



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



February 3, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 002-04

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. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 15, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Jerry Kendall, Lane County

<paa> n

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

JAN 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: LANE COUNTY Local File No.: PA 03-6057 (If no number, use none)

Date of Adoption: 1-25-06 (Must be filled in) Date Mailed: 1-27-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 2-2-04

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
Land Use Regulation Amendment Zoning Map Amendment
New Land Use Regulation Other: (Please Specify Type of Action)

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

PLAN AMENDMENT AND ZONE CHANGE FROM "FOREST LAND" TO "NONRESOURCE" AND FROM "F-2/IMPACTED FOREST LANDS" TO "RA-10 RURAL RESIDENTIAL"

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: FOREST LAND to NONRESOURCE

Zone Map Changed from: F-2/RCP to RA-10/RCP

Location: 164-03W-35 PL#100 (portion) Acres Involved: 1.31

Specify Density: Previous: 80 ac. New: 10 ac.

Applicable Statewide Planning Goals: 2-5, 11, 14, 12

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 002-04 (13410)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

SENT 35 DAYS PRIOR.
If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: JERRY KENDALL Area Code + Phone Number: 541-682-4857

Address: PSB/LHD 125 E. 8TH AVE.

City: EUGENE Zip Code+4: 97401-2926

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1228) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN TO REDESIGNATE LAND FROM "FOREST LAND"
) TO "NONRESOURCE", REZONE THAT LAND FROM
) "F-2/IMPACTED FOREST LANDS" TO
) "RR-10/RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 03-6037; Dettmer)**

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 October, 2003, application no. PA 03-6037 was made for a minor amendment to redesignate a 1.31 acre portion of tax lot 1100 of map 16-03-35.3, specifically described as : A parcel of land located in the Southwest ¼ of Section 35, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of Parcel 2 of Land Partition 97-P0947, Lane County Oregon Plat Records, more particularly described as follows: Beginning at the southeast corner of Lot 8, CLOUD NINE RANCH, as platted and recorded on File 75, Slides 886-890, Lane County Oregon Plat Records; then North 78 degrees 12'46" West along the south line of said Lot 8, 300.00 feet; thence South 11 degrees 47'14" West, 180.00 feet; thence South 78 degrees 12'46" East, parallel with the south line of said Lot 8, 321.55 feet; thence North 4 degrees 57'39" East, 181.28 feet to the Point of Beginning, all in Lane County, Oregon; from "Forest Land" to "Nonresource" and concurrently rezone the property from "F-2/Impacted Forest Lands" to "RR-10/Rural Residential"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of March 16, 2004, deliberated on September 6, 2005, and on that date recommended approval of the proposed amendment and rezoning; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 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 is amended by the redesignation of a 1.31 acre portion of tax lot 1100 of map 16-03-35.3, as described above, from "Forest Land" to "Nonresource", such territory depicted on Plan Plot 408 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. A 1.31 acre portion of tax lot 1100 of map 16-03-35.3, as described above, is rezoned from "F-2/Impacted Forest Lands" (Lane Code 16.211) to "RR-10/Rural Residential" (Lane Code 16.231), such territory depicted on Rural Zoning Plot 408 and further identified as Exhibit "B" attached and incorporated herein. As part of this rezoning approval, the Applicant/Owner is to establish a primary fuelbreak around any dwelling placed on the subject property. Except for the distance of the primary safety zone which shall be 50 feet, such fuelbreak shall meet all other fuelbreak standards of LC 16.211(8)(c)(i)(aa). This fuelbreak need not project beyond the lot lines and shall be field inspected and approved by Planning Staff prior to land use authorization of the building permit for the dwelling.

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.

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.

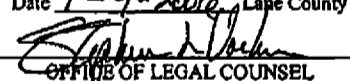
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the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

ENACTED this 25th day of January, 2006.


Chair, Lane County Board of County Commissioners


Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 1-4-2006, Lane County

OFFICE OF LEGAL COUNSEL

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ENACTED this _____ day of _____, 2006.

Chair, Lane County Board of County Commissioners

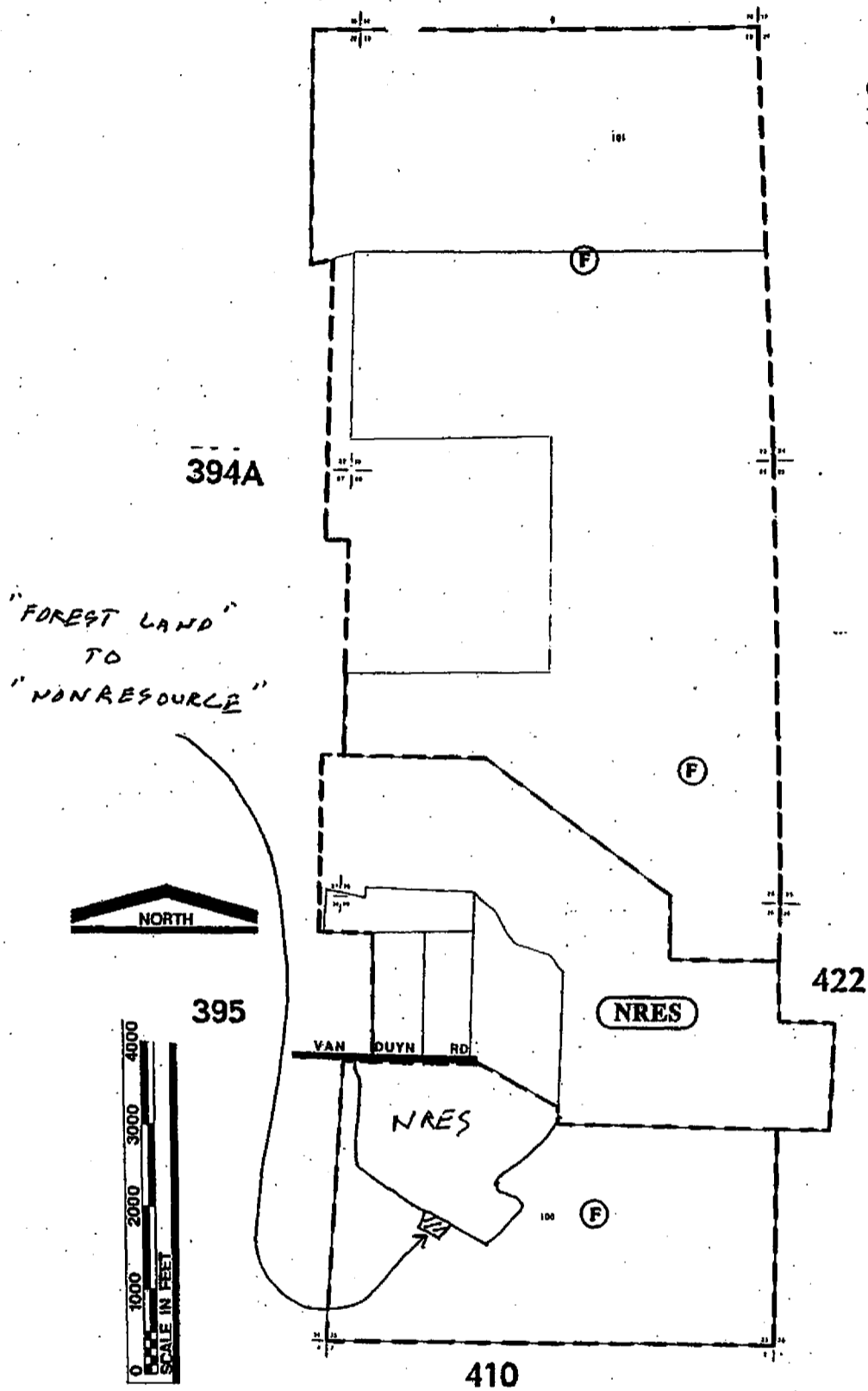
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

Ordin. No. PA 1128
Exhibit "A"



OFFICIAL PLAN MAP

PLOT# 408

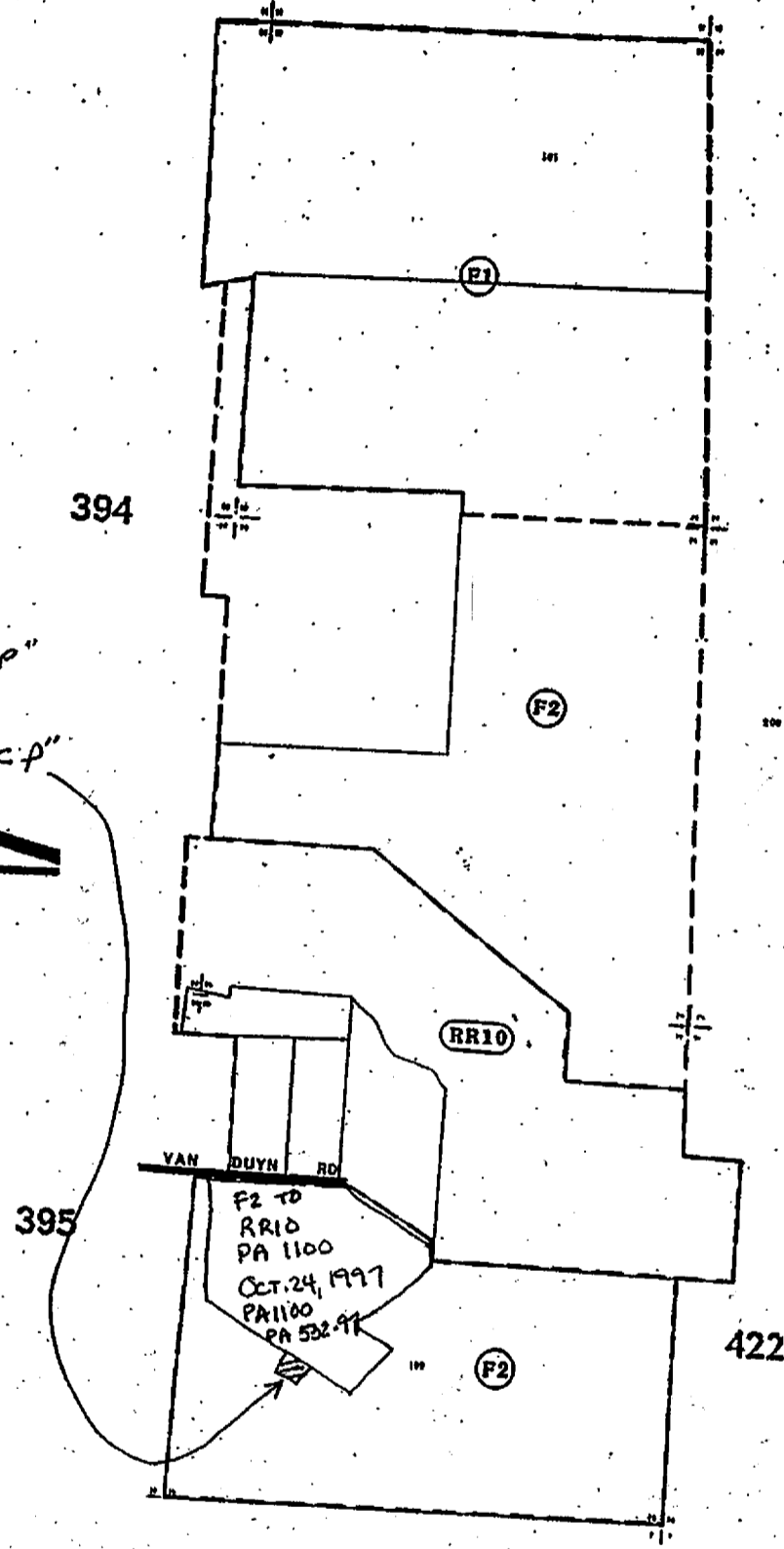
Twshp Range Section	16 03 26
16 03 23	16 03 35

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

REVISION # ORD. # DATE FILE #

Ordin. No. PA 1128
Exhibit "B"

"F-2/RCP"
TO
"RA-10/RCP"



OFFICIAL ZONING MAP

PLOT# 408

Township Range Section	
16 03 23	16.03.26
	16.03.35

NAL ORD. # PA 884

ION # ORD # DATE 2/29/1984 FILE #

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
PETER & JOY DETTMER PLAN AMENDMENT AND ZONE CHANGE
FILE NO. PA 03-6037 (ORDIN. NO. 1228)**

The following Findings of Fact and Conclusions of Law support an affirmative decision by the Board of Commissioners to approve the proposed plan amendment and concurrent zone change for the "Subject Property." Additional information is provided in the attached Applicant's Statement (AS) dated April 29, 2005 as provided for the Planning Commission Hearing on September 6, 2005. Those two documents are incorporated by reference as part of these findings.

I. SUMMARY OF ISSUES

This section includes a general overview of the amendment request, site characteristics, and the primary issues associated with the proposal.

General Overview

1. The Statewide Planning Goals and the Rural Comprehensive Plan ("the Plan") protect resource lands while allowing other, nonresource lands to develop. The proposed amendment allows rural residential development on a documented nonresource tract and will not affect any adjacent or nearby resource lands.
2. This application implements RCP Goal 2 Policy 16 by designating the Subject Property as Nonresource Land and zoning it RR-10/Rural Residential. The Plan provides for designating lands that are not farm or forestlands as defined by Statewide Planning Goals 3 and 4 as nonresource lands. Nonresource lands by definition do not require an exception to the goals.
3. The current plan designation of the Subject Property as Forest Land is in error. Goal 2 mandates that an adequate factual base be used in land use decision making. This amendment and zone change request provides a factual base to show the Subject Property does not meet the state definition of forestland or warrants protection by the F-2 zone. The proposed rural residential zoning of RR-10 can be accommodated by an adequate water supply, access to public roads, and availability of all necessary services.

Site Characteristics

4. The subject property is located east of the City of Coburg and south of Van Duyn Road. It was originally 10 acres in size, and was previously identified as lot 8 of the Cloud Nine Ranch Subdivision. Lot 8 is zoned RR-10 (Rural Residential, LC 16.231). The entire subdivision was the result of a prior plan amendment and zone change from resource to nonresource, via the same process as the present application.
5. A prior owner desired a better location for his proposed home adjacent to but outside of this lot 8, so he performed a replat between the Cloud Nine Ranch and the CoburgHill Plat to the south, and absorbed 1.31 acres from an adjacent F-2 zoned lot, expanding his lot to its present 11.31-acre size. The replatted subject property is now identified as lot 3 of the CoburgHill Subdivision. The replat created a split-zoned parcel, with the majority being RR-10, and the 1.31 acres F-2. However, this plan amendment and rezone removes the split-zone situation and will subsequently allow the homesite to be located on the 1.31-acre portion.

Primary Issues

The Subject Property is not resource land.

6. The property is characterized by poorly drained, nonproductive soils as detailed in the Applicant's Statement, Exhibit E-1 and E-2 (*Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils, September 13, 2003 and *Revised Soil Mapping Units*, February 24, 2005). The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.
7. Specifically, the Gallagher report finds that the average forest productivity of all soils on the subject property is 42.7 cubic feet per acre per year. The threshold for resource land is 50 cubic feet per acre per year. The report also found that 49.1% of the on-site soils have agricultural capability classifications of Class I through IV, while 50.9% of the soils are characterized by Classes V through VIII. The threshold for resource land is predominance (at least 50%) of Class I-IV soils.
8. The Subject Property does not have significant grazing, watershed, wildlife or scenic values that require maintaining a resource designation
9. This factually supported Nonresource designation is consistent with Oregon's land use policy as it helps preserve land that is truly Resource land in large blocks necessary for maintaining the farm and forest economy of the state. A Nonresource designation acknowledges certain lands are so poor that they do not meet the definition in the goals of either farm or forest land.

Rural residential development on the Subject Property will have no impact on adjacent or nearby resource lands.

10. The proposed development density of the Subject Property (1 du/10 acres) is consistent with the Rural Comprehensive Plan, county policies, county plan amendment and zone change approval criteria, and statewide planning goals.
11. The proposed ten-acre rural residential zoning may result in a development of 1 dwelling on the 11.31-acre Subject Property. This request does not propose any land divisions.

II. GENERAL FINDINGS RELATING TO THE PROPERTY AND APPLICATION

1. This application is for a plan amendment redesignating 1.31 acres of land from Forest Land to Nonresource Land with concurrent rezoning from Impacted Forest Land (F-2) to Rural Residential (RR-10). These findings provide factual support for the proposed Nonresource Land designation and therefore do not require exceptions to the statewide planning goals.
2. The Subject Property is identified as tax lot 1100 on Assessor's Map 16-03-35-30 (Lot 3 of CoburgHill Subdivision) located on Lane County Zoning Plot # 408. It is a 1.31-acre tract located near the end of Van Duyn Road, east of Interstate-5 and the City of Coburg. Good access exists on Van Duyn Road with direct connection to Interstate-5 and further west to the City of Coburg and other public roads.

3. The Subject Property is a legal lot as verified by Lane County Legal Lot Verification PA 04-5173.
4. The site is appropriately characterized as NonResource land with natural characteristics similar to the steeply sloping side slopes and moderately sloping footslopes of the Coburg Hills. There is a small bedrock bench on the highest part of the property which is gently to moderately rolling and located in the southeast corner of the site. From this high point the site is gently to moderately sloping roughly northward to a shallow drainageway, with poorly draining soils, flowing east to west. The bedrock bench has rock outcrops and shallow and gravelly soils that are well drained to somewhat excessively drained. Runoff from eroded clayey and shallow side slope soils is rapid and permeability is very slow. Somewhat poorly drained clayey soils occur on the side slopes and footslopes and may have seeps during the winter months. The drainage way is comprised of poorly draining soil. The average slope of the entire site is roughly 10%. The vegetation found on this land consists of sparse oak trees, some small maple and Douglas fir trees, along with brush, such as blackberry, Hawthorne, poison oak, and wild rose. No marketable timber is found on the subject site.
5. Soil map units are as follows:

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Forest Productivity ft ³ ac ⁻¹ yr ⁻¹	Previous Map*		Revised Map		Reference
				Ac.	%	Ac.	%	
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.0	0	0	
113G	NA	Riftner	149	1.0	9.0	0	0	A
41	Dx	Dixonville	152	0	0	0.5	4.5	A
-	Or	Xerorthents**	35	0	0	0.3	2.5	B
-	PH	Philomath-Rock Outcrop Complex*	21	0	0	4.5	39.7	B
102	Pa	Panther*	50	0	0	1.04	8.7	B
-	Wi	Witham**	50	0	0	5.0	44.6	C
Total				11.3	100	11.3	100	

* Soils not previously mapped on this property.

**Soils not previously included in NRCS Lane County Soils Legend.

A Soil Survey Lane County NRCS

B Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Lane County

C Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Linn County

6. The Subject Property is provided the following public services:
 - Water: Community Water System (Cloud Nine Ranch)
 - Sewer: Planned on-site individual
 - Electricity: Emerald People's Utility District
 - Telephone: QWest
 - Fire: Coburg Rural Fire Protection District
 - Schools: Eugene 4J
 - Access: Van Duyn Road to Coburg Hills Drive (private)
 - Police: Lane County Sheriff, Oregon State Police
 - Solid Waste: Coburg Sanitary Services Company

An adequate level of public services is available for rural residential development.

7. No wetlands exist on the 1.31 acre portion of the subject site. There is a wetland area on the RR-10 portion of the subject site, roughly 400 feet to the north. The site is not within a flood plain or watershed.
8. Lane County Wildlife Inventory, Eugene Quadrant, shows the subject property is located on the edge of an impacted big game range. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area.
9. No historical, archaeological, scenic or other resource features have been identified on the Subject Property by county inventories.
10. The property is situated within Cloud Nine Ranch, a Rural Residential Subdivision. To the north are other lots within Cloud Nine Ranch. To the east of the 1.31-acre portion of the subject site is a steeply sloped, 80.00-acre piece of property zoned F-2. To the south and west of the 1.31-acre portion of the subject site is lot 9 of Cloud Nine Ranch. It is currently vacant. The closest F-1 zoned forestland exists roughly 765 feet to the south. The closest EFU land is located approximately 900 feet to the west. Neither property would be significantly affected by the proposed plan amendment and zone change, due to distance and intervening geographic features such as steep hills and ravines.
11. The Lane County Land Management planning staff reviewed the applicant's statements and evidence, and recommended approval of the proposed Nonresource designation with a Rural Residential RR-10 zone.
12. On March 16, 2004 the Lane County Planning Commission conducted an evidentiary public hearing. The original submittal was contested by Jim Just of the *Goal One Coalition*. The original submittal rated some of the soils on the 1.31-acre portion of the property as having a zero (i.e., no rating) productivity rating for forestry. Relevant case law states that having no rating is not tantamount to having a zero productivity rating, so the applicant requested more time to address this issue. Lane County requires that the entire parcel average below a 50 cubic foot per acre annual forest productivity rating, in order to qualify for a Nonresource designation.
13. The Planning Commission closed the public hearing on March 16, 2004, but left the record open for written comments related only to forest soil productivity. The record was set to close on May 11, 2004. The applicant subsequently realized that an intensive onsite soil study would be needed, and requested a timeline waiver from the Planning Director. That request was granted.
14. On September 3, 2004, the applicant submitted the revised soils study. The study was reviewed by LCOG soils scientist Kathi Wiederhold and the methodology found to be correct. The applicant later incorporated the new soils information into the spiral bound Applicant's Submittal and submitted it to the Land Management Division on April 29, 2005. This submittal is a "stand alone" document in that it concisely restates all of the required standards, with the updated soils information folded therein.
15. On August 8, the Planning Director wrote the parties involved in the original request for the continuance (i.e., the applicant, his agents, and Jim Just), advising them of the revised submittal. Utilizing the same time spans previously established, those parties were given until August 23 to comment on the revised soils information. Jim Just submitted his

comments via email on August 15. The *Goal One Coalition* recommended approval of the request.

16. On September 6, 2005 the Planning Commissioners expressed their support for the application and voted 5:0, with Commissioner Sullivan abstaining, to recommend the Board of County Commissioners approve the plan amendment and designate the Subject Property Nonresource Land with a Rural Residential RR-10 zone.

III. FINDINGS AND CONCLUSIONS RELATED TO THE LANE CODE 16.400 PLAN AMENDMENT CRITERIA

A Plan Amendment to change the Plan Designation for the subject property from Resource Land to Non-resource Land is a minor amendment, per Lane Code 16.400(8)(a)(i), and requires compliance with the criteria set out in Lane Code 16.400(6)(h)(iii). Each criterion is presented with findings below.

LC 16.400(6)(h)(iii)(aa) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings: 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 (Exhibit G-7).

1. The Board finds this application proposes to amend the Rural Comprehensive Plan from Forest Land to Non-Resource Land with evidence that address the applicable requirements of Lane County Code, Rural Comprehensive Plan policies and state-wide planning goals.

LC 16.400(6)(h)(iii)(bb): For Major, or 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

2. The Board finds that this amendment identifies an error in the adopted Rural Comprehensive Plan which designates the 1.31-acre portion of the subject property as forest land. Evidence indicates this designation is inconsistent with both County policies and the statewide planning goal definitions of resource land.

(iv-iv) necessary to provide for the implementation of adopted plan policy or elements; or

3. The Board finds that this amendment implements Rural Comprehensive Plan Goal 2, policy 18, which provides for the designation of lands as Rural Residential when such lands do not meet the definition of farm or forest land under Statewide planning goals 3 and 4. The subject property does not qualify as a farm or forest land necessitating protection by these goals and, therefore, qualifies as Non-Resource Land.

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper."

4. The Board finds that, based upon reasons discussed in this application, the applicant submits that it is desirable, appropriate and proper to designate the 1.31-acre portion of the subject parcel as Non-Resource Land.

LC 16.400(6)(h)(iii)(cc): . . . the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

5. The Board finds that Policy support exists for the proposed Plan amendment as detailed in this foregoing discussion as follows:

Goal 2, Land Use policy 18 provides for designating lands that are not farm or forest land as residential. An analysis of the proposal's compliance with this policy follows:

"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.*

The state defines forest land as land which is suitable for commercial forest including adjacent land necessary to maintain soil, air, water and fish and wildlife resources. According to the Soil Survey of Lane County (1981) published by the U.S. Department of Agriculture Soil Conservation Service (SCS), the 1.31 acre portion of the subject property is composed of 113G Ritner soil, which is considered prime timber soil with a forest productivity rating of 149 cubic feet of timber per acre per year. The Soil Survey is mapped at a large scale based on aerial photography. Recent high intensity soil classification done on the property by a Certified Soil Classifier indicates the SCS Soil Survey data is incorrect.

Red Hill Soils scientist Andy Gallagher examined the entire 11.31-acre site in July and August of 2003 and in more detail in February, 2005. He found the on-site soil to consist of Dixonville, Xerorthents, Philomath-Rock Outcrop Complex, Panther, and Witham soils. The weighted average forest productivity of the site is 42.7 cubic feet of timber per acre per year, as described more fully in the attached report. Therefore, the property does not meet the definition of forest land under Goal 4.

The state defines agricultural land as land classified by the SCS as predominantly Class I-IV soils in Western Oregon, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices, and land which is necessary to permit farm practices to be undertaken on nearby agricultural lands. The agricultural capability classification for the soils found to exist on the property range from Class III to Class VI, with predominance of Class V through VIII (51%). The majority of the property is zoned Rural Residential. The remaining 1.31 acre portion is topographically isolated from surrounding land and could not be practically put to agricultural use even if the soil would support such use. Therefore, the property does not meet the definition of agricultural land under Goal 3.

The property is not located in an urban area. Rather, the 1.31 acre portion is adjacent to a nonresource, rural residential subdivision with community water system, private access road, and individual septic systems. Minimum lot size in Cloud Nine Ranch is 10 acres. The 1.31 acre portion of the property is not forest land necessary for urban buffers, windbreaks, scenic values, or livestock habitat.

- b. *An exception to any of the Statewide Planning Goals is not required.*

As evidenced above, the land is not forest or agricultural land as defined by Goals 3 or 4, and therefore does not require an exception to either of these Statewide Planning Goals.

- c. *Small isolated Non-Resource tracts surrounded by farm and forest lands shall be discouraged if such Non-Resource designation would create compatibility problems.*

The 1.31 acre F-2 portion of the subject site is bordered on the east and south by steeply sloped and unmanaged F-2 forest land. To the north of the 1.31 acre portion of the subject site is the residentially zoned remainder of the subject site, which is part of a large nonresource area (Cloud Nine Ranch). The present request will expand the boundary of this nonresource area to include 1.31 acres of topographically isolated nonresource land. Therefore, this application will not create an isolated pocket of nonresource land or present any compatibility problems.

- d. *The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.”*

The proposed amendment is consistent with other Rural Comprehensive Plan policies as outlined below.

Goal 2, Policy 17 is also applicable and provides rural residential densities based on consideration of the following factors:

- a. *Existing development pattern and density of any adjacent committed areas;*

The subject property is an adjusted legal lot within Cloud Nine Ranch Subdivision. The existing development pattern of Cloud Nine Ranch is one single family home per 10 acres. Approval of the plan amendment will not cause an increase in lots, homes, or residential density. The plan amendment is consistent with the surrounding development pattern. RR-10 is the appropriate zoning for the F-2 portion of the subject site, consistent with the remainder of the property and the other lots in Cloud Nine Ranch.

Exhibit J depicts development pattern in detail. As the table shows, the RR-10 exception area's total acreage is 666.69 acres. The addition of the 1.31 acre portion of the subject site will increase this area to 668.00 acres. The total number of RR-10 parcels will remain at 65. The current average parcel size is 10.26 acres per parcel. The addition of the 1.31 acre portion of the subject site to the exception area will increase the average parcel size to 10.28 acres per parcel.

- b. *Subsurface sewage disposal suitability;*

Sewer will be provided by an on-site septic system, the site inspection for which was approved when the lot was part of the Cloud Nine Ranch. The addition of 1.31 acres to the residential zone will not increase the number of lots or required sewage disposal systems. Therefore, the proposal is consistent with the site's ability to accommodate a single family sewage disposal system.

c. *Domestic water supply availability;*

Cloud Nine Ranch is served by a community water system designed to accommodate a single family dwelling on the subject site. The amendment and rezone of the 1.31 acre portion will have no effect on the ability of the system to serve a home on the lot.

d. *Access;*

The subject site is served by Coburg Hills Drive, which is a recently constructed road, designed and engineered for Cloud Nine Ranch.

e. *Public service;*

All public services required to serve residential development are currently available to the subject site, including police services, schools, solid waste service, electric and telephone service, on-site sewage disposal, community water system, roads, and fire protection.

f. *Lack of natural hazards;*

No natural hazards are known to exist on any part of the subject site. Fire protection is provided by Coburg Rural Fire District.

g. *Effect on resource lands.*

Approval of the requested plan amendment and rezone for the 1.31 acre portion of the site will have no effect on resource lands. The F-2 land immediately adjacent to this portion of the site is not easily managed for timber production due to the steepness of the slope. Future residential development on the subject site will comply with applicable setbacks from the F-2 zone. The nearest F-1 lands are roughly 765 feet to the south. At this distance, the addition of 1.31 acres to the nonresource area will have no increased impact on forest practices. The closest EFU land is located approximately 900 feet to the west. The addition of a small piece of land to the nonresource area, resulting in no net increase in residential lots or homes, will have no increase in impact on farming practices. At the request of the Coburg RFPD, a 30' primary fuelbreak will be required for the dwelling, per LC 16.211(8)(c)(i)(aa).

Based on consideration of the above factors, the site is suitable for development at a density of one residence per 10 acres.

Goal 5, Water Resource Policies 3 and 5 require water supplies adequate to serve proposed development. As stated previously, Cloud Nine Ranch is served by a community water system .

LC 16.400(6)(h)(iii)(dd) 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 element of the plan.

6. The Board finds that the proposed plan amendment is consistent with the intent and structure of the Rural Comprehensive Plan to choose between competing uses. As previously indicated, this amendment is consistent with County policies that provide for designating

lands that do not have farm or forest capability as Non-Resource Lands. Approval of this amendment does not conflict with the unamended portion of the plan.

LC 16.400(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

7. The Board finds that the proposal constitutes a minor amendment as the request is isolated to a plan diagram change.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

8. The Board finds that the description of the proposal has been provided in Section I above. The proposed use of the 1.31-acre portion of the lot is residential. The application of the nonresource designation to the site, based on information presented herein, is consistent with past County implementation of the Rural Comprehensive Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

9. The Board finds that such analysis is included above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

10. The Board finds that approval of this plan amendment request will have no appreciable impact on development patterns. Cloud Nine Ranch is an existing rural residential subdivision in which most lots are 10 acres in size. The subject lot is legally 11.31 acres and can only accommodate a single dwelling both before and after the plan amendment.

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

11. The Board finds that provision of transportation, water supply, and sewage disposal has been addressed above. All required services are in place to serve a dwelling on the subject parcel.

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

12. The Board finds that the Rural Comprehensive Plan does not identify any historic, archeological, or sensitive wildlife habitat sites on or near the site. The County's wildlife maps indicate that the subject site is on the boundary of an Impacted Big Game Range. The Lane Code and RCP do not impose any specific requirements for protection of wildlife in an impacted big game range. Approval of the requested plan amendment does not appear to present any conflicts with Goal 5 resources. Therefore, an ESEE analysis is not applicable to this application.

(dd) Natural hazards affecting or affected by the proposal:

13. The Board finds that there are no flood zones, unstable soils, or severe slopes present on the subject site. A wetland area exists on the RR-10 zoned portion of the site. Appropriate permits will be sought at the time of construction as necessary. No other hazards appear to exist or are documented by the County on this site.

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

14. The Board finds that this standard does not apply, as the proposed amendment is to a residential designation.

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

15. The Board finds that this standard does not apply, as the proposed amendment is to a residential designation.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983). Lands may be designated as Non-Resource/Non-Exception Land upon submission of satisfactory factual information to support the following findings:

1. The land is not composed of existing or potential forest lands which are suitable for the commercial production of wood fiber products.

16. The Board finds that the land is not composed of forest land due to soil constraints discussed under Section II.4 and II.5 above.

