Lane County
LAND MANAGEMENT DIVISION
3050 NORTH DELTA HIGHWAY
EUGENE, OREGON 97408
PHONE: 541-682-4065
WEB: www.lanecounty.org/lmd

MEMORANDUM

DATE: July 31, 2023

TO: Board of County Commissioners

FROM: Public Works / Land Management Division
Shawna Adams, Senior Planner

RE: Comments Received for Planning Action File No. 509-PA20-05634
(Perkins Plan Amendment & Zone Change)

Attached to this memorandum are comments received after the July 14, 2023 Agenda Cover Memo, through July 30, 2023.

Also enclosed for reference are revised Board motion options and the current version of ORS 215.203, which defines "farm use" as used in the criteria applicable to the proposal.

Enclosed:

- Revised Motions
- Spencer Written Testimony, Received 7/19/2023
- Bellew Written Testimony, Received 7/20/2023
- Carmichael Written Testimony and RLID report submitted in c/o Mike Reeder, Received 7/25/2023
- Johnson Written Testimony, Received 7/30/2023
- ORS 215.203, updated 6/16/2023

Revised Motions for August 1, 2023 Public Hearing - 509-PA20-05634 (Perkins)

1) Based on the Planning Commission recommendation, testimony heard or received, and the staff Agenda Cover Memo, I move to deny the application; adopt the findings in support of denial provided in the draft findings [or as modified]; direct staff to finalize the order; and authorize the Board chair to sign the Order.

2) Based on the testimony heard or received, I move to approve the application; direct staff to draft findings of approval consistent with […]; and to return to the Board on date and time certain with an ordinance for a first and second reading and public hearing.

3) I move to continue the hearing to date time certain and keep the record open.

Date: 7-17-23

From: Bill (William) Spencer

RECEIVED JUL 19 2023

Regarding Department File: 509-PA20-05634
Applicant: CHARLES & WENDY PERKINS

Staff: Shawna Adams

Comments:

I have resided near by for over 40 years and can recall only 2 or 3 years when someone tried to buy this property. I see very little agricultural value. Its best use, in my opinion is to have a residence on it.

Bill Spencer
32718 DeBerry Road
Creswell
541 517-0208

Return to: **Shawna Adams, Planner**
LANE COUNTY LAND MANAGEMENT DIVISION
3050 N. Delta Hwy
Eugene, OR 97408

RECEIVED JUL 20 2023

Date: 7-20-2023

From: Cliff Bellew

83031 Howe Lane

Creswell OR. 97456

Regarding Department File: 509-PA20-05634

Applicant: CHARLES & WENDY PERKINS

Staff: Shawna Adams

COMMENTS:

Dear Lane County board of commissioners

I am writing you today for consideration of the following concerns, regarding re-designation of property from "Agriculture" to "Rural Residential". The premise of the zoning change request is based on that the neighboring properties and activities are the same as what is being proposed.

That is a faults statement as the neighboring plots of land that are now residential were a result of roads and right-of-ways that were installed by the county. Resulting in cutting off small sections of larger properties that were exclusive farm use, thus rendering those small portions unfarmable. The larger plots of land that would be comparable to this property are still agricultural and used for farming.

This requested action is an EXCEPTION to the Statewide Planning Goal as urbanization of rural farmland has never been one of the priorities of that planning document. I have lived next to the property in question for 23 years and the property has always been used in an agriculture activity of dry land (unirrigated) hay production. The historic use of the property has not resulted in a strain of the existing resources as a new use would (adding 2 new houses, 1 main resident and an accessory dwelling).

The water resource in this area is ever waning year by year. In the past 10 or so years I can confirm several wells have gone dry and folks in the surrounding area have tried drilling new wells that have not produced any additional water. These folks are now forced to install holding tanks and have water delivered to their residences resulting in a financial burden and reducing property values in the area.

The water aquafer in the Howe Lane, Camas Swale Rd area cannot support additional loading of more and more use out of a waning water resource. The allowance of this zone change would put undue hard ship on the existing property owners that have had residences here for many many years as a result of county actions a long time ago.

Please consider the existing property owners and the water resource in this area and do not allow urbanization and development at the expense of the surrounding residents of rural Lane County. Allowing this property to be rezoned is not being good stewards of our land and water resources. As County Commissioners I realize you are faced with making difficult decisions that sometimes are not popular with the public. This is not one of those as this is a conservation decision of an existing water resource that cannot accommodate continued taxation of additional added usage.

