Submitted To:
Richard Duncan
Realty Division
Oregon Dept. of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, Oregon 97302

Submitted By:
Thomas S. Morgan
DUNCAN & BROWN, LLC
260 West 12th Avenue
Eugene, Oregon 97401
Duncan & Brown File No. 20-143A

Date of Report:
July 22, 2020

Date of Value:
May 18, 2020

Date of Inspection
May 18, 2020
Richard Duncan
Realty Division
Oregon Dept. of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, Oregon 97302

Re: Partial Acquisition, Goodwin Property
Halderson Road
Eugene, Lane County, Oregon

Dear Mr. Duncan:

In accordance with the authorization of the Oregon Department of Fish and Wildlife (ODFW), Contract # 835-094-20, I have made a personal inspection of the Roger and Pam Goodwin property located 87308 Halderson Road, Eugene, Lane County, Oregon. According to Lane County, the entire ownership contains 82.34 acres, expressed as “tax account acreage”. However, Lane County also provides a “mapped tax lot acreage” derived from the county GIS map layer. Typically, these two acreage estimates are similar but rarely identical. In this instance, the mapped tax lot acreage is 93.53 acres or 11.19 acres larger than the tax account acreage, a discrepancy that is larger than typically found. I made numerous GIS estimates utilizing the mapping capabilities of the Soil Conservation Service and arrived at estimates ranging from about 93 acres to 97 acres, similar to the mapped acreage estimates of Lane County. I discussed this variation with the property owners and you, and there was a follow-up with some ODFW staff and a surveyor to identify the discrepancy, but no reason was found short of completing a new survey based on the legal descriptions in the deeds. The owner hired a surveyor who concluded the area of the northerly portion of the property north of Halderson Road of 68.26 acres. For purposes of this analysis, a total acreage of 93.00 acres is utilized, with 24.74 acres lying south of Halderson Road and 68.26 acres located to the north of Halderson Road. It is noted that the northerly portion of the property is concluded to be the larger parcel for valuation purposes, so any error in overall parcel size or acreage in the southerly portion of the property will not impact the concluded value of the partial acquisition from the northerly portion of the site.

There are two dwellings and several outbuildings located on the south side of Halderson Road, with a large barn/riding arena, storage building, and animal shelter located to the north of Halderson Road. The site is zoned E-40 (Exclusive Farm Use, 40 acre minimum parcel size) by Lane County.

It is noted that there are two common spellings utilized for Halderson Road: Haldorson and Halderson. In this assignment, Halderson is utilized.
The purpose of the inspection and subsequent analysis was to estimate the market value of 40.0 acres of the Goodwin property to be acquired by ODFW. The parcel to be acquired is located on the northerly 2/3rds of the northerly portion of the property, consisting of gently sloping/level pasture land. Portions of the site are fenced and cross-fenced, creating separate pastures utilized for grazing in association with an equine boarding facility operated by the property owner. The specific measurements of the site to be acquired have not been determined and will be finalized by a future survey. The general location of the 40 acres is known, but a legal description for the proposed acquisition is not yet available. It is an assumption of this appraisal that the legal description for the proposed acquisition will contain a total of 40 acres.

The client for the assignment is the Oregon Department of Fish and Wildlife (ODFW). Intended users include the client, the property owners (Roger and Pat Goodwin) and the BPA. It is my understanding BPA will conduct a formal review of this appraisal report and acceptance of this assignment includes cooperation with BPA in the review process. The BPA is providing funding for the proposed acquisition.

This appraisal utilizes the “Before and After” format. The before value represents the market value of the larger parcel prior to the partial acquisition, with the after value representing the property value after the partial acquisition. The difference between the two valuation conclusions is the change in value as a result of the partial acquisition and represents value of the property acquired.

After an inspection of the subject property and based on subsequent research and analysis of pertinent market data, it is my opinion that the before and after market values of the Goodwin property, as of the latest date of property inspection, May 18, 2020, was:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value in the Before:</td>
<td>$544,500</td>
</tr>
<tr>
<td>Value in the After:</td>
<td>$320,000</td>
</tr>
<tr>
<td>Value of the 40-acre Acquisition:</td>
<td><strong>$224,500</strong></td>
</tr>
</tbody>
</table>

The attached appraisal report details the basis and reasoning for the value conclusion. Please refer to the Executive Summary on pages 9, 10 and 11. Your attention is also directed to the statement of Assumptions and Limiting Conditions contained on pages 12 and 13.

This appraisal conforms to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) adopted by the Interagency Land Acquisition Conference in 2000. The UASFLA are supplemental standards to the Uniform Standards of Professional Appraisal Practice (USPAP), as adopted by the Appraisal Standards Board of the Appraisal Foundation, and compliance with USPAP is also incorporated by reference, except to the extent that the UASFLA requires invocation of USPAP’s Jurisdictional Exception Rule. When acquisitions are funded by the BPA, the appraisal must also comply with the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.

The Jurisdictional Exception Rule was created for those situations where supplemental regulations and standards may not be in conformance with USPAP. In this assignment, a jurisdictional exception is in place for not developing and reporting exposure time. Exposure time is defined in USPAP as, “The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.” The comment to Standard 1-2(c) states that, “When reasonable exposure time is a component of the definition for the value opinion being developed, the appraiser must also develop

Duncan & Brown
an opinion of reasonable exposure time linked to that value opinion.” USPAP Standards Rule 2-2(a)(v) states that, “When an opinion of reasonable exposure time has been developed in compliance with Standards Rule 1-2(c), the opinion must be stated in the report.” The definition of market value in the UASFLA contains a reference to exposure time, and therefore, exposure time must be determined and reported to comply with USPAP. However, the Uniform Standards for Federal Land Acquisitions (Section 1.2.4) prohibits linking estimates of value to specific exposure times. Therefore, not developing and reporting an exposure time is considered a Jurisdictional Exception to USPAP Standards Rules 1-2(c)(iv) and 2-2(a)(v).

I certify that this appraisal has been prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs and the Code of Professional Ethics and Standards of Professional Practices set forth by the Appraisal Institute. I also certify that:

- I have no present or contemplated interest in the property;
- My fee for making this appraisal is not predicated upon reporting any specified value or value range;
- The property owners were contacted and given the opportunity to accompany the appraiser during the inspection of the property and provide any information which they deemed relevant to the property;
- I have not provided any services, appraisal or otherwise, to the subject property for the three-year period preceding acceptance of this assignment.

Please call at your convenience if I can be of any further assistance.

Respectfully submitted,

DUNCAN & BROWN

Thomas S. Morgan

TSM Certification No. C000013, Exp. 05/31/22
TSM/cp
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- E-40 Zoning Ordinance
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- Soils Description
- Preliminary Title Report
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- Appraiser Qualifications
- Conservation Easement Valuation Certificate
CERTIFICATION

I, Thomas S. Morgan, do hereby certify that:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- This appraisal was made, and the appraisal report prepared, in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.
- The analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, except to the extent that the Uniform Appraisal Standards for Federal Land Acquisition required invocation of USPAP's Jurisdictional Exception Rule.
- I have made a personal inspection of the property that is the subject of this report.
- I have had a level of training and experience considered necessary for the formulation of a reliable opinion of value of the subject property.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- The property owner was given the opportunity to accompany the appraiser during the inspection of the property.
- The estimate of the before and after values, as of May 18, 2020, are:

  Value in the Before:            $544,500  
  Valuation in the After:       $320,000  
  Value of the proposed 40 acre acquisition:  $224,500

Thomas S. Morgan  
Certification No. C000013, Expires 5/31/2022
AERIAL PHOTOGRAPHS

Goodwin Property
Haldeman Road, Eugene, OR.
NOTE: The red outline defines the entire Goodwin ownership on both the north and south sides of Halderson Road. The larger parcel is defined as that portion of the property north of Halderson Road, consisting of the two shaded areas (light red and light yellow shading), containing 68.26 acres. The proposed acquisition is identified by the light yellow shading, containing 40.00 acres. The actual boundaries of the proposed acquisition will be determined by a survey, and the shaded area above is a reasonable representation of the location and shape of the proposed 40 acre acquisition.
EXECUTIVE SUMMARY

Location: The Goodwin property is located at 87308 Halderson Road in Eugene (not in City), Lane County, Oregon. The property is about 6 miles east/southeast of the westerly city limits of Eugene, and 10 miles from the downcore area. Drive time into Eugene is about 15-20 minutes.

Assessor’s Identification: Lane County identifies the property as Map 18-05-02, Tax Lot 500. The property is within two separate taxing districts and has two account numbers: 0741688 and 1707874. Account 0741688 contains 59.38 acres and all of the improvements and contains a tax amount for fire protection. Account 1707874 contains 22.96 acres and with no improvements. There is also a separate manufactured home account, #428025. It is noted that the acreage amounts reported here are specific for tax purposes and are not utilized as being indicative of the overall size of the property.

Owner of Record: According to the provided preliminary title report, title to the subject property is vested in: Roger E. and Patricia A. Goodwin.

Assessor’s Real Market Value (2019-2020)—

<table>
<thead>
<tr>
<th>IDENTIFICATION</th>
<th>REAL MARKET VALUE</th>
<th>ASSESSED VALUE</th>
<th>TAXES</th>
</tr>
</thead>
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<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Tax Lot</strong></td>
<td><strong>Account</strong></td>
<td><strong>Land</strong></td>
<td><strong>Improv.</strong></td>
</tr>
<tr>
<td>500</td>
<td>0741688</td>
<td>$363,383</td>
<td>$263,076</td>
</tr>
<tr>
<td></td>
<td>1707874</td>
<td>$128,459</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>428025</td>
<td>0</td>
<td>$57,654</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$491,842</strong></td>
<td><strong>$320,730</strong></td>
<td><strong>$812,572</strong></td>
</tr>
</tbody>
</table>

*The Goodwin property is specially assessed as farmland under the Small Tract Forest Land option. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied.*

Parcel Size: The property contains a total gross area of 93 acres, of which 68.26 acres are located north of Halderson Road and 24.74 acres south of Halderson Road.

