, Tax Lot 900 was rezoned to M-1, Limited Industrial.
- However, when the County adopted the Rural Comprehensive Plan and implementing zoning in September, 1984, Tax Lot 900 was zoned PF, Public Facility.

- This zoning was first adopted by LCDC on September 8, 1984 as part of Lane County Ordinance No. 884. Copy of the map for Exception Area 443, which included Tax Lot 900 (shaded in yellow), is attached as Exhibit A.

- Due to concerns raised by LCDC and its staff regarding the zoning of other properties, a revised map was adopted on September 12, 1984 by Lane County Ordinance No. 891. Copy of that map with Tax Lot 900 shaded in yellow is attached as Exhibit B. The PF zoning was continued by the second ordinance and has been continuously in effect since that time.

The PF zoning district was recently amended by Ordinance No. 6-02, effective May 17, 2002, copy of which is attached as Exhibit C. In the new version, "[E]ducational facilities and services. . ." are permitted uses subject to Director approval, but are only allowed within an unincorporated community. The developed and committed exception area which includes Tax Lot 900 (No. 443) is not an unincorporated community.

However, the new PF zone allows, as an outright, permitted use, the following:

> " (a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.294."

In the earlier version of the PF zone (LC 16.219), "[E]ducational services. . ." were on outright, permitted without any limitation on location. The existing Blue Mountain School was established under this earlier of the zoning district as a lawful use. Because of the change in the recently-adopted PF zone, the school is "not authorized elsewhere" in the zone because it is not within an unincorporated community. However, it is a "lawfully existing" use that can be maintained, repaired and replaced as a permitted use pursuant to LC 16.294(2)(a) quoted above.

The school is very appreciative for the help provided by the County, and Mr. Lanfear, in particular. I would like to receive a short letter confirming my analysis so that the school can then apply for a loan to complete its purchase of the school. Part of the proceeds of that loan would also be used to address structural deficiencies that were described in Mr. Belknap's earlier letter. Before the loan can be secured, the zoning and the lawful status of the school use must be conclusively established.

Again, thank you for your continued cooperation and I hope to receive a response in the near future.

Sincerely,

Michael E. Farthing

MEF/mgf

cc: Blue Mountain School
Jim Belknap

# LANE COUNTY
# PERMIT

Permit No: BP070149
Type: Bldg Permit--Commercial
Sub-Type: Fire Alarm System

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: APPROVED

Applied: 01/31/2007
Approved: 02/01/2007
Issued:
Expiration:

Parcel No: 21-02-19-00-00900

| | | Phones: |
|---|---|---|
| Applicant: | BUSBY TOD | 541-501-2626 |
| Owner: | BLUE MOUNTAIN SCHOOL FOUNDATION INC | 541-942-7764 |
| Contractor: | DIVERSIFIED ELECTRONICS INC | 541-484-9078 |

Description of Work:
INSTALL FIRE ALARM SYSTEM IN A SCHOOL

**********

| | |
|---|---|
| Total Permit Fees ..: | $206.68 |
| Total Payments .....: | $0.00 |
| Balance Due .....: | $206.68 |

**********

Occupancy: E ; Construction Type: V-B ; Use: Scool; Area: 0 sq. ft.

Drawer # 2

Planning Setbacks:
CL: feet; PL Front: feet; Side: feet; Rear: feet; Riparian: feet

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

Building Official (or approved delegee): Robert D. Kilmer Date: 02/01/2007

2-1-07 SGS

# BUILDING / SANITATION PERMIT APPLICATION

## LAND MANAGEMENT DIVISION 125 E. 8TH AVE., EUGENE, OR 97401

**Please complete all lines inside white boxes.**
**(Incomplete requests will be rejected.)** BP0070149

BLUE MOUNTAIN SCHOOL FOUNDATION 942-7764
Owner of Property — Phone

P.O. BOX 907 COTTAGE GROVE OR 97424
Owner Address — Zip

TOD BUSBY 541-501-2626
Your Name (The person signing this form) — Phone

P.O. BOX 40548 EUGENE, OR 97404
Your Address — Zip

DIVERSIFIED ELECTRONICS INC. 144685 541-484-9078
Contractor/Installer/Builder Name — CCB License # — Phone

**Please indicate all other structures that now exist on the property:**
_____ None
_____ House/Mobile Home
_____ Garage/Shed/Storage
_____ Barn
_____ Industrial Building(s)
_____ Commercial Bldg
_____ Religious Building
_____ Public Building
_____ Other, please describe:

**Please describe if/how water and sanitary services will be provided.**

**WATER**
___ none / not applicable
___ well ___ water district*
District Name: _____
*Proof of service may be required prior to building permit issuance.