2. The land is not needed for watershed protection.

17. The Board finds that this property has not been identified as necessary for watershed protection. Topographically, the 1.31-acre portion of the site is the highest ground on the subject site. Beyond it, to the south, the topography drops off dramatically. The majority of the site is moderately sloped, draining to the north into small swales and road-side ditches.

3. Designation of the land as Non-Resource/Non-Exception Land will not adversely affect management of the land for big game range or other wildlife, fish, or waterfowl habitat.

18. The Board finds that, as mentioned above, the property is on the edge of an Impacted Big Game Range. The addition of 1.31 acres into the nonresource area will not significantly impact big game or management programs designed to protect them.

4. No extreme soil or climatic conditions exist to the extent to require maintenance of existing vegetative cover to a degree not provided by the Non-Resource/Non-Exception designation.

19. The Board finds that no extreme conditions exist that would require maintenance of existing vegetative cover to a degree not provided by the Non-Resource designation. The property is primarily vegetated with grasses; soil conditions are detailed in the attached report of findings by Red Hill Soils.

5. The land is not located in an agricultural or urban area and provided needed urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational uses.

20. The Board finds that the property is not located in an urban area or agricultural area. It is bound by rural residential lots and F-2 land. The property does not function as windbreak, is not documented to contain sensitive wildlife or fisheries habitat, and does not provide livestock habitat. With regard to scenic corridors, the approval of this plan amendment will have no increase in impact on scenic resources considering that no additional lot or residence would be permitted. Likewise, the land is not needed for recreational uses.

6. The land is predominantly Class V-VIII soils as identified in the Soil Capability Classification System of the U.S. Soil Conservation Service.

21. The Board finds that the 11.31 acre parcel consists of 50.9% Class V-VIII soils and 49.1% Class I-IV soils. Therefore, a predominance of Class V-VIII soils exists on the site.

7. The land is not suitable for farm use or grazing taking into account soil fertility, climatic conditions, existing land use patterns, technological and energy inputs required, or accepted farming practices.

22. The Board finds that, as stated above, the property is not suitable for farming due to a predominance of poor quality soils (Class V-VIII) on the subject site. Besides these soils constraints, the 1.31-acre portion of the subject lot is physically and topographically isolated from other farmland. Its size and separation from other farmland (existing land use patterns) make it unsuitable for farm use.

8. Designation of the land as Agricultural Land is not necessary to permit farm practices to be undertaken on adjacent or nearby lands.

23. The Board finds that the site is currently designated Forest Land and not Agricultural Land. No adjacent or nearby lands are used or designated for agricultural use.

IV. FINDINGS AND CONCLUSIONS RELATING TO LANE CODE 16.252 REZONING CRITERIA

The following criteria and analysis supports the application for zone change of the subject property from F-2 / RCP to RR-10 / RCP.

LC 16.400(6)(I): A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

LC 16.252(2): Zoning and rezoning shall be enacted to achieve the general purposes of this Chapter and shall not be contrary to the public interest. In addition, rezoning 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 not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.

1. The Board finds that Lane Code 16.003 sets out a series of 14 statements of purpose for Chapter 16 of the Lane Code (Lane County Land Use and Development Code), among which the following are relevant to this application for zone change:

(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.

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

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

2. The Board finds that approval of this Rural Comprehensive Plan Amendment and zone change will insure that development within the county is appropriate in terms of character and physical limitations of the subject site. It will not convert farm or forest land, as the subject property has been determined to be nonresource land. Lastly, it will provide for the orderly use of nonresource lands in a predominantly rural residential area.
3. The Board finds that the zone change will implement the proposed plan amendment from Forest Land to Nonresource Land. The public interest is not served by preserving land for resource use when it has been determined not to be resource land. The proposed use implements the general purpose of Lane Code Chapter 16.
4. The Board finds that according to Lane Code 16.231(1), the intended purpose of the Rural Residential zone classification is to:
 - a. *provide opportunities for people to live in rural areas,*
 - b. *To allow primary and accessory residential uses, and non-residential uses which may be compatible with primary residential uses,*
 - c. *To implement the policies of the RCP, primarily those policies related to the residential development of areas identified as committed, built upon or as non-resource land,*
 - d. *To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP.*

5. The Board finds that, as shown above, approval of the plan amendment and zone change will implement applicable Rural Comprehensive Plan policies and Statewide Planning Goals. Class I streams will not be affected by the proposed zone change.

V. FINDINGS AND CONCLUSIONS RELATING TO THE STATEWIDE PLANNING GOALS

The Board finds the subject application is consistent with all applicable Statewide Planning Goals. For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon Land Conservation and Development Commission Goals and Guidelines are incorporated herein by reference, except as noted.

GOAL 1 Citizen Involvement

Requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change. Public notification in the form of mailed public notice was sent by Lane County to affected agencies, including the Department of Land Conservation and Development and owners of record within 750 feet of the Subject Property.

1. The Board finds that the Lane County Planning Commission conducted a public hearing to receive comments on the plan amendment and zone change request.

GOAL 2 Land Use Planning

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 these decisions. A minor change is one that does not have significant effects beyond the immediate area of change, and is based on special studies or information. The public need and justification for the specific change must be established.

2. The Board finds that Lane County has adopted a comprehensive land use plan amendment process with specific standards that must be addressed to justify a minor change. Substantial compliance with LC 16.400, RCP Amendments addressed in Section IV constitutes compliance with the applicable provisions of Goal 2.

GOAL 3 Agricultural Lands

Goal 3 strives to preserve and maintain agricultural lands. In western Oregon agricultural land consists of predominantly Class I-IV soils as identified by the NRCS. It includes other lands which are suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, required technological and energy inputs, or accepted farming practices. Lands in other soil classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands will be included as agricultural lands.

3. The Board finds the Subject Property is predominantly Class VI to VIII soils and does not require an exception to Goal 3 as discusses previously. No adjacent or nearby farm operations exist which would require use of the subject parcel to conduct farm operations.

GOAL 4 Forest Lands

Goal 4 requires the conservation of forest land for forest uses. Forest land is defined by Statewide Planning Goal 4 as lands suitable for commercial forest uses including adjacent and nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

4. The Board finds the Subject Property is not forestland required for conservation by Goal 4 as documented in the Applicant's Submittal as the subject parcel's soil productivity is below the $50 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$ threshold at $42.7 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$. An exception to Goal 4 is not required based on the analysis discussed herein.

GOAL 5 Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 requires the conservation of open space and protection of natural and scenic resources that include cultural, historic, and scenic and wilderness area characteristics. The goal, as amended by OAR 660-23-000, contains policies and procedures for a variety of resources which are listed below. The administrative rule requires the county to inventory and evaluate the location, quality and quantity of certain natural resources.

5. The following Goal 5 resources are addressed in an inventory done as part of a Countywide legislative planning process: Federal wild and scenic rivers, Oregon scenic waterways, approved Oregon recreational trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, historic resources, open space, and scenic views and sites. The Board finds the Subject Property is not listed on any county inventory for these resources.

GOAL 6 Air, Water and Land Resource Quality

Goal 6 is intended to maintain and improve the quality of the air, water and land resources of the State. This Goal is generally implemented during the comprehensive planning process. As it pertains to site-specific development, it requires that adequate protection measures are taken to assure the retention of air, water and land quality.

6. The Board finds that the Subject Property will be served by individual on-site sanitation system. As a condition of any land divisions and prior to residential development, the parcel will be required to gain approval of an on-site sanitation system in accordance with DEQ rules. Site inspection approval has already been granted for the subject site's on-site septic system.

GOAL 7 Areas Subject to Natural Disasters or Hazards

Goal 7 is intended to protect life and property from natural hazards.

7. The Board finds that no natural hazards have been identified.

GOAL 8 Recreational Needs

This goal addresses the recreational needs of Oregon residents and visitors.

8. The proposed change from F-2 Forest Land to RR-10 Rural Residential has no impact on Goal 8.

GOAL 9 Economy of the State

The purpose of Goal 9 is to diversify and improve the economy of the State.

9. The Board finds that this goal is primarily applicable to commercial and industrial development and is not pertinent to this redesignation and rezoning.

GOAL 10 Housing

Goal 10 is intended to provide for the housing needs of the citizens of the State.

10. The Board finds that this plan amendment request will facilitate the construction of housing on the site; however, it's primarily implemented through provisions of the Rural Comprehensive Plan.

GOAL 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning and development of public facilities and services in a timely, orderly and efficient manner, in order to support rural and urban development.

11. The Board finds that the RCP Goal 11 Policy 6 (e)(k) describes the minimum level of services for Nonresource lands. As stated earlier, the site receives a full range of rural facilities and services that can serve the proposed rural residential development on the property. No additional public facilities and services are required to serve the proposed residential use of the site.

GOAL 12 Transportation

Goal 12 is intended to provide and encourage a safe, convenient and economical transportation system.

12. The Board finds that Coburg Hills Drive and Van Duyn Road provide primary access to the Subject Property, supplemented with direct connections to Interstate-5. The roads have ample capacity and are within the acceptable level of service established by the county and state. Lane County Transportation staff has reviewed the proposal and has no objections.

Goal 13 Energy Conservation

13. The Board finds that this Goal is most appropriately addressed at the comprehensive planning phase, and as such is not directly applicable to this plan amendment request.

Goal 14 Urbanization

The purpose of Goal 14 is to provide for the orderly and efficient transition from rural to urban land use.

14. Goal 14 prohibits urban uses on rural lands. The proposed amendment and zone change to allow the addition of 1.31 acres to the ten-acre rural residential parcel does not constitute an

urban density or is located within an urban growth boundary or urban transition area. The Board finds this request is consistent with Goal 14.

Goals 15 – 19

15. The Goals are not applicable to this plan amendment request, as they are geographically oriented to specific areas and resources that are not present on the Subject Property.

VI. CONCLUSIONS OF LAW

1. The Board finds that the subject 1.31-acre tract qualifies for a Nonresource plan designation and is appropriately zoned Rural Residential RR-10.
2. The Board concludes the Subject Property is located in an area that is primarily composed of soils that are not suitable for agriculture or forest use as they occur on the site.
3. The Board further concludes this application corrects a plan error, properly identifies and implements the proper plan designation and zone district, and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.
4. The Board concludes this application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The Subject Property has been evaluated within the context of the Rural Comprehensive Plan, Lane Code and Statewide Planning Goals. The Board concludes the Subject Property consists predominantly of land that is not agriculture or forest land as defined by the Goals. The Board concludes this application will have no significant adverse impact on existing or planned uses in the area. It is therefore appropriately designated as nonresource land.
5. Finally, the Board concludes that based on the extensive documentation and factual evidence presented in the Applicant's Statement, including Exhibits, evidence received at public hearings and made part of the record, and findings provided herein, the plan amendment and zone change conforms with all applicable criteria to justify a redesignation from Forest Land to Nonresource Land and rezoning from F-2 Impacted Forest Land to Rural Residential RR-10.

**APPLICATION FOR PLAN AMENDMENT (RCP)
WITH
CONCURRENT ZONE CHANGE**

Agent:
Satre Associates, P.C.
132 East Broadway, Suite 536
Eugene, OR 97401

Based on Background Material Prepared By:
Jim Griffith & Associates
1257 High Street, Suite #6
Eugene, OR 97401

Property Owners:
Peter and Joy Dettmer
c/o US Embassy (KAV)
PSC 108 Box 39
APO-AE-09842

PROPOSAL:

Amend the Rural Comprehensive Plan (RCP) from "Forest Land" to "Non-Resource Land" and Rezone from F-2/RCP Impacted Forest Lands to RR-10/RCP Rural Residential Land, for a portion of Tax Lot 1100, Map 16-03-35-30 (Lot 3, Coburg Hill Subdivision), near the end of Van Duyn Road, east of I-5 and the City of Coburg.

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Exhibits

- A. Assessor's Map and Legal Description
- B. Zoning Map, Plot 408
- C. Coburg Hill Plat Maps
- D-1. Contour Map
- D-2. Plot Plan
- E-1. Red Hill Soils Report dated September 19, 2003
- E-2. Red Hill Soils Report: Revised Soil Mapping Units Table dated February 24, 2005
- F. Site Photos
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- H. Preliminary Site Approval for Septic System
- I. Cloud Nine Water System Information
- J. Development Pattern Calculations
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- L. Wildlife and Wetland Map Composite
- M. Legal Lot Verification dated March 9, 2004
- N. Letter from Coburg Fire Department dated August 13, 2004

April 29, 2005

Jerry Kendall
Lane County Land Management Division
125 East 8th Avenue
Eugene, Oregon 97401

Re: PA 03-6037 Dettmer Non-Resource Application

Dear Jerry:

Attached is one copy of the updated application package to designate a 1.31-acre portion of an 11.31-acre parcel as non-resource land and a corresponding application to change the zoning of that same 1.31 acre area from F-2/RCP to RR-10/RCP (10 acres of the parcel are currently zoned RR-10). This application replaces the two previous applications that have been filed for the same property (one filed by our office, in October, 2003, and the other by the previous land owner, Mr. Scott Wentworth, in March, 2003). Staff initially recommended approval of the application but later reversed their recommendation based upon arguments made by the "Goal One Coalition" (Jim Just) that the application's analysis on forest productivity was incomplete because certain soil types were given a "zero" rating without sufficient evidence of why the soil had no productive value. Based upon staff's recommendation for denial we requested that the record of the matter be left open so that we could provide additional expert testimony on the commercial forest productivity of the particular soils.

In response to the comments from Goal One and County Planning, the detailed soils investigation has been updated by Red Hill Soils (Andy Gallagher, Certified Soil Classifier) showing the entire 11.31 acre parcel to fall under the 50 cubic feet of timber per acre per year threshold necessary to be designated as resource land. The updated analysis of the soils was performed by Andy Gallagher and forest productivity ratings were assigned to all soils as follows:

TABLE 1: REVISED SOIL FOREST PRODUCTIVITY

Soil Series Name	Previous Forest Productivity (ft ³ ac ⁻¹ yr ⁻¹)	Amended Forest Productivity (ft ³ ac ⁻¹ yr ⁻¹)
Dixonville	152	152
Xerorthents	0	35
Philomath-Rock Outcrop Complex	0	21
Panther	0	50
Witham	0	50

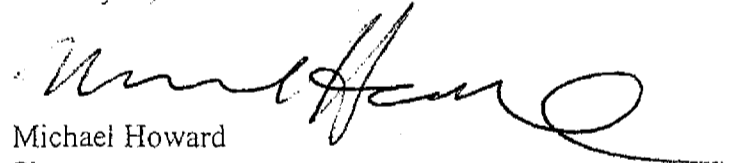
The forest productivity ratings shown in the above table were compiled from two different sources: the Soil Survey of Lane County, and, for the soils that were not previously rated, the Office of the State Forester, General File 7-1, forest soil

productivity ratings for Lane County and for Linn County. After replacing soils ratings of zero with the estimated values cited in the above publications as shown in the table the revised weighted average forest soil productivity is $42.7\text{ft}^3\text{ac}^{-1}\text{yr}^{-1}$ which is below the threshold for resource land of $50\text{ft}^3\text{ac}^{-1}\text{yr}^{-1}$. This work has been performed on a site specific basis and clearly shows that the site qualifies for non-resource designation (please observe Exhibits E-1 and E-2 of the accompanying application for more information on the soils study).

In addition to updating the forest productivity analysis, the applicant has also had ongoing communication with the County, Jim Just (Goal One), the soils scientist (Andy Gallagher) and Kathi Wiederhold (Senior Planner, Natural Resources, LCOG) regarding the merits of the application. The applicant has voluntarily met with the Oregon Department of Fish and Wildlife to set-up a Wildlife Habitat Conservation Management Plan that would preserve a 1.31 acre area of land on the subject parcel specifically addressing the needs of the adjoining Big Game Wildlife Area. Furthermore, the applicant has received a letter from the Coburg Fire District approving Lane County Code standard 10-foot setbacks from all property lines.

Enclosed are three copies of the updated application package, including revisions to the soils productivity table, and responses to some of the criticisms to the zone change from Goal One. I would appreciate your review of the attached materials for completeness. Upon receiving your completeness review comments, I will revise and submit 15 copies of the materials as necessary for review by the Lane County Planning Commission and Board of County Commissioners. If you have any questions, I can be reached at 465-4721.

Thank you,



Michael Howard
Planner

cc: Peter and Joy Dettmer



SATRE ASSOCIATES, P.C.
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April 29, 2005

**APPLICATION FOR
PLAN AMENDMENT FROM FOREST LAND TO NON-RESOURCE
CONCURRENT ZONE CHANGE FROM F-2/RCP TO RR-10/RCP**

Written Statement

Applicants/Owners:

Peter and Joy Dettmer
c/o US Embassy (KAV)
PSC 108 Box 39
APO-AE-09842
(541) 341-1851

Agent:

Satre Associates, P.C.
Planners, Landscape Architects and Environmental Specialists
132 East Broadway, Suite 536
Eugene, Oregon 97401
Attn: Michael Howard, Planner
(541) 465-4721 • Fax (541) 465-4722 • m.howard@satrepc.com
www.satrepc.com

Note: This application was originally submitted in October 2003. This updated application replaces the October 2003 application and includes additional information to respond to Oregon Land Use Law, in particular Goal 4.

I. LAND USE REQUEST

Oregon's Statewide Planning Goals and the Lane County Code are intended to preserve resource lands and allow development on non-resource lands. This amendment request meets the intent of state and county regulations, as the subject property has been determined to be non-resource land and the majority of it lies within an existing residential subdivision.

The proposal is to amend the Rural Comprehensive Plan (RCP) from "Forest" to "Non-Resource" Land and concurrently change the zoning from F-2/Impacted Forest to RR-10/Rural Residential, for a 1.31 acre portion of the 11.31 acre Tax Lot 1100, Map 16-03-35-30 (Lot 3, Coburg Hill Subdivision, which is a Re-plat of Partition 97-PO947 and Lots 8 and 9 of Cloud Nine Ranch). The property was originally a 10 acre lot in Cloud Nine Ranch. A previous land owner adjusted the southern lot line to add an additional 1.31 acre to the parcel. This 1.31 acre portion of the property retains a Forest designation and is zoned F-2/RCP. This application contains evidence that the 1.31 acre portion is characterized by the same non-resource attributes that led to the creation of Cloud Nine Ranch. The present owner seeks a non-resource designation and residential zoning for the 1.31 acre portion to establish consistent zoning across the lot and utilize it for residential purposes.

II. SITE CONDITIONS

A. General Site Information

Map No.	16-03-35-30, Lot 1100
Parcel/lot #	Lot #3 of Coburg Hill Subdivision
Plot No.	#408
Size	11.31 acres
Current Zoning	RR-10 & F-2
Address	Not yet addressed
Legal Lot Verification	Verified (PA 04-5173)

B. Site Context

1. Property Description

The property is located near the end of Van Duyn Road east of I-5 and the City of Coburg. The subject site consists of an 11.31 acre parcel of split zoned Rural Residential (RR - 10) and Impacted Forest (F-2). The subject site was created via PA 1194-98 as Lot 8 of Cloud Nine Ranch subdivision, and re-platted as Coburg Hill Lot 3 via PA 5750-00. As shown on Exhibit A, Assessor's Map and Legal Description, the portion of the subject site that is to be amended and rezoned is the 1.31 acre piece of F-2 forest land, which measures roughly 180 feet by 300 feet. This 1.31 acre portion of the subject site is an isolated high point: the topography drops off sharply to the south and west beyond it. The average slope of the entire site is roughly 10%. The vegetation found on this land consists of sparse oak trees, some small maple and

Douglas fir trees, along with brush, such as blackberry, Hawthorne, poison oak, and wild rose. No marketable timber is found on the subject site.

The property is characterized by poorly drained, nonproductive soils as detailed in the attached *Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils. Mr. Gallagher performed an Order 1 High Intensity soil survey of the entire 11.31 acre parcel in July and August of 2003¹. The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.

Specifically, the Gallagher report finds that the average forest productivity of all soils on the subject property is 42.7 cubic feet per acre per year. The threshold for resource land is 50 cubic feet per acre per year. The report also found that 49.1% of the on-site soils have agricultural capability classifications of Class I through IV, while 50.9% of the soils are characterized by Classes V through VIII. The threshold for resource land is predominance (at least 50%) of Class I-IV soils.

No wetlands exist on the 1.31 acre portion of the subject site. There is a wetland area on the RR-10 portion of the subject site, roughly 400 feet to the north. Lane County Wildlife Inventory, Eugene Quadrant (attached as Exhibit L) shows the subject property is located on the edge of an impacted big game range.

Note: In response to comments from Lane County Planning the applicant chose to place the original application on hold in order to research forest productivity of soils for the Xerorthents, Philomath-Rock Outcrop Complex, Panther and Wintham soil series. The soils survey methodology was approved by Lane County Planning and Kathi Wiederhold of the Lane Council of Governments (LCOG). Extensive research and conversations have occurred between the County, the Applicant, and the land use advocacy group Goal One while arriving at the soils information. While not germane to this application, the applicant has consulted with the Oregon Department of Fish and Wildlife to create a Wildlife Habitat Conservation Management Plan (WHCMP) on some of the most productive and valued habitat area of the project site.

2. Surrounding Area

The property is situated within Cloud Nine Ranch, a Rural Residential Subdivision. To the north are other lots within Cloud Nine Ranch. To the east of the 1.31 acre portion of the subject site is a steeply-sloped, 80.00 acre piece of property zoned F-2. To the south and west of the 1.31 acre portion of the subject site is lot 9 of Cloud Nine Ranch. It is currently vacant.

¹ The County's Planning Director informed the applicant that a non-resource soils determination must be made for the parcel as a whole, rather than for the 1.31 acre F-2 zoned portion alone. However, the original 10 acre parcel was previously determined to be non-resource land and is already designated as such and zoned Rural Residential, 10-acre minimum lot size.

The closest F-1 zoned forest land exists roughly 765 feet to the south. The closest EFU land is located approximately 900 feet to the west. Neither property would be significantly affected by the proposed plan amendment and zone change, due to distance and intervening geographic features such as steep hills and ravines.

C. Site Services:

Water:	Community Water System (Cloud Nine Ranch)
Sewer:	Planned on-site individual
Electricity:	Emerald People's Utility District
Telephone:	QWest
Fire:	Coburg Rural Fire Protection District
Schools:	Eugene 4J
Access:	Van Duyn Road to Coburg Hills Drive (private)
Police:	Lane County Sheriff, Oregon State Police
Solid Waste:	Coburg Sanitary Services Company

III. APPROVAL CRITERIA

A. LANE CODE PLAN AMENDMENT CRITERIA

A Plan Amendment to change the Plan Designation for the subject property from Resource Land to Non-resource Land is a minor amendment, per Lane Code 16.400(8)(a)(i), and requires compliance with the criteria set out in Lane Code 16.400(6)(h)(iii). Each criterion is presented with proposed findings below.

LC 16.400(6)(h)(iii)(aa) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings: 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 (Exhibit G-7).

This application proposes to amend the Rural Comprehensive Plan from Forest Land to Non-Resource Land. The applicant has provided findings that address the applicable requirements of Lane County Code, Rural Comprehensive Plan policies and state-wide planning goals.

LC 16.400(6)(h)(iii)(bb): For Major or 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

The amendment identifies an error in the adopted Rural Comprehensive Plan which designates the 1.31-acre portion of the subject property as forest land. Evidence indicates this designation is inconsistent with both County policies and the state-wide planning goal definitions of resource land.

(iv-iv) necessary to provide for the implementation of adopted plan policy or elements; or

This amendment implements Rural Comprehensive Plan goal # 2, policy 18, which provides for the designation of lands as Rural Residential when such lands do not meet the definition of farm or forest land under Statewide planning goals 3 and 4. The subject property does not qualify as a farm or forest land necessitating protection by these goals and, therefore, qualifies as Non-Resource Land.

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper."

Based upon reasons discussed in this application, the applicant submits that it is desirable, appropriate and proper to designate the 1.31 acre portion of the subject parcel as Non-Resource Land.

LC 16.400(6)(h)(iii)(cc): . . . the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Policy support exists for the proposed Plan amendment as detailed in this foregoing discussion. Policy conflicts do not appear to exist.

Goal # 2, Land Use policy 18 provides for designating lands that are not farm or forest land as residential. An analysis of the proposal's compliance with this policy follows:

"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.*

The state defines forest land as land which is suitable for commercial forest including adjacent land necessary to maintain soil, air, water and fish and wildlife resources. According to the Soil Survey of Lane County (1981) published by the U.S. Department of Agriculture Soil Conservation Service (SCS), the 1.31 acre portion of the subject property is composed of 113G Ritner soil, which is considered prime timber soil with a forest productivity rating of 149 cubic feet of timber per acre per year. The Soil Survey is mapped at a large scale based on aerial photography. Recent high intensity soil classification done on the property by a Certified Soil Classifier indicates the SCS Soil Survey data is incorrect.

Red Hill Soils scientist Andy Gallagher examined the entire 1.31 acre site in July and August of 2003. He found the on-site soil to consist of Dixonville.

Xerorthents, Philomath-Rock Outcrop Complex, Panther, and Witham soils. The weighted average forest productivity of the site is 42.7 cubic feet of timber per acre per year, as described more fully in the attached report. Therefore, the property does not meet the definition of forest land under Goal 4.

The state defines agricultural land as land classified by the SCS as predominantly Class I-IV soils in Western Oregon, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices, and land which is necessary to permit farm practices to be undertaken on nearby agricultural lands. The agricultural capability classification for the soils found to exist on the property range from Class III to Class VI, with predominance of Class V through VIII (51%). The majority of the property is zoned Rural Residential. The remaining 1.31 acre portion is topographically isolated from surrounding land and could not be practically put to agricultural use even if the soil would support such use. Therefore, the property does not meet the definition of agricultural land under Goal 3.

The property is not located in an urban area. Rather, the 1.31 acre portion is adjacent to a nonresource, rural residential subdivision with community water system, private access road, and individual septic systems. Minimum lot size in Cloud Nine Ranch is 10 acres. The 1.31 acre portion of the property is not forest land necessary for urban buffers, windbreaks, scenic values, or livestock habitat.

b. An exception to any of the Statewide Planning Goals is not required.

As evidenced above, the land is not forest or agricultural land as defined by Goals 3 or 4, and therefore does not require an exception to either of these Statewide Planning Goals.

c. Small isolated Non-Resource tracts surrounded by farm and forest lands shall be discouraged if such Non-Resource designation would create compatibility problems.

The 1.31 acre F-2 portion of the subject site is bordered on three sides by steeply sloped and unmanaged F-2 forest land. To the north of the 1.31 acre portion of the subject site is the residentially zoned remainder of the subject site, which is part of a large nonresource area (Cloud Nine Ranch). The present request will expand the boundary of this nonresource area to include 1.31 acres of topographically isolated nonresource land. Therefore, this application will not create an isolated pocket of nonresource land or present any compatibility problems.

d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.

The proposed amendment is consistent with other Rural Comprehensive Plan policies as outlined below.

Goal # 2, policy 17 is also applicable and provides rural residential densities based on consideration of the following factors:

a. Existing development pattern and density of any adjacent committed areas:

The subject property is an adjusted, legal lot within Cloud Nine Ranch Subdivision. The existing development pattern of Cloud Nine Ranch is one single family home per 10 acres. Approval of the plan amendment will not cause an increase in lots, homes, or residential density. The plan amendment is consistent with the surrounding development pattern. RR-10 is the appropriate zoning for the F-2 portion of the subject site, consistent with the remainder of the property and the other lots in Cloud Nine Ranch.

Exhibit J depicts development pattern in detail. As the table shows, the RR-10 exception area's total acreage is 666.69 acres. The addition of the 1.31 acre portion of the subject site will increase this area to 668.00 acres. The total number of RR-10 parcels will remain at 65. The current average parcel size is 10.26 acres per parcel. The addition of the 1.31 acre portion of the subject site to the exception area will increase the average parcel size to 10.28 acres per parcel.

b. Subsurface sewage disposal suitability:

Preliminary site evaluations for septic approval have already occurred on the subject site and the nine other parcels of the subdivision (see Exhibit H). The addition of 1.31 acres to the residential zone will not increase the number of lots or required sewage disposal systems. Therefore, the proposal is consistent with the site's ability to accommodate a single family sewage disposal system.

c. Domestic water supply availability:

Cloud Nine Ranch is served by a community water system designed to accommodate a single family dwelling on the subject site. The amendment and rezone of the 1.31 acre portion will have no effect on the ability of the system to serve a home on the lot.

d. Access:

The subject site is served by Coburg Hills Drive, which is a recently constructed road, designed and engineered for Cloud Nine Ranch.

e. Public service:

All public services required to serve residential development are currently available to the subject site, including police services, schools, solid waste service, electric and telephone service, on-site sewage disposal, community water system, roads, and fire protection.

f. Lack of natural hazards:

No natural hazards are known to exist on any part of the subject site. Fire protection is provided by Coburg Rural Fire District.

g. Effect on resource lands.

Approval of the requested plan amendment and rezone for the 1.31 acre portion of the site will have no effect on resource lands. The F-2 land immediately adjacent to this portion of the site is not easily managed for timber production due to the steepness of the slope. Future residential development on the subject site will comply with applicable setbacks from the F-2 zone. The nearest F-1 lands are roughly 765 feet to the south. At this distance, the addition of 1.31 acres to the nonresource area will have no increased impact on forest practices. The closest EFU land is located approximately 900 feet to the west. The addition of a small piece of land to the nonresource area, resulting in no net increase in residential lots or homes, will have no increase in impact on farming practices.

Based on consideration of the above factors, the site is suitable for development at a density of one residence per 10 acres, consistent with the findings made for the approval of Cloud Nine Ranch.

Goal 5, Water Resource Policies 3 and 5 require water supplies adequate to serve proposed development. As stated previously, Cloud Nine Ranch is served by a community water system (See Exhibit I).

LC 16.400(6)(h)(iii)(dd) 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 element of the plan.

The proposed plan amendment is consistent with the intent and structure of the Rural Comprehensive Plan to choose between competing uses. As previously indicated, this amendment is consistent with County policies that provide for designating lands that do not have farm or forest capability as Non-Resource Lands. Approval of this amendment does not conflict with the unamended portion of the plan.

LC 16.400(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

- (i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.*

The proposal constitutes a minor amendment as the request is isolated to a plan diagram change.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

- (i) A complete description of the proposal and its relationship to the Plan.*

The description of the proposal has been provided in Section I above. The proposed use of the 1.31 acre portion of the lot is residential. The application of the nonresource designation to the site, based on information presented herein, is consistent with past County implementation of the Rural Comprehensive Plan.

- (ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.*

Such analysis is included above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

- (aa) Evaluation of land use and ownership patterns of the area of the amendment:*

Approval of this plan amendment request will have no appreciable impact on development patterns. Cloud Nine Ranch is an existing rural residential subdivision in which most lots are 10 acres in size. The subject lot is legally 11.31 acres and can only accommodate a single dwelling both before and after the plan amendment.

- (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;*

Provision of transportation, water supply, and sewage disposal has been addressed above. All required services are in place to serve a dwelling on the subject parcel.

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

The Rural Comprehensive Plan does not identify any historic, archeological, or sensitive wildlife habitat sites on or near the site. The County's wildlife maps indicate that the subject site is on the boundary of an Impacted Big Game Range. The Lane Code and RCP do not impose any specific requirements for protection of wildlife in an impacted big game range.

Approval of the requested plan amendment does not appear to present any conflicts with Goal 5 resources. Therefore, an ESEE analysis is not applicable to this application.

(dd) Natural hazards affecting or affected by the proposal:

There are no flood zones, unstable soils, or severe slopes present on the subject site. A wetland area exists on the RR-10 zoned portion of the site. Appropriate permits will be sought at the time of construction. No other hazards appear to exist or are documented by the County on this site.

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

This standard does not apply, as the proposed amendment is to a residential designation.

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

This standard does not apply, as the proposed amendment is to a residential designation.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983). Lands may be designated as Non-Resource/Non-Exception Land

upon submission of satisfactory factual information to support the following findings:

1. The land is not composed of existing or potential forest lands which are suitable for the commercial production of wood fiber products.