General Description: The Goodwin property has two distinct geographical characteristics. The portion lying to the south of Halderson Road is a gently sloping, partially wooded parcel containing about 24.74 acres. Elevations range from a low of about 450 feet along the south side of Halderson, increasing to about 520 feet near the southern property boundary. The general slope is downhill from south to north. There are two homes on this portion of the property and multiple outbuildings.

The remaining portions of the property lie to the north of Halderson Road, consisting of 68.26 acres, the majority of which is gently sloping pasture with elevations from about 440 feet along Halderson Road and about 380 feet at the northerly boundary. There is a small knoll located in the southwest portion of the pasture, otherwise the property is generally level pasture. There are three buildings on this
### Executive Summary

portion of the property, the largest consisting of a barn/indoor riding arena near the base of the knoll and two smaller outbuildings near Halderson Road.

**Proposed Acquisition:**

ODFW has proposed an acquisition of 40 acres of the pasture land in the northerly 2/3rds of the property (See map on page 8). This area is fenced and cross fenced and is utilized as open pasture for the Goodwin’s equine boarding operation. There is a small drainage way in the center of the northerly portion of the property extending north to south and draining into Coyote Creek to the north.

**Zoning:**

The Goodwin property has split zoning. The portion of the property to the south of Halderson Road is zoned F-2 (Impacted Forestland). The portion north of Halderson Road is zoned E-40 (Exclusive Farm Use, 40 acre minimum parcel size).

**Flood Hazard Area:**

The Goodwin property is located on FIRM map 41039C1100F, dated 12/18/1985. The entire ownership is located in Zone X, an area determined to be outside the 500-year floodplain.

**Wetlands:**

The National Wetlands Inventory Map identifies several wetland areas on or partially within the borders of the Goodwin property. The small drainageway in the center of the pasture is identified as Freshwater Emergent Wetland and the treed area at the northern boundary is identified as Freshwater Forested/Shrub Wetland. This area may not be on the Goodwin site but abuts the boundary. The areas to the north and east of the Goodwin property contain large areas identified as wetlands associated with Coyote Creek and Fern Ridge Lake, a control reservoir located about 2.25 miles north of the Goodwin property.

**Interest Appraised:**

Fee simple subject to easements and conditions of record in both the before and after situations.

**Larger Parcel:**

The larger parcel is defined as the northerly 68.26 acres containing the riding arena/barn, and two other smaller outbuildings. The remaining land and improvements are not valued in this assignment.

**Proposed Acquisition:**

40 acres

**Remainder Property:**

28.26 acres

**Highest & Best Use:**

*In the before situation:*

Single 68.26-acre rural residential home site/agricultural property, providing about 66.26 acres of fenced and cross fenced pasture.

*In the after situation:*

Single 28.26-acre rural residential home site/agricultural property with an equine component.
**Value Conclusion:**

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<td>$224,500</td>
</tr>
</tbody>
</table>

**Date of Value:** May 18, 2020

**Date of Report:** July 22, 2020

**Appraiser:** Thomas S. Morgan
Assumptions & Limiting Conditions

This appraisal has been made under the following Extraordinary Assumption:

1. Lane County maintains and reports acreage estimates for properties within the county. The acreage defined as “tax account acreage” is reportedly based on the legal description of the property. A second acreage estimate is provided, defined as “mapped taxlot acreage”, derived from the county GIS map layer. Typically, these two acreage estimates are very similar but seldom identical. In the case of the Goodwin property, the tax account acreage is 82.34 acres, with the mapped taxlot acreage containing 93.53 acres, a variation that is larger than normally seen. Utilizing the mapping capabilities of the Natural Resource Conservation Service (NRCS), which provides soils information and mapping information, I arrived at several acreage amounts ranging from about 93 acres to about 97 acres, supportive of the mapped taxlot acreage of 93.53 acres. The property owners contracted with a local surveyor to provide an acreage estimate for the northerly portion of the property, with a calculated acreage of 68.26 acres. I have utilized an overall property size of 93 acres, with 68.26 acres in the northerly portion and the balance of 24.74 acres in the southerly portion. The variation in acreage has no measurable impact on the valuation of the proposed acquisition but does provide a better estimate of the land area remaining in the Goodwin ownership after the acquisition by ODFW.

This appraisal report has been made under the following Hypothetical Condition:

1. A hypothetical condition is an assumption made that is contrary to fact, but which is assumed for the purposes of discussion, analysis or formulation of opinions. In this instance, it is necessary to assume the sale of 40 acres to ODFW has been completed in order to analyze the Highest and Best Use of the property in the after situation. The assumed sale is contrary to known fact as of the date of appraisal but is necessary for analysis purposes.

This appraisal report has been made with the following General Assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

2. The property is appraised free and clear of any or all liens or encumbrances, subject to easements and conditions of record.

3. Responsible ownership and competent property management are assumed.

4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.

5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

6. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the appraisal report.
7. The appraiser is not an expert in the field of hazardous materials. Recognizing that the existence of hazardous material on the site may have an impact on value, but lacking any visible evidence of stored materials and any reports relative to the environmental status of the property, it is assumed there are no hazardous materials on site or that may have migrated to the site from adjacent properties. The client is urged to seek an expert in this field if additional information is needed.

8. The appraiser’s liability is limited to the client’s interest only in an amount not to exceed the fee for the service.

This appraisal report has been made with the following general Limiting Conditions:

1. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization.

2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser(s), and in any event only with proper written qualification and only in its entirety.

3. The appraiser, by reason of this appraisal, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made. This limiting condition does not cover any required cooperation with the review process by BPA or others.

4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
The Goodwin property consists of a 93-acre parcel located within a 10-20 minute drive of Eugene. The site has a partially wooded, gently sloping component on the south side of Halderson Road containing 24.74 acres and includes two homes and multiple outbuildings, and 68.26 acres of mostly level pasture on the north side of Halderson Road. The Goodwins operate an equine boarding facility on the property and constructed a barn/indoor riding arena and two other outbuildings on the northerly parcel and use the level pasture land for grazing and turn-out area.

The appraisal assignment is to complete a UASFLA compliant appraisal of the property in order to estimate the market value of a 40.00-acre parcel located at the northerly portion of the pasture land. ODFW wishes to acquire the parcel to add to its existing holdings in the area as part of the Coyote Creek Wildlife Management Area.
Scope of the Appraisal Assignment
The scope of the appraisal assignment has been to collect, confirm, analyze and interpret pertinent market data and other market forces so as to arrive at an estimate of market value of the fee simple estate of the Goodwin property, both before and after the proposed acquisition.

This appraisal assignment has included a complete investigation of all pertinent data in relation to the subject property. This investigation included, but was not limited to:

- A personal inspection of the subject property.
- Discussion with the property owner relative to historical uses of the property, zoning issues and development plans.
- Analysis and identification of the larger parcel. In this instance, the larger parcel is the northerly portion of the property north of Halderson Road. This portion of the property can be a stand-alone parcel and would not share a unity of use with the remaining property to the south of Halderson Road.
- Review of the zoning ordinances that control development and use of the property.
- Review of Preliminary Title Report and exception documents.
- Determination of the highest and best use of the subject larger parcel in both the before and after situation. The before situation includes the entire 68.26-acre parcel north of Halderson Road and the after situation includes 28.26 acres under the assumption that ODFW acquires the northerly 40.00 acres.
- Research and analysis of sales data with similar and/or comparable uses based on the determination of highest and best use. Data sources included public records available through various Lane County departments and the regional multiple listing service. All sales were confirmed with either buyer, seller or real estate agents involved in the transaction and personally viewed for this assignment.
- Application of the appropriate appraisal methodology, in this case, the Sales Comparison Approach, to estimate the market value of the property in both the before and after situation.
- Preparation of the written report conveying the data and analysis utilized to estimate the market value of the subject property in accordance with UASFLA (Yellow Book).

After review, it was determined that the proposed acquisition will only impact the land value of the Goodwin ownership: there are no improvements within the proposed acquisition and the potential change in acreage will not have any impact on the use or utility of any improvements on the entire Goodwin ownership. This will be discussed in more detail in a later section.

Purpose of the Appraisal
The purpose of this appraisal assignment is to estimate the market value of the proposed 40-acre partial acquisition proposed by ODFW. This will be accomplished via a before and after appraisal of the defined larger parcel, measuring the change in value due to the reduction in site size by 40 acres. The date of value is commensurate with the latest date of property inspection, May 18, 2020.

The definition of market value for UASFLA compliant appraisals is as follows:

*Market value is the amount in cash, or in terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of value, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property.*
Client, Intended Users and Use of the Report
The client for the assignment is ODFW. The intended users include the client, Roger and Pat Goodwin and the BPA, the funding source for acquisition of property under the Willamette Wildlife Mitigation Program. The intended use of this report is to provide the client and intended users with the estimate of market value of the proposed partial acquisition.

Nature of Interest Appraised
The estimate of market value is based upon the fee simple estate, subject only to easements and conditions of record in the before situation.

Compliance & Competency Provision
This appraisal has been prepared in compliance with the Uniform Appraisal Standards for Federal Land Acquisition as adopted by the Interagency Land Acquisition Conference and the Uniform Standards of Professional Appraisal Practice as set forth by the Appraisal Institute, except to the extent that the UASFLA required invocation of USPAP’s Jurisdictional Exception Rule, as described in Section 1.2.7.2. of the UASFLA. I have the knowledge and experience to complete this assignment competently, in compliance with the stated regulations and have successfully completed the Valuation of Conservation Easements Certificate Program presented by the Appraisal Institute, attended seminars and educational programs sponsored by the Appraisal Institute and completed numerous UASFLA-compliant appraisals for a variety of clients.