**SEPTIC INSTALLED**
___ Yes BP/SP# _____
___ No SI# _____

***Proposed work and use:*** INSTALL FIRE ALARM IN NEW SCHOOL ADDITION

**Valuation of proposed work:**
5,000.00

**MAP/PARCEL NUMBER:**
(Found on tax maps in the Assessment & Taxation Dept.)

| Township | Range | Section | ¼ Section | Taxlot |
|---|---|---|---|---|
| 21 | 02 | 19 | | 00900 |

**Applications made w/in the last 30 days:** _____
Planning fees will be determined on the content of this line.

***Mail Permit To:***
Name _____
Address _____
City/State _____ Zip _____

***Site Address:***
BLUE MOUNTAIN SCHOOL 76132 BLUE MOUNTAIN SCHOOL COTTAGE GROVE

***For Mobile Home Placement Only:***

**Brand:** _____ **Year:** _____

**Size (W&L):** _____ **No. of Bedrooms:** ____

**License # (No. always starts with X): X#** _____

**Distance in feet from MH to: Water:** _____ **Septic/Sewer:** _____

**Directions to site from nearest major intersection:**

The signature authorizes the applicable programs to review this application and assess fees as determined by Lane Code. The signature also signifies that this does not mean that an application has been made until all Lane County programs and applicable state divisions have reviewed the submittal. The above information is also certified as true and accurate. I realize that false information submitted is grounds to deny the application.

**LMD staff can NOT be held responsible for evaluations based on false, inaccurate or incomplete information.**

I hereby certify that: 1) the foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief; 2) I have the following legal interest in the property: ___owner of record, ___ contract purchaser, ___lessee, ___holder of exclusive option to purchase, ___duly authorized to act for a person who has the following legal interest: _____; and 3) the owner of record is knowledgeable of this application if I am not the owner.

X _____ Date: 2/1/07
Signature

Address: _____

Revised 2/05

# LANE COUNTY ELECTRICAL PERMIT

Permit No: EL061611

Type: Electrical Permit
Sub-Type: Residential Service

Job Address: **76132 BLUE MOUNTAIN SCHOOL COT**

Status: ISSUED

Applied: 10/05/2006 Approved: 10/05/2006
Issued: 10/05/2006 Expiration: 04/03/2007

Parcel No: 21-02-19-00-00900

Applicant: DIVERSIFIED ELECTRONICS INC
Contractor: DIVERSIFIED ELECTRONICS INC Phone: 541-484-9078
Owner: BLUE MOUNTAIN SCHOOL FOUNDATION INC Phone:

Description of Work: LIMITED ENERGY FOR FIRE ALARMS (BP050716)
Directions to site: SEE 1720

| Residential per unit service: | | |
|---|---|---|
| 1,000 sf or less: | 0 | $0.00 |
| Each add. 500 sf: | 0 | $0.00 |
| Limited Energy: | 1 | $28.00 |
| Manuf/Mod. Home: | 0 | $0.00 |
| Services/Feeders: | | |
| 200 amps or less: | 0 | $0.00 |
| 201-400 amps: | 0 | $0.00 |
| 401-600 amps: | 0 | $0.00 |
| 601-1,000 amps: | 0 | $0.00 |
| Over 1,000 amps: | 0 | $0.00 |
| Reconnect Only: | 0 | $0.00 |
| Temporary Services/Feeders: | | |
| Up to 200 amps: | 0 | $0.00 |
| 201-400 amps: | 0 | $0.00 |
| Over 400-600 amps: | 0 | $0.00 |
| Branch Circuits: | | |
| W/Service/Feeder: | 0 | $0.00 |
| w/o Serv/Feeder 1st: | 0 | $0.00 |
| each additional: | 0 | $0.00 |

| Miscellaneous (servie/feeder not included): | | |
|---|---|---|
| Pump/Irrigation Circle: | 0 | $0.00 |
| Sign/Outline Lighting: | 0 | $0.00 |
| Signal Circ/Ltd Energy: | 0 | $0.00 |
| Additional Inspections: | 0 | $0.00 |
| Other Electrical Fees: | | $0.00 |
| Total Electrical Fees: | | $28.00 |
| State Surcharge: | | $2.24 |
| Plan Review Fee: | | $0.00 |
| Additional Plan Review: | | $0.00 |
| Long Range Planning Fees: | | $2.10 |
| Administration Fee: | | $4.20 |
| New Technology Fee: | | $10.00 |
| Compliance Fee: | | $0.00 |
| Special Adjustment Fee: | | $0.00 |
| **Total Fee:** | | **$46.54** |

Permission is hereby given to commence the above described work, according to the conditions hereon and in accordance with the approved plans and specifications pertaining thereto, subject to compliance with Lane County ordinances and laws of the State of Oregon.