Thank you for your consideration, please find this zoning request NOT APPROVED.

Cliff Bellew

Cliff Bellew
83031 Howe Lane

From: Micheal Reeder
To: ADAMS Shawna L
Cc: Wendy Perkins; Chuck Perkins
Subject: RE: Chuck & Wendy Perkins - File No. 509-PA20-05634
Date: Friday, July 28, 2023 12:46:25 PM
Attachments: image001.png
20230728102640970.pdf
RLID_Property_Search_Detailed_Report_1904220000603_Charmichael Property - 82436 Napper Rd.pdf

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[EXTERNAL]

Good afternoon Shawna:

Please see the attached letter from Scott Carmichael and the RLID report showing the location of Mr. Carmichael's farm property. His name is somewhat difficult to make out on his handwritten letter. Please include this into the record.

Respectfully,

Mike

Law Office of Mike Reeder
Oregon Land Use Law

Office: (541) 225-8777 | oregonlanduse.com
375 W. 4th Ave., Suite 205, Eugene, OR 97401

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From: ADAMS Shawna L <shawna.adams@lanecountyor.gov>
Sent: Friday, July 28, 2023 11:41 AM
To: Micheal Reeder <mreeder@oregonlanduse.com>
Subject: RE: Chuck & Wendy Perkins - File No. 509-PA20-05634

Hello Mike, We have received to letters to date, which are attached. I just noticed that one of the letters is missing it's received date stamp (to match envelope) – the official record version mailed to the Board will have that.

Best regards,

Shawna Adams | Senior Planner
Lane County | Land Management Division
3050 North Delta Hwy | Eugene, OR 97408
Office: 541-682-8904 | Fax: 541-682-3947
shawna.adams@lanecountyor.gov | www.lanecounty.org/planning
Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

Date: 7-28-2023

From: [signature]
82436 Napper Rd
Creswell, OR 97426

Regarding Department File: 509-PA20-05634
Applicant: CHARLES & WENDY PERKINS **Staff:** Shawna Adams

Comments:

This property the window to farm is to short. That small of a land is not worth the time & money to try to farm. Dirt, clay is no good to farm. Plus to wet. Its only good for a house w big yard just like rest of property's next to it. Its totaly surrounded by house's what a mess to try to farm.

[signature]
541-954-7869

Return to: **Shawna Adams, Planner**
LANE COUNTY LAND MANAGEMENT DIVISION
3050 N. Delta Hwy
Eugene, OR 97408

Detailed Property Report

Site Address 82436 Napper Rd Creswell, OR 97426-9704
Map & Taxlot# 19-04-22-00-00603
SIC N/A
Tax Account# 1312485

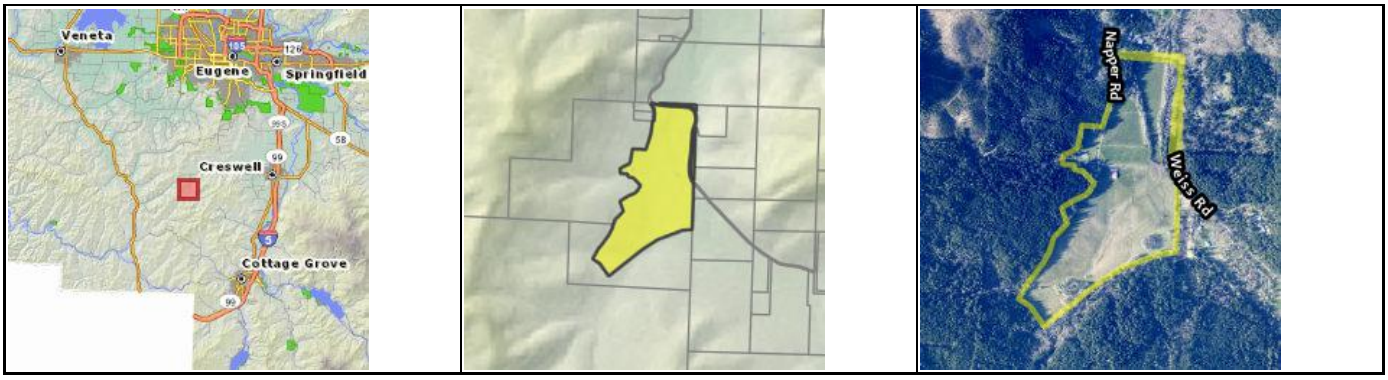
Property Owner 1
Carmichael Living Trust
833 Lariat Dr
Eugene, OR 97401