Inspection Data
The property owners were contacted on May 15, 2020, and an inspection of the property was scheduled for Monday, May 18, 2020. Both Roger and Pat Goodwin were present at various stages of the inspection. Subsequent conversations, by phone or e-mail, were convened as other questions arose during the appraisal process, primarily focused on the acreage variations and subsequent determination by survey.

Summary of Appraisal Problems
There are typically issues associated with the quality and quantity of data utilized in the valuation process, and that is somewhat present in this assignment, but not to a degree that the data does not allow the development of a credible opinion of value.

Early in the process, additional work was required to confirm acreage size for the Goodwin property, as existing calculations did not appear to be accurate.

Of course, the major issue in this assignment is the analysis of the impact, if any, of the coronavirus pandemic on value. The full force of the coronavirus was evident in early March 2020, about 10 weeks before the date of value of the Goodwin property. We know the Oregon unemployment rate has increased from about 3.6% to about 14% during that time period as a result of mass layoffs/furloughs in non-essential businesses. This typically would manifest itself over time into additional issues with mortgage delinquencies, reductions in consumer spending and potential long-term economic damage across the entire population/income spectrum. However, the various programs initiated by the federal government, the SBA and other agencies were intended to provide economic relief during what was anticipated to be a “temporary” problem, with expressed optimism that the nation/world would return to a semblance of normalcy after “stay-in-place” orders were lifted and businesses re-opened as the pandemic became less virulent and/or a vaccine was developed to stave-off any further infections.
As of this writing, is it fairly evident that there will be long-term impacts to the economy regardless of the development of an effective vaccine. Many of the small businesses most impacted by the shutdown simply do not have the financial holding power to survive a 3-5 month almost total loss of income. Restaurants are a prime example of the most impacted type of business, operating on small profit margins, with nominal reserves to weather the financial storm. At least locally, owners of many of the smaller restaurants are questioning whether they will be able to stay afloat long enough to reopen to full capacity. Operating on a 25%-50% occupancy/seating level may not provide any relief; the cost of operating the restaurant at low seating levels may be more economically damaging than full closure.

One item is fairly apparent: lower income persons and families are likely to be impacted to a greater degree than higher income persons and families. Many middle and upper-income jobs can be modified to allow for working from home, a benefit not available to restaurant workers, child care providers, retail sales staff, etc. It is possible to review the market stats on the Regional Multiple Listing Service, looking at inventory and days-on-market to see if there has been any measurable change over the last four months. I queried RMLS for residential sales between $325,000 and $475,000 in five areas of Eugene and Springfield that do not have a dominance of lower or higher-end properties. The data is exhibited on the following two charts:

One of the primary drivers of the real estate market in this area, as well as other urban areas, has been a lack of inventory on the market. High demand, coupled with low interest rates and low supply, have driven prices up to record levels. The first chart shows the inventory by month since May 2017. Generally, inventory has been slightly higher than sales volume, with an inventory equal to about 5 weeks of sales volume. The data for the last 4 months is similar to the three-year data, indicating the
market is still experiencing low inventory and high sales/demand factors, with sales volume increasing since January 2020 through April 2020.

The second chart graphs the Combined Days on market (CDOM) for residential properties in the $325,000 to $475,000 price range from May 2017 through April 2020. The average CDOM for the last four months is similar to, if not lower than, the exposure/marketing times experienced in the last three years, with a current average CDOM of about 21 days. Clearly, homes in the $325,000 to $475,000 have yet to reflect any adverse market conditions relative to the coronavirus.

I also reviewed the sales data of the “lots and land” category in RMLS for rural areas outside of the Eugene/Springfield city limits, with sale prices between $150,000 and $400,000 over the last two years. The data showed the majority of sales in the $160,000 to $242,500 price range, with an average price of about $213,000 and an average CDOM of 81 days, with no indication that the last four months experienced any measurable variation from the overall average. It is noted that land sales volume is much lower than improved residential property sales volume; annual land sales volume is roughly equivalent to monthly residential volume.

The current data does not support any adjustment as a result of the coronavirus as of May 2020. It is certainly possible that some impacts will be felt at later dates, as the economic impacts have more time to affect market activity, but no adjustments are made to the sales data in this assignment to reflect the COVID-19 pandemic.
**PERTINENT DEFINITIONS**

**Fair Market Value**
The amount in cash, or in terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property.\(^1\)

**Fee Simple Estate**
Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.\(^2\)

**Highest and Best Use**
The UASFLA definition of Highest and Best Use is:

> “The highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future...”

The proposed or concluded highest and best use requires the showing of legal permissibility, and a reasonable probability that the land is both physically adaptable for such use and that there is a need or demand for such use.

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\(^1\) Uniform Appraisal Standards for Federal Land Acquisitions, p. 22 (1.4.4.), Washington D.C., 2016

NEIGHBORHOOD AERIAL
Plat Map

SECTION 2 T.18S, R.SW. W.M.
Lane County

028-02

004-42
The area shaded in light yellow is the approximate area of the proposed acquisition as marked by the property owner.
Subject Photographs

Photographs taken May 18, 2020 by Thomas S. Morgan

Photo #1: View easterly on Halderson Road from point near the center line of the property

Photo #2: View westerly on Halderson Road
Subject Photographs

Photo #3: View of animal shelter near Halderson Road, looking north-easterly from Halderson Road

Photo #4: Storage barn adjacent to Halderson Road
Photo #5: View northerly from Halderson Road across pasture. The tree line in the background is the northerly boundary of the parcel.

Photo #6: View of indoor arena from Halderson Road and portions of pasture land.
Subject Photographs

Photo #7: Looking westerly along portion of the southern boundary of proposed acquisition.

Photo #8: View easterly from same vantage point as Photo #7. The eastern boundary of the parcel lies near the sparse tree line beyond the fence but before the heavier tree in the background.
Photo #9: View southerly across northerly portion of the proposed acquisition. The tree line in the background is near the northern property boundary.

Photo #10: View of west side of indoor arena
Photo #11: Indoor view of riding arena
FACTUAL DATA

Legal Description

The legal description for the subject property is located in the Addenda within the Preliminary Title Report. No legal description has been developed for the proposed acquisition, and a future survey will define an area of 40 acres.

Area, City and Neighborhood Data

Greater Eugene-Springfield Metropolitan Area

The Eugene/Springfield is the economic engine of Lane County. The economic trends experienced by this area have driven the expansion of the city limits and urban growth boundaries, and increased pressure on the surrounding rural areas for residential development. The following data has been generated and updated over the years but does not reflect the current economic downturn as a result of the coronavirus pandemic. As of this writing, Lane County and the State of Oregon in general are in the early stage of the Phase 2 “open-up”, which began May 15, 2020. It is highly unlikely that any of the market data will be reflective of this impact in the immediate future, and no major changes have been made relative to the area data below to reflect the potential impact on the local economy or outlook into the future.

That said, it is likely that the immediate future will be one of unknowns and expressed caution. Unemployment rates jumped from 3.7% to about 14%, much of which is anticipated to be temporary, but the short-term impact will likely be a slow and cautious market awaiting longer term data on the coronavirus pandemic.

The Eugene/Springfield metropolitan area is located in Lane County, in the central, western portion of the state of Oregon. The Willamette Valley is the most densely populated portion of the state, with the three largest metropolitan areas—Portland, Salem and Eugene/Springfield—located at the north, middle and south ends of the valley, respectively.

The community is situated at the confluence of the McKenzie and Willamette rivers at the head of the Willamette Valley. The Willamette River flows northward from the southern valley to its confluence with the Columbia River at Portland and Vancouver, Washington. The Eugene/Springfield metropolitan area is approximately 440 feet above sea level, and the topography of the area is flat valley floor and flood plain land. The head of the Willamette Valley is bordered by the Coast Range on the west and the Cascade Range foothills on the east; the area to the south is mountainous as well. The valley is open to the north.

Eugene is home to the University of Oregon and is also known as “Track Town USA” for its abundant running trails and renowned venue, Hayward Field. Springfield, historically a mill town, is situated between the McKenzie River and the middle fork of the Willamette River. The McKenzie River is
world famous for fly-fishing and summer steelhead. Bedroom communities within commuting distance of the larger metropolitan area include Veneta, Junction City, Harrisburg, Coburg, Creswell and Cottage Grove. The metropolitan area is popular for its natural beauty and rich recreational opportunities bolstered by its proximity to the Cascade Mountains, Willamette Valley vineyards, and Oregon coast.

**Population & Demographics**

Eugene/Springfield is Oregon’s second largest metropolitan area, following Portland/Vancouver and the fifth most populous metropolitan area in the Oregon/Washington/Idaho tri-state region. Approximately 70% of the population of Lane County resides within five miles of the Eugene/Springfield metro area. Population growth, regionally and statewide, has been influenced significantly by economic conditions over the past several decades. Population statistics show rapid population growth in Oregon since 1980, as demonstrated in the table below:

<table>
<thead>
<tr>
<th>Population</th>
<th>% Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eugene</td>
<td>105,664</td>
</tr>
<tr>
<td>Springfield</td>
<td>41,621</td>
</tr>
<tr>
<td>Lane County</td>
<td>275,226</td>
</tr>
<tr>
<td>Oregon</td>
<td>2,633,149</td>
</tr>
</tbody>
</table>

In-migration has been the driving force behind population growth in Lane County, due to the availability of job opportunities, a relatively affordable cost of living, moderate local climate and appealing lifestyle amenities. The increase in Oregon’s population in the last few years was due largely to net migration, which, at 47,600 people, was one of the largest net migrations since 1996. Over the past 20 years, Oregon had an average net migration of 28,600 people per year. The lowest number of net migrants over the last 20 years was 7,000 in 2010 during the recession. In general, net migration increases as the economy expands and more jobs become available; during recessions, the population becomes less mobile. This fact, combined with Oregon experiencing a deeper recession than the nation as a whole, brought net migration to its lowest levels since the 1980s.³

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³ Bechtoldt, Felicia "Oregon’s 2018 Natural Population Increase Was the Lowest on Record", Worksource Oregon, 26 April 2019. Web.
Real Estate Development Patterns
The high economic growth periods in the 1920s, 1960s, 1970s, and 1990s saw the most development activity, with new development extending outward from the city centers. Both Eugene and Springfield saw high levels of residential, commercial and industrial development between 2000 and 2006. The late 2000s economic recession severely curtailed new development in almost all segments of the local market area. In the current expansion cycle, there has been a notable increase in development activity, absorption of vacant lots, and lowered vacancy throughout the market area.