## CALL 541-682-4065 FOR INSPECTIONS

Failure to secure an inspection within 180 days of the date issued -or- if the inpections lapse more than 180 days, prior to receiving final approval for the installation, will cause your permit to expire by limit. A new permit will then be required.

## SMITH Steve G

**From:** BURGESS Jane
**Sent:** Thursday, October 05, 2006 12:50 PM
**To:** SMITH Steve G
**Subject:** FW: 21-02-19-00-00900 BLUE MOUNTAIN SCHOOL

Please reference BP 05-716 for the electrical permit.

Thanks.

-----Original Message-----
**From:** WHITE David W
**Sent:** Thursday, October 05, 2006 12:49 PM
**To:** BURGESS Jane
**Subject:** RE: 21-02-19-00-00900 BLUE MOUNTAIN SCHOOL

BP05-0716 issued 07/30/06.

-----Original Message-----
**From:** BURGESS Jane
**Sent:** Thursday, October 05, 2006 12:40 PM
**To:** WHITE David W
**Subject:** FW: 21-02-19-00-00900 BLUE MOUNTAIN SCHOOL

There are expired permits - can you tell what structure Steve is referring to???

-----Original Message-----
**From:** SMITH Steve G
**Sent:** Thursday, October 05, 2006 11:45 AM
**To:** BURGESS Jane
**Cc:** CORNELIUS Janice S
**Subject:** 21-02-19-00-00900 BLUE MOUNTAIN SCHOOL

As discussed this morning, Diversified Electric (484-9078) called to pull a low-voltage permit for fire alarms.

The job is to pre-wire the 4 new classrooms for both strobes and stations, and they are going to upgrade the current alarm system in the older, main building, too.

Thanks.

# EXHIBIT 19

# Well Log Query Results

**Township: 21 S, Range: 2 W, Sections: 19**

tax lot 698

| Well Log | T-R-S: QQ-Q | Tax lot | Street of Well | Owner | Company | Special Standards | Well Type | First Water | Completed Depth | Static Water Level | Yield | Completed Date | Received Date | Started Constructor | Startcard | Well Id # | New | Abandon | Deepen | Alteration | Conversion | Domestic | Irrigation | Community | Livestock | Industrial | Injection | Thermal | Dewatering | Piezometer |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LANE 537 | 21.00S-2.00W-19 NW-NW | | | KNIGHTEN, ROGER 76156 BLOE MOUNTAIN SCHOOL ROAD COTTAGE GROVE OR 97424 | | | W | 78.00 | 100.00 | 6.0 | 25.0 | 10/26/1990 | 12/04/1990 | WILSON, FRANK | 23883 | | √ | | | | | √ | | | | | | | | |
| LANE 3782 | 21.00S-2.00W-19 SW-NE | | | BACHELDER, KEN 34540 CLIFFORD LANE COTTAGE GROVE OR 97424 | | | W | 155.00 | 205.00 | 77.0 | 2.0 | 05/14/1993 | 05/24/1993 | OLDHAM, SEAN C | 49053 | | | | √ | | | √ | | | | | | | | |
| LANE 24179 | 21.00S-2.00W-19 NE-NW | 401 | | MCCLENDON, JAMES 76351 MOSBY CREEK RD COTTAGE GROVE OR 97424 | | | W | 50.00 | 245.00 | 9.0 | 3.0 | 08/11/1995 | 08/30/1995 | JONES JR, CASEY | 83991 | | √ | | | | | √ | | | | | | | | |
| LANE 23066 | 21.00S-2.00W-19 NW-NW | 399 | 76377 BLUE MT SCHOOL RD | HEMENWAY, JIM | | | W | 90.00 | 140.00 | 9.0 | 125.0 | 05/29/1989 | 06/29/1989 | WHITE, HAROLD RAY | 9897 | | √ | | | | | √ | | | | | | | | |
| LANE 23067 | 21.00S-2.00W-19 - | | | GREEN, ROBERT R | | | W | 45.00 | 80.00 | 17.0 | 20.0 | 09/14/1979 | 10/19/1979 | JONES, CASEY L | | | √ | | | | | √ | | | | | | | | |
| LANE 23068 | 21.00S-2.00W-19 - | | | GREEN, ROBERT | | | W | 37.00 | 240.00 | 6.0 | 3.0 | 12/02/1974 | 01/03/1975 | JONES, CASEY L | | | √ | | | | | √ | | | | | | | | |
| LANE 23069 | 21.00S-2.00W-19 - | | | OLSON, ERNEST | | | W | 115.00 | 125.00 | 10.0 | 30.0 | 08/20/1971 | 08/27/1971 | JONES, DELBERT S | | | √ | | | | | √ | | | | | | | | |
| LANE 23070 | 21.00S-2.00W-19 - | | | BENTON, DON | | | W | 80.00 | 105.00 | 35.0 | 4.0 | 08/17/1970 | 08/25/1970 | FLANNERY, H J | | | | | √ | | | √ | | | | | | | | |
| LANE 23071 | 21.00S-2.00W-19 - | | | HOYE, CHARLES | ROUTE 1 | | W | 0.00 | 155.00 | 20.0 | 4.0 | 08/31/1968 | 09/09/1968 | JONES, DELBERT S | | | √ | | | | | √ | | | | | | | | |
| LANE 23072 | 21.00S-2.00W-19 - | | | WALLACE, JOSEPH MARGALT | | | W | 0.00 | 75.00 | 12.0 | 20.0 | 08/08/1968 | 08/28/1968 | FLANNERY, H J | | | √ | | | | | √ | | | | | | | | |