The land is not composed of forest land due to soil constraints discussed under Section II.B above.

2. The land is not needed for watershed protection.

This property has not been identified as necessary for watershed protection. Topographically, the 1.31 acre portion of the site is the highest ground on the subject site. Beyond it, to the south, the topography drops off dramatically. The majority of the site is moderately sloped, draining to the north into small swales and street-side ditches.

3. Designation of the land as Non-Resource/Non-Exception Land will not adversely affect management of the land for big game range or other wildlife, fish, or waterfowl habitat.

As mentioned above, the property is on the edge of an Impacted Big Game Range. The addition of 1.31 acres into the nonresource area will not significantly impact big game or management programs designed to protect them.

4. No extreme soil or climatic conditions exist to the extent to require maintenance of existing vegetative cover to a degree not provided by the Non-Resource/Non-Exception designation.

No extreme conditions exist that would require maintenance of existing vegetative cover to a degree not provided by the Non-Resource designation. The property is primarily vegetated with grasses; soil conditions are detailed in the attached report of findings by Red Hill Soils (Exhibit E-1 and Exhibit E-2).

5. The land is not located in an agricultural or urban area and provided needed urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational uses.

The property is not located in an urban area or agricultural area. It is bound by rural residential lots and F-2 land. The property does not function as wind break, is not documented to contain sensitive wildlife or fisheries habitat, and does not provide livestock habitat. With regard to scenic corridors, the approval of this plan amendment will have no increase in impact on scenic resources considering that no additional lot or residence would be permitted. Likewise, the land is not needed for recreational uses.

6. The land is predominantly Class V-VIII soils as identified in the Soil Capability Classification System of the U.S. Soil Conservation Service.

As detailed in Exhibit E-1, the 11.31 acre parcel consists of 50.9% Class V-VIII soils and 49.1% Class I-IV soils. Therefore, a predominance of Class V-VIII soils exists on the site.

7. The land is not suitable for farm use or grazing taking into account soil fertility, climatic conditions, existing land use patterns, technological and energy inputs required, or accepted farming practices.

As stated above, the property is not suitable for farming due to a predominance of poor quality soils (Class V-VIII) on the subject site. Besides these soils constraints, the 1.31 acre portion of the subject lot is physically and topographically isolated from other farm land. Its size and separation from other farm land (existing land use patterns) make it unsuitable for farm use.

8. Designation of the land as Agricultural Land is not necessary to permit farm practices to be undertaken on adjacent or nearby lands.

The site is currently designated Forest Land and not Agricultural Land. No adjacent or nearby lands are used or designated for agricultural use.

B. STATEWIDE PLANNING GOALS

Goal 1 Citizen Involvement

Goal 1 requires public notification and opportunity for comment on proposed land use changes. Lane Code provides procedures for public notification, public hearings before the Planning Commission and the Board of Commissioners, and notification to the Department of Land Conservation and Development for plan amendments. This planning action will be processed in accordance with the requirements of Goal 1.

Goal 2 Land Use Planning

The Lane County land use planning process was acknowledged as in compliance with Goal 2. A minor change to the Rural Comprehensive Plan is a change based on an adequate factual base that does not cause significant impacts beyond the immediate area of the change. The procedures for a plan amendment found in Lane Code section 16.400 will be followed for this application. Therefore, the application complies with the requirements of Goal 2.

Goal 3 Agricultural Lands

Goal 3 establishes procedures and requirements for the preservation of agricultural land. It also allows for development of land determined not to be agricultural land. In western Oregon, agricultural land consists of property that is primarily characterized by soils with agricultural capability classification of I-IV. This application shows that the subject site consists primarily of Class V-VIII soils and is therefore not agricultural land. No exception to Goal 3 is necessary.

Goal 4 Forest Lands

The property is characterized by poorly drained, clayey soils as detailed in the attached *Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils. Mr. Gallagher performed an Order 1 High Intensity soil survey of the entire 11.31 acre parcel in July and August of 2003. The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.

Specifically, the Gallagher report finds that the average forest productivity of soil on the site is 42.7 cubic feet per acre per year (Exhibit E-2). The threshold for resource land is 50 cubic feet per acre per year.

In addition, the Rural Comprehensive Plan does not identify the subject property as forest land necessary for watershed protection, special wildlife or fishery habitat or for recreational purposes. The property is not located in an urban area and is not forest land necessary for an urban buffer, wind break, scenic value or wildlife habitat.

Goal 5 Open Space, Scenic and Historical Areas and Natural Resources

Historic Resources: Based on the historical resource working paper dated August 1981, and addendum to the historical working paper dated November 1983, there are no known historical or archeological sites on the subject property. Based on the absence of a known historical or archeological site on the premises, the proposed plan amendment complies with the requirements of Goal 5 as they relate to Historic Resources.

Mineral and Aggregate Resources: The subject site is not identified in County documents as a known mineral resource site.

Flora and Fauna: The proposed Plan Amendment complies with Policies 3, 6, 7, 8 and 11 of the Flora and Fauna section of the Rural Comprehensive Plan, which has been acknowledged as in compliance with Goal 5. Based on a review of County working

papers dated March 1982 and November 1983 pertaining to flora and fauna, there are no significant plant or animal issues that relate to the subject site.

The subject property is located in a "peripheral big game range" as designated by Oregon Department of Fish and Wildlife, and as identified in Lane County's Land Management Division's Wildlife Inventory Map. Approval of this plan amendment will not significantly increase impacts to wildlife habitat, as no additional homes or lots will be permitted.

Riparian Corridors and Wetlands: There is no riparian habitat existing at this location. There are no wetlands on the 1.31 acre portion of the site; wetlands do exist on the RR-10 portion of the subject site. Wetland issues are addressed as part of the building permit approval process.

Open Space and Scenic Areas: The subject property is in private ownership. There are no adopted plans by the County for the acquisition of this or adjacent property for the purpose of recreational development. The property is within an existing rural residential subdivision, roughly 1,000 feet below the top of Coburg Hills Ridge line and over one mile East of I-5.

Water Resources: There are no major water resource designations for this site, either surface or subsurface. The eventual single family dwelling on the site will be served by the community water system of Cloud Nine Ranch.

In summary, based on research of County reports and working papers, the subject site contains no significant known Goal # 5 resources. Therefore, the proposed plan amendment and zone change would not create any Goal # 5 conflicts.

Goal 6 Air, Water and Land Resources

The purpose of Goal 6 is to avoid or minimize soil erosion, protect against the degradation of ground and surface water quality, and to maintain healthy air quality. According to the National Wetland Inventory of Lane County (map # 4 Coburg 4) no wetlands exists on the 1.31 acre portion of the subject site. Wetlands on the remainder of the property will be protected by applicable state and county law.

Cloud Nine Ranch has an engineered road (Coburg Hills Drive) and drainage plan, which have been reviewed under County approval procedures. The future single family dwelling and sewage disposal system has met State and County site inspection approval standards and will be installed in accordance with the State Department of Environmental Quality (DEQ) standards under County permit and inspection procedures. This plan amendment and zone change will not allow any additional lots or dwellings to be created. Based upon the above statements, the plan amendment complies with Goal 6.

Goal 7 Land Subject to Natural Disasters and Hazards

The subject property is not an identified natural hazard area. This statement is based upon the County's Natural Hazard Inventory map working paper dated January 1982. Policy 2 of Goal # 7 states: "For the purpose of evaluation and the absence of any specific proposal, provisions of the Oregon State Building Code shall be assumed to be the sole means of safeguard against natural hazard." Under State Building Code law, future development requires the preparation of construction plans by State licensed professionals. Construction plans must be reviewed by the County, under its permit and approval procedures. Based upon the preceding statements, the plan amendment complies with the requirements of Goal 7.

Goal 8 Recreational Needs

There are no identified recreational areas in the vicinity of the subject site. The plan amendment will not affect Lane County's compliance with Goal 8.

Goal 9 Economy of the State

Goal 9, Economy of the State, requires jurisdictions to plan for economic development. Because the 1.31 acre portion of the subject property has been identified as nonresource land, it does not contribute to the County's resource economy. No additional lot or house will be created; therefore the proposal will have no impact on economic resources.

Goal 10 Housing

This plan amendment and zone change from forest resource does not affect Lane County's housing needs, because no additional lot will be created.

Goal 11 Public Facilities and Services

Goal 11 requires the provision of public facilities and services to urban and rural development in a timely, orderly, and efficient manner.

All public services needed for rural residential development on the subject site are currently in place, including the community water system of Cloud Nine Ranch, and preliminary site approval of subsurface sewage disposal system. No additional services will be required as a result of the requested plan amendment.

Goal 12 Transportation

The subject site is served by Coburg Hills Drive, a private road within Cloud Nine Ranch Subdivision. The plan amendment will not create additional lots or home sites.

The Transportation Planning Rule requires plan amendments which significantly affect a transportation facility to mitigate those impacts. The specific language of the TPR, along with an analysis of the proposal's impacts on the transportation system, follows.

OAR 660-12-0060: (2) A plan or land use regulation amendment significantly affects a transportation facility if it:

- (a) Changes the functional classification of an existing or planned transportation facility;*
- (b) Changes standards implementing a functional classification system;*
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

The requested plan amendment does not change the functional classification of existing or planned transportation facility. It does not change the standards implementing the County's functional classification system.

Goal 13 Energy Conservation

Nothing in Goal 13 directly applies to site specific plan amendments such as that proposed. The plan amendment does not affect the County's compliance with Goal 13.

Goal 14 Urbanization

The plan amendment does not affect urban land or land that is urbanizable. The plan amendment would result in a consistent plan designation and zoning across a property that meets the established minimum parcel size in a rural residential area. Therefore, the requirements of Goal 14 are met.

Goal 15 addresses the Willamette River Greenway, and does not impact the subject property.

Goals 16-19 address coastal resources and do not apply to the subject property.

C. ZONE CHANGE CRITERIA

The following criteria and analysis supports the application for zone change of the subject property from F-2 / RCP to RR-10 / RCP.

LC 16.400(6)(I): A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

LC 16.252(2): Zoning and rezoning shall be enacted to achieve the general purposes of this Chapter and shall not be contrary to the public interest. In addition, rezoning 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 not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.

Lane Code 16.003 sets out a series of 14 statements of purpose for Chapter 16 of the Lane Code (Lane County Land Use and Development Code). among which the following are relevant to this application for zone change:

- (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.*
- (4) Conserve Farm and forest lands for the production of crops, livestock and timber products.*
- (7) Provide for the orderly and efficient transition from rural to urban use.*

Approval of this Rural Comprehensive Plan Amendment and zone change will insure that development within the county is appropriate in terms of character and physical limitations of the subject site. It will not convert farm or forest land, as the subject property has been determined to be nonresource land. Lastly, it will provide for the orderly use of nonresource lands in a predominantly rural residential area.

The zone change will implement the proposed plan amendment from Forest Land to Nonresource Land. The public interest is not served by preserving land for resource use when it has been determined not to be resource land. The proposed use implements the general purpose of Lane Code Chapter 16.

According to Lane Code 16.231(1), the intended purpose of the Rural Residential zone classification is to:

- u. provide opportunities for people to live in rural areas.*

- b. To allow primary and accessory residential uses, and non-residential uses which may be compatible with primary residential uses.*
- c. To implement the policies of the RCP, primarily those policies related to the residential development of areas identified as committed, built upon or as non-resource land.*
- d. To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP.*

As shown above, approval of the plan amendment and zone change will implement applicable Rural Comprehensive Plan policies and Statewide Planning Goals. Class I streams will not be affected by the proposed zone change.

IV. CONCLUSION

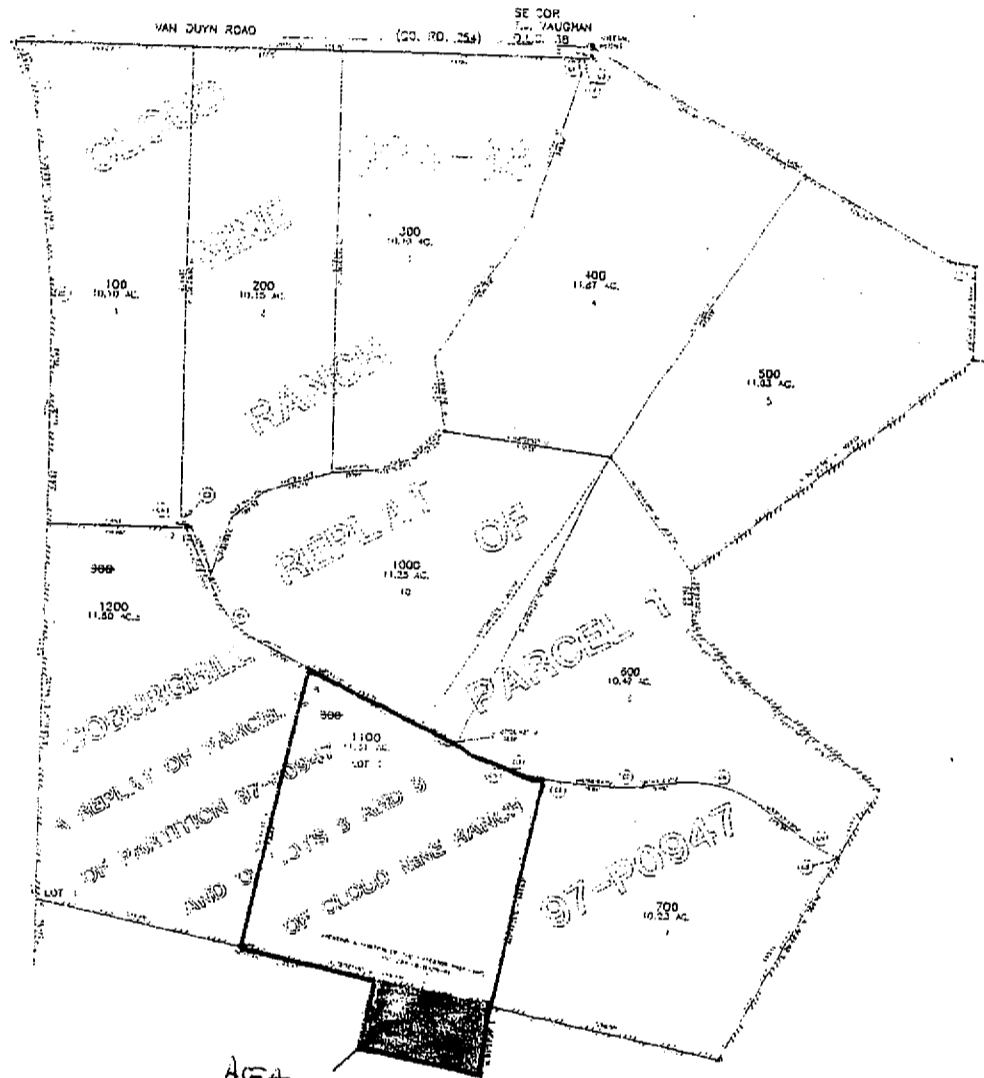
This request for a plan amendment and zone change satisfies all applicable approval criteria as outlined in this submittal. The request is minor in scope and will result in no increase of allowable residential lots or homes. Policy support exists for the request based on the submitted documentation and past land use decisions made by the Planning Commission and Board of Commissioners. The Applicant therefore asks the County to approve this application based on the proposed findings contained herein.

SW1/4 SEC. 35 T.16S. R.3W. W.M.
LANE COUNTY
SCALE 1" = 200'

16 03 35 3

NAD 27

SEE MAP 16 03 35



CANCELLED

NO. 100

1	100	10.10 AC
2	200	10.15 AC
3	300	11.10 AC
4	400	11.67 AC
5	500	11.81 AC
6	600	10.43 AC
7	700	10.33 AC
8	800	10.33 AC
9	900	11.21 AC
10	1000	11.25 AC
11	1100	11.21 AC
12	1200	11.55 AC

SEE MAP 16 03 35

SEE MAP 16 03 35

SEE MAP 16 03 35

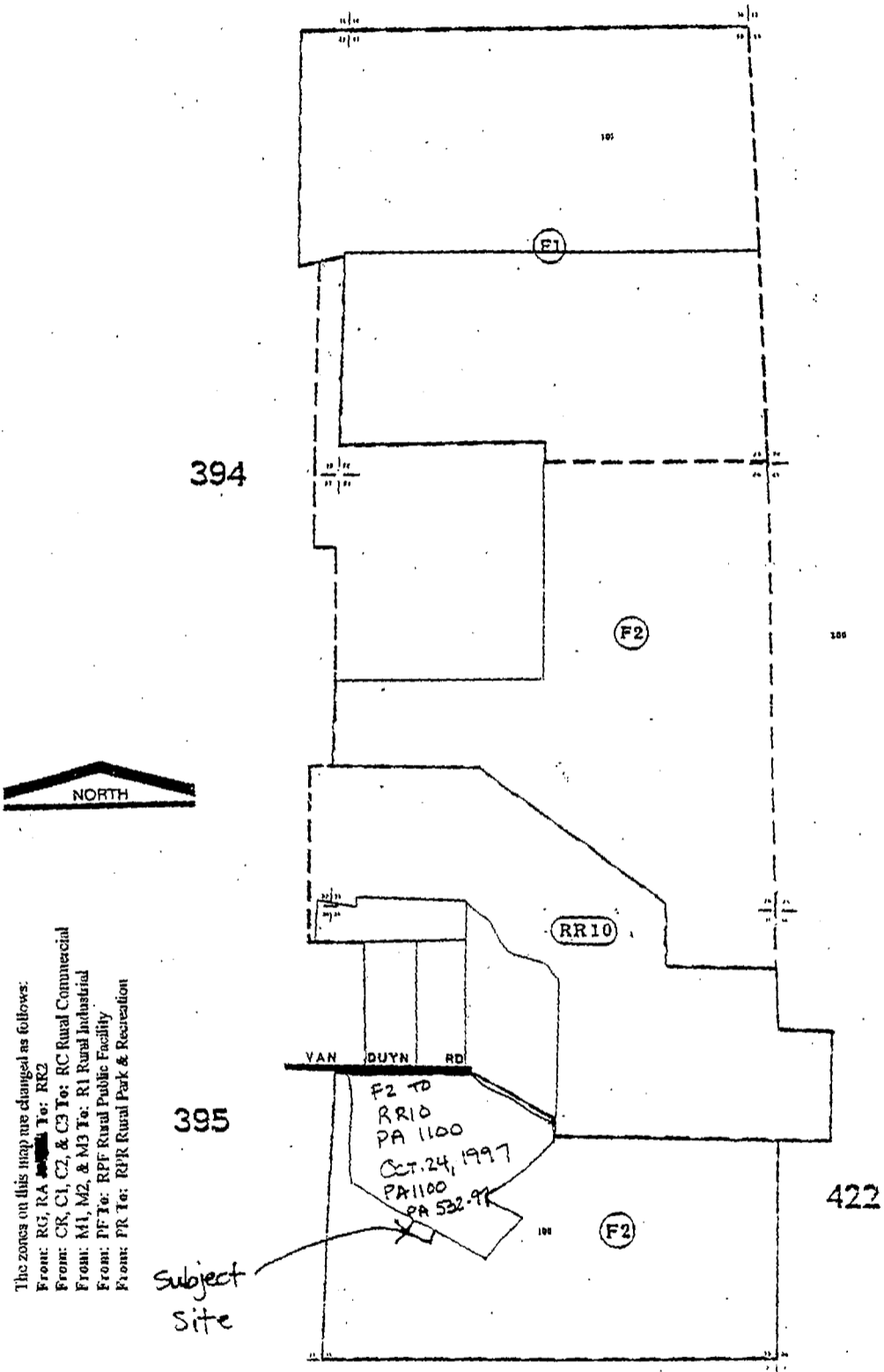
16 03 35 3

EXHIBIT A

A parcel of land located in the Southwest $\frac{1}{4}$ of Section 35, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of Parcel 2 of Land Partition 97-P0947, Lane County Oregon Plat Records, more particularly described as follows:

Beginning at the southeast corner of Lot 8, CLOUD NINE RANCH, as platted and recorded on File 75, Slides 886-890, Lane County Oregon Plat Records; then North $78^{\circ}12'46''$ West along the south line of said Lot 8, 300.00 feet; thence South $11^{\circ}47'14''$ West, 180.00 feet; thence South $78^{\circ}12'46''$ East, parallel with the south line of said Lot 8, 321.55 feet; thence North $4^{\circ}57'39''$ East, 181.28 feet to the Point of Beginning, all in Lane County, Oregon.

BOOK 165 PAGE 1342



lane county



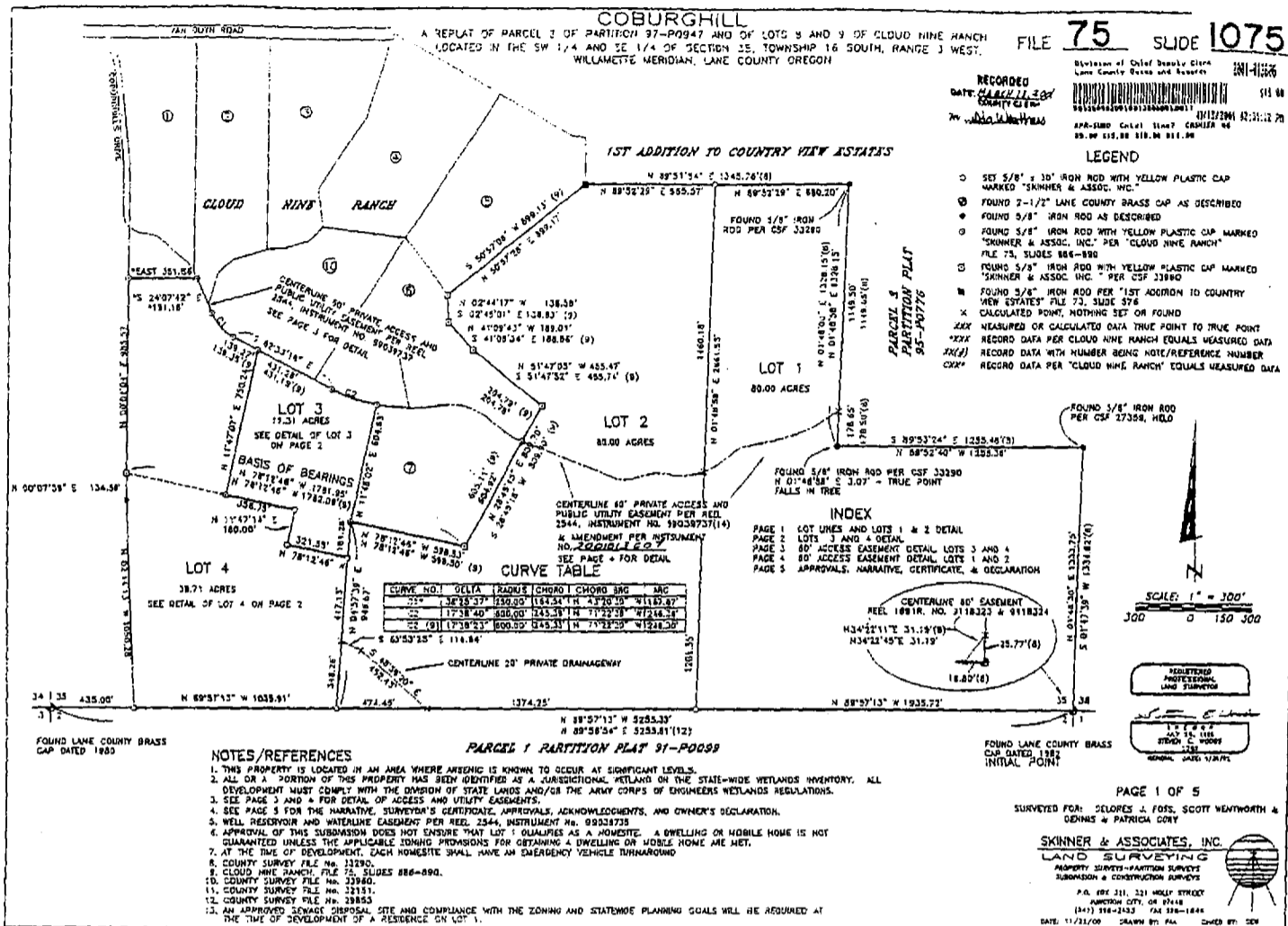
OFFICIAL ZONING MAP

PLOT # 408

Twship Range Section	16.03.26
16 03 23	16.03.35

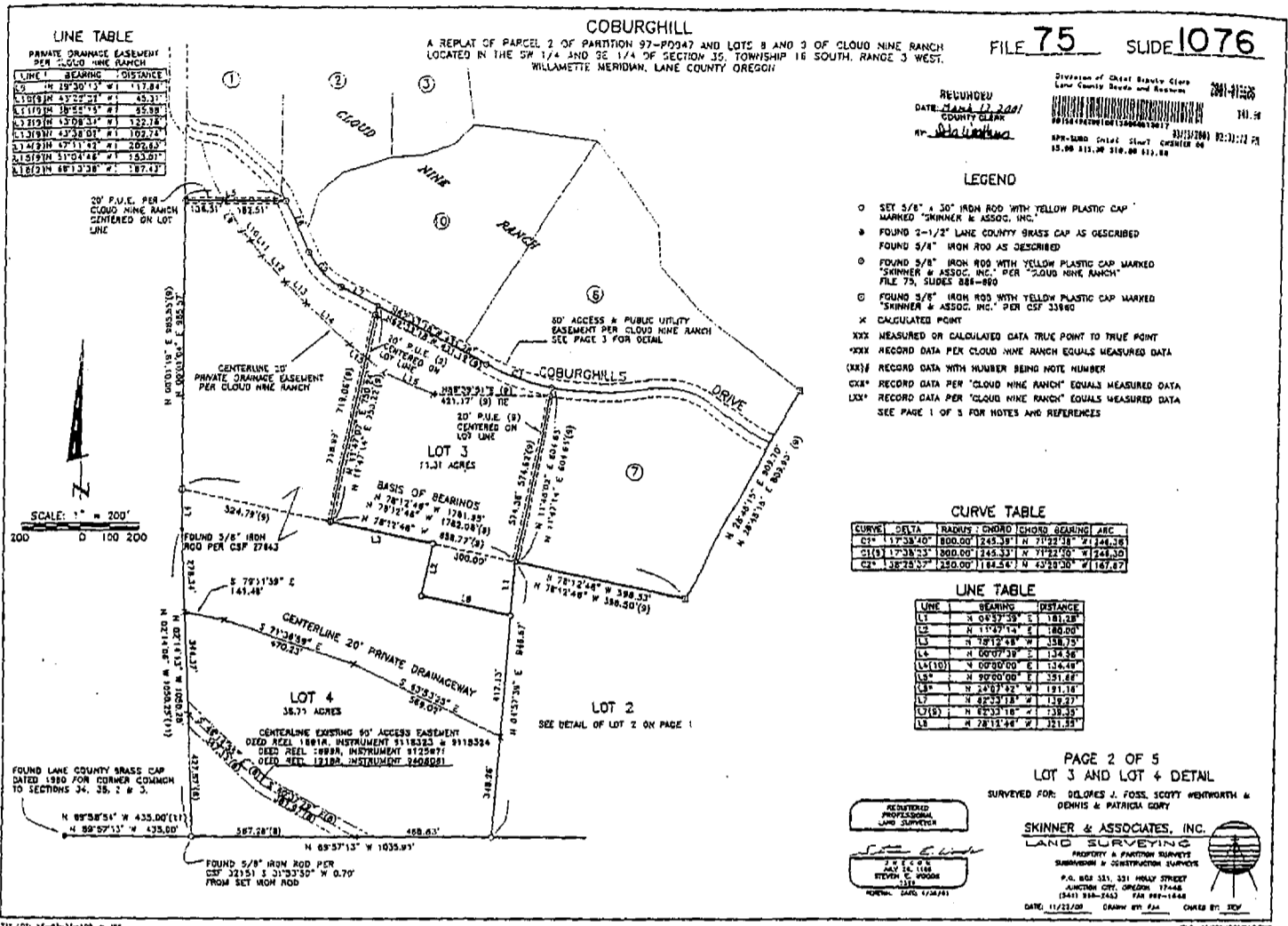
ORIGINAL ORD. # PA 384

DATE 2/20/2000



74-101: 16-03-15-105-N-108

FILE: 13107COBURGHILL



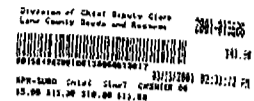
LINE TABLE
PRIVATE DRAINAGE EASEMENT PER CLOUD NINE RANCH

LINE	BEARING	DISTANCE
L1	N 19°30'13" W	117.84
L2	N 43°22'21" W	40.37
L3	N 39°55'13" W	55.83
L4	N 13°08'31" W	132.78
L5	N 43°38'01" W	102.74
L6	N 47°11'43" W	205.63
L7	N 31°04'48" W	153.01
L8	N 48°13'38" W	187.43

COBURGH HILL
A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND LOTS 8 AND 3 OF CLOUD NINE RANCH
LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST,
WILLAMETTE MERIDIAN, LANE COUNTY OREGON

FILE 75 SLIDE 1076

REVIEWED
DATE: 11/22/09
COUNTY CLERK
BY: [Signature]



LEGEND

- SET 3/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC."
- FOUND 2-1/2" LANE COUNTY BRASS CAP AS DESCRIBED
- FOUND 5/8" IRON ROD AS DESCRIBED
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER "CLOUD NINE RANCH" FILE 75, SLIDES 888-890
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 33860
- × CALCULATED POINT
- XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
- XXN RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- XXS RECORD DATA WITH NUMBER BEING NOTE NUMBER
- XXM RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- XXH RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA

CURVE TABLE

CURVE	DELTA	RADIUS	CHORD	CHORD BEARING	ARC
C1*	17°38'40"	800.00	245.38	N 71°22'38" W	124.36
C1S	17°38'40"	800.00	245.32	N 71°22'38" W	124.35
C2*	138°28'57"	150.00	184.56	N 63°18'08" W	187.87

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 08°57'35" E	181.28
L2	N 11°47'14" E	180.00
L3	N 78°12'48" W	388.53
L4	N 80°07'39" E	134.36
L5(10)	N 09°00'00" E	134.48
L5*	N 09°00'00" E	351.48
L6*	N 28°07'52" W	191.18
L7	N 42°33'18" W	119.27
L7(S)	N 42°33'18" W	739.35
L8	N 78°12'48" W	321.35