Residential Development—
Most of the area's single-family housing was built from 1965 to 1980, and consists primarily of average-quality, ranch-style homes. Residential development slowed during the recession of 1981-83, with new construction gaining speed beginning in 1988 and continuing until the recession in 2007. New single-family homes constructed since 1988 are of generally higher quality than those of the 1970s, with two-level houses more prevalent due to smaller lots. Between 2008 and 2012, building activity fell well below the historic average for single-family homes. Residential building construction has increased more recently, but not to pre-recession levels due mostly to high construction costs and a constrained land supply.

Multi-family development in the area ranges in age from new to 50 years old. Most multi-family structures are wood-frame, garden-court style, suburban apartment complexes. A large number of units were constructed in the 1990s, which resulted in above-average vacancy for an extended period of time as new units were absorbed. Recent building permit data indicates that over 5,000 new apartment units have been constructed in Eugene and Springfield since 2010 with approximately 50% of those units being University of Oregon campus-oriented development. Nevertheless, vacancy has remained low and rents have been increasing, suggesting an under-supply in the market.

Commercial and Industrial Development—
Commercial development includes a central business district in Eugene's downtown core, neighborhood shopping centers, two regional malls, and a large lifestyle shopping center, which account for much of the retail space in the market area. Downtown Eugene contains a large amount of office space with city, county, and federal governments occupying the largest share. The downtown Springfield area has a limited supply of general office space, with government agencies occupying the majority of what is available. Over the past 15 years, newer offices have been developed by owner-occupants in the Coburg Road, Chad Drive, and Crescent Avenue subareas in north Eugene, as well as in the Gateway subarea in northwest Springfield.

The Eugene/Springfield metropolitan area has several established industrial neighborhoods. The West Eugene industrial neighborhood is the largest and most heavily developed industrial area in the city of Eugene. Industrial development is also occurring near Highway 99N/Airport Road, a developing area with a large amount of vacant land. Industrial development in Springfield is located on the south side of South A Street and in areas near Olympic Street and 42nd Street. Between 2005

5. Ibid.
and 2007, prior to the late-2000s recession, industrial development had also been occurring at a historically high level.

**Economic Conditions**

The Eugene/Springfield metropolitan area is the regional hub for manufacturing, services and government in the southern Willamette Valley. The primary trading area population is approximately 220,000, and retail, wholesale, and professional services serve an overall population of approximately 550,000, which includes all of Lane County and portions of neighboring counties. Forest products manufacturing, once a major economic driver in Lane County, has declined over several decades due to changes in forest practices and global economic conditions. Another major industry, recreational vehicle manufacturing, was substantially impacted by the most recent recession, resulting in the closure of several RV manufacturing plants locally. Consequently, Lane County’s economy has diversified to include an increasing number of jobs in service industries such as retail trade, customer service and health care. The area is home to an expanding artisan food and beverage industry. Regional vineyards, breweries, food manufacturers and retailers are proliferating in the Willamette Valley. Ninkasi Brewing, with over 80 local employees, has risen to the third-largest beer producer in Oregon and 32nd in national beer sales, capturing a portion of the $10.2 billion craft beer industry nationwide. It has expanded its brewing and storage capacity in downtown Eugene and extended its distribution network to 14 states and Canada. Other organic and artisan food producers include chocolatiers, dairy producers, and other specialized food makers.

The Eugene/Springfield metro area has seen a gradual but consistent recovery from the Great Recession of the late 2000s. The area hit a peak unemployment rate of 13.2% in 2009 followed by a steady decrease and stabilization through 2019, generally in line with statewide trends as evident on the following chart. After losing approximately 18,000 jobs during the recession, Lane County officially crossed the threshold of the prerecession employment peak in November 2016, having gained back all the jobs lost during the recession. By the end of 2016, Lane County was the 86th fastest growing economy out of 382 metropolitan statistical areas (MSAs) in the U.S. in terms of gross domestic product. That growth was fueled primarily by gains in the professional and business services, financial activities, education and health services industries. The unemployment rate reached a low of 3.7% in January of 2020.

However, in March 2020, the COVID-19 pandemic became a matter of government concern in Oregon. On March 23, the governor’s office issued a Stay Home, Save Lives executive order closing specified retail businesses (including, among others, barber shops and beauty salons, gyms, boutiques, spas, theaters, indoor and outdoor malls, clubs and activity centers). The effect on employment in Oregon was almost immediate. By the end of March, there were 44,000 weekly unemployment claims processed, with many more pending, compared to 3,600 to 3,700 weekly claims at the beginning of the month. By mid-April it is estimated that over 300,000 initial unemployment insurance claims were received in the state of Oregon. The most affected industries to date are the hospitality and food service sectors.

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Transportation
The metropolitan area is served by the Interstate 5 (I-5) freeway, the westernmost interstate freeway system in the U.S., which extends the length of the west coast. This freeway bisects the metropolitan area from north to south and forms the boundary between Eugene and Springfield. Interstate 105 (I-105), an inter-urban freeway, traverses I-5 and connects Eugene and Springfield. Several major state highways pass through the community and provide a direct route of travel to the major markets throughout the region.

The city of Eugene is a major switching area for the Union Pacific and BSNF railroads. Motor freight carriers and the Greyhound bus line also serve the metropolitan area. Eugene Airport, also known as Mahlon Sweet Field, is the fifth-largest airport in the Pacific Northwest and the largest non-hub airport in the nation, providing commercial air service to major cities in six western states.11 The Port of Coos Bay, located 120 miles to the southwest, is the largest deep-draft coastal harbor between San Francisco Bay and Puget Sound, and is Oregon’s second-busiest maritime commerce center.12

Education
The metropolitan area is served by three school districts: Eugene, Springfield and Bethel, containing a total of 35 elementary schools, three K-8 schools, 15 middle schools, seven comprehensive high schools, four alternative high schools, an international high school program on multiple campuses, three K-12 language immersion programs, and a life skills program. There

are six charter schools among the three districts. The area is also served by several parochial and college preparatory schools.

Eugene is the home of the University of Oregon, Lane Community College, Gutenberg College, Northwest Christian University and New Hope Christian College. The University of Oregon (UO) is a four-year state university with an enrollment of approximately 23,000 students. UO has earned national and international recognition for excellence in its law school, business, journalism and music colleges, as well as its chemistry, creative writing, psychology and special education programs.

Lane Community College (LCC), a two-year public college, includes general education courses, lower-division college transfer courses, and occupational training. Over 36,000 students take credit or noncredit classes at LCC, which has the third largest enrollment of credit students of the 17 community colleges in Oregon. The main campus is located in south Eugene. LCC’s new $54 million, 90,000-square-foot Downtown Campus Academic Building opened in downtown Eugene in 2012. It features sustainable construction and design elements, housing for 255 students and a sizable retail space. LCC also offers a Flight Technology Center at the Eugene Airport, community learning centers in Cottage Grove and Florence, and several outreach centers in area high schools and other sites.

Utilities & Community Services

Water and sewerage are provided by local municipalities, while solid waste disposal service falls to various private firms. Eugene Water and Electric Board, Springfield Utility Board, and Northwest Natural Gas serve most areas throughout Eugene and Springfield. The cities have individual police departments and are involved in a phased consolidation of the fire departments, while outlying areas are served by rural fire districts and the county sheriff’s department.

Three hospitals serve the region. Sacred Heart Medical Center at RiverBend, located in the Gateway area of Springfield and operated by PeaceHealth, is licensed for 338 beds and is the only Level II trauma center in Lane County. Sacred Heart Medical Center University District, a 104-bed specialty hospital, is located near the University of Oregon campus in central Eugene. Since the opening of RiverBend in 2008, PeaceHealth has invested substantially in the University District hospital. McKenzie-Willamette Medical Center, an investor-owned acute care hospital licensed for 114 beds, is located in the north-central neighborhood of Springfield.

Additionally, the State of Oregon opened a 211,000-square-foot, 174-bed state psychiatric hospital in Junction City in 2015. In 2016, the U.S. Department of Veterans Affairs opened a 126,000-square-foot hospital in northeast Eugene. The hospital is estimated to have cost $50 million, and services include surgeries, podiatry and dental care. Officials expect to care for close to 14,000 veterans at the new facility.

Government Controls & Regulations

Eugene and Springfield are both governed by a mayor/city council/city manager form of government. Lane County has a commission form of government with five county commission districts. Eugene is the county seat. Oregon and Lane County rely on income and property tax receipts for school, local, state and general funding; there is no sales tax in Oregon.