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Download Data
Return to Well Log Query

# Well Log Query Results

## Township: 21 S, Range: 2 W, Sections: 19

| Well Log | T,R,S, Q,Q,Q | Tract | Street of Well | Owner | Company | Special Standards | Well Type | First Water | Completed Depth | Static Water Level | Yield | Completed Date | Received Date | Started Constructor | Starts | Well ID | New | Abandon | Deepen | Alteration | Conversion | Domestic | Irrigation | Community | Livestock | Industrial | Injection | Thermal | Dewatering | Piezometer |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LANE 23073 | 21.00S-2.00W-19 - | | | KNUDSON, CURTIS A | | | W | 0.00 | 50.00 | 12.0 | 13.0 | 06/01/1957 | 06/08/1957 | JONES, DELBERT S | | | √ | | | | | √ | | | | | | | | |
| LANE 23074 | 21.00S-2.00W-19 SW-SW | | | VARGAS, RICHARD | | | W | 45.00 | 78.00 | 14.0 | 9.0 | 06/29/1979 | 07/05/1979 | SCHOEN, LARRY | | | √ | | | | | √ | | | | | | | | |
| LANE 23075 | 21.00S-2.00W-19 - | | | MILLER, JAY | | | W | 0.00 | 70.00 | 18.0 | 15.0 | 10/04/1956 | 12/14/1956 | CARTER, JAMES I | | | √ | | | | | √ | | | | | | | | |
| LANE 23076 | 21.00S-2.00W-19 - | | | WOOLERY, JACK L | | | W | 0.00 | 82.00 | 21.0 | 14.0 | 09/02/1965 | 09/27/1965 | CARTER, JAMES I | | | √ | | | | | √ | | | | | | | | |
| LANE 23077 | 21.00S-2.00W-19 - | | | OLSON, ERNIE E | | | W | 0.00 | 95.00 | 12.0 | 12.0 | 07/07/1965 | 07/30/1965 | JONES, DELBERT S | | | √ | | | | | √ | | | | | | | | |
| LANE 23078 | 21.00S-2.00W-19 - | | | MYERS, LOREN | | | W | 0.00 | 75.00 | 18.0 | 23.0 | 03/04/1964 | 03/25/1964 | JONES, DELBERT S | | | √ | | | | | √ | | | | | | | | |
| LANE 23079 | 21.00S-2.00W-19 -NW | | | FOX, E J | | | W | 0.00 | 59.00 | 20.0 | | 11/01/1957 | 11/12/1957 | UNKNOWN, UNKNOWN | | | √ | | | | | √ | | | | | | | | |
| LANE 23080 | 21.00S-2.00W-19 NW-NW | | | BITTIS, LULA | | | W | 21.00 | 35.00 | 17.0 | 10.0 | 11/01/1973 | 12/04/1973 | MAY, HARRY | | | √ | | | | | √ | | | | | | | | |
| LANE 23081 | 21.00S-2.00W-19 SW-SW | | | KALKOWSKI, PERRY | | | W | 98.00 | 240.00 | 40.0 | 3.0 | 10/09/1978 | 10/17/1978 | SCHOEN, LARRY | | | √ | | | | | √ | | | | | | | | |
| LANE 23082 | 21.00S-2.00W-19 SW-SW | | | KALKOWSKI, PERRY | | | W | 0.00 | 0.00 | 0.0 | | 10/02/1978 | 10/16/1978 | SCHOEN, LARRY | | | √ | √ | | | | √ | | | | | | | | |