PAGE 2 OF 5
LOT 3 AND LOT 4 DETAIL

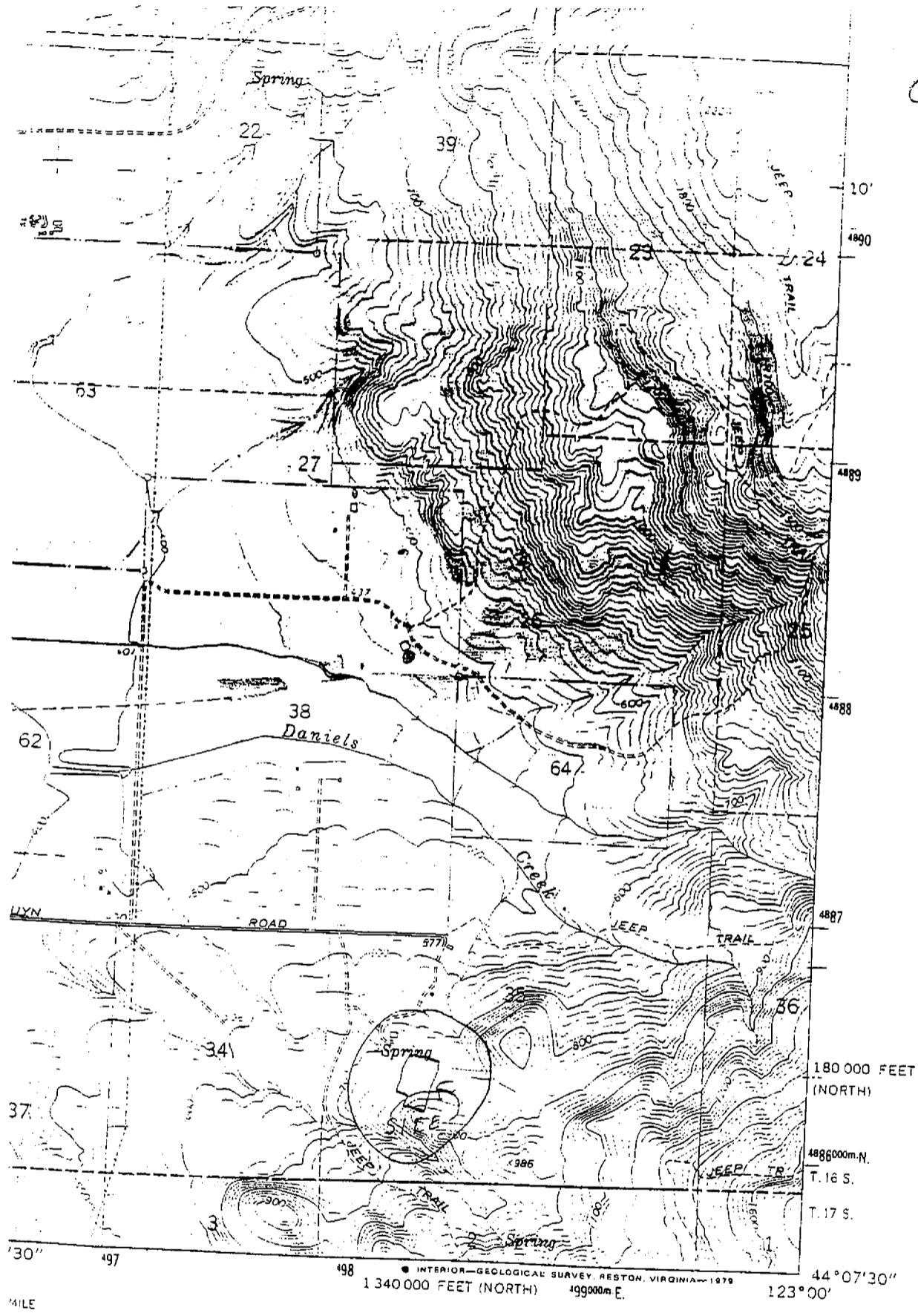
SURVEYED FOR: DELORES J. FOSS, SCOTT WENTWORTH & DENNIS & PATRICIA GORTY

SKINNER & ASSOCIATES, INC.
LAND SURVEYING
PROPERTY & PARTITION SURVEYS
SURVEYING & CONSTRUCTION SURVEYS
P.O. BOX 331, 331 HAZEL STREET
JUNCTION CITY, OREGON 97448
(541) 938-2443 FAX 938-1848
DATE: 11/22/09 DRAWN BY: JGA CHECKED BY: JCV

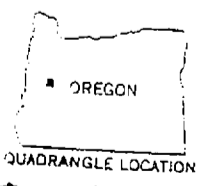
REGISTERED PROFESSIONAL LAND SURVEYOR
J. J. C. P. R.
NOV 16 1988
STEVEN C. WOODEN
12118
CORVALLIS, OREGON 97331



EXHIBIT D-1
 CONTOUR MAP



ROAD CLASSIFICATION
 Heavy-duty ————— Light-duty ————
 Medium-duty ———— Unimproved dirt - - - - -
 Interstate Route ————



COBURG, OREG.
 1972 III SW

01.22

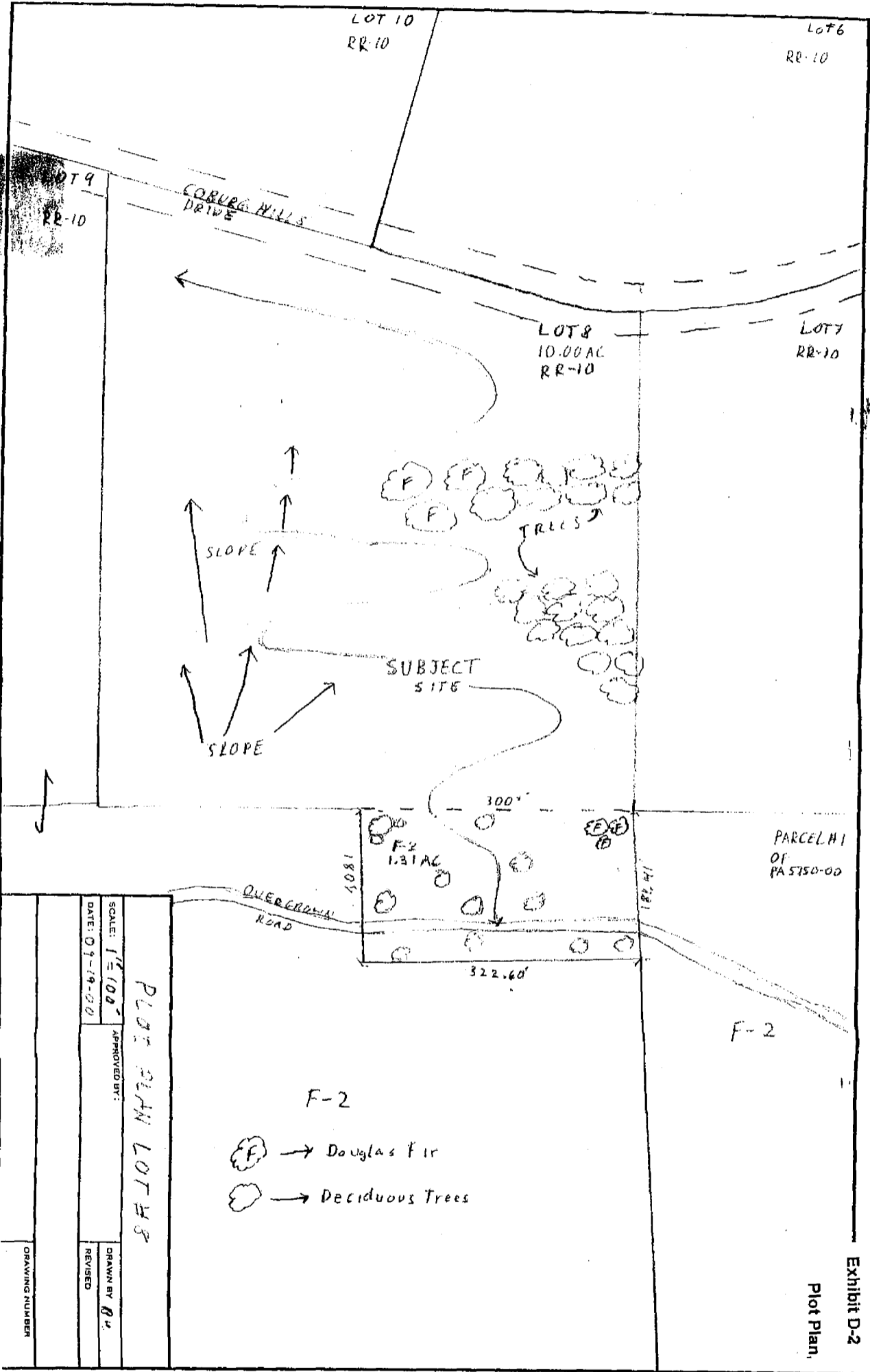


Exhibit D-2
Plot Plan

Report of Revised Soil Mapping for a 11.31-
Acre Property, Coburg Hill Drive, Cloud Nine
Subdivision Lot 3, Lane County, Oregon

For: Peter and Joy Dettmer, Eugene, Oregon.

September 19, 2003

By: Andy Gallagher
Certified Soil Classifier
ARCPACS CPSSc/SC 03114

RED HILL SOILS
P.O. BOX 2233
CORVALLIS, OR
97339

* updated February 24, 2005. Please view Exhibit E-2 for updated
Table 1 and Forest productivity ratings.

SOIL REPORT

1. GENERAL INFORMATION

- A. TITLE: Report of Revised Soil Mapping for a 11.31-Acre Property, on Coburg Hill Drive, Cloud Nine Subdivision Lot 3, Lane County, Oregon (Map Parcel 09 3W 25 900) .
- B. LANDOWNERS: Peter and Joy Dettmer, Eugene, Oregon.
- C. SOIL SCIENTIST AND CERTIFICATION NUMBER:
Andy Gallagher ARCPACS CPSSc/SC 03114
- D. LAND USE CASE FILE NUMBER: _____
- E. COUNTY: Lane County, Oregon.
- F. LOCATION: SW¼ Sec. 35, T. 16 S., R. 3 W., Lot 3
- G. PRESENT ZONING: Of the 11.31 acres, 10 acres are zoned RR-10 and 1.31 acres are zoned F-2.
- H. CURRENT LAND USE: Open land, mixed grass and brush and scattered trees.
- I. PURPOSE OF INVESTIGATION: Many decisions about land use and zoning are based on soil maps. This property was previously mapped in the Soil Survey of Lane County Area, at 1:20,000 scale, which is generally too small a scale for detailed land use planning and decision making. The information provided here is based on a high intensity (Order 1) soil survey of this parcel. High intensity soil mapping of this parcel was done to provide a map that shows the composition of soils at the level needed for intensive land use planning and for soil determinations to more accurately estimate the forest productivity as rated for soil map unit. This report revises the soil map and the estimated potential wood production on the 11.31 acres. Wood productivity estimates were revised based on the revised soil areas and the weighted average of reported productivity volume for each soil map unit. Some of the soils are not considered commercially important forest soils and often lack adequate forest stand data and these are not rated by NRCS for forest productivity. Previous mapping included 91 percent of the property zoned RR-10 and mapped as a complex of soils, of which only one member of the complex, Dixonville was rated for forest productivity. An additional acre of the property that is zoned F-2 was previously mapped Ritner, which was also rated for forest productivity.

2. PREVIOUS MAPPING / BACKGROUND

A. SOILS

This property was previously mapped in the Soil Survey of the Lane County Area. This previous soil map showed a complex of Dixonville-Philomath-Hazelair soils, 43E on steep side slopes and 43C on moderately sloping footslopes. Ritner soils were mapped on an igneous bedrock bench on the southeast corner of the property. (Table 1).

B. GEOLOGY: Rocks mapped in this locale are Marine Eugene formation (Tfee), Basalt and Andesite Intrusions (Tib) and Tuff (Tut) (Walker and MacLeod, 1991). The Eugene formation consists of coarse to fine grained arkosic and micaceous sandstone and siltstone. The basalt and andesite intrusions are sills and plugs and dikes of basaltic andesite, basalt and Andesite. The tuff is welded to unwelded and mostly crystal and vitric ash-flow tuff.

3. METHODS

A. LEVEL ORDER OF SURVEY USED IN THE FIELD SURVEY: The current soil investigation is a high intensity order-1 soil survey. It is used as a basis for making the soil classification and soil map for this parcel. Seventeen soil sample plots (borings) were made for an average sampling intensity of more than one observation per acre. Soil observations were made to best define soil boundary lines, based on terrain, vegetation and other site information. Soil map inclusions in revised map are less than 0.5 acre.

B. DATES OF FIELD INVESTIGATIONS: Field work was done in July and August of 2003.

C. METHODS: Methods used for observation included soil borings with a 3.5 inch bucket auger on 17 sample plots. Additionally thirteen of these borings were evaluated from backhoe pits where hard or rocky soil conditions made hand auger sampling impractical. Soil boring locations were made in a series of slope transects based on terrain, intended to capture soil variability patterns. The soil sampling intensity was one boring per 0.65 acres on the average, which is a greater intensity than the typical one boring per acre sampling grid employed in the order-1 survey level. Soil borings were concentrated in areas of highest complexity based on terrain conditions in order to more accurately locate soil boundaries.

Slope gradients were measured with a clinometer at each soil boring and additional readings were taken as necessary to refine boundaries of soil bodies. Soil colors were determined moist, using a Munsell Color Chart. Boring locations were recorded with a GPS receiver (3-m accuracy) and transferred to the map after processing with GIS and AUTOCAD software. Area of revised soil map units was calculated from the revised map using AutoCAD software.

Calculation of forest productivity in volume ($\text{ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$) for the 11.31 acres was based on the sum of the estimated productivity of each mapped soil (NRCS data) weighted by the number of acres of coverage. Where soils are not rated by NRCS for forest productivity, the productivity is considered to be zero in calculations.

D. LIMITATIONS ENCOUNTERED: None.

4. RESULTS:

A. LANDFORMS AND TOPOGRAPHY: This parcel is located on steeply sloping side slopes, and moderately sloping colluvial footslopes of the Coburg Hills. There is a small bedrock bench on the highest part of the property that is gently to moderately rolling, located in the southeast corner of the property. A drainage way, with poorly drained soils, dissects the footslope on the north side of the property and flows from east to west.

B. SITE HYDROLOGY: The bedrock bench has rock outcrops and shallow and gravelly soils that are well drained to somewhat excessively drained. Runoff from eroded clayey and shallow sideslope soils is rapid and permeability is very slow. Some what poorly drained clayey soils occur on the side slopes and footslopes and may have seeps during winter months. These soils grade into poorly drained soils of the drainage way that is also a wetland.

C. DESCRIPTION OF REVISED SOIL MAP UNITS

Revised Soil Map Units: Soils were revised and reclassified based on high intensity soil mapping. The revised soils are described by map unit below and a more detailed boring log is provided in the final section of this report.

Dx—Dixonville (14 to 25 percent slopes)

Description: moderately deep, well drained formed in colluvium of basalt

Forest Productivity Rating: $152 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$

Capability Class: 12-20 percent slopes IIIe and >20 percent slopes IVe.

Soil Variability: Two soil borings were Dixonville soils and these (borings 8 and 15) represent a small area (about half an acre) of Dixonville in the position just below the crest of the bench and above the steep sideslope of shallower soils. These soils grade into somewhat poorly drained soils to the northeast.

Or—Xerorthents (2 to 6 percent slopes)

This is a small area (less than half an acre) in the northeast corner of the property near the road where soils where the upper surface and subsoil (solum) were previously cut. The soil is represented by only one boring (boring1) these soils are not rated for forest productivity.

Productivity Rating: ~~Not Rated~~ $35 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$

Capability Class: VIc

PH—Philomath and rock outcrop (10 to 35 percent slopes)

Description: Philomath soils consist of shallow, well drained soils that formed in colluvium weathered from basic igneous rocks; they formed on foothills adjacent to the Willamette Valley. These soils have moderate to rapid runoff and slow permeability. These soils are typically in natural and unimproved pasture. These soils are also used as wildlife habitat. Native vegetation is grass, forbs, shrubs and scattered Oregon White oak.

Forest Productivity Rating: ~~Not Rated~~ $21 ft^3 a^{-1} yr^{-1}$

Capability Class: VIe

Soil Variability: Some profiles are more gravelly, some are severely eroded, and in several spots the basic igneous bedrock outcrops at the surface. Depth to weathered bedrock ranges from outcrops at the surface to depth of 19 inches.

Pa--Panther (12-20 percent slopes)

Description: The Panther series consists of deep, poorly drained soils that formed in weathered sedimentary rock. Panther soils are in swales and concave slopes of low foothills. These soils have very slow permeability. There is a perched water table at a depth of 0 to 1 foot below the soil surface from December to April. These soils are typically used for hay, pasture, wildlife, and watershed. Native vegetation is rushes and sedges, grasses, rose, poison oak and Oregon white oak.

Forest Productivity Rating: ~~Not Rated~~ $50 ft^3 a^{-1} yr^{-1}$

Capability Class: VIw

Soil Variability: This unit may include soils that have gravelly substratum that formed in old alluvium and colluvium.

Wi—Witham (12-20 percent slopes)

Description: This series consists of deep, somewhat poorly drained soils that formed in colluvium and alluvium weathered from mixed rock types; these soils occur on fans, footslopes and terraces. This series was not previously included on the soil map legend of the county. See official series description (attached). Runoff is medium to rapid; hazard of erosion is moderate to severe. Rooting depth is restricted by clayey texture and by high seasonal water table. Permeability is very slow and available water holding capacity is 6 to 9 inches. This soil typically used for hay, pasture cereal grain and wildlife habitat.

Forest Productivity Rating: ~~Not rated by NRCS~~ $50 ft^3 a^{-1} yr^{-1}$

Capability Class: IIIe

Soil Variability: This unit includes small areas of soils that are similar to Hazelair (boring 4) in that there is weathered sandstone at 20 to 40 inches depth, but which are similar in use and management. These soils grade into poorly drained Panther soils along the margins of the draw.

SEE
update
Exhibit
E-2

Table 1: PREVIOUS AND REVISED SOIL MAPPING UNITS

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Forest Productivity ft ³ ac ⁻¹ yr ⁻¹	Previous Map*		Revised Map	
				Ac.	%	Ac.	%
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.0	0	0
113G	NA	Ritner	149	1.0	9.0	0	0
41	Dx	Dixonville	152	0	0	0.5	4.5
-	Or	Xerorthents**	#	0	0	0.3	2.5
-	PH	Philomath-Rock Outcrop Complex*	#	0	0	1.0	8.7
102	Pa	Panther*	#	0	0	4.5	39.7
-	Wi	Witham**	#	0	0	5.0	44.6
Total				11.3	100	11.3	100

* Soils not previously mapped on this property.
 **Soils not previously included in NRCS Lane County Soils Legend.
 # Forest productivity not rated by NRCS in soil survey or on Online Tables.

5. SUMMARY AND CONCLUSIONS:

Soils were mapped in a high intensity (Order-1) soil survey on this 11.31-acre property to provide better soil information for the purpose of land use planning decisions relative to permitting a dwelling on land currently zoned F-2.

Soils previously mapped as a Dixonville-Philomath-Hazelair Complex were remapped as soil consociations. The foot slope positions are largely Witham soils, which were not previously mapped in Lane County, but which are deep somewhat poorly drained soils commonly associated with Dixonville, Philomath and Hazelair. In the drainageway, poorly drained Panther soils are mapped. A small area where soil profiles had been truncated, Xerorthents are mapped. Shallow Philomath soils dominate the steeper sideslopes and bench top. Small areas of rock outcrop are mapped along with the Philomath soils. Dixonville soils are of minor extent here, and were observed in only one small unit that was about a half acre. No Ritner soils were observed on this property, and areas previously mapped Ritner were reclassified mainly as Philomath soils.

Based on the revised soil map, the weighted average of forest productivity is 42.7 ft³ ac⁻¹ yr⁻¹. All of this productivity is credited to that of the 0.5 acres of Dixonville soils, the other soils are not considered commercially important forest soils and are not rated for forest productivity by the NRCS and Lane County. Based on this calculation, total wood productivity is less than the average 50 ft³ ac⁻¹ yr⁻¹ threshold test for F-2 zoning category.

SEE
update
Exhibit
E-2

6. REFERENCES:

NRCS, Online Resources, Soil Data Tables for Lane and Benton County Oregon.
SCS, Soil Survey of Lane County Area
SCS, Soil Survey of Benton County Area
Walker and MacLeod. 1991 Geological Map of Oregon.

7. ATTACHMENTS:

- a. Figure 1. Vicinity Map (1:150,000 scale, project area outlined).
- b. Figure 2. Previous Soil Map (From Lane County Planning Department GIS, source data Soil Survey of the Lane County Area, SCS 1987)
- c. Figure 3. USGS Topographic Map (Enlarged to Approx. 1:12,000 from original 1:24,000 scale)
- d. Figure 4. Site Condition Map (approx. 1:3400 scale)
- e. Figure 5. Assessors Map (approx. 1:3700 scale)
- f. Figure 6. Revised Soil Map of the Project Site (scale 1:2400)
- g. Figure 7. Location of Soil Borings (scale 1:2400)
- h. Soil Profile Notes and Site Observation Notes
- i. Plates of Soil Profiles
- j. Series descriptions and associated map unit descriptions for soils not included in the Lane County Soil Legend.

Figure 1. Vicinity Map (1:150,000 project area outlined)

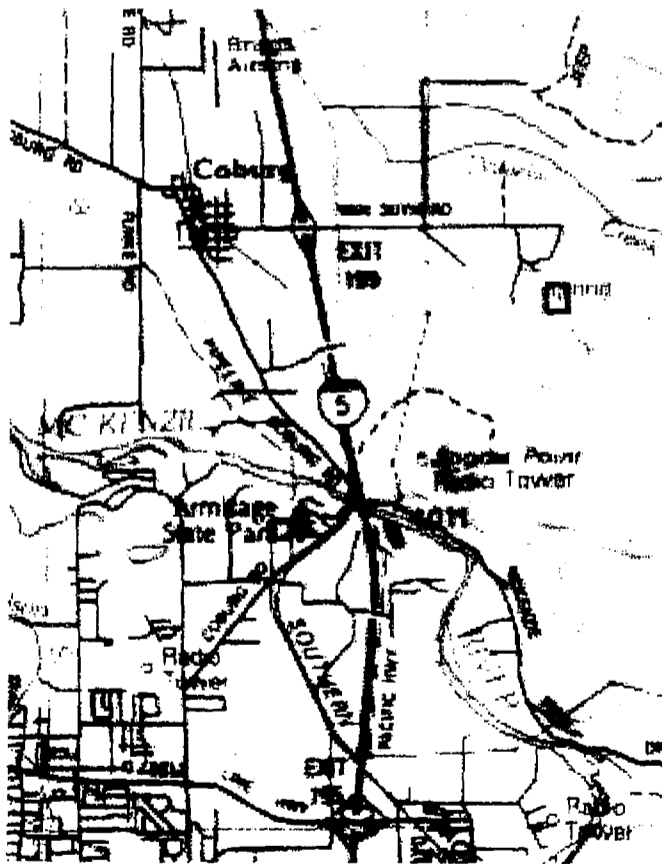
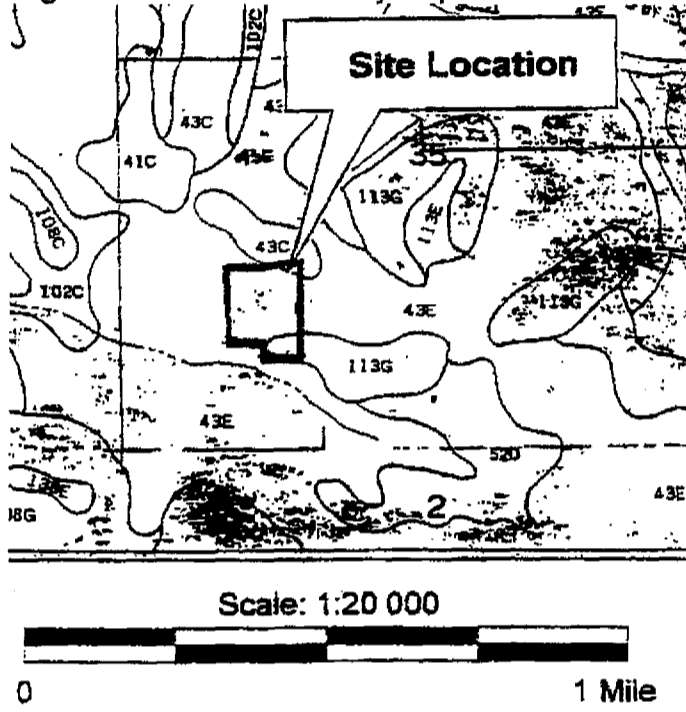


Figure 2. NRCS Soil Survey Map.



Source: Soil Survey of Lane County Area, Oregon

Figure 3. USGS Topographic map of the study area. (Enlarged to 1:12,000 from 1:24,000 Scale).

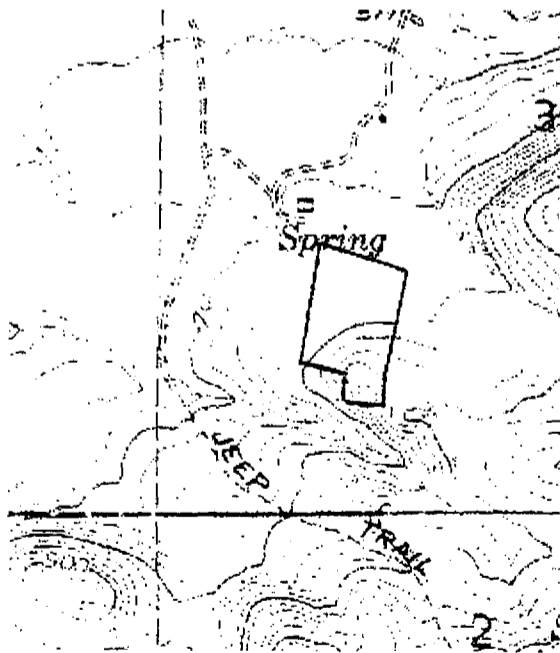


Figure 4. Site Condition Map (1994 aerial photo Approximate Scale 1:3400)

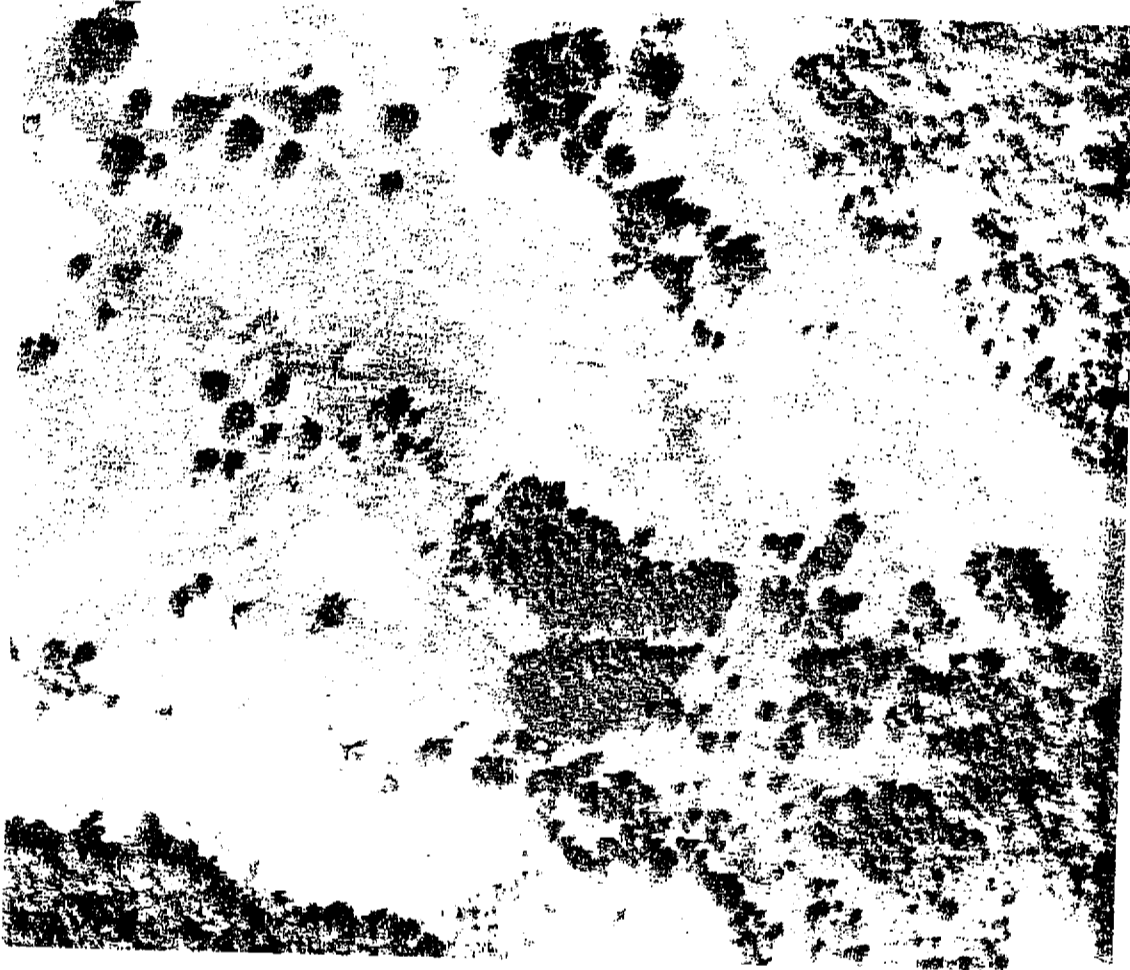
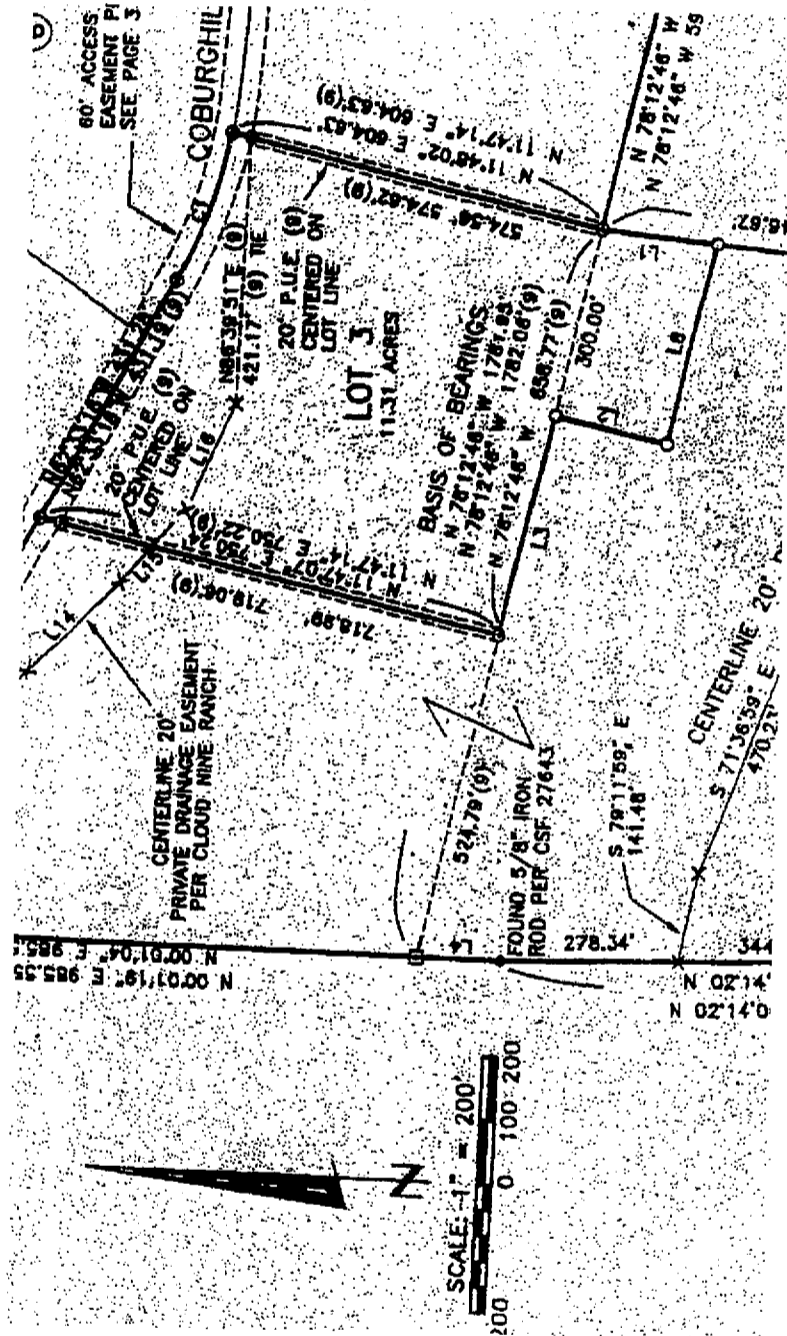
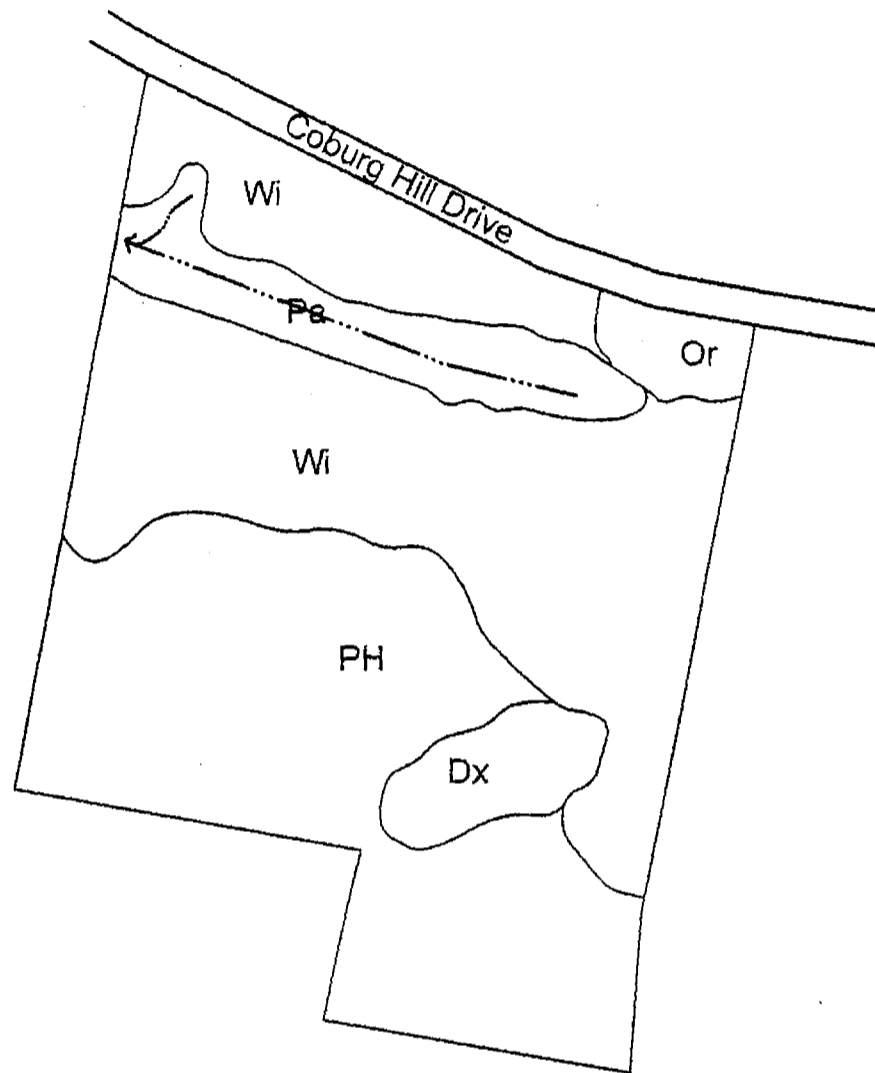



Figure 5. Assessor's map the tract under consideration. (Approx. 1:3700 scale).