Oregon has one of the most comprehensive land use planning systems in the United States. The system was established in the early 1970s as a way to facilitate orderly development, control urban sprawl and preserve farmland. Each local government was required to establish an Urban Growth Boundary (UGB) and develop a plan in which growth outside the boundary cannot take place until the interior of the boundary is filled. The State Land Conservation and Development Commission (LCDC) was established to oversee the process. Local planning departments and commissions retain the authority to direct growth in their respective jurisdictions, and adherence to the goals of the statewide land use planning system varies within the state. The State Land Use Board of Appeals (LUBA) was established to settle disputes not resolved at the local level. Citizens may challenge local decisions by appealing to LUBA.

Summary & Trends

Eugene and Springfield are typical western American cities in that they were founded on, and still somewhat depend on, resource-based industries. Major local institutions such as the University of Oregon and government agencies have provided an increased level of stability. The economy has diversified over the past several years and is expected to continue to do so in the future. The local economy tends to parallel national and state business cycles and trends. Overall, the market area is expected to experience continued population growth in the next five years. Historically, real estate values have appreciated and depreciated with the swings of the local economy and the amount of in-migration. Real estate values have appreciated over the most recent economic expansion cycle, with higher transaction volume over the past few years as interest rates have remained low. Stabilization has been noted throughout the market as of the end of 2019 and into 2020.

The pandemic outbreak of coronavirus has negatively impacted financial markets and created an unprecedented spike in unemployment locally and nationally. The long-term effect of social distancing measures is unknown at this stage. Financial stimulus measures are continuing to be debated on the national level. Prior to the statewide emergency declaration, the local market area was continuing in an economic expansion cycle, with steady population growth, rising wages, and modest appreciation of property values. Moving forward, the local area is likely to be more sheltered than national markets from recessionary impacts due to underlying supply and demand fundamentals of the area, but any substantial continued business closures could continue to impact the local economy which would ultimately impact real estate values in a negative way.

Immediate Subject Area—

The Goodwin property is located about 10 miles west of the Eugene city center and about 6 miles west of the Eugene city limits. The majority of residents in the area commute to the Eugene/Springfield area for employment opportunities and local/regional shopping facilities. The smaller rural community of Veneta, with a population of about 4,600, is located about 6 miles to the west, providing some commercial outlets but with a smaller selection and higher prices that found in the larger metropolitan area.

The primary transportation route to and through the area is Highway 126, a state highway leading from the Cascade Mountains through Eugene/Springfield and terminating at the community of Florence on the Oregon Coast. There are a multitude of other east-west routes in the area, but they are longer, slower and more roundabout than Highway 126. The dominant north-south routes
include Territorial Road, extending north and south through Veneta to the surrounding rural areas. Again, there are a multitude of secondary routes, all paved, two lane roads with asphalt surface, providing ingress and egress to and from the subject property. The most common access to Halderson Road is via Highway 126 to Central Road to Cantrell Road to Halderson Road. Halderson Road is a short, paved two lane public right-of-way (about 1.4 miles in length) terminating about 1,200 feet southeast of the Goodwin property.

The property lies within the transition zone between the level areas of the Willamette Valley to the north and east, and wooded hillsides to the south and west. The dominant geographical feature of the area is Fern Ridge Reservoir, located about 1.2 miles north of the Goodwin property on the north side of Highway 126 and extending northerly to Clear Lake Road. Fern Ridge is a flood control dam operated by the Army Corps of Engineers and encompasses more than 12,000 acres. The reservoir is drained during the late fall, and filled by winter and spring rains from local streams such as Coyote Creek from the south, Amazon Canal from the east and the Long Tom River from the southwest. The Long Tom River drains the reservoir at the dam site along the northern boundary of the reservoir. Fern Ridge is a popular recreation site centered on water sports such as water skiing, sailing, fishing and swimming. There are several public marinas along the shores of the reservoir, as well a private sailing club and water ski club.

The Fern Ridge Wildlife Area was created in 1957 via licensing agreement between the U.S. Corps of Engineers and the Oregon Game Commission. The agreement was modified in 1982 and again in 2008, authorizing the state to develop, conserve, and manage all wildlife resources on 5,261 acres of land and water within the Fern Ridge project. Additional acreage was added in 2013 and 2015, and the wildlife area now contains about 5,794 acres, including lands located adjacent to the Goodwin property. The proposed acquisition of the Goodwin property and one other parcel in the immediate area are for the proposed expansion of the Coyote Creek Wildlife Area. Canoeing in Coyote Creek, hiking along Coyote Creek and by various fields and marshes are some of the recreational activities allowed in the wildlife area, as well as bird watching and hunting opportunities on a reservation basis for waterfowl and upland game birds. The aerial photo on the following page shows the location of the Goodwin property is relation to the Coyote Creek Management Area.
The area shaded in yellow represents the majority of the Coyote Creek Wildlife Area.

The neighborhood area is not located within an incorporated community and is not served by public water and sewer. Water is provided by individual wells with waste disposal accomplished by septic tank/drainfield systems. Electricity is provided by the local utility company.

Land uses are somewhat dictated by topography. The level lands in the valley floors are typically utilized for pasture or hay production or grass seed, with the hillside land used as timberland. Both the hillside land and level lands have a dominant use as rural residential. Residential development runs the gamut from small sites with older manufactured homes to larger 30- to 50- acre sites with custom homes. The homes in the immediate area along Halderson Road are rated as average to above average in quality, falling more towards the middle of the market in terms of size and quality. Due to the close-in nature of the neighborhood, many of the development patterns were established long before the more stringent zoning codes were adopted in the late 1970’s and early 1980’s, and it can be difficult to find additional buildable parcels in the immediate area.

In summary, the Goodwin property is well located on a quiet dead-end road within easy driving distance to the metropolitan areas of Eugene-Springfield. The site is surrounding on the north and east by ODFW land utilized in the Coyote Creek Wildlife Management Area, providing additional privacy. There are no adverse neighborhood influences that would have a negative impact on the value of or demand for properties in this immediate area.
History and Ownership Data

The Goodwins acquired the property in 1999, based on the recording of a Deed of Trust filed December 1999. The Goodwins are engaged in a horse boarding, training and mustang rescue/training operation and have constructed multiple outbuildings on the property for that purpose, including an indoor riding arena/barn. The boarding operation provides pasture and open space for the horses, but does not provide full-service care/feeding, with the horses essentially living in the open with shelter space available. The Goodwins lease a 100-acre parcel at the end of Halderson Road which provides hay ground and trail riding opportunities for the boarders. The property has had a maximum of 29 boarders, but the owners are cutting back on the boarding operation and currently have 11 boarders. The boarders are charged $150 per month.

The Goodwins applied for and were approved for a conservation grant from the USDA/NRCS to install a variety of improvements associated with the riding arena, barn and pastures on the north side of the property. These improvements included installation of water catchment troughs to manage rain water into underground drain lines, fencing and cross fencing for rotational grazing, installation of an underground water line for stock watering and fire protection, development of a waste (manure) storage facility and materials/excavation services for foundation development and ground water conservation/control. The grant was for a total of $49,993, of which $44,238 was for improvements to the northern parcel.

The property owners have entered negotiations to sell 40 acres of the northerly portion of the property to ODFW for inclusion into the Coyote Creek Wildlife Management Area. The Purchase and Sale Agreement was effective March 5, 2020, detailing the conditions of the buyer and seller, closing arrangements, etc. The sale will require a lot line adjustment to property north of the acquired property owned by ODFW, which will increase in size by the purchased acreage. Pat Goodwin has been involved with land use issues and applications over the years and is completing the necessary applications to complete the lot line adjustment.

First American Title Insurance Company prepared a Preliminary Title Report for the Goodwin property, dated March 4, 2020, Order #7091-308468 (copy in Addenda). According to the preliminary title report, title to the property is currently vested in:

Roger E. Goodwin and Patricia A. Goodwin as tenants by the entirety

Easements and Conditions of Title

The title report shows 21 exceptions to clear title. Many of these exceptions refer to standard exceptions such as unrecorded leases, liens not of public record, encroachments, etc. The easements and conditions of title that impact uses are as follows:

Exceptions 14 and 15: These two exceptions refer to a powerline easement which crosses over a portion of the Goodwin property at the northwest corner. The first easement (Exception 14) was recorded in 1948, with the Exception 15 expanding the original easement width from 100 feet to 212.5 feet. Exception 15 was recorded in 1962.

Exception 17 thru 20: These exceptions refer to use covenants for agricultural buildings constructed in 2004 and 2013. The covenants state that the buildings will be utilized for agricultural purposes. Exception 19 refers to a Farm and Forest Management easement that essentially says the owners recognize the agricultural and forest zoning on the surrounding properties that the property may be subjected to dust, timber harvest operations, spraying, and other accepted and customary
activities which may conflict with the Grantor’s use of the property for residential purposes. This is a standard document required by all persons building in the farm and/or forest zones.

The exceptions to title do not have any negative impacts on the utility/value of the subject property.

Overall, there are no easements or conditions of title noted that have any negative impacts on the value or utility of the subject property.

**Assessed Value and Annual Tax Load**

The subject property is identified by the Lane County Department of Assessment and Taxation as Map 20-03-25-00, Tax Lot 103 and Map 20-03-24-00, Tax Lot 200. The 2017-18 taxable values are as follows:

<table>
<thead>
<tr>
<th>IDENTIFICATION</th>
<th>REAL MARKET VALUE</th>
<th>ASSESSED VALUE</th>
<th>TAXES</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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<tr>
<td>Totals</td>
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</tbody>
</table>

The above values reflect the entire Goodwin ownership, of which only a portion (40 acres) is the subject of this assignment. The property is specially assessed as forestland and farmland, and additional taxes and penalties may be associated with the property if the use changes.

**Zoning and Land Use Issues**

The southerly portion of the property, containing two residences and multiple outbuildings, is zoned F-2 (Impacted Forestland) by Lane County and codified in the Lane Code Chapter 16.211. The northerly portion of the site north of Halderson Road is zoned E-40 (Exclusive Farm Use, 40 acre minimum parcel size) and codified in the Lane Code, Chapter 16.212.