Tax account acreage 5.00
Mapped taxlot acreage† 94.72

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Code Split - Other land tax account(s) associated with this taxlot 1312477

Map & Taxlot # 19-04-22-00-00603



Business Information

RLID does not contain any business data for this address

Improvements

Dwelling 1 / Building Type » Class 4 dwelling

Assessor Photo Assessor Sketch

Click to enlarge photo

Inspection Date	06/19/2006	Bedrooms	3	Roof Style	Hip
Building Class	4-	Full Bath(s)	2	Roof Cover	Comp shingle medium
Year Built	1965	Half Bath(s)	0	Masonry Fireplace(s)	Yes
Effective Year Built	1965	Depreciation	25%	Percent Complete as of Jan 1st	100 %
				Heat	Radiant - ceiling

Floor Characteristics

	Base Sq Ft	Finished Sq Ft	Exterior
1st Floor	2246	2246	Wood siding
Attic	1105	1105	Wood siding
Total Sq Ft	3351	3351	

Other Square Footage

Detached Garage	N/A	Attached Garage	440
Basement Garage	N/A	Carport	N/A
Paved Patio	N/A	Paved Driveway	3000

Site Address Information

82436 Napper Rd
Creswell, OR 97426-9704

House #	82436	Suffix	N/A	Pre-directional	N/A
Street Name	Napper	Street Type	Rd	Unit type / #	N/A
Mail City	Creswell	State	OR	Zip Code	97426
Zip + 4	9704				

Land Use 1111 Single Family Housing
USPS Carrier Route R001

General Taxlot Characteristics

Geographic Coordinates

X 4222262 **Y** 824382 (State Plane X,Y)
Latitude 43.8982 **Longitude** -123.1523

Zoning

Zoning Jurisdiction Lane County
Lane County
Parent Zone F1 Non-Impacted Forest

Land Use

General Land Use

Code	Description
data not available	data not available

Detailed Land Use

Code	Description
data not available	data not available

Taxlot Characteristics

Incorporated City Limits	none
Urban Growth Boundary	none
Year Annexed	N/A
Annexation #	N/A
Approximate Taxlot Acreage	94.72
Approx Taxlot Sq Footage	4,126,003
Plan Designation	Forest
Eugene Neighborhood	N/A
Metro Area Nodal Dev Area	No
Septic	Yes
Well	Yes
Landscaping Quality	Good
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

Service Providers

Fire Protection Provider	South Lane County Fire & Rescue
Ambulance Provider	South Lane County Fire & Rescue
Ambulance District	SO
Ambulance Service Area	Southern
LTD Service Area?	No
LTD Ride Source?	No

Environmental Data

FEMA Flood Hazard Zone

Code	Description
X	Areas determined to be outside of 500-year flood.

FIRM Map Number	41039C1625F
Community Number	039C
Post-FIRM Date	data not available
Panel Printed?	Yes

Soils

Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
130	Waldo Silty Clay Loam	35%	3	95
11D	Bellpine Silty Clay Loam, 12 to 20 Percent Slopes	21%	3	0
8	Bashaw Clay	15%	4	97
77B	Marcola Cobbly Silty Clay Loam, 2 to 7 Percent Slopes	8%	4	0
52D	Hazelair Silty Clay Loam, 7 to 20 Percent Slopes	7%	4	3
11E	Bellpine Silty Clay Loam, 20 to 30 Percent Slopes	5%	4	0
45C	Dupee Silt Loam, 3 to 20 Percent Slopes	5%	3	4
78	McAlpin Silty Clay Loam	2%	2	11
135F	Willakenzie Clay Loam, 30 to 50 Percent Slopes	1%	6	0
11F	Bellpine Silty Clay Loam, 30 to 50 Percent Slopes	0%	6	0

Schools

	Code	Name
School District	40	Creswell
Elementary School	570	Creslane
Middle School	571	Creswell
High School	572	Creswell