1 2 3 4

nearby

nearby

nearby

Download Data

Return to Well Log Query

## Well Log Query Results

**Township: 21 S, Range: 2 W, Sections: 19**

| Well Log | Twp-Rge-Sec Q-Q | Tax Lot | Street of Well | Owner | Company | Spacial Restrictions | Well Type | Final Water | Completed Depth | Static Water Level | Yield | Completed Date | Received Date | Bonded Constructor | Startcard | Well Id # | New | Abandon | Deepen | Alteration | Conversion | Domestic | Irrigation | Community | Livestock | Industrial | Injection | Thermal | Dewatering | Piezometer |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LANE 23083 | 21.00S-2.00W-19 SW-NW | | | RUSSUM, SAM | | | W | 32.00 | 36.00 | 18.0 | 12.0 | 04/20/1956 | 05/09/1956 | UNKNOWN, UNKNOWN | | | √ | | | | | √ | | | | | | | | | |
| LANE 52765 | 21.00S-2.00W-19 NE-NW | 698 | 76156 BLUE MOUNTAIN SCHOOL RD | KNIGHTEN, ROGER 76156 BLUE MOUNTAIN SCHOOL RD COTTAGE GROVE OR 97424 | | | W | 65.00 | 125.00 | 49.0 | 18.0 | 08/15/1997 | 08/29/1997 | JONES JR, CASEY CASEY JONES WELL DRILLING | 101878 | 16439 | √ | | | | | √ | | | | | | | | | |
| LANE 55417 | 21.00S-2.00W-19 NE-SW | 1100 | 34647 PERKINS CREEK RD | WILSON, VICTOR 34647 PERKINS CREEK RD COTTAGE GROVE OR 97424 | | | W | 58.00 | 90.00 | 35.0 | 15.0 | 10/22/1998 | 11/04/1998 | JONES JR, CASEY CASEY JONES WELL DRILLING | 115568 | 29356 | √ | | | | | √ | | | | | | | | | |
| LANE 59576 | 21.00S-2.00W-19 SW-NE | 501 | 34540 CLIFFORD LANE | BACHELDER, KEN 34540 CLIFFORD LANE COTTAGE GROVE OR 97424 | | | W | 213.00 | 521.00 | 175.0 | 7.0 | 04/27/2001 | 05/14/2001 | OLDHAM, SEAN C WHITE WATER WELL DRILLING | 137654 | 46138 | √ | | | | | √ | | | | | | | | | |
| LANE 60074 | 21.00S-2.00W-19 - | 698 | 76156 BLUE MTN SCHOOL ROAD | KNIGHTEN, ROGER 76156 BLUE MTN SCHOOL ROAD COTTAGE GROVE OR 97424 | | | W | | 165.00 | 84.0 | 20.0 | 08/27/2001 | 09/04/2001 | JONES JR, CASEY CASEY JONES WELL DRILLING | 143915 | 16439 | | | √ | | | √ | | | | | | | | | |
| LANE 65690 | 21.00S-2.00W-19 SW-NE | 803 | 76194 MOSBY CREEK RD | TAYLOR, DIANA 76194 MOSBY CREEK RD EUGENE OR 97402 | | √ | W | 125.00 | 143.00 | 12.0 | 40.0 | 12/30/2005 | 01/05/2006 | JONES JR, CASEY CASEY JONES WELL DRILLING | 182881 | 81865 | √ | | | | | √ | | | | | | | | | |
| LANE 65738 | 21.00S-2.00W-19 SW-NE | 803 | 76194 MOSBY CREEK RD | TAYLOR, DIANA 76194 MOSBY CREEK RD COTTAGE GROVE OR 97424 | | √ | W | | 0.00 | | | 01/19/2006 | 01/26/2006 | JONES JR, CASEY CASEY JONES WELL DRILLING | 182882 | | | √ | | | | √ | | | | | | | | | |
| LANE 68396 | 21.00S-2.00W-19 SE-NW | 800 | 79196 MOSBY CREEK ROAD COTTAGE GROVE | GENNETT, PAUL 79196 MOSBY CREEK ROAD COTTAGE GROVE OR 97424 | | | W | 23.00 | 117.00 | 20.0 | 15.0 | 04/24/2006 | 04/25/2006 | JONES JR, CASEY CASEY JONES WELL DRILLING | 1003340 | 95364 | √ | | | | | √ | | | | | | | | | |
| LANE 68639 | 21.00S-2.00W-19 NE-SE | 1601 | 1/4 MILE UP PERKINS CREEK RD COTTAGE GROVE, OREGON ON RIGHT SIDE | BOYD, JEFF 2633 COMANCHE ST SANTA ROSA CA 95403 | | | W | 70.00 | 100.00 | 42.0 | 19.0 | 07/22/2006 | 07/23/2006 | JONES JR, CASEY CASEY JONES WELL DRILLING | 1004244 | 96666 | √ | | | | | √ | | | | | | | | | |
| LANE 68785 | 21.00S-2.00W-19 NE-NE | 200 | 76377 MOSBY CREEK | KIVETT, KERMITT 76377 MOSBY CREEK COTTAGE GROVE OR 97424 | | | W | | | | 0.5 | 07/15/1997 | 08/02/2006 | CHRISTENSEN, PAUL CHRISTENSEN WELL DRILLING CO | 99831 | 13677 | | | | √ | | √ | | | | | | | | | |