Soil	Map Units
Dx	Dixonville
Or	Orthents
Pa	Panther
PH	Philomath - Rock Out Complex
Wi	Witham
	Intermittent Drainageway

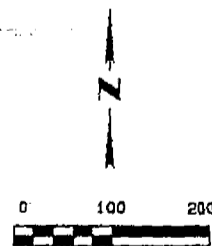


Figure 6. Revised Soil Map

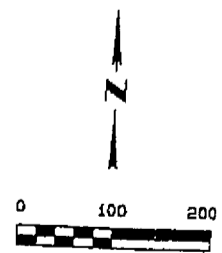
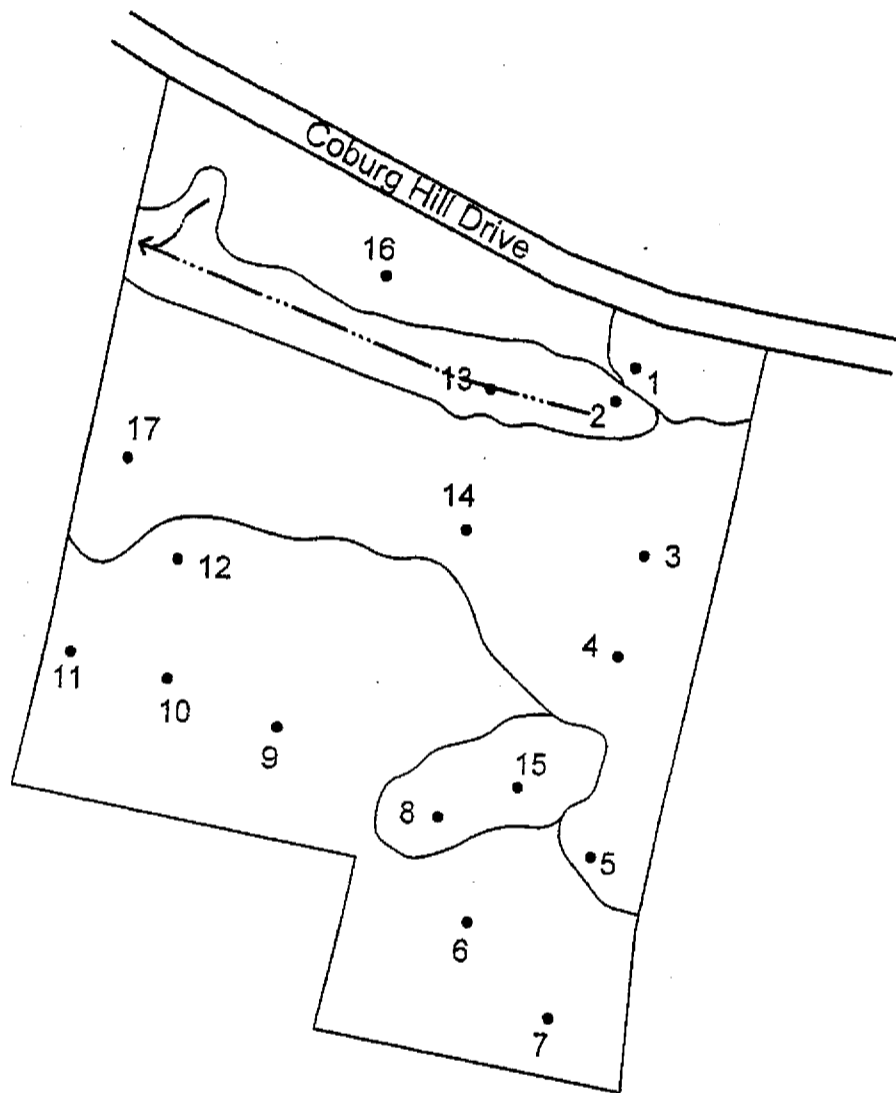


Figure 7. Location of Soil Borings.

Soil Profile Boring Log and Site Observation Notes
High Intensity soil mapping of soils.

Boring 1

Disturbed soil, surface and subsurface truncated (Xerorthents). Much of the original soil has been removed by cutting and filling. This is a small area near the road represents approximately 0.3 acres. Slope 2 to 6 percent. Soil pit.

Horizon	Depth(IN)	Color	Texture
A (fill)	0-3	10YR 3/2 and 4/2	grC and grCL
2C1	3-10	10YR 3/4	grC
3C2	10-40	10YR 5/3 and 4/4	cb C

Boring 2

Panther 10% slope. Poorly drained in drainage way. Auger.

Horizon	Depth	Color	Texture	Redox
A	0-12	10YR 2/1	SICL	10YR 4/4 accum.
Bg	12-20	10YR to 2.5Y4/1	C	10YR 5/6 accum.
Bgss	20-40	2.5Y4/1 to 5/1	C	7.5YR 4/6 accum.

Oxidized roots at surface, common slickensides at 20 inches.

Boring 3

Witham, 15 % footslope, somewhat poorly drained and deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-14	10YR 2/1	SICL	
Bw	14-36	10YR 2/1	C	10YR 4/2
Bgss	36-41	10YR 4/1	C	

Few to common slickensides, intersecting in lower part.

Boring 4

Hazelair, 20% slope steep side slopes, somewhat poorly drained and moderately deep to weathered sandstone bedrock. Very fine textured substratum is smectitic mineralogy. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-15	7.5YR 3/4	cb CL	
2C	15-31	10YR 4/4	vcb C	10YR 4/2 Depl.
2Cr	31-40	variegated (2.5Y 6/2 and 10YR 5/6) weathered sandstone.		

Boring 5

Witham 20% slope, side slope below bench, slightly concave. Somewhat poorly drained. Deep wide cracks from surface to 29 inches depth. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 2/2	SICL	
AB	10-17	10YR2/2 and 3/2	SIC	
Bgss1	17-29	10YR 4/2	gr C	10YR 3/4 accum.
Bgss2	29-40	10YR 4/2	C	

Common intersecting slickensides below 17 inches.

Boring 6

Rock out crop on convex crest of bench. Soil pit.

Horizon	Depth	Color	Texture	Redox
Hard basalt				

Boring 7

Philomath 4 % slope on bench, shallow and well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-9	10YR 3/2	SICL	
AB	9-17	10YR 3/2	xgr C	
Cr	17-35	weathered breccia and tuff.		

Boring 8

Dixonville 8% slope on shoulder slope below bench, moderately deep and well drained. Auger.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-18	10YR 3/3	gr SICL-SIC	
Bt	18-31	10YR 4/4	grC	
Cr	31+	weathered basalt		

Boring 9

Philomath 35% slope, very steep, severely eroded, backslope, well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
AB	0-9	10YR 3/4	vgr SICL	
BC	9-15	10YR 3/4 and 4/4 xgr C		
R	15+	Basalt		

Boring 10

Philomath 25% slope, steep backslope, well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-11	10YR 3/2	SICL	
AB	11-18	10YR 3/3	SIC-C	
R	18+	weathered pinkish tuff and Andesite		

Boring 11

Philomath 15% slopes, severely eroded footslope. Original surface soil was truncated. Soil pit.

Horizon	Depth	Color	Texture	Redox
AB1	0-9	10YR 3/3, 3/4	gr CL	
AB2	9-13	10YR 3/3, 4/4	vgr CL	
Cr	13+	weathered tuff breccia		

Boring 12

Philomath 12% slope foot slope, well drained. Soil pit

Horizon	Depth	Color	Texture	Redox
A	0-8	10YR 3/2	gr CL	
AB	8-13	10YR 4/3	pagr CL	
Bw	13-19	10YR 4/3 and 4/4	pagr C	
Cr	19+	variegated weathered andesite and tuff		

Boring 13

Panther 12% slope in drainage way, poorly drained, grasses and rushes. Auger.

Horizon	Depth	Color	Texture	Redox
Profile Similar to Boring #2.				

Boring 14

Witham, 15% slope, footslope, somewhat poorly drained, deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	N3/ to 2.5 3/1	SICL	
AB	10-21	2.5Y 3/1, 4/2	SIC-C	10YR 4/4 accum.
Bgss	21-40	10YR 4/1	C	10YR 4/3 accum.
Many intersecting slickensides, about 10% gravel in lower profile, coarse prismatic structure				

Boring 15

Dixonville 25% slope, steep shoulder slope between rocky and shallow bench soils (above) and long steep eroded sideslope (below). Auger.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-15	10YR 3/3	gr SICL-SIC	
Bt	15-25	10YR 4/4	grC	
Cr	25+	weathered basic igneous rock		

Boring 16

Witham 5% toe slope, somewhat poorly to poorly drained and deep. Soil pit

Horizon	Depth	Color	Texture	Redox
A	0-4	10YR 3/1	SIC	
Bw	4-16	10YR 4/1	C	
Bgss1	16-24	10YR 4/2	C	7.5YR 4/4 accum.
Bgss2	24-40	10YR 4/2	cb C	7.5YR 4/4 accum.
Common, intersecting slickensides from 16 to 40 inches.				

Boring 17

Witham 10% slopes foot slope, somewhat poorly drained and deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-12	2.5 N/	SICL	
Bw	12-19	10YR 4/2	SIC	7.5YR 4/6 accum.
Bgss	19-30	10YR 4/1	C	7.5YR4/4 accum.
Many intersecting slickensides below 19 inches.				

End of Boring Log

Andy Gallagher

Andy Gallagher

ARCPACS CPSSc/SC 03114

Date: 9/19/03



Plates of Soil Profiles



Boring 3
Witham



Boring 5
Witham



Boring 6
Basalt outcrop



Boring 10
Philomath



Boring 3
Close up of slickensides



Boring 12
Philomath



Boring 14
Witham



Boring 16
Witham



Boring 17
Witham

LOCATION WITHAM

OR

Established Series

Rev. RWL/AON/TDT

02/97

WITHAM SERIES

The Witham series consists of deep, somewhat poorly drained soils that formed in colluvium and alluvium weathered from mixed rock types. Witham soils are on fans, footslopes and terraces and have slopes of 2 to 12 percent. Mean annual precipitation is about 50 inches. Mean annual temperature is about 52 degrees F.

TAXONOMIC CLASS: Fine, smectitic, mesic Vertic Haploxerolls

TYPICAL PEDON: Witham silty clay loam - pasture. (Colors are for moist soil unless otherwise noted.)

A--0 to 4 inches; very dark grayish brown (10YR 3/2) silty clay loam, dark grayish brown (10YR 4/2) dry; moderate medium and fine granular structure; slightly hard, friable, sticky, and plastic; many very fine roots; many irregular pores; strongly acid (pH 5.4); clear smooth boundary. (3 to 6 inches thick)

BA--4 to 12 inches; very dark grayish brown (10YR 3/2) silty clay, dark grayish brown (10YR 4/2) dry; moderate coarse and medium subangular blocky structure; very hard, firm, very sticky, and very plastic; common very fine roots; many irregular pores; very dark brown (10YR 2/2) coatings on peds; strongly acid (pH 5.4); gradual smooth boundary. (0 to 12 inches thick)

Bw1--12 to 21 inches; dark brown (10YR 3/3) clay, dark brown (10YR 4/2) dry; weak coarse prismatic and moderate coarse subangular blocky structure; extremely hard, very firm, very sticky and very plastic; few very fine roots; many very fine tubular pores; few fine black concretions, common fine (1-2 millimeter yellowish brown weathered fragments, and few hard gravel; few slickensides, not intersecting; medium acid (pH 5.6); gradual smooth boundary. (6 to 12 inches thick)

Bw2--21 to 29 inches; dark brown (10YR 3/3 and 4/3) clay, brown (10YR 5/3) dry; few fine distinct yellowish brown (10YR 5/4), (10YR 5/6) and dark brown (7.5YR 4/4) mottles; weak coarse prismatic and weak coarse subangular blocky structure; extremely hard, very firm, very sticky, and very plastic; few very fine roots; many very fine and fine tubular pores; few fine black concretions and gravel and many fine (1-2 millimeter yellowish brown weathered fragments; few slickensides, not intersecting; medium acid (pH 5.8); gradual wavy boundary. (6 to 12 inches thick)

C--29 to 60 inches; very dark grayish brown (10YR 3/2) clay, many medium distinct strong brown and dark brown (7.5YR 5/6, 4/2, and 4/3) mottles; massive; extremely hard, very firm, very sticky and very plastic; few very fine roots; few fine gravel; few very fine pores; common medium black stains, common fine and medium slickensides; not intersecting; medium acid (pH 5.8).

TYPE LOCATION: Benton County, Oregon; in a native pasture 200 feet north of Jackson Creek in the SW 1/4 SW 1/4 NW 1/4 sec. 15, T. 11 S., R. 5 W.

RANGE IN are usually moist but are dry between depths of 4 and 12 inches for 45 to 70 consecutive days during the summer in 7 out of 10 years. The mean soil temperature ranges from 52 to 56 degrees F. Depth to bedrock is over 60 inches. Faint to distinct mottling occurs at a depth of 16 to 30 inches. The profiles crack to the surface during the summer and early autumn. The A horizon is strongly to slightly acid, and the Bw and C horizons are medium to slightly acid.

The A horizon has value of 2 or 3 moist and chroma of 2 or 3 dry.

The Bw horizon has hue of 2.5Y or 10YR, value of 3 or 4 moist and 4 or 5 dry and chroma of 2 or 3 moist and dry. It is silty clay or clay. It has weak coarse prismatic and weak or moderate, medium to coarse subangular or angular blocky structure.

COMPETING SERIES: These are the Heppsie series in the same family and the Philomath series. Heppsie soils are 20 to 40 inches deep to a paralithic contact and lack mottles. Philomath soils have a paralithic contact at a depth of less than 20 inches and lack mottles.

GEOGRAPHIC SETTING: The Witham soils are on fans and footslopes at elevations of 250 to 1,200 feet. The soils formed in fine textured alluvium and/or colluvium. The summers are warm and dry and the winters are cool and moist. The mean annual precipitation is 40 to 60 inches. The mean January temperature is 38 to 40 degrees F, the mean July temperature is 64 to 68 degrees F, and the mean temperature is 50 to 54 degrees F. The frost-free period is 165 to 210 days.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Bashaw, Dixonville, Ritner, and Yamhill soils and the competing Philomath soils. Bashaw soils have chroma of 1.5 or less and are very poorly or poorly drained. Dixonville soils have an argillic horizon and are 20 to 40 inches deep to bedrock. Ritner and Yamhill soils are 20 to 40 inches deep to bedrock.

DRAINAGE AND PERMEABILITY: Somewhat poorly drained; slow to medium runoff; very slow permeability.

USE AND VEGETATION: The Witham soils are used for pasture, hay, woodland, grain and wildlife habitat. The native vegetation is Oregon white oak, Douglas fir, wild rose, poison oak, snowberry, blackberries and bentgrass.

DISTRIBUTION AND EXTENT: The footslopes of the Coast Range and Cascade Mountains of western Oregon. The series is of small extent.

MLRA OFFICE RESPONSIBLE: Portland, Oregon

SERIES ESTABLISHED: Benton County (Benton Area), Oregon, 1970.

Table Revised February 24, 2005.
By Andy Gallagher, Red Hill Soils, Corvallis

The table has been revised using several sources of data in lieu of a zero rating, where NRCS data were missing.

Table 1: PREVIOUS AND REVISED SOIL MAPPING UNITS

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Forest Productivity $\text{ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$	Previous Map*		Revised Map		Reference
				Ac.	%	Ac.	%	
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.0			
113G	NA	Ritner	149	1.0	9.0	0	0	A
41	Dx	Dixonville	152	0	0	0.5	4.5	A
-	Or	Xerorthents**	35	0	0	0.3	2.5	B
-	PH	Philomath-Rock Outcrop Complex*	21	0	0	4.5	39.7	B
102	Pa	Panther*	50	0	0	1.04	8.7	B
-	Wi	Witham**	50	0	0	5.0	44.6	C
Total				11.3	100	11.3	100	

* Soils not previously mapped on this property.

** Soils not previously included in NRCS Lane County Soils Legend.

A Soil Survey Lane County NRCS

B Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Lane County

C Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Lane County

After replacing soils ratings of zero with the estimated values cited above the revised weighted average forest soil productivity is $42.7 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$.

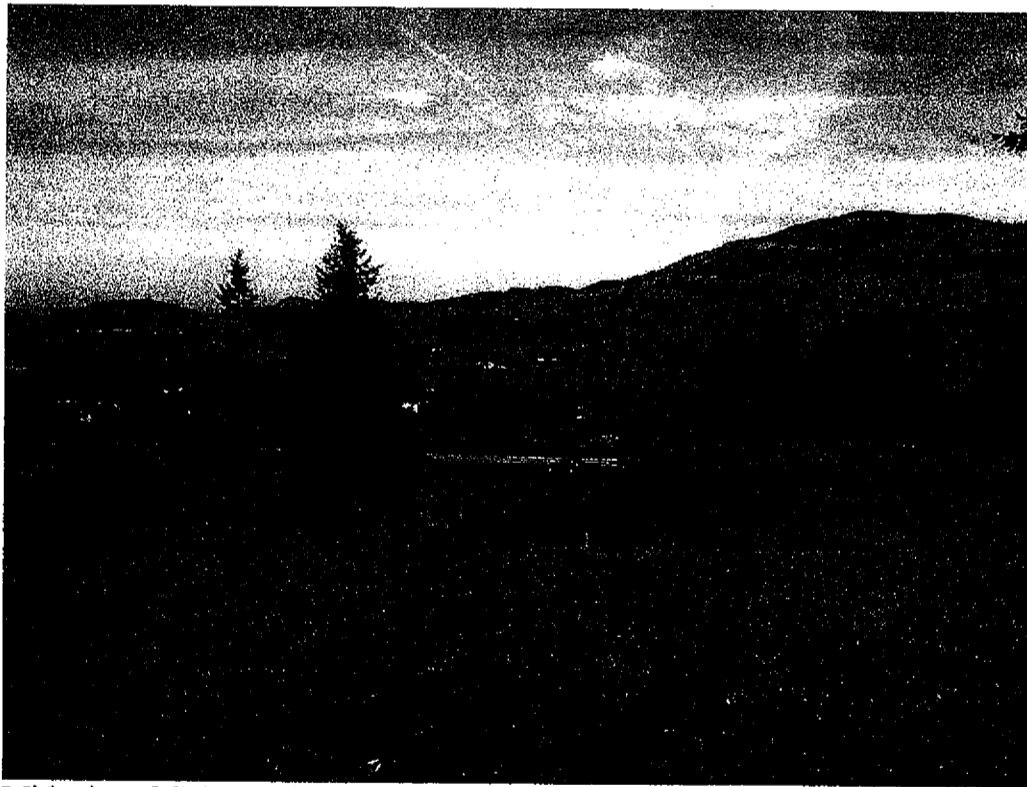
Xerorthents were correlated to Dixonville-Hazelair-Urban Land (Low site index) rating in the Lane County table. Philomath-Rock Outcrop soils were correlated to the Witzel Rock-Out Crop rating in the Lane County table.

Witham soils were given the rating given to Witham soils in Lane County Table, since these soils aren't on the Lane County legend.

EXHIBIT F



Coburg Hill Lot 3, looking southeast from Coburg Hills Drive



Midpoint of Coburg Hill Lot 3, looking north at Coburg Hills Drive



Coburg Hills Drive looking east



1.31- acre portion of subject property, looking west



Air Photo.

Exhibit G

..... DIGITAL SITE EVALUATION

S.I.# 98-9082

IRS, TL-16-03-35 T.L.101 Job Location SEE ATTACHED MAP LOT # 8

Subdivision: PA 1194-88 CLOUD NINE RANCH Written Directions _____

Lot _____ Block _____ WATER SUPPLY COMMUNITY SYSTEM

APPLICANT'S NAME AND ADDRESS LARRY REED 4714 GARDEN ST SEASIDE Phone 542-7777

OWNER'S NAME AND ADDRESS RON P. FOS 87995 RIVERVIEW MANORIAL CN Phone 508-708-7088

STRUCTURES NOW ON THE PROPERTY NONE PROPOSED USE OF PROPERTY WATER TREAT

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 act.

TEST HOLES READY 7/25/98 Signature [Signature] Date 7/25/98

..... OFFICE USE ONLY BELOW THIS LINE

SITE MEETS STATE STANDARDS	YES	NO	YES	NO
Standard System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Low Pressure Distribution	<input type="checkbox"/>
Sand Filter	<input type="checkbox"/>	<input type="checkbox"/>	Holding Tank	<input type="checkbox"/>
1 Foot Capping Fill	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>

LAND USE COMPLIANCE

Zoning _____ Acreage or Lot Size _____ (TOTAL)

Partitioning # _____ Parcel # _____ (Completed/Pending)

COMMENTS:

STANDARD SYSTEM 450 LITERAL NO VARIANTS
REPLACEMENT IN MAX THROUGH DITCH
WE CANNOT DRAW BY GAVEL TO ESCROW
SURFACE REQUIRED

FLOODPLAIN INFORMATION

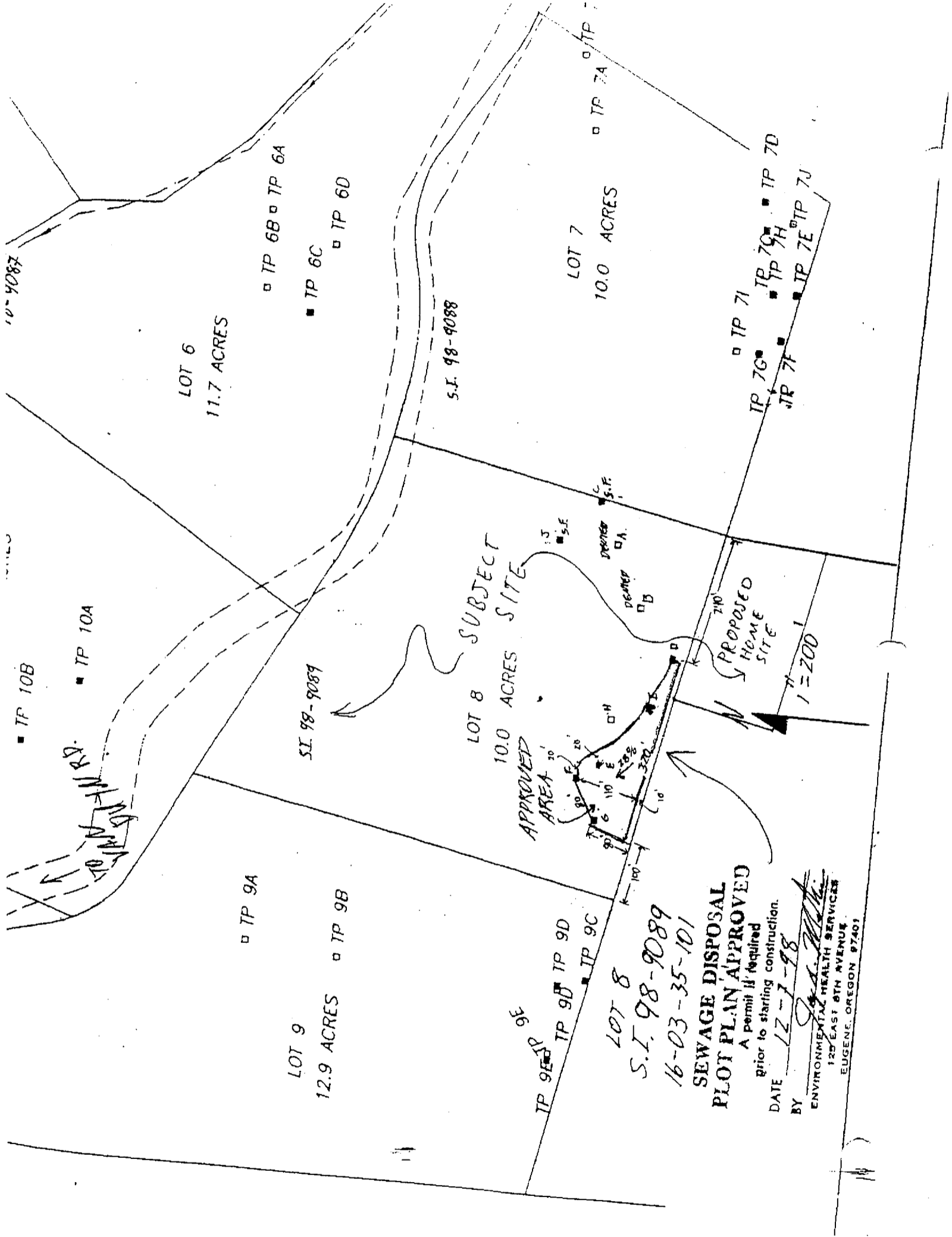
Approximate Study Area _____ All or part of this site may be in a flood hazard area for which 100 year flood levels have not been established. Extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.

- Detailed Study Area
 - Floodway
- All or part of this site may be in a flood hazard area for which 100 year flood levels have been established. A building elevation above the 100 year flood level may be required.
All or part of this site may be in a flood hazard area in which a floodway has been designated. Building may be prohibited subject to demonstration that the cumulative effect of proposed development will not increase the 100 year flood level at any point.

THIS IS A PRELIMINARY REPORT WHICH DOES NOT ENSURE THE ISSUANCE OF A FUTURE BUILDING PERMIT. ANY PLANS OR EXPENDITURES MADE IN RELIANCE UPON THIS REPORT ARE AT YOUR OWN RISK. IF SITE IS APPROVED, SEE REVERSE SIDE.

AUTHORIZED SIGNATURE [Signature] DATE 7-2-98

LANE COUNTY ENVIRONMENTAL HEALTH, 125 EAST 8TH AVENUE, EUGENE, OREGON 97401 (687-4051)



10-9087

LOT 6
11.7 ACRES

TP 6A TP 6B TP 6C TP 6D

S.I. 98-9088

LOT 7
10.0 ACRES

TP 7A TP 7B TP 7C TP 7D
TP 7E TP 7F TP 7G TP 7H TP 7I TP 7J

TP 10A TP 10B

S.I. 98-9089

LOT 8
10.0 ACRES
SUBJECT SITE

APPROVED AREA

PROPOSED HOME SITE

1:200

LOT 9
12.9 ACRES

TP 9A TP 9B TP 9C TP 9D TP 9E

LOT 8
S.I. 98-9089
16-03-35-101

SEWAGE DISPOSAL
PLOT PLAN APPROVED

A permit is required
prior to starting construction.

DATE 12-7-98

BY [Signature]
ENVIRONMENTAL HEALTH SERVICES
125 EAST 9TH AVENUE
EUGENE, OREGON 97401

Cloud Nine Ranch water system
information.

Exhibit I

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chambers

August 5, 1999
7:30 p.m.

Continued from the June 3, 1999, Public Hearing - Water System Establishment (Cloud Nine Ranch Subdivision)

IV.A. BC File X.W 99 - 44

Initiated by petition from Ron Foss
Action under ORS 199.464 of boundary commission law
Received May 4, 1999
Action to be taken by May 4, 2000

Notice

Advertised in *The Register Guard* on July 14, 1999
Notices mailed to the affected property owners on July 23, 1999
Notice of the public hearing posted in area of the proposal on and at the Lane County courthouse on July 21, 1999

Description

Located east of the City of Coburg and I-5, south of Van Duyn Road
Property owner of property to be served: Ron Foss
Tax lot: 105, T16S R03W S35
Area to be served: ± 135 acres
Estimate of existing population: 4 (one residence)
Existing land use: Primarily vacant, residential
Existing zoning in Lane County: RR-10, rural residential with 10-acre minimum lot size

Applicable comprehensive plan: Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and as subsequently amended)
Existing public services: Police (Oregon State Police/Lane County Sheriff), roads (Lane County), schools (Eugene School District #4J), fire (Coburg Rural Fire Protection District), electrical (Emerald People's Utility District)

Reason for System Establishment

The property owner is planning to develop a 10-lot residential subdivision in Lane County. The community water system is proposed to serve the subdivision.

In conformance with OAR 191-05-065(3), these staff notes are incorporated as part of the record of the boundary commission's public hearing of August 8, 1999.

LCGBC Staff Notes -- August 5, 1999

Page IV-A-1

This request was considered by the boundary commission at its June 3, 1999, public hearing. The commission continued this item to the August hearing to allow time for the property owner to complete a special use permit process through Lane County. The permit is needed to allow the placement of the water system's reservoir and some distribution lines on F-2 zoned lands located outside the RR-5 zone. On July 9, 1999, the county approval of a special use permit (PA 99-5741) became effective. The following staff report reviews the request and includes new information where appropriate. The June 3, 1999, staff notes are incorporated into the record in accordance with OAR 191-05-065(3).

A "community system" is either a publicly or privately owned system which serves four or more residences or other users where water is provided for public consumption; the system includes both the source of water and the distribution system. [ORS 199.464(7)(c)]

The boundary commission was granted authority to review and act on community water systems for several reasons including the following:

1. Provision of common water systems is a key step in the land use development process.
2. Community systems are not always as cost effective as larger public or private systems and fragmentation of water and wastewater service complicates logical boundary decisions.
3. When small scale community systems fail, larger, nearby water or wastewater providers often must respond to emergency health situations by extending services and boundaries. Responding to emergency health situations is not always the most logical or cost efficient manner to meet growth needs or to provide low cost service to a broader area.