Political Districts

Election Precinct	725	State Representative District	8	Emerald PUD Board Zone	N/A
City Council Ward	N/A	State Representative	Paul Holvey	Heceta PUD Board Zone	N/A
City Councilor	N/A	State Senate District	4	Central Lincoln PUD Board Zone	N/A
County Commissioner District	5 (East Lane)	State Senator	Floyd Prozanski	Soil Water Cons. Dist/Zone	Upper Willamette / 3
County Commissioner	Heather Buch			Creswell Water Control District	No
EWEB Commissioner	N/A				
LCC Board Zone	4				
Lane ESD Board Zone	5				

Census Information

Census data have been removed from this report. To obtain Census data, please visit **www.census.gov**. For questions or concerns, please contact **support@rlid.org**.

Liens

None. RLID displays liens issued by Cottage Grove, Florence, and Springfield Utility Board. Additional liens can be found in Deeds and Records.

Building Permits

Please check the **State of Oregon ePermitting System**.

Land Use Applications

RLID does not contain any landuse application data for this jurisdiction

Petitions

RLID does not contain any petition data for this jurisdiction

Tax Statements & Tax Receipts

Account#: 1312485
View tax statement(s) for: **2022** **2021**

Tax Receipts

Receipt Date	Amount Received	Tax	Discount	Interest	Applied Amount
11/15/2022	$2,381.26	$2,381.26	$73.65	$0.00	$2,454.91
11/09/2021	$2,297.91	$2,297.91	$71.07	$0.00	$2,368.98
11/06/2020	$2,622.09	$2,622.09	$81.10	$0.00	$2,703.19
11/15/2019	$2,568.54	$2,568.54	$79.44	$0.00	$2,647.98
11/15/2018	$2,541.41	$2,541.41	$78.60	$0.00	$2,620.01

Data source: Lane County Assessment and Taxation

Owner/Taxpayer

Owners

Owner	Address	City/State/Zip
Carmichael Living Trust	833 Lariat Dr	Eugene, OR 97401

Taxpayer

Party Name	Address	City/State/Zip
Carmichael Living Trust	833 Lariat Dr	Eugene, OR 97401

Data source: Lane County Assessment and Taxation

Account Status

Status Active Account Current Tax Year

Code Split - Other land tax account(s) associated with this taxlot **1312477**

Account Status	none
Remarks	Potential Additional Tax
Special Assessment Program	Farm Deferral

Data source: Lane County Assessment and Taxation

General Tax Account Information

Tax Account Acreage	5.00
Fire Acres	N/A
Property Class	681 - Forest, mult. spec. assmts, improved
Statistical Class	140 - Class 4 single family dwelling
Neighborhood	404500 - Rural Tyicial Mixed Creswell
Category	Land and Improvements