1 2 3 4

adjacent on N side

adjacent on N side

Download Data
Return to Well Log Query

## Well Log Query Results

**Township: 21 S, Range: 2 W, Sections: 19**

| Well Log | Tax Lot | Street of Well | Owner | Company | Special Standards | Well Type | First Water | Completed Depth | Static Water Level | Yield | Completed Date | Received Date | Bonded Constructor | Startzone | Well ID # | New | Abandon | Deepen | Alteration | Conversion | Domestic | Irrigation | Community | Livestock | Industrial | Injection | Thermal | Dewatering | Piezometer |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LANE 68786 | 21.00S-2.00W-19 NE-NE | 200 | 76377 MOSBY CREEK | KIVETT, KERMITT 76377 MOSBY CREEK COTTAGE GROVE OR 97424 | | | W | 131.00 | 300.00 | 35.0 | 75.0 | 07/17/1967 | 09/02/2008 | CHRISTENSEN, PAUL CHRISTENSEN WELL DRILLING CO | 99832 | 13578 | ✓ | | | | | ✓ | | | | | | | | |
| LANE 69818 | 21.00S-2.00W-19 SE-NW | 603 | 76235 BLUE MOUNTAIN SCHOOL ROAD | JAFFARIAN, ERNEST & TRULA 816 PALACE STREET AURORA IL 60506 | | | W | 60.00 | 160.00 | 12.0 | 20.0 | 06/07/2009 | 06/17/2009 | HENDRICKSON, JEFF HENDRICKSON WELL DRILLING INC | 195697 | 97880 | ✓ | | | | | ✓ | | | | | | | | |