This petition for establishing a privately owned community water system was filed with the boundary commission by the owner's representative, Larry Reed of Jim Griffith & Associates, in accordance with ORS 199.464. The owner is Ron Foss. The water system is proposed to serve a 10-lot subdivision located on one tax lot (T16S R03W S35 tax lot 105; refer to Maps No. IV-A-1 and IV-A-2) located east of the City of Coburg, east of I-5 and south of Van Duyn Road. The area of the proposed subdivision is zoned RR-10, rural residential with 10-acre minimum lot size, in Lane County. It is primarily vacant with one existing residence. The existing residence will be incorporated into the subdivision and will be located on Lot 4.

The proposal area will be developed as a rural residential subdivision and will consist of 10 lots (refer to Map No. IV-A-3). The proposal area is designated nonresource lands (rural residential) and zoned RR-10, rural residential with 10-acre minimum lot size, by Lane County. This designation and zoning was applied to the proposal area in 1998. The county gave conditional administrative approval of the Cloud Nine Ranch subdivision in August 1998. One of the conditions of approval is that a community water system be created to serve the proposed subdivision. As part of the filing, the applicant's representative provided information on the

for conductivity, hardness, iron, pH, total dissolved solids, and turbidity. These test results will not be available until June 2, 1999.

Initial costs of developing the water system will be borne by the applicant. An estimate cost of construction of the water system is \$144,000. The total per lot capital cost is estimated at \$16,000, resulting in an estimated annual replacement fund budget of \$2,174, or \$242 per lot.

The operation and maintenance of the water system will be financed through monthly water bills plus an annual assessment to each lot of approximately \$300 each January. Each water meter will be read monthly. The monthly billings will include a base monthly charge of approximately \$51, plus an additional charge that is based upon the number of gallons used the previous month. A tiered rate structure will be applied to encourage water conservation. The monthly receipts will finance the operations and general maintenance of the system. Annual assessments will be for the purpose of building up a water system replacement fund account that will provide funds to replace system components as required over time. Through the CC&Rs, each lot will be limited to irrigating no more than one-half acre.

The average monthly operating income of approximately \$460 will be available to offset the estimated monthly expenses of \$430 for ongoing operations, including a part-time water system operator, meter reading, pump maintenance, electrical costs and related miscellaneous expenditures. The average monthly expense is approximately \$48.75 per lot.

Onsite subsurface disposal systems will be developed consistent with county regulations on each tax lot. Prior to final approval of the subdivision, evidence will be required that approval for septic sites has been obtained.

Preliminary plans for the proposed water system have been reviewed and given preliminary approval by the Oregon State Health Division (OSHD). Final approval of the water system will be handled by the Health Division after the system is constructed and all state and local standards are met. Any construction permits that are required for completion of the water system will be obtained through the applicable jurisdiction's permitting processes.

This request is consistent with this boundary commission standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The proposed residential use and the majority of the water system is located within the RR-10 zone. The proposed water system is needed to serve the proposed Cloud Nine Ranch subdivision. The subdivision has been conditionally approved by Lane County. A portion of the proposed water system (reservoir and distribution lines) is located on property zoned F-2. A special use permit from Lane County has been approved to allow the placement of these facilities in this resource zone. No connections or extensions of the water system outside the RR-10 zoned Cloud 9 Ranch subdivision have been approved by the boundary commission.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the proposed water system establishment for the Cloud Nine Ranch subdivision (BC File X W 99 - 44) be approved based upon the following findings and reasons.

The findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request as submitted. If the boundary commission modifies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the boundary commission on May 4, 1999, by Jim Griffith & Associates on behalf of the property owner, Ron Foss, in accordance with ORS 199.464, and was determined to be a valid filing in accordance with OAR 191-06.
 2. The Cloud Nine Ranch water system is proposed to serve a 10-lot subdivision involving one tax lot (T16S R03W S35 tax lot 105) owned by Ron Foss. No connections or extensions of the water system to serve other users are allowed and have not been granted approval by the boundary commission.
 3. The proposed Cloud Nine Ranch subdivision consists of approximately 135 acres. Currently, one residence exists on the site which will be incorporated into the proposed subdivision. The area proposed for the subdivision is zoned RR-10 in Lane County. A portion of the water system (reservoir and distribution lines) is located on F-2 zoned land. A Lane County special use permit has been conditionally approved to allow the placement of these facilities in this resource zone.
-
4. As submitted, the proposed water system, when completed, will consist of a water source (an existing well); chlorination facility; one 10,000 gallon storage reservoir; approximately 3,980 lineal feet of 2-inch water line; approximately 4,845 lineal feet of 3-inch water line; 10 individual domestic water meters; one master water meter; various gate and pressure reduction valves; and associated components

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

5. The boundary commission held a public hearings on June 3, 1999 and August 5, 1999. Notice of the public hearings were given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.

6. The proposed water system and subdivision are within the boundaries of the Coburg Rural Fire Protection District. The fire district raised no objections regarding the community water system.
7. This proposal is consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

8. Evidence submitted concludes that there is adequate water source to serve the proposed Cloud Nine Ranch subdivision. Well testing showed this well can provide adequate water supply. Quality testing also showed that the water is of high quality.
9. The Country View Estates water system is located to the north and east of the proposed Cloud Nine Ranch water system. This water system was designed and constructed to serve only the residential development within the Country View Estates subdivision. Boundary commission approval of the Country View Estates water system did not provide for any service outside the platted subdivision. Water service from this existing system is not feasible and a community system to serve the proposed Cloud Nine Ranch subdivision is a viable method of providing water service. No approval by the boundary commission to connect the two systems has been given. In the future if it is determined to be feasible, a request to connect to the systems can be submitted to the boundary commission.
10. The proposal area is outside the acknowledged urban growth boundary of the Coburg Comprehensive Plan. Consistent with comprehensive plan policy, water from the Coburg cannot be extended outside the urban growth boundary.

-
11. ~~This request is consistent with this standard.~~

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

12. The Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and as subsequently amended) is the applicable comprehensive plan. The Cloud Nine Ranch subdivision has received conditional approval from Lane County. The subdivision lies within a nonresource land area and is zoned RR-10. A portion of the water system will be located on F-2 zoned land. The appropriate Lane County permitting process has been completed to allow these facilities in this resource zone.

13. The community water system is intended to serve the Cloud Nine Ranch subdivision located within a RR-10 zone. Preliminary review of the water source indicates adequate capacity to serve this 10-lot subdivision. No service connections outside the subdivision were requested or approved.
14. Individual septic systems will provide service to the 10-lots in Cloud Nine Ranch subdivision. Prior to final subdivision approval from the county, evidence is needed that site approvals for each lot has been given.
15. This request is consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

16. The proposed water system to serve the Cloud Nine Ranch subdivision is consistent with the applicable comprehensive plan and projections.
17. This request is consistent with this standard.

Reasons:

1. The proposal allows for residential development within RR-10 lands in Lane County which is supported by the property owner. The water system's reservoir and some distribution lines have been given conditional approval to locate on F-2 zoned land.
2. The proposal is consistent with the LCDC acknowledged Lane County Rural Comprehensive Plan.
3. The proposal is consistent with past boundary commission actions supporting creation of community water systems to support rural residential development.

pt: LCBC: \CLSRV125\LGBCS\M\1999\XW9944 SN2.DOC
Last Saved: July 29, 1999

TENTATIVE PLAN INFORMATION SHEET

ESTABLISHMENT OF A PRIVATELY OWNED COMMUNITY WATER OR SEWER SYSTEM

RONALD P FOSS (Petitioner's Name) 87995 RIVERVIEW AVE (Address)

MAPLETON (City) OR 97453 (Zip) (541) 268-1952 (Phone)

This proposal is for the establishment of CLOUD NINE(9) RANCH
ASSOCIATION COMMUNITY WATER (water) (sewer) system.

Please supply the following information regarding the area to be served.

Location Twp 16 (S), R 03 (W) Sec 35. County LANE

Number of Residential Units 10 HOUSES Population ESTIMATE 25 TO 30

Land Area: 108.37 Acres Area Undeveloped: 100⁽⁺⁻⁾ Acres

Other Land Uses (e.g., store, mill): NONE JUST 10 LCTS - EACH MIN.
EXISTING DEVELOPMENT OF 10 ACRES ONE HOUSE PER LOT

There will be 10 connections to the (water) (sewer) system. If total
is different from the sum of above land uses, please state reason: MR FOSS
HAS ADDITIONAL LAND TO EAST OF CLOUD 9 RANCH AND
MAY INSTALL AN ELEVENTH CONNECTION TO PERMIT HIS (CAMPER)

PROPOSED DEVELOPMENT PERSONAL USE FOR WATER

If the property is entirely or substantially undeveloped, what are the
plans for future development? (Be specific--if site or development plans
have been prepared, please submit a copy.) MR. FOSS HAS SUBDIVISION

APPROVAL UNDER LANE COUNTY PLANNING # PA 1194-98. A
COMMUNITY WATER SYSTEM IS A CONDITION OF RECORDING
THE FINAL PLAT.

Can the proposed development be achieved under current county zoning?

Yes RR-10 No If no, has a zone change been sought from the county
either formally or informally for this property? Yes No

Please describe the outcome of zone change request if answer to the
preceding question is "yes."

Tentative Plan/2

ALL PROPOSALS

Does this proposal include all contiguous property under the same ownership? NO If not, please state your reasons for not including entire ownership: THE 276 ACRES OF LAND TO EAST CURRENTLY

CONSISTS OF TWO TAX LOTS (PARCELS 2 & 3 of PARTITION #97-90947. PARCEL #2 HAS APPROVAL FOR A FOREST DWELLING

DESCRIPTION OF THE SYSTEM AND HAS BEEN SOLD; ALSO DISTANCES AND ELEVATIONS ARE TOO GREAT TO BE PART OF SYSTEM.

The new system will involve the construction of 3980 feet of 2 inch

line; 4845 feet of 3" inch line; _____ feet of _____ inch line, etc.,

in PROPOSED SUBDIVISION (street/road). AND ALONG INTERIOR PROPERTY ^(LINES)

WATER SYSTEMS ONLY

The construction will include installation of 0 fire hydrants, construc-

tion of a 0 MGD treatment plant, construction of 10,000 gallon reservoirs

located on attached map. The system will have 11 individual meters,

ONE master meter, _____ auxiliary power supply, ONE water treatment

equipment. (10 CHLORINATION)

The source of water for the system is:

Connection, as shown on attached map, is to an existing ONE private or _____ public water system with 32 gpm, _____ psi at peak flow in area of connection. SEE ATTACHED WELL PUMPING TEST ONE BY EGR & ASSOC. INC AND SECOND BY PHG

An existing well certified for (public) (community) use and tested at _____ gpm.

A proposed well. POSSIBLE ADDITIONAL WELL LATER

A river or stream whose flow is _____ cfs for which the system has an appropriation of _____ cfs which (has) (has not) been approved by the State Department of Water Resources.

A spring with a capacity of _____ gpm

Is the source been chemically analyzed? Yes No When? _____

Tentative Plan/4

Is the territory to be served presently included within the boundaries of any of the following types of governmental units? (Please indicate name.)

City	<u>NONE</u>	Rural Fire	<u>COBURG</u>
County Service District	<u>NONE</u>	Sanitary District	<u>ADJACENT TO COUNTRY VIEW ESTATES WATER SYSTEM</u> <u>NONE</u>
Highway Lighting District	<u>NONE</u>	Water District	<u>NONE</u>
Park & Recreation District	<u>NONE</u>	Metro Service District	<u>NONE</u>

This form has been prepared by the following persons:

<u>Name</u>	<u>Address</u>	<u>Representing</u>
<u>LARRY E. REED of</u> <u>JIM GRIFFITH & ASSOC.</u>	<u>700 COUNTRY CLUB RD.</u> <u>SUITE "C"</u> <u>EUGENE OR 97401</u>	<u>RONALD FOSS</u>
<u>RALPH CHRISTENSEN of</u> <u>EGR & ASSOC.</u>	<u>2535 B PRAIRIE RD</u> <u>EUGENE OR 97402</u>	<u>RONALD FOSS</u>
<u>CLINT L. BEECROFT of</u> <u>EGR & ASSOC. (ENGINEER)</u>	<u>SAME</u>	<u>RONALD FOSS</u>
_____	_____	_____
_____	_____	_____

Staff notes will be sent to the above parties. Please list below any others to whom staff notes and notices should be sent.

<u>Name</u>	<u>Address</u>	<u>Representing</u>
<u>MICK ARNOLD of</u> <u>NANCY AMSBERRY & ASSOC</u> <u>REAL ESTATE</u>	<u>700 COUNTRY CLUB RD.</u> <u>SUITE "A"</u> <u>EUGENE OR 97401</u>	<u>RONALD FOSS</u>
_____	_____	_____
_____	_____	_____

DRAFT

SEWAGE DISPOSAL/WATER SUPPLY CERTIFICATION CLOUD NINE RANCH (DEVELOPMENT) LANE COUNTY, OREGON

The following statements are submitted in accordance with and in reference to Oregon Revised Statutes 92.090(4)(a through c) and Oregon Revised Statutes 92.090(5)(a through c):

On-Site Sewage Disposal

The general area is not serviced by any public or community sewage collection and disposal facilities. Therefore, no sewage disposal facilities will be provided by the owner/developer to the purchaser of any lots in the plat of Cloud Nine development. Each Cloud Nine lot, except for lot 4 which contains existing on-site sewage disposal system for the old farm house, has a preliminary on-site sewage drainfield approval. The Lane County Sewage Disposal Site Evaluation approvals are as follows:

Lot 1 - SI 98-9083	Lot 6 - SI 98-9087
Lot 2 - SI 98-9084	Lot 7 - SI 98-9088
Lot 3 - SI 98-9085	Lot 8 - SI 98-9089
Lot 4 - (existing system)	Lot 9 - SI 98-9090
Lot 5 - SI 98-9086	Lot 10 - <i>SI 89-0089</i>

However, it is up to each individual lot owner to obtain final County approval for and to construct their own on-site sewage disposal system serving their individual dwelling.

Community Water

Potable water for each Cloud Nine lot will be provided by a community water provider, Cloud Nine Homeowner's Association. The physical water system will be a well on each lot. All such wells within Cloud Nine boundaries are owned by the developer until the turnover date, at which time the wells become the property of Cloud Nine Homeowner's Association. No private wells are allowed.

Additionally, the developer and subsequently after the turnover date to the homeowner's association, well drilling, repair, replacement (meaning in the future drilling of new wells if required) and maintaining all wells. Each well system consists of a well, well casing, electrical supply, pump, 5' of supply piping, use meter and weather protection housing. Each lot owner will be billed by the homeowner's association according to a graduated water rate schedule as adopted by the homeowner's association (i.e. the more use, the higher the rate). The homeowner's association will enforce conservation measures and water use restrictions as set forth in Cloud Nine CC&R's and as may be adopted by the homeowner's association.

It is the individual lot owner's responsibility under Lane County Building/Plumbing Permits to connect the homeowner's association well to the house plumbing.

Ron P. Foss, Owner and Developer Date

Larry E. Reed, Jim Griffith & Associates, Inc. Date

EXHIBIT I

DENSITY CALCULATIONS FOR LANE CODE 16.400(6)(h)(iii)(dd)(a)

MAP #	TAX LOT #	ACREAGE	ZONING
16-03-26	200	1.54	RR-10
16-03-26	201	1.16	RR-10
16-03-26	202	10	RR-10
16-03-26	203	12.23	RR-10
16-03-26	204	10	RR-10
16-03-26	205	0.36	RR-10
16-03-26	206	9.51	RR-10
16-03-26	207	0.08	RR-10
16-03-26	300	12.27	RR-10
16-03-26	301	10	RR-10
16-03-27	400	10	RR-10
16-03-34	101	10.27	RR-10
16-03-34	102	20.06	RR-10
16-03-34	103	20.05	RR-10
16-03-34	104	0.87	RR-10
16-03-34	105	20	RR-10
16-03-34	109	3.83	RR-10
16-03-34	110	30	RR-10
16-03-34	111	23.75	RR-10
16-03-34	112	10	RR-10
16-03-34	113	10	RR-10
16-03-34	114	10	RR-10
16-03-35	105 LOT#1	10.1	RR-10
16-03-35	105 LOT#2	10.15	RR-10
16-03-35	105 LOT#3	10.1	RR-10
16-03-35	105 LOT#4	11.87	RR-10
16-03-35	105 LOT#5	11.03	RR-10
16-03-35	105 LOT#6	11.47	RR-10
16-03-35	105 LOT#7	10.25	RR-10
16-03-35 SITE	105 LOT#8	10	RR-10 / F-2 (1.31 ACRES IN F-2)
16-03-35	105 LOT#9	10	RR-10 / F-2 (28.76 ACRES IN F-2)
16-03-35	105 LOT#10	10.23	RR-10
16-03-35	202	10	RR-10
16-03-35	203	10	RR-10
16-03-35	204	10	RR-10
16-03-35	205	14.02	RR-10
16-03-35	206	21.14	RR-10
16-03-35	207	12.85	RR-10
16-03-35	208	51.77	RR-10
16-03-35	209	50.79	RR-10
16-03-35	211	3.34	RR-10
16-03-35	212	1.66	RR-10
16-03-35	213	1.97	RR-10
16-03-35	214	3.1	RR-10
16-03-35	215	3.88	RR-10
16-03-35	216	5.66	RR-10
16-03-35	217	4.3	RR-10
16-03-35	218	6.53	RR-10
16-03-35	219	3.36	RR-10
16-03-35	220	32.84	RR-10

11.31 AC

EXHIBIT I

16-03-35	221	3.27	RR-10
16-03-35	222	4.07	RR-10
16-03-35	223	1.72	RR-10
16-03-35	224	1.56	RR-10
16-03-35	225	3.38	RR-10
16-03-35	226	3.2	RR-10
16-03-35	227	2.1	RR-10
16-03-35	228	4.59	RR-10
16-03-35	229	2.41	RR-10
16-03-35	230	2.46	RR-10
16-03-35	231 "ROAD"	9.49	RR-10
16-03-35	232	10	RR-10
16-03-35	233	10	RR-10
16-03-35	234	10	RR-10
16-03-35	235	10.05	RR-10

TOTAL ACRES IN EXCEPTION AREA 666.69

TOTAL NUMBER OF RR-10 PARCELS 65

AVERAGE PARCEL SIZE OF EXCEPTION AREA 10.25 ACRES / PARCEL

DECLARATION OF COVENANTS AND RESTRICTIONS FOR
CLOUD NINE RANCH SUBDIVISION

THIS DECLARATION of Covenants and Restrictions is made by Ronald P. Foss, Trustee of the Foss Living Trust, dated October 18, 1994.

2011
2015

A. Foss owns, as of the date of this instrument, all the real property described and shown on the Plat of the Cloud Nine Ranch Subdivision, which is described as Parcel One of Land Partition #97-P0947 as in Lane County, Oregon Surveyor's Office File #34111 all in Lane County, Oregon records.

B. Foss has subdivided the Property into a number of parcels generally in the form of lots identified in the recorded Plat of the Cloud Nine Ranch Subdivision as filed October 15, 1999 in File 75, Slide 886 in the Plat Records of Lane County, Oregon, and by this reference incorporated as though fully set forth.

C. By this Declaration of Covenants and Restrictions, Foss desires to establish reasonable controls over the use and development of the Property, a homeowner's association to implement such controls, and to establish a procedure for the maintenance of the Common Elements for the benefit of the future Owners of the Lots.

IN CONSIDERATION of the foregoing recitals, which are by this reference incorporated herein, Foss does hereby declare and establish that the Property shall be restricted and encumbered in accordance with the provisions herein established.

ARTICLE I
DEFINITIONS

Section 1. Definitions. The following words shall have the meaning hereinafter set forth wherever used in this agreement unless the context clearly requires otherwise.

A. "Association" means the Cloud Nine Ranch Homeowner's Association as hereby established.

B. "Common Elements" means:

1. The 60-foot wide roadway and utility easement which is more particularly described as Easement No. 1 on the Plat;

2. The 30-foot wide roadway and utility easement which is more particularly described as Easement No. 2 on the Plat;

3. The 30-foot wide roadway and utility easement which is more particularly described as Easement No. 3 on the Plat;

4. The utility easements created under Article VI, Section 1; and

5. The Community Water System, as defined and described herein.

C. "Community Water System" means the water system which Foss has or will construct and install to provide domestic water service to each of the Lots. The system will consist of a well, pump, chlorination equipment, supply lines to and including a storage tank and potable water distribution lines to the boundary line of each Lot.

D. "Foss" means Ronald P. Foss, Trustee of the Ronald P. Foss Living Trust dated October 18, 1994, and any successor in interest to his rights as the developer of the Property.

E. "Living Unit" means a building or structure located on the Property designed for the use and occupancy as a residence.

F. "Lot" shall mean and refer to those particular parcels of land created by the recorded Plat referred to in Recital above.

G. "Member" means a member of the Association as defined in Article II below.

H. "Owner" means the person or persons who hold fee simple title to any Lot, or vendee who is purchasing any Lot under a land sale contract. Owner shall not include, however, any mortgagee or other party claiming any interest in any Lot as security for an obligation unless and until such person acquires fee simple title pursuant to foreclosure or some proceeding in lieu of foreclosure.

I. "Plat" means the Plat of the Cloud Nine Ranch Subdivision. A copy of the Plat was recorded on _____, 1999, at File _____, Slide _____ of the Lane County, Oregon Plat Records.

J. "Property" means the real property described in Recital A above.

ARTICLE II HOMEOWNER'S ASSOCIATION

Section 1. Creation. There is hereby created the Cloud Nine Ranch Homeowner's Association, which shall have the powers, duties and shall be organized and operate in accordance with the terms of this Article II. The Association is intended to be a real estate management association as defined in and operating in accordance with §528 of the Internal Revenue Code of 1986, as from time to time amended.

Section 2. Membership. The Owner of each of the Lots shall be a member of the

Association. All of the individuals who own one lot shall be collectively considered one single Member. If an Owner owns more than one Lot, such Owner shall still be deemed one single Member.

Section 3. Voting. All decisions of the Association, unless otherwise provided herein, shall be decided by a majority of the Members.

A. Prior to Completion. So long as Foss is the Owner of any of the Lots, there shall be a total of 20 votes to be cast by the Members. Each Member other than Foss shall have one vote and Foss shall have the number of votes equal to the difference between the votes held by such other Members and 20.

B. After Completion. At such time as Foss is no longer Owner of any of the Lots, there shall be as many votes as there are Members of the Association, and each Member shall have one vote.

Section 4. Meetings. Meetings of the Association may be called either by the Board of Directors or by Members holding 20% of the Member's votes. Meetings shall be called by a written notice mailed or personally delivered to each of the Members not less than seven days prior to the date of any meeting. All meetings shall be conducted at a location not more than 15 miles from the Property. The Members may act without a meeting upon the written concurrence of the Members holding three-fourths of the Member's votes.

Section 5. Board of Directors. The affairs of the Association shall be managed and conducted by a Board of Directors. Such Board of Directors shall make all decisions for the Association except those items for which this Declaration requires a vote of the Members. The Members, however, shall have the right to delegate to the Board of Directors matters which would require a vote of the Members, so long as the resolution approving such delegation is approved by the number of Members which would be required for the Association Members to approve the action which is the subject matter of the delegation.

A. Size. The number of Directors shall be equal to the lesser of the total Members of the Association, or three.

B. Election. The Members shall elect the members of the Board of Directors. Each director shall serve from the date of election until the date of death, resignation or replacement of such person by the Members.

C. Officers. The Board of Directors shall elect officers comprised of a president and secretary. The president shall preside over all meetings of the Board of Directors and the Members and the secretary shall be responsible for the maintenance of the records of the Association. If the Board of Directors desires, it may also elect a vice-president and treasurer, who shall have such duties as the Board may delegate to them. A person may hold more than one office except president and secretary. All documents requiring approval of the Association shall be executed by two officers or members of the Board of Directors.

D. **Quorum.** A majority of the directors shall constitute a quorum for the purposes of conducting business and all decisions of the Board of Directors shall be made by a majority vote of those directors present at any meeting.

E. **Meetings.** Meetings of the Board of Directors shall be convened at the call of the president, secretary, or any director. Notice of each such meeting shall be given to each director at least 48 hours in advance of the meeting. Meetings shall be held within 15 miles of the Property. The Board may act without a meeting upon the written consent of all directors.

Section 6. Association Powers. The Association shall have the authority to enforce any and all of the provisions of this Declaration of Covenants and Restrictions and to carry out any and all lawful activities necessary and proper for the Association to provide for a safe, desirable, and aesthetically pleasing living environment within the Property for all Members of the Association.

Section 7. Turnover Date. The turnover date of Cloud Nine Ranch from Foss to the Association shall be the date Foss conveys all of the Common Elements to the Association. Prior to turnover date, Foss shall have exclusive authority to manage and operate Cloud Nine Ranch Subdivision, including, but not limited to, assessing the Owners for their share of the maintenance and exercising all other rights, duties, functions, and authority granted to the Association and Board of Directors herein. This requirement is made in order to ensure that the Cloud Nine Ranch Subdivision will be adequately administered in the initial stages of development, and to ensure an orderly transition to Association acceptance of this management and operational authority from Foss.

ARTICLE III DEVELOPMENT CONTROLS

Section 1. Purpose. It is the intent and purpose of this Declaration that the Property as platted, shall provide a harmonious, aesthetically pleasing and desirable rural residential living environment for the Members which will allow them the opportunity to carry on farming or timber-raising activities, and that no Member may use or occupy such Member's lot in a manner which is noxious, abhorrent or aesthetically undesirable to the other Members.

Section 2. Use Restrictions. The following restrictions shall apply to each Lot unless the Owner obtains a variance under Section 3 below.

A. **Living Units.** Only one Living Unit shall be allowed on each Lot. No mobile homes, prefabricated homes, or similar Living Units or multi-family Living Units shall be allowed. The floor area of each Living Unit shall not be less than 2000 square feet. Garages, carports, porches and any other structure not designed or intended specifically for residential use and occupancy shall be excluded in calculating the floor area of any Living Unit. Each Living Unit shall be accompanied by a two vehicle enclosed garage containing at least 480 square feet of floor area.

B. **Occupancy.** No Lot shall be used for other than residential and related

agricultural and silvicultural purposes. No building shall be erected on any Lot except Living Units, garages, carports, swimming pools, tennis courts, noncommercial greenhouses and workshops, barns and gardens sheds. No Living Unit may be rented by the Owner for a period of more than one year, and any such rental arrangement shall be made only with the intent and understanding that it is temporary in nature and that the Owner intends to reoccupy such Living Unit at the end of the rental period.

C. Temporary Structures. No structure of a temporary character, trailer, basement, partially-finished house, shack, garage, barn or other building shall be located, constructed or occupied on any Lot at any time as either a permanent or temporary residence. All structures, additions, alterations or improvements shall be completed within one year from the starting date.

D. Offensive Uses. No noxious, offensive or illegal activities shall be carried on upon any Lot, nor shall any Lot be used or occupied in any manner which is an unreasonable annoyance to any other Member. Each Owner shall control noxious vegetation, such as tansy ragwort, Canadian thistle, Himalayan blackberry and similar plants within their Lot to the degree necessary to prevent the spread of such vegetation to adjacent Lots.

E. Signs. No sign of any kind shall be displayed to public view on any Lot, except one sign of not more than five square feet advertising the Lot for sale.

F. Resource Extraction. No oil drilling, oil development operations, quarrying, mining or natural resource extraction shall be conducted on any Lot, except that merchantable timber or Christmas trees may be harvested so long as the harvesting process is conducted in a way which minimizes the adverse impact on any other Owners. (The foregoing sentence shall not limit the right of an Owner to harvest all of the trees on the Owner's Lot.) Timber harvesting shall only occur between 7:00 a.m. and 5:00 p.m. on Monday through Friday and not on holidays. Equipment shall have mufflers and noise controls.

G. Animals. No noxious, dangerous or wild animals shall be raised, kept or bred on any Lot. Owners may pasture their own cattle, sheep, goats, llamas, horses and similar domestic animals (but not swine) in a manner which does not create any objectionable noise or odor, and so long as such animals are properly cared for and maintained within an area fenced in a good, husbandlike manner.

H. Storage and Parking. No Lot may be used or maintained as a parking place for trucks, trailers, equipment or outdoor storage of building materials or other items not reasonably related to the occupancy of the Lot, except that during the course of construction of improvements to the Lot, building materials may be located thereon. No junked, wrecked or inoperative automobiles or other automobiles not regularly for the use of the family residing in the Living Unit shall be maintained, stored or parked on any Lot.

I. Sanitation. Trash, garbage or other waste shall be kept in sanitary containers, emptied at least weekly. All incinerators, garbage cans or other equipment for the storage or

disposal of refuse shall be maintained in a clean and sanitary condition, enclosed by fences or screened from sight. All storage of household items shall be within areas which are enclosed by the walls of a building or enclosed by fences or vegetation where such storage is screened from view from outside the Lot.

J. **Antennae.** No television, radio or other antennae shall be erected on any Lot which extends more than two feet above the highest point of the roof line of the Living Unit which it serves. All antennae shall be located within 100 feet from the Living Unit which it serves.

K. **Recreational Vehicles.** Travel trailers, campers, motor homes and similar recreational vehicles may be parked on a Lot so long as such items are for the personal use by the occupant of the Living Unit. If such vehicles are parked for more than one week, they shall be parked in an area screened from view of other Lots. Occupancy of such vehicles while parked on the Lot is not permitted except that guests of an occupant of a Living Unit, may reside in the guests' recreational vehicle while visiting the occupant up to a maximum of 30 days during any consecutive 12 calendar months.

L. **Fencing.** No fencing shall be constructed to a height greater than six feet above the ground level (except fences around garden areas may be eight feet high) and all such fencing shall be built in a good, husbandlike manner and maintained in good order and repair.

M. **Utility Lines.** All utility lines serving each Lot shall be maintained underground.

N. **Setbacks.** No building shall be constructed within 200 feet of Van Duyn Road nor within 30 feet of any exterior boundary line of the Property as the boundary line exists by virtue of lot line adjustments if any, at the time of construction. No building shall be constructed within 50 feet of any internal boundary line of a Lot as the boundary line exists at the time of construction.

O. **Design Requirements.** All structures on each Lot shall meet the following design requirements.

1. No structures shall exceed 35 feet in height measured from the midpoint of the roof to the ground directly under it.
2. Exterior wall material may be of any standard wall construction material.
3. Window and door trim, including other architectural trim features where desired, shall be a minimum width of 3 inches and painted.

4. Roof vents and other exterior non-copper metal parts shall be painted to match the approved color of the roofing material.

5. Heating, ventilating and air conditioning equipment is not permitted on roofs. An exception for roof solar panels may be granted by the Board of Directors when the design is part of the initial approved roof construction or later part of approved remodel construction that is determined to be harmonious with the structure's architectural style and is aesthetically consistent in appearance.

6. Living Units may have gable or hip roof with a minimum of six to twelve pitch. Maximum flat roof area shall not exceed ten percent of roof area including garages. Roofing materials may not include wooden shingles or shakes which may be a fire hazard. Roof overhangs excluding gutters, porches, covered walkways, etc., may not exceed three feet.

P. **Outbuildings.** Barns, sheds and other accessory structures shall be designed and constructed with roof and wall colors and door and window trim width and colors to match the dwelling.

Section 3. Variance. In the event an Owner desires to conduct an activity which is prohibited under Section 2 above, such Owner may file a written request with the Board of Directors, (or prior to the turnover date, Foss) requesting approval of a variance from the foregoing conditions. The Board of Directors shall have the right to approve activities in violation of such restrictions, so long as such activities do not materially adversely affect the Owner of any other Lot. If the Owner applying for the variance is a director, such variance must be approved by a majority of directors excluding the applicant.

Section 4. Architecture Controls. Whenever an Owner desires to construct or remodel any improvement, including but not limited to buildings, fences, walls or additions or modifications thereto, such Owner shall, prior to commencing such improvement, submit plans and specifications showing the nature, kind, shape, size, color, materials and location of the improvement to the Board of Directors (or prior to the turnover date, Foss). The Board of Directors shall consider such plans and specifications with regard to the type, style and use of the improvement, the quality and use of materials, the exterior color, and design and location of the improvement upon the Lot, the proposed finished grades, and the harmony of the exterior and topography. If the Board of Directors has any objection to any of the plans and specifications, the Board of Directors shall so notify the Owner in writing within 30 days of submission of such objection, and the Owner shall modify such plans and specifications sufficiently to satisfy such objections. The improvements shall then be constructed only in accordance with plans and specifications as modified to satisfy the Board of Directors' objections. If the Board of Directors fails to respond to the Owner within 30 days of submission, the Board of Directors shall be deemed to have approved such plans and specifications.