Data source: Lane County Assessment and Taxation

Township-Range-Section / Subdivision Data

Subdivision Type	N/A	Subdivision Name	N/A	Subdivision Number	N/A

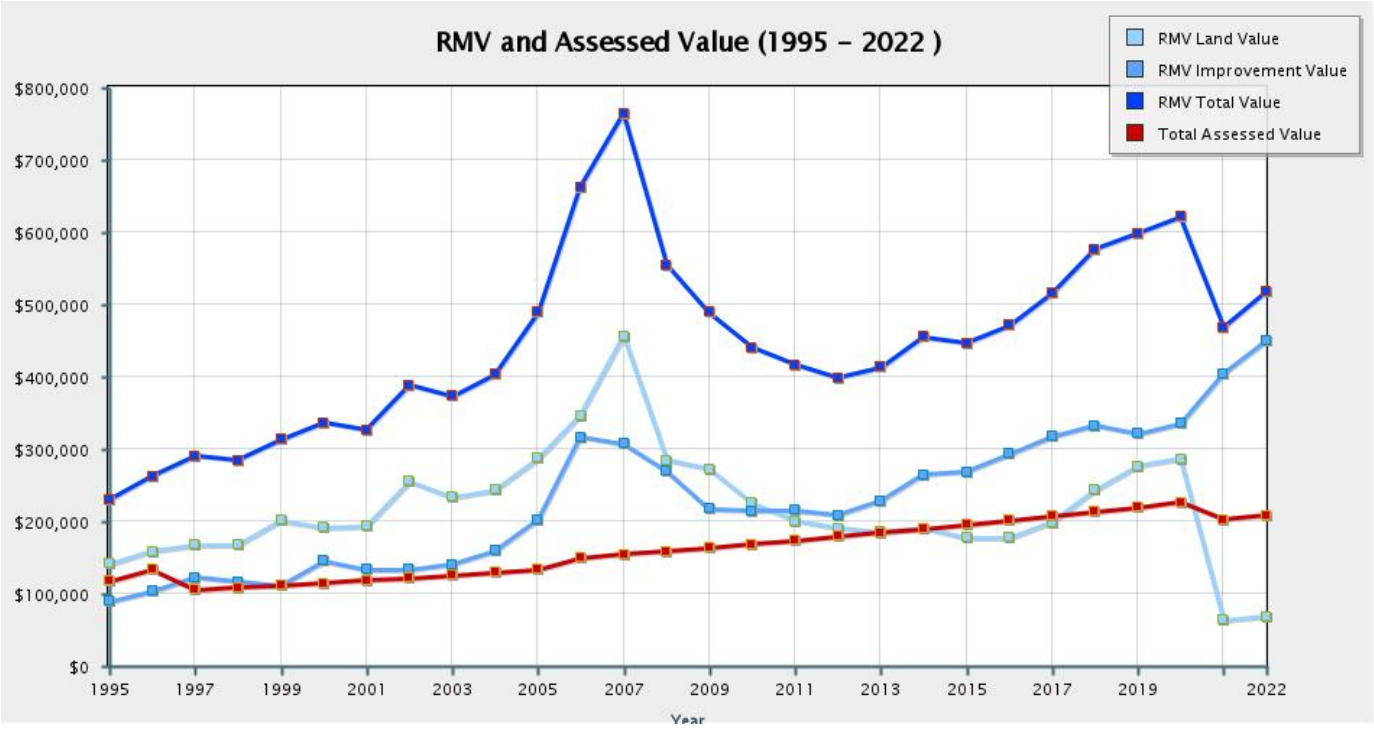
Phase	N/A	Lot/Tract/Unit #	TL 00603	Recording Number	N/A

Data source: Lane County Assessment and Taxation

Property Values & Taxes

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

	Real Market Value (RMV)			Total Assessed Value	Tax
Year	Land	Improvement	Total		
2022	$68,075	$450,638	$518,713	$208,434	$2,454.91
2021	$63,060	$404,993	$468,053	$202,363	$2,368.98
2020	$286,408	$335,330	$621,738	$226,593	$2,703.19
2019	$276,503	$321,743	$598,246	$219,994	$2,647.98
2018	$243,428	$332,695	$576,123	$213,587	$2,620.01
2017	$198,147	$317,283	$515,430	$207,365	$2,540.72
2016	$177,844	$293,746	$471,590	$201,325	$2,631.68
2015	$177,844	$268,625	$446,469	$195,461	$2,532.94
2014	$190,499	$264,575	$455,074	$189,768	$2,522.72
2013	$185,494	$228,082	$413,576	$184,239	$2,442.90
2012	$190,498	$208,198	$398,696	$179,103	$2,207.35
2011	$200,678	$215,652	$416,330	$173,663	$2,167.14
2010	$225,879	$214,340	$440,219	$168,605	$2,088.91
2009	$272,035	$217,450	$489,485	$163,694	$2,041.41
2008	$284,637	$269,870	$554,507	$158,925	$2,037.21
2007	$456,953	$307,300	$764,253	$154,297	$1,952.41
2006	$346,074	$316,230	$662,304	$149,803	$1,681.30
2005	$287,274	$202,610	$489,884	$133,123	$1,507.63
2004	$243,596	$159,950	$403,546	$129,245	$1,529.95
2003	$233,515	$140,310	$373,825	$125,481	$1,527.33
2002	$255,356	$133,630	$388,986	$121,826	$1,433.17
2001	$193,196	$133,630	$326,826	$118,278	$1,404.81
2000	$191,516	$145,250	$336,766	$114,828	$1,405.55
1999	$201,610	$111,730	$313,340	$111,488	$1,003.38
1998	$168,000	$116,380	$284,380	$108,572	$ 980.43
1997	$168,000	$122,510	$290,510	$105,410	$ 949.86
1996	$158,490	$103,820	$262,310	$133,920	$1,043.01
1995	$141,510	$89,500	$231,010	$117,130	$ 911.45