As will be detailed in a later section, the larger parcel for this assignment is the northerly portion of the site, containing 68.26 acres, located to the north of Halderson Road, zoned E-40. As such, the southerly portion will not be included in the valuation analysis. Therefore, details of the F-2 zoning ordinance are not included in this assignment.

The E-40 zoning ordinance is a long and complicated document, containing 41 pages, a complete copy of which is located in the Addenda. This portion of the appraisal will not describe in detail all facets of the ordinance, but dwell on the applicable portions of the ordinance that apply to the northerly portion of the Goodwin property.

The document provides for a list of outright allowed uses and conditional uses requiring director approval. Outright uses are the uses you would normally see for an agricultural property, consisting of farming operations, possible timber harvest operations, farm stands, irrigation facilities, etc. Special uses requiring Director approval include biofuel manufacture, private and public campgrounds, composting operations, cemeteries, firearms training facility, wineries, agri-tourism and residential uses. The most common questions associated with the Exclusive Farm Use (EFU) ordinance involves the determination of buildability, as this factor can have one of the larger impacts on value.

One of the primary goals of the EFU ordinance is to preserve agricultural land for agricultural use. To reach that goal, limiting the expansion of urban development into rural areas is a key provision.
Furthermore, development of a single-family residence is strictly regulated, essentially dividing residential dwellings into two categories: dwellings customarily provided in conjunction with farm use (farm dwelling) and non-farm dwellings. The ordinance further divides dwelling approval conditions depending on the quality of the soil (high value soils or non-high-value soils), with farm income requirements depending on soil quality ($80,000 per year for two of the last three years for high-quality soils and $32,500 per year for two of the last three years for non-high-value soils).

The first step in qualifying a property for development of a single-family residence is the determination of legal lot status. A legal lot is essentially a parcel that was created prior to the adoption of the existing EFU zoning ordinance or created by a legal partition in accordance with the ordinance after the date of adoption by Lane County. Legal lots can be created in many ways. Prior to the adoption of the EFU ordinance, the transfer of title to properties or portions of properties could result in the conclusion of a legal lot. Defining parcels by separate legal descriptions, such as “Parcel 1” and “Parcel 2” could potentially create a legal lot. Similarly, a parcel divided by a road or highway could result in legal lot status for the individual sites.

In the case of the subject, the property owner is required to complete the land use work necessary to allow the sale of the land to ODFW. Conversation between Lane County Planning and Pat Goodwin have resulted in the following relative to legal lot status:

The northerly portion of the property, based on prior sales of the portions of the property in different configurations, has resulted in the probability of three separate legal lots. The roughly westerly ½ of the northerly parcel, which also included other lands to the north, was acquired in a separate deed in 1910. The easterly ½ of the northerly parcel, which included additional lands to the north, was acquired by a separate deed in 1923. The northerly portions of these deeded parcels was partitioned in 1940 and is now part of the ODFW ownership. An additional deed in 1923 conveyed a 174.24’ x 811’ foot strip along the western border that is now part of the Goodwin ownership, excluding the southerly 50 feet which is the Halderson Road right-of-way.

In summary, according to Pat Goodwin and reportedly verbally agreed to by Lane County in a pre-development meeting, the total northerly parcel is a legal lot of 68.26 acres. Within the total acres there are two legal lots created by the 1920 and 1923 deeds (the east ½ and the west ½). Within the west ½ legal lot is a 174.24’ x 811’ (3.24 acres) parcel, also considered a legal lot.

After legal lot determination, residential dwelling development is contingent on meeting the requirements for development by one of several methods (farm dwelling on high value soils, farm dwelling on non-high value soils or a non-farm dwelling) as permitted in the E-40 ordinance. Legal lot status by itself does not carry with it the right to develop. The possibility for residential development under the various scenarios is summarized below:

**Single 68.26-acre site north of Halderson Road:** Property must meet requirements for farm related dwelling on predominantly high value soils (about 93% of the northerly parcel are Class 2 and 3 soils). Must meet income requirement of $80,000 per year for two of the last three or three of the last five years. Property has not met this threshold and is unlikely to meet threshold. Low probability of success under this portion of the ordinance.

**Either of two sites (eastern ½ and western ½):** Either site must meet income requirement of $80,000 per year as outlined above. It is not probable that smaller sites could meet the income threshold.

**3.24-acre parcel along western edge of property:** LC 16.212(7)(f) allows a farm related dwelling if the soils on the property are “predominantly in capability Classes 4 through 8 as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture.
Soils Conservation Service on October 15, 1983. My scaling of the site based on a dimension of 811’ 175’ feet indicates that 50.3% of the site is Class VI, consisting of the soils on the knoll near the center of the smaller property, with the balance rated as Class III. This does not include those soils that have been compacted to create roads and parking areas and the site includes both Halderson Road, the gravel road from Halderson Road to the riding arena and a portion of the parking area. Overall, the site contains about 45% Class 3 soils, with a predominance of Class 4 and above soils.

It appears the smaller legal lot would meet the criteria for development of a residence, but the larger agricultural portions of the property could not qualify but may well be included with the smaller parcel to create a larger parcel with both a home site and agricultural land.

Site Data

Size—The entire Goodwin ownership contains a total of 93 acres, with 24.74 acres lying to the south of Halderson Road and the balance of 68.26 acres lying to the north of Halderson Road based on a recent acreage calculation utilizing the legal description of the property.

Shape—The site is roughly rectangular in shape and bisected by Halderson Road. There are no adverse shape considerations that impact the utility of the property.

Topography—The topography of the site is reasonably gentle to moderately upsloping from north to south. The pasture area north of Halderson Road ranges from about 380 feet to 420 feet at Halderson Road. The southerly portion has steeper topography, ranging from 420 feet to about 520 feet at the top of a small knoll near the southwest corner of the property.

Soils—A complete soils report and map is located in the Addenda. The soils capability system utilized by the NRCS classifies soils by the designated numbers 1 through 8. Class 1 soils are the best quality soils, with few limitations that restrict use. Class 8 soils, at the low end of the spectrum, have significant limitations that preclude commercial plant production and are generally restricted to recreational purposes or wildlife habitat. The majority of tillable soils in the level areas of the Willamette Valley are generally in Class 1 to Class 3 and utilized for row crops, grains, hazelnut orchards, grass seed and hay. Class 4 soils are utilized primarily for pasture or small grain crops.

The majority of the northerly parcel is Hazelaire silty clay loam, a Class 3 soil. There is a small area of Class 2 soils (Veneta loam) along the northerly boundary and areas of Willakenzie clay loam (Class 3) along Halderson Road. The southerly portion is primarily composed of Willakenzie clay loam of 20%-30% slope encompassing the knoll, a Class 4 soil, with the surrounding soils rated as Class 3.

Water Rights —There are no water rights associated with the subject property. There are two wells on the southerly portion of the property, with a developed water line under Halderson Road leading to the northerly portion for livestock water.

Access—Direct access to the subject property is via Halderson Road, a dedicated County right-of-way 50 feet in width, with a two-lane asphalt surfaced roadway with gravel shoulders. There are two developed driveways to the southerly portion and three developed access points to the northerly portion. The primary access point leads to the riding arena, with the remaining points serving the storage building and general field access. Halderson Road connects to Cantrell Road, which then provides access to Central Road/Highway 126, or a secondary route along K.R. Nielsen Road to Highway 126. Halderson Road dead-ends to the southeast of the Goodwin property and only serves two additional dwellings east of the Goodwin property.

Utilities—The Goodwin property is not located within an incorporated community and public water/sewer are not available. Water is provided by individual wells with waste disposal
accomplished via septic tank/drainfield systems. Electricity is provided by Lane Electric Cooperative. There are two wells on the property and a separate septic system for each of the two dwellings on the property.

**Easements**—Recorded easements were detailed in an earlier section. There is a BPA powerline easement across the northwest corner of the site, but no other utility easements are noted.

**Surrounding Ownerships**—Rural residential ownerships are located to the west, south and east of the southerly portion of the Goodwin Property. The northerly portion is surrounded by ODFW ownership to the south and east, with private rural residential ownership to the west.

**Fencing**—The entire property is fenced and cross-fenced, allow for rotational grazing.

**Timber**—There are scattered trees on the southerly portion of the property but no merchantable timber is concluded.

**Environmental Conditions**—A Level I environmental inspection has not been completed on the subject property. No evidence of hazardous material was present during the physical inspection of the property. Given the location of the property and uses of the surrounding sites, it is unlikely that hazardous materials would have migrated to the subject from adjacent sites. However, the appraiser is not an expert in this field, and further research by a qualified individual would be necessary to determine if any hazardous materials exist on the property. The General Assumptions include an assumption that the subject is not impacted by the presence of hazardous waste.

**Improvements**—The southerly portion of the property is improved with two dwellings and multiple outbuildings. The northerly portion of the property contains three outbuildings which are the most significant improvements related to the use of the as an equine boarding facility. The largest structure is a wood-frame/metal clad barn/indoor riding arena, constructed in 2003-2004. The building measures 84’ x 120’ or 9,600 square feet. The riding arena measures 60 x 120’, with the remaining area utilized for stalls and tack room. The stall space is limited as the horses are turned out the majority of time into the pasture areas and are provided covered areas. Maximum stall space is 7 stalls.

A wood frame/wood-clad barn is located adjacent to Halderson Road, measuring 60’ x 36’ or 2,160 square feet. Additional stalls could be developed within the barn in conjunction with hay storage and tack room area.

A manure storage facility measuring 24’ x 36’ (864 square feet) is located to the east of the wood barn. This wood frame/metal clad structure provides a covered area for horses and an enclosed concrete floored area for manure storage. The building was designed with a drainage system to control run-off. This facility was constructed with funds included in the NRCS grant in 2003-2004.