Section 5. Exclusion. The restrictions contained in this Article III shall not apply to improvements constructed or located within the Property prior to the date on which this

instrument is recorded.

**ARTICLE IV
COMMON ELEMENTS USE AND MAINTENANCE**

Section 1. Road Rights of Way. Each Owner, along with the members of their household and guests, shall be entitled to use the roads constructed and maintained as Common Elements for the purpose of vehicular and pedestrian ingress and egress to the Owner's Lot. In addition, each Owner shall be entitled to locate within the Common Element road rights-of-way utility lines such as electrical power lines, telephone lines, television cables and similar items which are reasonable and necessary for the use and occupancy of the Owner's Lot. Any such utility lines shall be installed in a manner that does not interfere with any other utility lines or the road within the right-of-way. All such utility lines shall be underground. In the event any existing utility line or the road the right-of-way is damaged during the installation or maintenance of any utility line, the Owner responsible for such installation and maintenance shall promptly repair the damage so caused at such Owner's expense. Any damage done to roads or utility lines in the course of timber harvesting shall be promptly repaired at the expense of the Owner whose timber is being harvested.

Section 2. Community Water System. Foss has constructed or will construct a Community Water System to provide potable water for household use to each Lot. The Living Unit on each Lot may be connected to the Community Water System. Water from the Community Water System may only be used for domestic consumption and irrigation of up to one-half acre of landscaping and watering livestock. However, no Lot may use more than 1,500 gallons per day of water from the Community Water System. The Owner of each Lot shall be responsible for the cost of running the waterline from the Owner's property line to the Owner's Living Unit.

Section 3. Maintenance. The Association shall have no responsibility for the original construction of the Common Elements which is Foss' responsibility. The Association shall be responsible for maintaining the Common Elements at the expense of the Association. The cost of maintenance of the Common Element roads identified as Easement numbers 2 and 3 on the Plat shall be borne exclusively by the Owners of Lots No. 3, 4 and 5. The cost of maintenance of the Common Element road identified as Easement No. 1 on the Plat shall be borne exclusively by the owners of Lots 1, 2 and 6 through 10.

Section 4. Assessments. Each Member (excluding Foss) shall pay to the Association the sums set forth below to fund the maintenance of the Common Elements and to pay for the other necessary and proper expenses of the Association in carrying out its activities.

A. Annual Assessments. Each Member shall be required to pay the Association an annual assessment on or before January 1 of each calendar year, commencing with the year 2000. The assessment due for the year 2000 shall be the sum of \$500. Such assessment shall increase each year thereafter at the rate of \$50 per year, so that after the 10 years the

annual assessment shall be \$1,000. Thereafter, such sum shall be fixed unless modified by a majority vote of the Members of the Association. The Board of Directors shall have the right, however, to reduce the amount of the annual assessment below that otherwise required if, in the opinion of the Board of Directors, the funds required by the annual assessment are not necessary for conducting the Association's affairs. The Board of Directors may also reduce the annual assessments equally for the owners of Lots 3, 4 and 5 or Lots 1, 2 and 6 through 10 if the Board of Directors determines it is necessary to ensure that road maintenance costs are allocated among such Lot Owners as provided in Section 3 above.

B. Additional Assessments. In addition to any annual assessments provided under Section 4.A above, the Association by a majority vote may levy additional assessments. Any assessment under this subsection shall be imposed only upon a finding by the Board of Directors that such assessment is necessary to carry out the activities of the Association and that insufficient funds are available under subsection A with which to do so. All assessments under this section shall be equal for each Lot except for assessments for maintenance of the Common Element roads which may be allocated on Lots 3, 4 and 5 or Lots 1, 2 and 6 through 10 so the costs are divided among such Lots as required by Section 3 above.

C. Water Use. In addition to the assessments provided for in Sections 4.A and 4.B, the Homeowner's Association may charge Owners connected to the Community Water System an assessment for water used by each Owner. The rate structure shall be established by the Board of Directors in an amount sufficient to efficiently operate the Community Water System and also to maintain adequate reserves for emergencies and unforeseen occurrences. This operational assessment may consist of a base monthly rate, plus an amount based on the Owner's water consumption, a flat rate per user or a rate based strictly on consumption whichever is approved by the Board of Directors as amended from time to time.

D. Limitation. Notwithstanding the foregoing, the sum of the assessments against all Lots for any year other than assessments under section 5 below shall not exceed two percent of the estimated value of all Lots and improvements within the Property. Such calculation shall be made in accordance with the Oregon Revised Statutes 94.570(2)(b)(1997).

Section 5. Capital Improvements. In the event the Board of Directors desires to make any capital improvements to any of the Common Elements, such capital improvements shall only be undertaken only upon the vote of a three-fourths majority vote of the Members of the Association. In the event capital improvements are approved by the Association, the cost of such capital improvements shall be assessed in equal amounts to each Lot.

Section 6. Lien. The Association shall have a lien on each Lot for all assessments against such Lot. The lien for any assessment shall be superior to any and all liens against such Lot, except for the lien for real property ad valorem taxes and liens against the Lots to secure repayment of financing for the construction of improvements of such Lots, but only to the extent that such liens are (a) perfected prior to the accrual of the assessment in question, and (b) the subordination shall

only be to the extent that the financing is actually used for the improvement of the Lot in question. In the event Lane County acquires ownership of any of the Property through foreclosure of its ad valorem tax lien against such Property, no assessment accruing thereafter against the foreclosed Property shall become a lien thereon for a period starting on the date of the foreclosure and ending on the date on which Lane County ceases to be the Owner.

Section 7. Ownership Common Elements. The Association may upon a two-thirds majority vote of the Members, dedicate any Common Element road right-of-way and the improvements therein or the Community Water System to Lane County, the City of Coburg, or any other municipal corporation subdivision of the State of Oregon. In addition, Foss, at his option, may at any time convey all or any portion of the Common Element road rights-of-way or Community Water System to the Association.

Section 8. Taxation. The Association shall be responsible for paying the real property ad valorem taxes assessed against the Common Elements.

ARTICLE V EXPANSION OF PROJECT

Section 1. Additions by Declarant. Foss, his successors and assigns, shall have the right, but shall not be obligated, to include additional real property of his selection, located adjacent to but outside the Property as a part of the Plat subject to and restricted by this Declaration. The addition of other real property shall be made by recording a supplementary declaration of covenants, conditions, and restrictions containing such complementary additions and modifications of this Declaration as may be necessary to reflect the different character, if any, of the additional properties. In no event, however, shall such supplementary declaration revoke, increase the burdens and restrictions imposed on the Lots described in *Exhibit A*, by this Declaration. However, the utility easements created under Article VI, Section 1 may at Foss' election, be used for the benefit of the property added to the Plat.

Section 2. Additions by Others. Upon approval in writing of Foss or, after the turnover date, approval by the Association, the owner of any other property who desires to subject such other real property to the provisions of this Declaration and to subject it to the jurisdiction of Foss or the Association as the case may be, may file of record a supplementary declaration of covenants, conditions, and restrictions which, by its terms expressly extends the Covenants, contained in this Declaration to such other real property.

Section 3. Lot Line Adjustments. Owner may adjust the Owner's Lot boundaries, so long as such adjustment is made in accordance with the applicable state and local laws.

ARTICLE VI EASEMENTS

Section 1. Utility Easements. The Declarant does hereby declare, establish, grant, and convey to the Association and to any utility company association district or other organization providing utility services to the Subdivision a non-exclusive utility easement on and over a strip of land ten feet on each side of each interior Lot line and the Common Element road rights-of-way to the extent necessary to provide utility services to the Lots in the Plat. The utility easement described herein shall include, but not to be limited to, the following utility services; electricity, water (including the Community Water System), storm drainage, telephone, and television cable. The rights and duties of the Owners of the lots with respect to the utility easement shall be as follows:

A. Whenever any utility line is installed within the Property, with any portion thereof in the utility easements on Lots owned by someone other than the Owner of the Lot served by such line, the Owner of the Lot served by the utility line shall have the right to enter upon or have the utility companies enter upon the Lot containing the easement, to repair, replace and generally maintain the utility line.

B. Whenever a utility line is to be constructed in a utility easement on the Lot owned by someone other than the Owner of the Lot to be served by the utility line, the Owner of the Lot crossed by such easement shall, to the extent practicable, be provided ten (10) days prior notice of such extension.

C. No structure shall be built within the utility easement area which would interfere with or prevent the installation or maintenance of utility lines in the easement.

Section 2. Drainage Ways. Three drainage ways are shown on the Plat. They are appurtenant to and for the benefit of the Lots which they cross. The Owner of each Lot crossed by a drainage way shall maintain the portion of the drainage way on such Owner's Lot, free from obstructions and allow open drainage of surface water from each of the Lots to which the drainage way is appurtenant, in its natural course along the drainage way. None of the Owners of such Lots shall do anything to impede such flow without the consent of the Owners of all the Lots to which the drainage way is appurtenant.

Section 3. Reservation of Easement. There is reserved to Foss until the turnover date, and then to the Association, their agents and servants an easement over each and every Lot for entry and access at reasonable times and places for the performance of general maintenance functions and duties of the Common Elements.

Section 4. Future Easements. Prior to the Turnover Date, Foss reserves the right to construct, create, establish and modify easements, on and over any lot which Foss owns and the Common Elements.

ARTICLE VII DURATION AND AMENDMENTS

Section 1. Duration. This Declaration shall become effective upon recording in the real property records for Lane County, Oregon, and shall continue for a term of thirty (30) years. It shall automatically renew thereafter for terms of ten (10) years, unless at the end of such thirty (30) years or at the end of any ten (10) year term thereafter the Declaration is terminated by a two-thirds vote of the Members and recorded in the Lane County, Oregon property records. Termination shall not terminate or alter any easement created hereunder without the consent of the Owner of each Lot served by the easement.

Section 2. Amendments. This Declaration of Covenants and Restrictions may be amended at any time by an instrument in writing, executed by three-fourths of the Members and recorded in the Lane County, Oregon property records.

ARTICLE VIII MISCELLANEOUS

Section 1. Dispute Resolution. Any dispute arising out of or concerning this agreement or the Property (except as provided in subsection A and B below), shall be resolved by arbitration in accordance with the then-current rules of the American Arbitration Association, or if such Association no longer exists, in accordance with arbitration provisions contained in any applicable law. Any award or determination of the arbitrators may be entered as a judgment in any court with jurisdiction in the manner then provided by law.

A. Enforcement. In the event of any actual or threatened violation of any of the provisions of Section 2 or 4 of Article III, the Association acting through the Board of Directors shall have the right to initiate litigation to obtain an injunction to enjoin such violation. The Board of Directors shall have the power to obtain ex parte and without notice, hearing, or the posting of any bond, a temporary restraining order rejoining such activity until a hearing can be convened to determine whether such temporary restraining order should continue. Under no circumstances shall the Association be required to post any bond or undertaking as a condition of obtaining any temporary restraining order, preliminary or permanent injunction.

B. Lien Enforcement. The Association, acting through the Board of Directors, shall have the right to foreclose any lien for assessments under Article IV, Section 6, by suit in equity initiated at any time not later than six years after the date upon which the assessment for which collection is undertaken first became due and payable. In any suit for foreclosure, the Association shall obtain a judgment against the Owner for the amount of the assessment actually due and for the Association's reasonable costs, disbursements, and attorney's fees included in such litigation, and a decree of the court directing that any subordinate liens against the Lot in question be foreclosed and the Lot and improvements thereon be sold subject to the rights and in accordance with the procedure provided for the sale of real property upon execution.

Section 2. Preclusion. Every Owner and such Owner's family and guests are hereby precluded from asserting any claim against Foss or the Association relating to the quantity or quality of the water provided by the Community Water System it being understood that neither Foss nor the Association provide any assurance that the quantity or quality of water provided by the Community

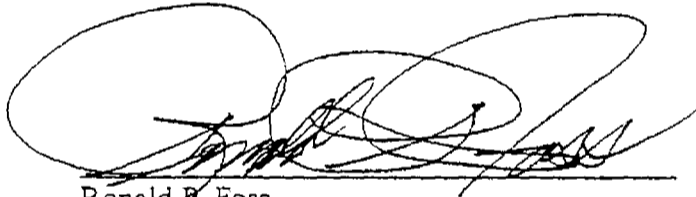
Water System will be suitable for any of the Owner's domestic purposes.

Section 3. Severability. In the event any term or provision in this Declaration of Covenants and Restrictions is determined to be unenforceable, invalid or void for any reason by a court of competent jurisdiction, such determination shall in no way affect the validity or enforceability of any of the other provisions contained herein, and such other provisions shall be construed as though such invalid, unenforceable or void provision had never been included in this instrument.

Section 4. Successors in Interest. This Declaration of Covenants and Restrictions shall be appurtenant to the Property and shall run with the land and be binding upon all present and future Owners of any interest in any of the Property.

Section 5. Litigation Expenses. In the event of any litigation or arbitration concerning this agreement, or to enforce any of the terms herein, the prevailing party in such litigation or arbitration shall be entitled to recover such party's reasonable attorney's fees and reasonable and necessary costs and disbursements incurred in such proceeding and in any appeal therefrom and enforcing or collecting any award or judgment rendered.

DATED this 3rd day of December, 1999.



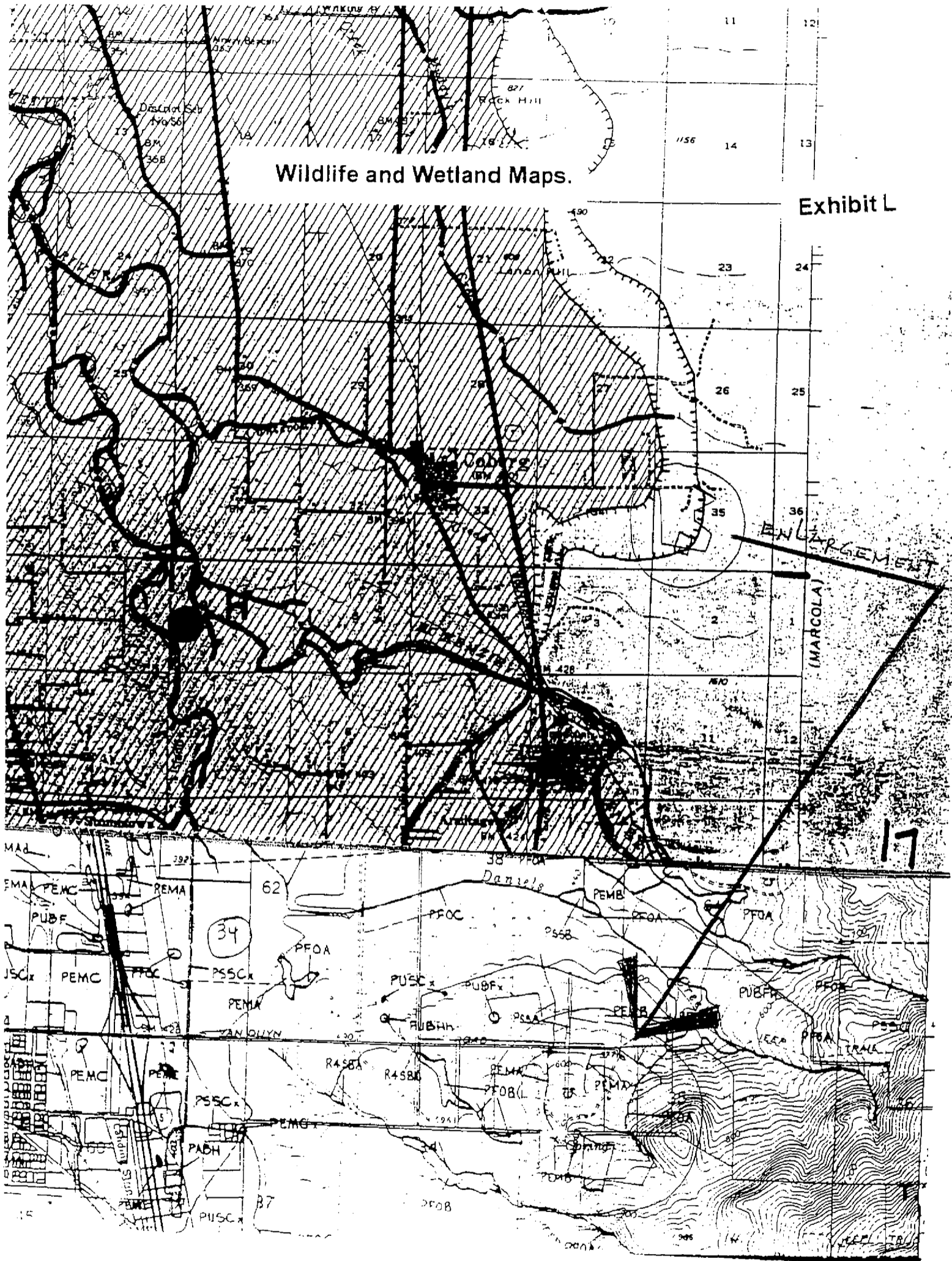
Ronald P. Foss,
Trustee of the Foss Living Trust dated October 18, 1994.

STATE OF OREGON)
 :SS.
County of Lane)

This instrument was acknowledged before me on this 3rd day of December, 1999, by **Ronald P. Foss** as Trustee of Foss Living Trust dated October 18, 1994.



Kathrine M. West
Notary Public in and for Oregon
My commission expires: 4-10-01



Wildlife and Wetland Maps.

Exhibit L

ENLARGEMENT

(MARCOLA)

17

34

62

37

Daniel's

PFOC

P558

PUSC

PUBFH

RUBHH

P5AA

R45BA

R45BA

PFOB(L)

PMAA

PMA

PMA

PUBF

PFOA

TRAIL

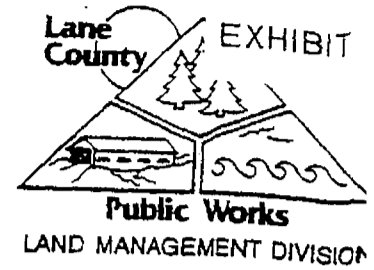
TRAIL

PUBF

PFOA

TRAIL

TRAIL



Date: MARCH 9 2004

APPLICANT: SATZKE ASSOCIATES
70 TERZEL LAZIDING
132 EAST BROADWAY STE # 530
EUGENE, OR. 97401

OWNER: PETER DETTMER TRUST
12604 BARKETT LN.
SANTA ANNA, CA. 92705

PA: 04-5173

RE: Report and Verification of a Legal Lot
Tax Map: 16-03-35-30 Taxlot: 1100

A more exact description by reference to Deed or Land Sales Contract
is LOT 3 OF COBURGHILL
FILE 75 SLIDE 1075

Based upon the Findings provided in this report, the above referenced property
constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

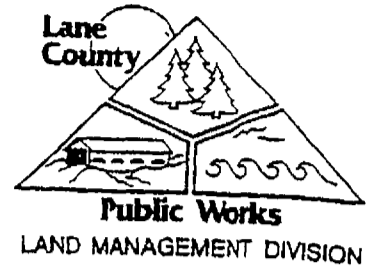
Findings

1. The subject property was created as a separate parcel on MARCH 13 2001.
See attached instruments LOT 3 OF COBURGHILL
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until _____

There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because IT IS AN APPROVED SUBDIVISION
LOT



b. Zoning regulations:

[] When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on _____.

When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because IT IS AN APPROVED SUBDIVISION LOT

c. Additional Comments:

THE 1100, BEING LOT 3 COBURN HILLS
IS A LEGAL LOT.

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

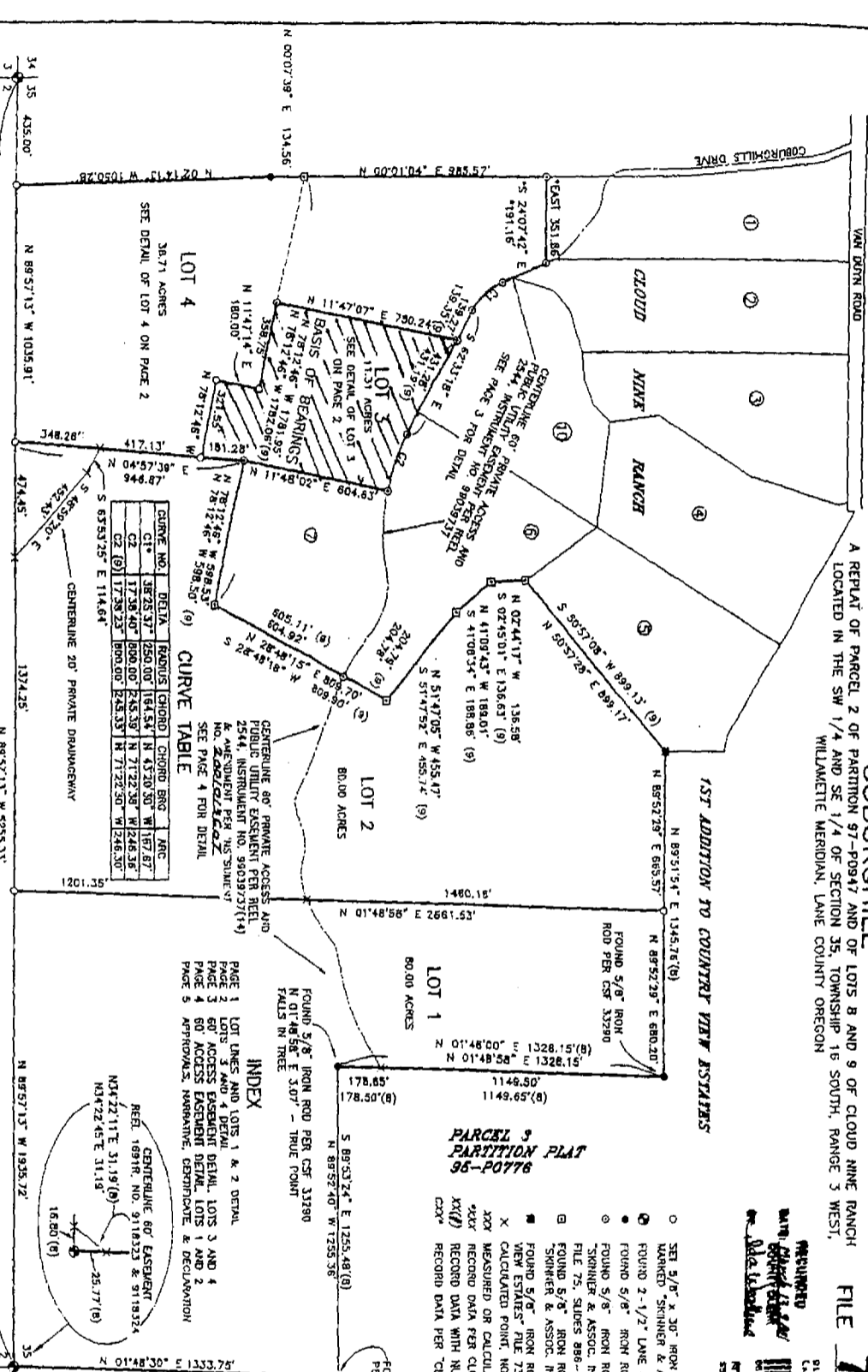
COBURGHILL
 A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND OF LOTS 8 AND 9 OF CLOUD NINE RANCH
 LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST,
 WILLAMETTE MERIDIAN, LAKE COUNTY OREGON

FILE **75** SLIDE **1075**

REQUIRED
 DATE: 11/22/00
 SKINNER & ASSOCIATES, INC.
 341 N
 JUNCTION CITY, OR 97448
 (503) 938-2353 FAX 938-1144
 CHGD BY: SK

LEGEND

- SEE 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP
- MARKED "SKINNER & ASSOC. INC."
- FOUND 2-1/2" LAKE COUNTY BRASS CAP AS DESCRIBED
- FOUND 5/8" IRON ROD AS DESCRIBED
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP UNMARKED
- SKINNER & ASSOC. INC. PER "CLOUD NINE RANCH"
- FILE 75 SLIDES 886-890
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP UNMARKED
- SKINNER & ASSOC. INC. PER CSE 13390
- FOUND 5/8" IRON ROD PER "151" ADDITION TO COUNTRY
- VERT. STAKES FILE 71, SLIDE 378
- CALCULATED POINT, NEIGHING SET ON FOUND
- XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
- XXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA



FOUND LANE COUNTY BRASS
 CAP DATED 1980

NOTES/REFERENCES

1. THIS PROPERTY IS LOCATED IN AN AREA WHERE A REVENUE IS KNOWN TO OCCUR AT SIGNIFICANT LEVELS.
2. ALL OR A PORTION OF THIS PROPERTY HAS BEEN IDENTIFIED AS A JURISDICTIONAL WETLAND ON THE STATE-WIDE WETLANDS INVENTORY. ALL DEVELOPMENT MUST COMPLY WITH THE DIVISION OF STATE LANDS AND/OR THE ARMY CORPS OF ENGINEERS WETLANDS REGULATIONS.
3. SEE PAGE 3 AND 4 FOR DETAIL OF ACCESS AND UTILITY EASEMENTS.
4. SEE PAGE 5 FOR THE NARRATIVE SURVEYOR'S CERTIFICATE, APPROVALS, ACKNOWLEDGMENTS, AND OWNER'S DECLARATION.
5. WELL MEASUREMENT AND MAINTENANCE SURVEYOR'S CERTIFICATE, APPROVALS, ACKNOWLEDGMENTS, AND OWNER'S DECLARATION.
6. APPROVALS OF THIS SURVEYOR DOES NOT REPRESENT THE SURVEYOR'S LIABILITY AS A PROFESSIONAL ENGINEER. A PRELIMINARY OR MOBILE HOME IS NOT GUARANTEED TO BE PERMITTED ON THIS PROPERTY.
7. AT THE TIME OF DEVELOPMENT, EACH HOME SITE SHALL HAVE AN EMERGENCY VEHICLE TURNAROUND.
8. COUNTY SURVEY FILE NO. 33280.
9. COUNTY SURVEY FILE NO. 33969.
10. COUNTY SURVEY FILE NO. 32151.
11. COUNTY SURVEY FILE NO. 29853.
12. COUNTY SURVEY FILE NO. 29853.
13. AN APPROVED SEWAGE DISPOSAL SITE AND COMPLIANCE WITH THE ZONING AND STATEWIDE PLANNING GOALS WILL BE REQUIRED AT THE TIME OF DEVELOPMENT OF A RESIDENCE ON LOT 1.

FOUND LANE COUNTY BRASS
 CAP DATED 1982
 INITIAL POINT

EXACT COPY

1. STEVEN E. WOODS, HERBERT CERRY
 THAT THIS IS AN EXACT COPY OF
 THE PLAT AS SHOWN HEREON,
 STEVEN E. WOODS, PLS. 2365

SKINNER & ASSOCIATES, INC.
 LAND SURVEYING
 PROPERTY SURVEYS - PARTITION SURVEYS
 SUBDIVISION & CONSTRUCTION SURVEYS
 P.O. BOX 321, 321 KELLY STREET
 JUNCTION CITY, OR 97448
 (503) 938-2353 FAX 938-1144
 CHGD BY: SK

SCALE: 1" = 300'
 0 150 300

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 STEVEN E. WOODS
 EXPIRES 12/31/03

DATE: 11/22/00

LINE TABLE

LINE	BEARING	DISTANCE
1	N 29°50'13" W	117.84
2	N 45°22'32" W	45.31
3	N 38°59'15" W	65.88
4	N 43°08'54" W	122.78
5	N 43°38'02" W	102.74
6	N 47°11'42" W	202.67
7	N 31°04'46" W	153.01
8	N 61°13'38" W	187.43

COBURGHILL

A REPLAY OF PARCEL 2 OF PARTITION 97-10941 AND LOTS B AND 9 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LAKE COUNTY OREGON

FILE 75 SLIDE 1076

Division of State Geology
 Lane County Deeds and Records
 311 W
 12/27/2011 12:31:12 PM
 \$5.00 per 1/2" and \$18.00 per 1/4" size

LEGEND

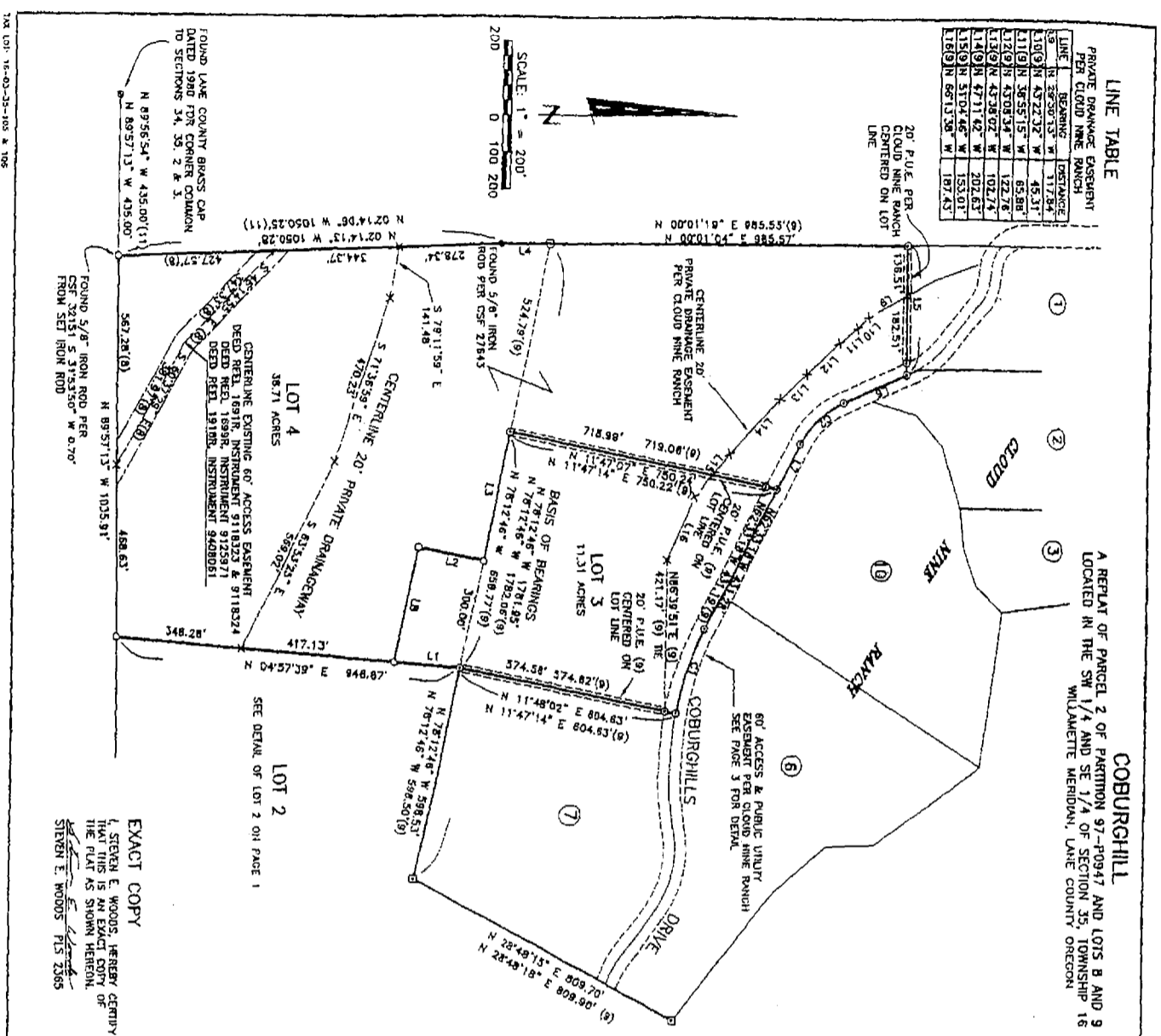
- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC."
- FOUND 2-1/2" LANE COUNTY BRASS CAP AS DESCRIBED
- FOUND 5/8" IRON ROD AS DESCRIBED
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER "CLOUD NINE RANCH" FILE 75, SLIDES 886-890
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 33960
- X CALCULATED POINT
- XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
- *** RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- (XXX) RECORD DATA WITH NUMBER BEING NOTE NUMBER
- *** RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA

CURVE TABLE

CURVE	BEARING	RADIUS	CHORD	CHORD BEARING	ARC
C1*	N 17°38'40" E	800.00	249.39	N 71°22'38" W	248.36
C2*	N 17°38'23" E	800.00	245.13	N 71°22'30" W	246.30
C3*	N 17°35'37" E	168.54	168.54	N 43°20'30" W	169.67

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 04°57'39" E	181.28
L2	N 11°47'14" E	180.00
L3	N 78°12'46" W	558.75
L4	N 09°07'38" E	134.56
L4(10)	N 09°07'38" E	134.49
L5*	N 90°00'00" E	351.85
L6*	N 24°07'42" W	191.16
L7	N 62°33'18" W	139.27
L7(9)	N 62°33'18" W	139.27
L8	N 78°12'46" W	521.55



EXACT COPY

I, STEVEN E. WOODS, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE PLAN AS SHOWN HEREON.