Current Year Assessed Value	$208,434
Less Exemption Amount *	N/A
Taxable Value	**$208,434**

* Frozen Assessed Value

Data source: Lane County Assessment and Taxation

Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year	04003
Taxing Districts for TCA 04003	Creswell School District 40 Lane Community College Lane County Lane Education Service District Lane Library District South Lane County Fire & Rescue Upper Willamette Soil & Water

NOTE Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The **Billing Rate Document may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

Sales & Ownership Changes

Sale Date	Sale Price	Doc #	Image	Analysis Code	Multiple Accts?	Grantor(s)	Grantee(s)
12/16/2022	$0	2023-1286		**K**	Yes	Carmichael Robert A & Judith A	Carmichael Living Trust

Data source: Lane County Assessment and Taxation

From: Rob Johnson
To: ADAMS Shawna L
Subject: Map and tax lot 19-03-16-00-02701
Date: Sunday, July 30, 2023 8:47:16 PM

[EXTERNAL]

Shawna, my name is Robert Johnson, my address is 82924 Florence Ave. Creswell OR 97426. My property shares a common corner to the above noted tax lot.

My wife and I have some concerns about the zoning change that are very valid, first, the applicants, Charles and Wendy Perkins have already altered the property on the South and East lines, they have added a road from Howe Lane to the back of the property and cleared trees and underbrush on the East line to make room for two storage containers and a travel trailer that appears to be used to live in, They have left a strip of trees and vegetation to screen the view from Howe Lane. This work should not be allowed prior to zoning change. Second, the zoning change would allow the construction of a new residence on the property that would require a new septic as well as a new well. The addition of a new septic could possibly contaminate the ground and our ground water as well as the wetland area on the East property line. The addition of a new well will only make water less available for our property, as well as our neighbors properties that struggle to have enough water already. Please consider these valid issues prior to a zoning change that would affect not only my property, but our existing neighbors as well. Please feel free to contact me at 541-297-3301

Sent from my iPad

ORS 215.203

Zoning ordinances establishing exclusive farm use zones

- definitions

TEXT ANNOTATIONS 23

(1) Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993), 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) or 215.284 (Dwelling not in conjunction with farm use). Farm use zones shall be established only when such zoning is consistent with the comprehensive plan.

(2) *Intentionally left blank —Ed.*

(a) As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3).

(b) As used in this subsection, "current employment" of land for farm use includes:

(A) Farmland, the operation or use of which is subject to any farm-related government program;

(B) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(C) Land planted in orchards or other perennials, other than land specified in subparagraph (D) of this paragraph, prior to maturity;

(D) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(F) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.255 (Farm product processing facility) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2)(c) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2)(a);

(G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(I) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(J) Any land described under ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3); **and**

(K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141 (Biomass production or collection), if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; **or**

(iii) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

(c) As used in this subsection, "accepted farm practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

(d) As used in this subsection, "cultured Christmas trees" means trees:

(A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(B) Of a marketable species;

(C) Managed to meet U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; **and**

(D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation or irrigation. [1963 c.577 §2; 1963 c.619 §1(2), (3); 1967 c.386 §1; 1973 c.503 §3; 1975 c.210 §1; 1977 c.766 §7; 1977 c.893 §17a; 1979 c.480 §1; 1981 c.804 §73; 1983 c.826 §18; 1985 c.604 §2; 1987 c.305 §4; 1989 c.653 §1; 1989 c.887 §7; 1991 c.459 §344; 1991 c.714 §4; 1993 c.704 §1; 1995 c.79 §75; 1995 c.211 §1; 1997 c.862 §1; 2001 c.613 §18; 2003 c.454 §117; 2003 c.621 §67a; 2005 c.354 §1; 2007 c.739 §34; 2009 c.850 §4; 2012 c.74 §1; 2019 c.410 §3]

Source: Section 215.203 — Zoning ordinances establishing exclusive farm use zones; definitions, https://www.oregonlegislature.gov/bills_laws/ors/ors215.html (last updated Jun. 16, 2023).