As will be detailed in the following section, the larger parcel is defined as the northerly portion of the Goodwin ownership. The southerly portion contains the existing dwellings and multiple outbuildings, but the improvements are not described in detail as the improvements are not valued in this assignment.
HIGHEST & BEST USE

The term “Highest and Best Use” is defined in the UASFLA as, “The highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future…”

The first step in the analysis of highest and best use is the determination of the larger parcel. The larger parcel is defined as, “that tract or those tracts of land which possess a unity of ownership and have the same, or an integrated, highest and best use. Elements of consideration to be utilized by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.” The purpose of the analysis of the larger parcel is to determine any potential impacts to contiguous co-owned property by the sale or transfer of rights to only a portion of the ownership.

The Goodwin property has the potential to be partitioned separating the northerly and southerly portions along the Halderson Road right-of-way. According to Pat Goodwin, there is the potential to further divide the southerly portion due to additional legal lots. I have reviewed the legal lot requirements and the deeds referenced in the earlier conveyances and concur that there is a high degree of probability the northerly portion can be partitioned from the total 93-acre parcel. The northerly portion has the potential to create a home site on a 3.24 acre portion of the property (3.04 net acres excluding Halderson Road right-of-way) and combine the home site with the remaining 65.22 acres to create a large 68.26-acre home site which would include the riding arena, barn and storage building. The partition would not impact the remaining southerly portions of the property, as the only common factor linking the two portions of the site is the extension of water to the northerly portion from the well(s) on the southerly portion and a new well would be likely on the northerly portion as part of any future development, alleviating any need for an easement to utilize water from the southerly portion. A review of well logs in Section 2, on file with the Oregon Water Resources Department indicates volumes of 7 to 28 gallons per minute were found at depths of 75 to 280 feet. Expanding the area to include Sections 1 and 3 in Township 18S Range 5 west resulted in about 60 well logs, with volumes ranging from 4 to 50 gallons per minute at depths in a similar range (75 to 280 feet). Therefore, it seems probable that a well on the northerly portion of the property would be likely to find adequate volumes at reasonable depths.

Utilizing just the northerly portion as the larger parcel (68.26 acres), the sites share contiguity/proximity and unity of ownership, but do not have an integrated highest and best use. Separating/partitioning the property creates additional value for home site use on the northerly parcel. Both the north and south parcels can operate independently of one another.

In order to pass the test of highest and best use, a property’s use must be legally permissible, physically possible, and financially feasible or marketable. Therefore, in the measurement of highest and best use, the ability of the subject property to meet these criteria was analyzed. The analysis includes the property both before and after the potential partial acquisition of 40 acres by ODFW.

Before Situation
Legal Considerations—
Legal considerations generally focus on the zoning ordinances which dictate development of the site. The implications of the EFU zoning district were detailed in an earlier section. All farm uses are allowed the EFU zone, with residential development only allowed under a variety of strict criteria generally based on soil quality and the ability of the property to meet prescribed income levels from farm operations. A legal lot analysis indicated the probability of developing a building site on the northerly parcel, and combining the non-buildable pasture lands with the home site to create a single...
68.26-acre parcel that would include the barn/riding arena, separate storage building and animal shelter/manure storage facility.

Overall, the legal considerations suggest a highest and best use of the larger parcel as a 68.26-acre parcel with one homesite of about 2.00 acres of low quality hillside soils and about 66.26 acres of fenced and cross-fenced pasture as well as the barn/riding arena and two other storage buildings.

**Physical Considerations—**
The physical characteristics of the subject site have been described in a prior section, with limited information relative to the structures as the value of the improvements is not impacted by the proposed partial acquisition. In summary, the site contains a small knoll of about 2.00 acres at the southwest corner, with about 66.26 acres of fenced and cross fenced pasture including the areas utilized for the outbuildings/arena. The property has been utilized in conjunction with the remaining Goodwin ownership, but could operate independently. The site and improvements indicate the probable use of the property for rural residential use with an equine component, utilizing the riding arena/barns and other improvements that were designed and constructed with that purpose/use in mind.

**Financial Considerations—**
Financial considerations generally refer to the supply and demand factors which apply to the probable highest and best use of the property as indicated by the legal and physical considerations.

The Regional Multiple Listing Service was queried under three separate criteria to determine the supply/demand factors for rural residential properties (lots and land, no improvements). The first query asked for all sales between $200,000 and $800,000 since January 2018. The query defined 4 rural areas surrounding Eugene, and returned the following statistics:

- Number of Sales: 44
- Average Sales Price: $316,929
- Sale Price/Listing Price %: 97.73%

Acreage size was not a criterion in the above data, so the sales reflect parcels ranging from about 5 acres to 200 acres. The second query asked for sales of lots and land between 25 and 49.99 acres for the same timeframe and returned the following data:

- Number of sales: 7
- Average Sales Price: $345,143
- Average Days on market: 91
- Sale Price/List Price %: 92.65%

The third query increased acreage size for sales between 50 and 100 acres, and returned the following data:

- Number of Sales: 8
- Average Price: $313,000
- Average Days on market: 68
- Sales Price/List Price %: 91.47%

In terms of listings, there are currently 5 listings between 25 and 50 acres, with an average list price of $454,400. Increasing the size criterion to 50-100 acres yielded 3 active listings with an average list price of $383,000.

The RMLS data clearly indicates an active market for rural lands, particularly in the smaller size parcels of less than, say, 10 acres. As the size increases, there are fewer sales and available listings, which supports the contention of most realtors that larger rural residential sites are difficult to find.
in close proximity to Eugene/Springfield, with the majority of larger site located in more rural areas that are less desirable for residential use. There is a relative scarcity in the supply side due to the restrictive zoning ordinances that have made it very difficult to establish residential use on many smaller timber or agricultural sites.

The decrease in the average price for properties between 50 and 100 acres compared to properties between 25 and 50 acres in size is generally due to the location and type of larger parcels included in the search. Several larger parcels of logged-over timber land were displayed in the data, with no development potential and lower prices compared to developable rural sites.

**Highest and Best Use Conclusion, Before Situation—**
Based on the above data, the concluded highest and best use of the subject property is as a single 68.26-acre rural residential home site/agricultural property, providing about 66.26 acres of fenced and cross fenced pasture.

**After Situation**
In the after situation, the total site area will be 28.26 acres, assuming the acquisition of 40 acres by ODFW. The same analysis as completed in the before situation is necessary in the after situation.

**Legal Considerations—**
The reduction in size from 68.26 acres to 28.26 acres does not have an impact on the allowed uses of the parcel. The small portion of the site which qualifies for a dwelling in the before situation would continue to qualify in the after situation.

**Physical Considerations—**
The physical characteristics of the property are altered by the proposed acquisition, specifically the reduction in size from 68.26 acres to 28.26 acres. This reduction in size raises a question relative to the contributory value of the large riding arena/barn in the after situation. To address the issue, I have reviewed multiple equine properties with large barns/riding arenas with a focus on the size of the acreage supporting the improvements. The results of the research are as follows:

**The Can Do Ranch**, located at 29093 Milliron Road in Junction City, was developed in 2004 as an equine facility featuring a 6,000-square-foot barn with 17 stalls, 9 outdoor paddocks, tack room and office space, as well as an outdoor riding arena and pole building. The site contained 38.5 acres, with about 10 acres dedicated to the structures, outdoor arena and parking areas. The balance of the land was utilized for hay production. This facility closed and was sold in 2018. It was reported that the inability to establish a dwelling on the property was a significant issue for the prior owner.

**Lakeview Stables**, located at 27837 Royal Avenue is a boarding and training facility providing partial care and full care facilities. There are two partial care barns and a full care barn, as well as in indoor and outdoor riding arena. The site contains just under 34 acres, with the facilities containing about 30,000 square feet and about 40 stalls.

**Whispering Meadows Equestrian Center** is located at 29105 W. Meadowview Road in Junction City. The facility offers full and partial care, with 47 stalls, outside paddocks and both indoor (8,640 square feet) and outdoor (29.250 square feet) riding arenas. The facility is located on a 40-acre site.

**The Case Ranch** is located at 89626 Territorial Road in Elmira, on the west side of Fern Ridge Reservoir. The site contains just over 33 acres and is improved with a large indoor arena, 6 stall barn and three round pens. The site is fenced and cross fenced. This is a natural boarding facility, allowing horses to interact without being stabled in individual stalls.
I have also reviewed data of smaller parcels not associated with a boarding operation that have larger indoor arenas, finding several in the 5-20 acre range with the riding arena utilized primarily by the owner. Though not common, specifically designed equine facilities featuring barns and arenas are designed for both personal use and for commercial boarding operations. The contributory value of the arenas and barns varies with quality and condition, and past data as well as broker comments indicates that value and cost are not necessarily connected, as is typical for many specialized improvements.

The type of boarding offered by the individual stables has a major impact on the acreage needed. Natural boarding facilities have fewer stalls as the horses are not kept in stalls at night, whereas other boarding facilities stable horses at night and require larger barns. Both styles of boarding facilities usually have an indoor arena. Natural boarding facilities have fewer horses and generally charge less per month ($150 to $185 per month), where full and partial care facilities with individual stalls charge in the $185-$350 per month range depending on the array of services provided. Full care boarding facilities typically have a higher capacity than a natural boarding facility of the same acreage.

The Goodwin property has a six stall barn, that could be increased to 8 stalls by partitioning several of the larger stalls. This is a natural boarding facility, with horses generally kept outside or free to roam. By comparison, Lakeview and Whispering Meadows have 40+ stalls and stable the horses at night. The Case Ranch, which is most similar to the Goodwin property, has six stalls and is a natural boarding facility.