STEVEN E. WOODS PLS 2265

RECORDED
 LAND SURVEYING
 SKINNER & ASSOCIATES, INC.
 PATRICIA J. FOSS, SCOTT WICKMORRIS & DENNIS K. PATRICK CORP

LAND SURVEYING
 PATRICIA J. FOSS, SCOTT WICKMORRIS & DENNIS K. PATRICK CORP
 P.O. BOX 311, 311 HOLLY STREET
 ASTORIA, OREGON 97103
 (503) 325-1155 FAX (503) 325-1156

DATE: 11/27/09 DRAWN BY: PJA CHECKED BY: STW

1/2" = 200'

FILE 75 SLIDE 1076

COBURGHILL

A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND OF LOTS 8 AND 9 OF CLOUD NINE RANCH
LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST,
WILLAMETTE MERIDIAN, LAINE COUNTY OREGON

FILE **75** SLIDE **1077**

RECORDED
9/18/2009
BY: [Signature]
[Signature]
[Signature]

Division of Land Surveying
Laine County Survey and Records
1125 1/2 Street, Medford, OR 97504
TEL: 541.754.3111 FAX: 541.754.3112

LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP
 - FOUND 5/8" IRON ROD AS DESCRIBED
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CLOUD NINE RANCH FILE 75, SLIDES 886-890
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSP 33980
 - ▲ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CLOUD NINE RANCH FILE 75, SLIDES 886-890 AT POINTS OF TANGENCY ALONG ACCESS EASEMENT RIGHT OF WAY LINES
 - XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
 - XXXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
 - XXXX RECORD DATA WITH NUMBER BEING NOTE/REFERENCE NUMBER
 - XXXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
 - XXXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- SEE PAGE 1 OF 5 FOR NOTES AND REFERENCES

80' ACCESS AND PUBLIC UTILITY EASEMENT CURVE TABLE

CHORD NO.	DELTA	RADIUS	CHORD	ARC
C1*	1814.39°	320.00'	101.46'	101.89'
C2*	0604.17°	750.00'	79.44'	79.47'
C3*	8113.57°	100.00'	130.20'	141.02'
C4*	3114.56°	120.00'	64.64'	65.45'
C5*	2516.47°	250.00'	113.06'	114.65'
C6*	3823.37°	250.00'	164.34'	167.87'
C7*	2334.46°	800.00'	528.91'	538.23'
C8*	1207.31°	400.00'	84.48'	84.65'
C9*	4437.47°	300.00'	222.82'	233.68'
C10*	14707.45°	400.00'	98.39'	98.64'

60' ACCESS AND PUBLIC UTILITY EASEMENT LINE TABLE

LINE NO.	BEARING	DISTANCE
L1*	N 24°44'19" W	93.65'
L2*	N 08°29'40" W	424.21'
L3*	N 07°25'23" W	211.83'
L4*	N 81°38'20" W	16.85'
L5*	N 50°24'24" W	151.81'
L6*	N 24°07'42" W	203.43'
L7*	N 86°08'04" W	90.81'
L8*	N 81°44'25" E	79.86'
L9*	N 53°37'48" W	128.36'
L10*	N 87°45'33" W	7.87'

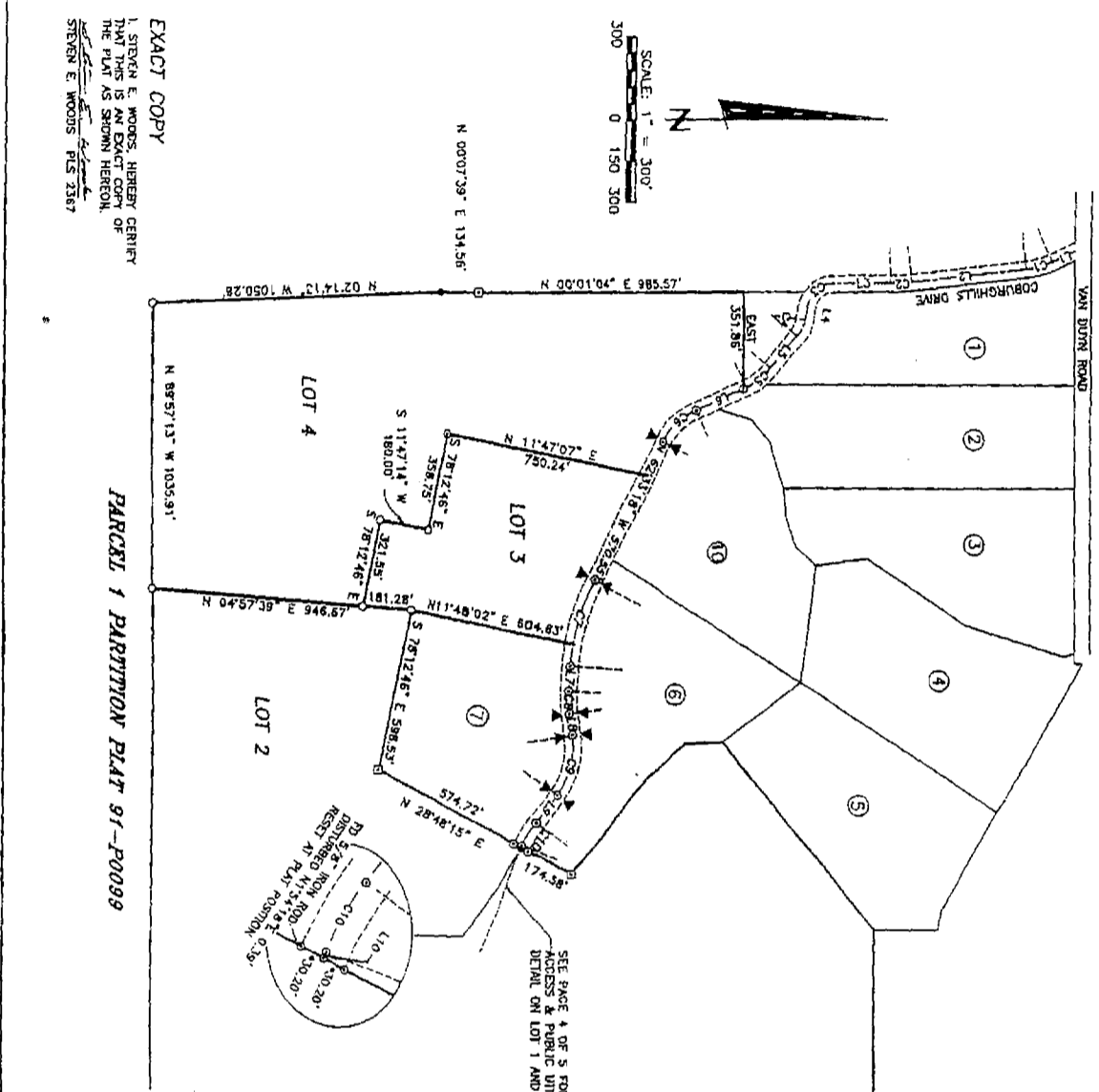
60' ACCESS & PUBLIC UTILITY EASEMENT DETAIL LOT 3 AND LOT 4

PAGE 3 OF 5

SURRENDERED FOR: DELORES J. FOSS, SCOTT WENTWORTH & DENNIS & PATRICIA COPE

SKINNER & ASSOCIATES, INC.
LAND SURVEYING
PROJECT SURVEYS-PARTITION SURVEYS
SUBDIVISION & CONSTRUCTION SURVEYS
P.O. BOX 321, 251 HONEY STREET
JUNCTION CITY, OR 97148
(541) 969-2453 FAX 541-969-1848

DATE: 11/22/09 DRAWN BY: PMA CHECKED BY: SSM



SCALE: 1" = 300'
0 150 300

N 00°07'39" E 134.56'

N 02°14'12" W 1050.28'

N 88°57'13" W 1035.91'

N 04°57'39" E 946.67'

N 11°47'07" E 750.24'

S 78°12'46" E 358.25'

S 11°47'14" W 180.00'

S 78°12'46" E 321.49'

N 11°48'02" E 604.83'

S 78°12'46" E 588.53'

N 28°48'15" E 574.72'

N 87°45'33" W 7.87'

SEE PAGE 4 OF 5 FOR 60' ACCESS & PUBLIC UTILITY EASEMENT DETAIL ON LOT 1 AND LOT 2

RD 5.27' IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSP 33980

RD 5.27' IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSP 33980

RD 5.27' IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSP 33980

EXACT COPY
I, STEVEN E. WOODS, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE PLAT AS SHOWN HERETO.
STEVEN E. WOODS, PLS 2387

PARCEL 1 PARTITION PLAT 97-P0939

LOT 4
LOT 3
LOT 2

VAN DORN ROAD
COBURGHILLS DRIVE

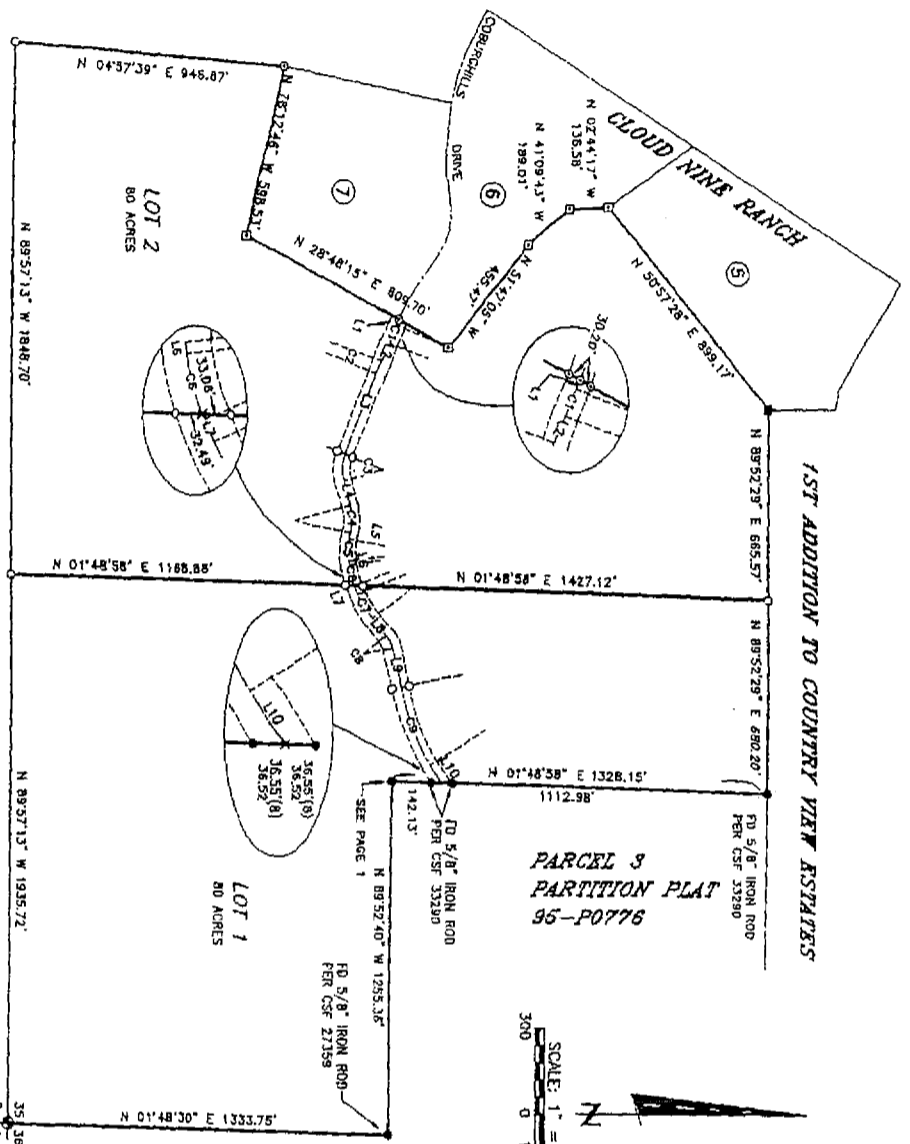
18X (20) 16-01-15-105 # 106

COBURGHILL
 A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND OF LOTS 8 AND 9 OF CLOUD NINE RANCH
 LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST,
 WILLAMETTE MERIDIAN, LANE COUNTY OREGON

FILE **75** SIDE **1078**

REPLATED
 DATE **March 28, 2001**
 LANE COUNTY CLERK
 DR. **John W. Hines**

Division of Chief Deputy Clerk
 Lane County Court and Records
 1111 N. Oregon Street
 Medford, Oregon 97504
 541.753.4100
 541.753.4101
 541.753.4102



SCALE: 1" = 300'
 300
 150
 0

- LEGEND**
- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC.
 - FOUND 2-1/2" LANE COUNTY BRASS CAP DATED 1992
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER "CLOUD NINE RANCH" FILE 75, SLIDES 886-890
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 33290
 - FOUND 5/8" IRON ROD PER "1ST ADDITION TO COUNTRY NEW RANCH" FILE 75, SLIDES 878
 - XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
 - XXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
 - XXX RECORD DATA WITH NUMBER BEING NOTE/REFERENCE NUMBER
 - XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
 - XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- SEE PAGE 1 OF 5 FOR NOTES AND REFERENCES

CENTRILINE 60' ACCESS & PUBLIC UTILITY EASEMENT

LINE NO.	BEARING	DISTANCE
L1	N 67°45'33" W	22.39'
L2	N 67°58'57" W	66.08'
L3	N 68°03'15" W	301.58'
L4	N 74°28'06" E	86.88'
L5	N 78°02'08" W	70.31'
L6	N 82°16'10" E	13.75'
L7	N 65°38'37" E	37.82'
L8	N 57°21'19" E	75.55'
L9	N 78°21'35" E	139.78'
L10	N 57°02'29" E	75.42'

CURVE TABLE
 CENTRILINE 60' ACCESS & PUBLIC UTILITY EASEMENT

CURVE NO.	CURVE BEG.	CURVE END	CURVE LENGTH	DELTA	ARC LENGTH	CHORD
C1	N 68°52'13" W	N 67°58'57" W	67.99'	02°13'25"	67.99'	1751.93'
C2	N 69°01'08" W	N 67°58'57" W	47.28'	01°55'43"	47.28'	1404.27'
C3	N 68°47'35" W	N 67°58'57" W	94.70'	37°28'39"	95.41'	1473.96'
C4	N 85°12'39" E	N 78°02'08" W	97.13'	27°29'46"	98.07'	204.36'
C5	N 87°37'59" W	N 82°16'10" E	78.88'	19°11'42"	79.25'	236.56'
C6	N 74°42'48" E	N 78°02'08" W	79.21'	16°06'43"	79.47'	282.61'
C7	N 59°00'23" E	N 57°21'19" E	99.11'	15°18'08"	99.40'	312.20'
C8	N 64°51'27" E	N 78°21'35" E	46.70'	27°00'16"	47.13'	100.00'
C9	N 67°42'02" E	N 57°02'29" E	235.70'	21°19'06"	237.42'	759.34'

EXACT COPY
 I, STEVEN E. WOODS, HEREBY CERTIFY
 THAT THE ABOVE IS AN EXACT COPY OF
 THE PLAT AS SHOWN HEREOF.
 STEVEN E. WOODS, PLS 2365

REGISTERED PROFESSIONAL LAND SURVEYOR
 STEVEN E. WOODS
 LICENSE NO. 1183
 EXPIRES DATE 1/30/02

PAGE 4 OF 5
 60 FOOT ACCESS & PUBLIC UTILITY
 EASEMENT DETAIL LOT 1 AND LOT 2

SKINNER & ASSOCIATES, INC.
 LAND SURVEYING
 1000 S. BROADWAY - SUITE 100
 SUDBURY, ONTARIO, CANADA
 P.O. Box 321, 321 HULLY STREET
 JACKSON, OR. 97448
 (541) 598-2453 FAX 598-1648

SKINNER & ASSOCIATES, INC.
 1000 S. BROADWAY - SUITE 100
 SUDBURY, ONTARIO, CANADA
 P.O. Box 321, 321 HULLY STREET
 JACKSON, OR. 97448
 (541) 598-2453 FAX 598-1648

SURVEYOR'S CERTIFICATE

A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND OF LOTS 8 AND 9 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LAKE COUNTY OREGON

COBURGHILL

RECORDED FILE 75 SLIDE 1079
Division of Land Management
Date of Recording: 11/22/04
Instrument No.: 99032946

OWNER'S DECLARATION

I, DENNIS J. FOSS, SUCCESSOR TRUSTEE OF THE FOSS LIVING TRUST, DATED OCTOBER 19, 1994, DENNIS COURT, AND SCOTT WENKOWORTH ARE THE OWNERS OF THE LAND DESCRIBED HEREON AND DID OBTAIN THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED SURVEY MAP AND INSTRUMENT NO. 99032946 AND THAT EASEMENTS OF RECORD ARE SHOWN HEREON AND THEY DO HEREBY CREATE THE PRIVATE DRINKINGWAY AS SHOWN.

Deborah Foss, Successor Trustee of the Foss Living Trust

Dennis J. Foss, Successor Trustee of the Foss Living Trust

Scott Wenkoworth

ACKNOWLEDGEMENTS

STATE OF OREGON)
COUNTY OF LAKE) S.S.

THIS IS TO CERTIFY THAT ON THIS 11th DAY OF SEPTEMBER, 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DENNIS J. FOSS WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 6-11-2004

STATE OF OREGON)
COUNTY OF LAKE) S.S.

THIS IS TO CERTIFY THAT ON THIS 11th DAY OF MARCH, 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DENNIS J. FOSS AND PATRICK H. GORR WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 6-11-2004



THIS IS TO CERTIFY THAT ON THIS 22nd DAY OF SEPTEMBER, 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED SCOTT WENKOWORTH WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 6-11-2004



APPROVALS:
FOR DENNIS J. FOSS, SCOTT WENKOWORTH & PATRICK H. GORR

APPROVED FOR: DENNIS J. FOSS, SCOTT WENKOWORTH & PATRICK H. GORR

SKINNER & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR
STEVEN E. WOODS
DATE: 11/22/04

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO RECONSTRUCT THE SOUTH LINES OF LOT 8 AND LOT 9 OF CLOUD NINE RANCH AND TO CREATE AN ADDITIONAL PARCEL FROM PARCEL 2 OF LAND PARTITION 97-P0947. THE SOUTH LINE OF LOTS 8 AND 9 WAS VACATED PER LAKE COUNTY ORDER 00-11-29-8, BOOK 164, PAGE 1413, LAKE COUNTY, OREGON COMMISSIONERS JOURNAL.

APPROVALS:
FOR DENNIS J. FOSS, SCOTT WENKOWORTH & PATRICK H. GORR

APPROVED FOR: DENNIS J. FOSS, SCOTT WENKOWORTH & PATRICK H. GORR

REGISTERED PROFESSIONAL LAND SURVEYOR
STEVEN E. WOODS
DATE: 11/22/04

LAKE COUNTY ASSESSOR
DATE: 11/22/04

**FOR ASSESSMENT
AND TAXATION
ONLY**

SEC. 35 T. 16S. R. 3W. W.M.
LANE COUNTY
SCALE 1" = 400'

NO.	SECTION	TAX MAP NO.	DATE	STATUS
1	16 03 35	16 03 35	1963	REPLACES
2	16 03 35	16 03 35	1963	REPLACES
3	16 03 35	16 03 35	1963	REPLACES
4	16 03 35	16 03 35	1963	REPLACES
5	16 03 35	16 03 35	1963	REPLACES
6	16 03 35	16 03 35	1963	REPLACES
7	16 03 35	16 03 35	1963	REPLACES
8	16 03 35	16 03 35	1963	REPLACES
9	16 03 35	16 03 35	1963	REPLACES
10	16 03 35	16 03 35	1963	REPLACES

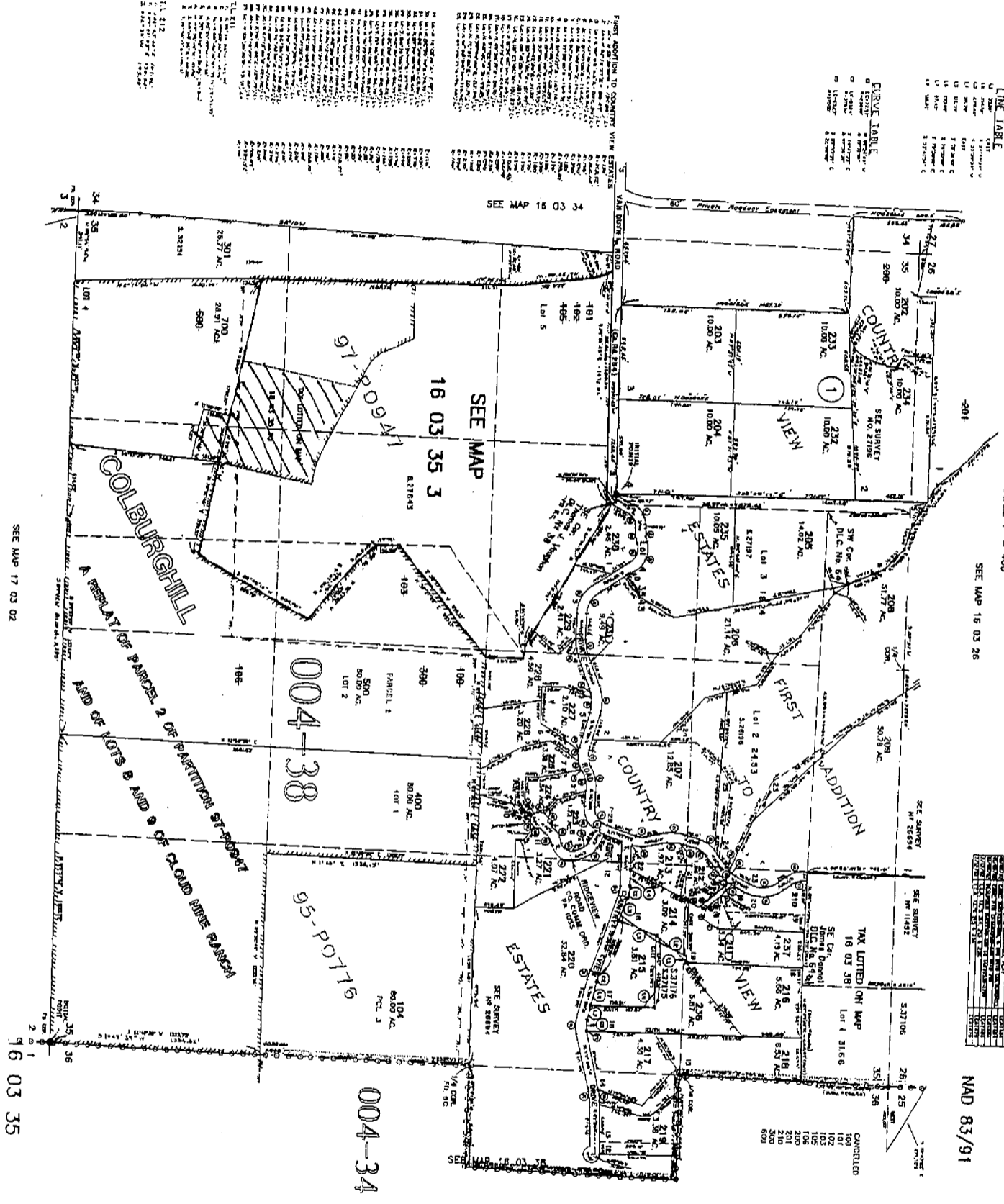
16 03 35
NAD 83/91

LINE TABLE

LINE NO.	DESCRIPTION
1	1/4 COR. SEC. 35
2	1/4 COR. SEC. 35
3	1/4 COR. SEC. 35
4	1/4 COR. SEC. 35
5	1/4 COR. SEC. 35
6	1/4 COR. SEC. 35
7	1/4 COR. SEC. 35
8	1/4 COR. SEC. 35
9	1/4 COR. SEC. 35
10	1/4 COR. SEC. 35
11	1/4 COR. SEC. 35
12	1/4 COR. SEC. 35
13	1/4 COR. SEC. 35
14	1/4 COR. SEC. 35
15	1/4 COR. SEC. 35
16	1/4 COR. SEC. 35
17	1/4 COR. SEC. 35
18	1/4 COR. SEC. 35
19	1/4 COR. SEC. 35
20	1/4 COR. SEC. 35
21	1/4 COR. SEC. 35
22	1/4 COR. SEC. 35
23	1/4 COR. SEC. 35
24	1/4 COR. SEC. 35
25	1/4 COR. SEC. 35
26	1/4 COR. SEC. 35
27	1/4 COR. SEC. 35
28	1/4 COR. SEC. 35
29	1/4 COR. SEC. 35
30	1/4 COR. SEC. 35
31	1/4 COR. SEC. 35
32	1/4 COR. SEC. 35
33	1/4 COR. SEC. 35
34	1/4 COR. SEC. 35
35	1/4 COR. SEC. 35
36	1/4 COR. SEC. 35

PLUMB TABLE

PLUMB NO.	DESCRIPTION
1	1/4 COR. SEC. 35
2	1/4 COR. SEC. 35
3	1/4 COR. SEC. 35
4	1/4 COR. SEC. 35
5	1/4 COR. SEC. 35
6	1/4 COR. SEC. 35
7	1/4 COR. SEC. 35
8	1/4 COR. SEC. 35
9	1/4 COR. SEC. 35
10	1/4 COR. SEC. 35
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27	1/4 COR. SEC. 35
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29	1/4 COR. SEC. 35
30	1/4 COR. SEC. 35
31	1/4 COR. SEC. 35
32	1/4 COR. SEC. 35
33	1/4 COR. SEC. 35
34	1/4 COR. SEC. 35
35	1/4 COR. SEC. 35
36	1/4 COR. SEC. 35



SEE MAP 17 03 02

16 03 35

EXHIBIT N



Coburg Fire District

91232 North Coburg Road • P.O. Box 8345
Coburg, OR 97408 • (541) 686-1573 • Fax (541) 686-2445

August 13, 2004

Lane County Planning Department

The property located at Township 16 S. Range 3 Sec. 35 Quarter 30 Lot # 3 in the Coburg hills subdivision, on Coburg Hill Drive may use the Lane County Code with set backs of 10' from all property lines.

Thank you,

A handwritten signature in black ink, appearing to read "Chad Minter". The signature is fluid and cursive, with a prominent initial "C".

Chief Chad Minter

Volunteers Protecting "Our" Community

SW1/4 SEC. 35 T.16S. R.3W. W.M.
LANE COUNTY
SCALE 1" = 200'

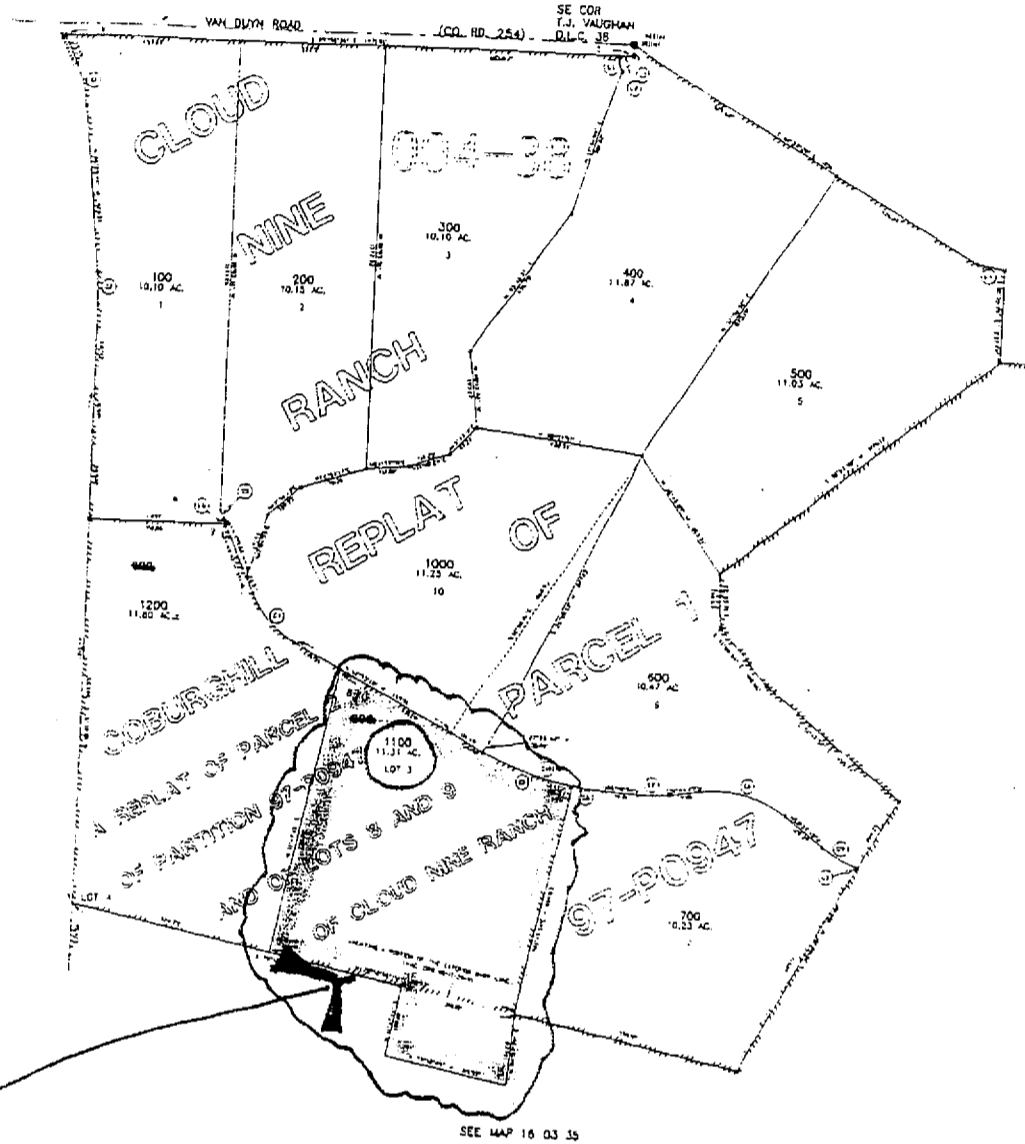
16 03 35 3

NAD 27

SEE MAP 16 03 35

NO.	DESCRIPTION	DATE
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SEE MAP 16 03 35



CANCELLED 800 700

NO.	DESCRIPTION	DATE
1
2
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4
5

NO.	DESCRIPTION	DATE
1
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SEE MAP 16 03 35

SEE MAP 16 03 35

16 03 35 3

LOT # 3 - COBURGHILL SUBDIVISION
THE DETTMER PROPERTY