1 2 3 4

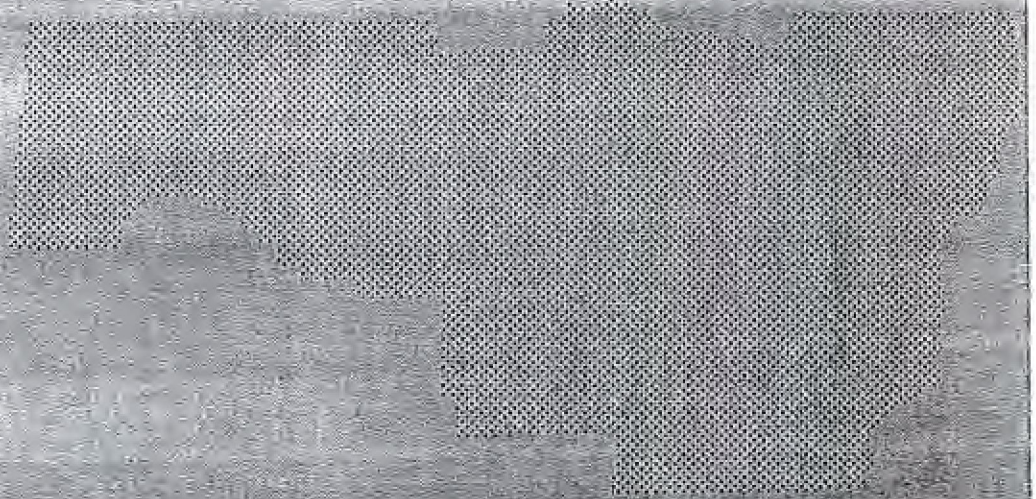
nearby to the NE

Download Data
Return to Well Log Query

# EXHIBIT 20

# Lane County Rural Comp. Plan

# DEVELOPMENT CODE



lane county

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 1-84

IN THE MATTER OF ENACTING CHAPTER 16 OF THE LANE CODE AS THE RURAL DEVELOPMENT CODE AND ADOPT THE FOLLOWING NEW ZONES AS ELEMENTS OF THE RURAL COMPREHENSIVE PLAN:

a. FOREST ZONES
   (1) Nonimpacted Forest Lands (F-1, RCP)
   (2) Impacted Forest Lands (F-2, RCP)

b. AGRICULTURAL ZONE
   (1) Exclusive Farm Use - 25 acres (E-25, RCP), 30 acres (E-30, RCP), 40 acres (E-40, RCP), 60 acres (E-60, RCP)

c. RESOURCE ZONES
   (1) Natural Resource (NR--RCP)
   (2) Park and Recreation (PR-RCP)
   (3) Quarry and Mining (QM-RCP)
   (4) Sand and Gravel (SG-RCP)
   (5) Controlled Processing (/CP-RCP)

d. MARGINAL LAND ZONE
   (1) Marginal Lands - 10 acres (ML-10, RCP), 20 acres (ML-20, RCP)

e. COMMERCIAL ZONES
   (1) Limited Commercial (C-1, RCP)
   (2) Neighborhood Commercial (C-2, RCP)
   (3) Commercial (C-3, RCP)
   (4) Rural Commercial (C-R, RCP)

f. INDUSTRIAL ZONES
   (1) Limited Industrial (M-1,RCP)
   (2) Light Industrial (M-2, RCP)
   (3) Heavy Industrial (M-3, RCP)

g. AIRPORT ZONES
   (1) Airport Operation (AO-RCP)
   (2) Airport Safety District (/AS-RCP)
   (3) Commercial Airport Safety District (/CAS-RCP)

h. RESIDENTIAL ZONES
(1) Suburban Residential (RA-RCP)
(2) Garden Apartment (RG-RCP)
(3) Rural Residential - 1 acre (RR-1-RCP), 2 acres (RR-2-RCP), 5 acres (RR-5-RCP), 10 acres (RR-10-RCP)

i. COASTAL OVERLAY ZONES
(1) Shoreland Zones
(a) Prime Wildlife (/PW-RCP)
(b) Significant Natural (/SN-RCP)
(c) Natural Resource (/NRC-RCP)
(d) Residential Development (/RD-RCP)
(e) Mixed Development (/MD-RCP)
(f) Dredged Materials (/DMD-RCP)
(2) Estuary Zones
(a) Natural Estuary (/NE-RCP)
(b) Conservation Estuary (/CE-RCP)
(c) Development Estuary (/DE-RCP)

j. FLOOD HAZARD AREAS OVERLAY ZONE
(1) Floodplain Combining Zone (/FR-RCP)

k. DESTINATION RESORT ZONE
(1) Destination Resort (DR/RCP)

l. HISTORIC RESOURCE ZONE
(1) Historic Resource Combining District ((HR/RCP)

m. GREENWAY
(1) Greenway Development Permit (GP/RCP)

INSERT THESE PAGES

All of Chapter 16 (new Chapter)

Said pages are attached hereto and incorporated herein by reference. The purpose of the new Chapter is to adopt a Development Code for Rural Lane County.

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 affect the validity of the remaining portions hereof.

The pending applications which on the effective date hereof have progressed through at least one public hearing shall be completed under procedures applicable at the time of said public hearing. All other applications shall be processed pursuant to these new provisions.

The application of Chapter 10 to rural Lane County repealed by this Ordinance shall remain in force to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "A" to explain and support this action.

Enacted this 29th day of February, 1984.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

## LIMITED INDUSTRIAL ZONE (M-1, RCP)

## RURAL COMPREHENSIVE PLAN

16.224 Limited Industrial Zone (M-1, RCP). LC 10.170-05 to -35 is incorporated as fully set forth, with the following exceptions, and shall be designated on the zoning maps as M-1, RCP.

(1) Delete the first four lines of LC 10.170-15 and substitute in its place the following:

"-15. Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this Chapter of Lane Code."

(2) Add the following subsection:

"-20. Special Use Approval Criteria. Uses allowed under the above LC 10.170-15 shall comply with the following criteria:

(1) Conformity with the Rural Comprehensive Plan for Lane County.

(2) The location, size, design and operating characteristics of the proposed use:

(a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(d) Will no create a hazardous natural condition such as erosion, landslide, flooding."

(3) TIn LC 10.170-23 delete "(Also see LC 10.300-15 and LC 15.065)" and substitute in its place "(Also see LC 16.250 and LC 15)".

(4) In LC 10.170-35, delete "(Also see LC 10.300-05)" and substitute in its place "(Also see LC 16.250)."

(5) Add the following to LC 10.170-23:

"(3) The Class I Stream and Riparian Vegetation requirements of LC 16.299-35(2) and (3) shall apply to development of property in the M-1, RCP Zone."

## LIGHT INDUSTRIAL ZONE (M-2, RCP)

## RURAL COMPREHENSIVE PLAN

16.225 Limited Industrial Zone (M-2, RCP. LC 10.175-05 to -35 is incorporated as fully set forth, with the following exceptions, and shall be designated on the zoning maps as M-2, RCP.

(1) In LC 10.175-10(2), delete "(LC 10.170-10)" and substitute in its place "(LC 16.224-10)".

(2) Delete LC 10.175-15 entirely and add the following:

"-15. Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this Chapter of Lane Code:

( 1) Any of the special uses allowed in the M-1, RCP zone (LC 16.224-15)".

(3) Add the following subsection:

"-20. Special Use Approval Criteria. Uses allowed under the above LC 10.175-15 shall comply with the following criteria:

(1) Conformity with the Rural Comprehensive Plan for Lane County.

(2) The location, size, design and operating characteristics of the proposed use:

(a) Will be compatible with and will not adversely affect the livability or appropriate develoment of abutting properties and the surrounding vicinity, and

(b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(d) Will not create a hazardous natural condition such as erosion, landslide, flooding."

(4) In LC 10.175-23, delete "(Also see LC 10.300-15)" and substitute in its place "(Also see LC 16.250 and LC Chapter 15)."

(5) In LC 10.175-35, delete "(Also see LC 10.300-05)" and substitute in its place "(Also see LC 16.250)".

(6) Add the following to LC 10.175-23:

"(4) The Class I Stream and Riparian Vegetation requirements of LC 16.299-35(2) and (3) shall apply to development of property in the M-2/RCP Zone."

## HEAVY INDUSTRIAL ZONE (M-3, RCP)

## RURAL COMPREHENSIVE PLAN

16.226 Heavy Industrial Zone (M-3, RCP). LC 10.180-05 to -35 is incorporated as fully set forth, with the following exceptions, and shall be designated on the zoning maps as M-3, RCP.

(1) In LC 10.180-10(2), delete "(LC 10.175-10)" and substitute in its place "(LC 16.225-10)".

(2) Delete LC 10.180-15 entirely and substitute in its place:

"15. Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this Chapter of Lane Code:

(1) Any of the special uses allowed in the M-1, RCP zone (LC 16.224-15)."

(3) Add the following subsection:

"-20. Special Use Approval Criteria. Uses allowed under the above LC 10.180-15 shall comply with the following criteria:

(1) Conformity with the Rural Comprehensive Plan for Lane County.

(2) The location, size, design and operation characteristics of the proposed use:

(a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(d) Will not create a hazardous natural condition such as erosion, landslide, flooding."

(4) In LC10.180-23, delete "(Also see LC 10.300-15 and LC 15.065)" and substitute in its place "(Also see LC 16.250 and LC Chapter 15)."

(5) In LC 10.180-35, delete "(Also see LC 10.300-05)" and substitute in its place "(Also see LC 16.250)."

(6) Add the following to LC 10.180-23:

"The Class I Stream and Riparian Vegetation requirements of LC 16.299-35(2) and (3) shall apply to development of property in the M-3, RCP Zone."