The cited facilities range in size from 33 to 40 acres, with the Goodwin site in the after situation containing 28.26 acres. Overall, the level of facilities and acreage on the Goodwin property are similar to the facilities/acreage of other equine facilities, and the data leads to a conclusion that a reduction in acreage from 68.26 acres to 28.26 acres will not have a negative impact on the utility/value of the improvements on the site (indoor arena, barn, etc.), but would impact the ability to board a larger number of horses due to the reduction in acreage. In other words, the change in acreage as a result of the ODFW acquisition will not damage the value of the improvements; whatever improvement value existed in the before value would exist in the after value.

Therefore, legal and physical consideration support a highest and best use in the after situation as a rural residential property with an equine component, comparable to the highest and best use in the before situation but at a smaller scale due to the reduction in acreage.

The potential sale of 40 acres creates a second change in physical characteristics to be addressed in the valuation. In the before situation, the site is perimeter fenced and cross fenced. In the after situation, the remainder property will not have fencing on the north boundary (southern boundary of the proposed 40 acre acquisition). Measurements of the proposed acquisition indicate the boundary contains 1,860 feet. The cost of fencing this boundary is considered in the after valuation.

**Financial Considerations**—
The supply and demand data utilized in the before situation included data relevant to an acreage size similar to the size of the Goodwin site in the after situation (28.26 acres). Supply and demand factors seem to be in balance or slightly tilted towards an under-supply, with an active market.

**Highest and Best Use Conclusion, After Situation**—
Based on the above data, the concluded highest and best use of the subject property in the after situation is as a single 28.26-acre rural residential home site/agricultural property with an equine component.
**APPRAISAL PROCESS**

The next portion of this appraisal process deals directly with the valuation of the property. There are three common appraisal techniques that can be utilized in the valuation of real property, and, depending on the nature of the property being appraised, the use of one or all of the approaches may be valid.

The Cost Approach is based upon the principle that the value of the property is significantly related to its physical characteristics, and that no one would pay more for a project than it would cost to build a like project in today’s market on a comparable site. In this approach, the market value of the site is estimated and added to the estimated value of the improvements.

The Income Approach is based on the premise that commercial properties are income producing, and that investors purchase these properties based on their income-producing ability. In the Income Approach, market rent is established for the subject property, net operating income (NOI) is calculated by deducting typical operating expenses, and a market-derived capitalization rate is applied in order to convert the estimate of NOI into value.

The Sales Comparison Approach is based on the principle of substitution. This principle states that no one would pay more for the subject property than the value of a similar property in the market. In active markets with a large number of physically similar comparables, this approach is generally considered to be a good indicator of value. However, the use of this approach is limited, because many properties have unique characteristics that cannot be accounted for in the adjustment process. In addition, market data are not always available. Both of these factors may reduce the validity of this approach.

In this assignment, the Sales Comparison Approach will be the sole valuation technique/methodology utilized to estimate market value. As there are no improvements to be valued as the improvement value is not subject to change and no improvements are being acquired, the Cost Approach is not a relevant valuation approach. The Income Approach is typically utilized for income-producing properties similar to office buildings, warehouses, apartments, etc., and is not typically utilized for land, although there is some relevance if buyers and sellers in the market are utilizing land rent as part of the decision making process. However, this is not a typical valuation approach for rural residential sites and the Income Approach is not utilized in this analysis.

The omission of the Cost Approach and the Income Approach does reduce the credibility or reliability of the value estimate via the Sales Comparison Approach.
SALES COMPARISON APPROACH

The Sales Comparison Approach is based on the principle that an informed purchaser would pay no more for a property than the cost of acquiring an existing property with the same utility. There are various means of utilizing this approach to value. In most cases, a common unit of comparison is established that is utilized by participants in the market. For various types of rural acreage, the most common unit of comparison is the price per acre, which is utilized in this analysis.

As the purpose of this appraisal is to estimate the contributory value of the 40 acres to be acquired by ODFW, the valuation will estimate the value of the property as a 68.26-acre parcel (before value) and as a 28.2-acre parcel (after value). The difference between the two value conclusions represents the value of the land to be acquired.

The sales data includes sales of rural property with no home site potential, sales of smaller homesties with which to estimate the contributory value of development rights associated with the Goodwin property, and sales of properties that are similar in all respects except for size. These sales were analyzed to determine the contribution of additional acreage above and beyond the home site value.

Land Value Estimate

The sales detailed on the following pages were utilized to estimate the market value of the subject site.
**LAND SALE 1**

**Location:** 
Adjacent to south of 89635 Territorial Highway, Elmira, Lane County, Oregon

**Assessor ID:** 
Map 17-05-18, Tax Lot 500

**TRANSACTION—**

**Grantor:** Sandra Ryan, Rebecca McHolic and William A. McHolic as to a 1/3 interest; Stephen Scarborough and Allison Scarborough, Trustees of the Stephen and Allison Scarborough Trust of 2017, as to a 1/3 interest and Caron Harrang, Jeffrey Harrang, Kevin Harrang and Signe Wright as to a 1/3 interest.

**Grantee:** TD Robertson, LLC

**Date:** May 4, 2020

**Sale Price:** $275,000

**Recording:** 2020-021897

**Terms:** Cash to seller

**REAL ESTATE—**

**Site—**

**Land Area:** 50.36 acres

**Zoning:** EFU-40
Property Description
This 50.36-acre parcel is located on the west side of Fern Ridge Reservoir, adjacent to the south of 89635 Territorial Highway. The site is slightly irregular in shape, with about 1,120 feet of frontage on the east side of Territorial Highway. The eastern boundary borders land in the ownership of the Corps of Engineers which abuts Fern Ridge Reservoir; the property has no direct frontage on Fern Ridge. About 21 acres of the property are tillable, with a limited history of hay/wheat production under lease to a nearby farmer. The latest crop was peas. Aerial photography over the years does not indicate much active farming on the property prior to 2011. The remaining portions of the property are wooded or pasture, with some marshy areas. The site is generally level, with a slight slope towards Fern Ridge Reservoir from Territorial Highway.

Soils on the property are 84% Class 2 and 16% Class 4. The Class 4 soils contain the majority of the low-lying marshy areas.

At the time of sale, the property did not have a permitted access point off of Territorial Highway, with access provided by the neighboring property owner. Lane County indicated that an access permit would not be difficult to obtain and the buyer anticipates creating a new access point off of Territorial. The buyer is a local farmer who plans to continue farming the property.

The site is zoned for farm use, and there is no approved home site for a dwelling on the property. The property is rated as high-value farmland, and the owner must show an income from farm operations of $80,000 per year for the property for 2 of the last 3 years or three consecutive years. It will be difficult to qualify this site for a dwelling and no value was attributed for home site use.

The selling broker was asked if there were different values associated with the tillable/non-tillable areas of the property. Mr. Andersen stated he had not separated the site into separate values. The listing agent indicated she believed the 21 acres of tillable Class 2 land were valued at $7,500 per acre, with the remaining 29.36 acres equally valued at the remainder price. The sale price allocations is as follows:

- 21 acres tillable land at $7,500 per acre: $157,500
- 29.36 acres at $4,002 per acre: $117,500
- $275,000

The sale price equates to an average price of $5,461 per acre

The property was listed for one day at $275,000, with a full price offer. The selling agent had worked with the buyer in other transactions and was focused on this area for agricultural land.

Confirmation: Lisa Johnson, listing broker with Horsepower Real Estate
541-510-4601
Dennis Andersen, selling broker with Dennis Andersen Real Estate
541-521-0248
LAND SALE 2 (PENDING SALE)

Location: West side of Territorial Highway at its intersection with Franklin Road near the unincorporated community of Franklin, Lane County, Oregon. The property is about 3 miles north of Fern Ridge Reservoir.

Assessor ID: Map 16-05-28, Tax Lot 1400

TRANSACTION—

Owner: Jack Vollstedt Trust
Date: Listed in November 2019 at $320,000, accepted offer on 3/13/2020
Offer: Between $300,000 and $310,000
Terms: Cash to seller

REAL ESTATE—

Site—

Land Area: 58.55 acres
Zoning: EFU-40

Property Description
This 58.55 acre parcel is located on the west side of Territorial Road near the small community of Franklin. The site is slightly irregular in terms of shape, with about 54.35 acres of cleared pasture and 4.2 acre of wooded riparian area surrounding a small creek. The property has a history of cattle...
grazing. There are no improvements on the property other than perimeter and cross fencing dividing the site into five separate pasture areas. The site is generally level. Soils on the property are 51% Class 3 and 49% Class 4.

There is no established home site on the property. The property is rated as predominantly high-value farmland, and the owner must show an income from farm operations of $80,000 per year for the property for 2 of the last 3 years or three consecutive years. It will be difficult to qualify this site for a dwelling and no value was attributed for home site use.

The broker was unable to reveal the pending sale price, but did indicate that a range of $300,000 to $310,000 would be appropriate, indicating the following per acre range:

- $300,000 = $5,129 per acre
- $310,000 = $5,294 per acre

The broker did not allocate any separate values to open pasture and treed riparian area. Typically, the open pasture would have a higher value than the small riparian area acreage. The sale is contingent on legal lot verification through Lane County, and the sale should close in about 2 months.

The seller had acquired this site in June of 2011 at a price of $250,000 or an average of $4,270 per acre.

**Confirmation:** Dennis Andersen, listing broker with Dennis Andersen Real Estate  541-521-0248
Sales Comparison Approach
**LAND SALE 3**

**Location:**
29093 Milliron Road, Junction City, Lane County, Oregon

**Assessor ID:**
Map 16-04-20, Tax Lot 3000

**TRANSACTION**
- **Grantor:** Can Do Ranch Properties, LLC
- **Grantee:** Valley Pine natives, LLC
- **Date:** August 8, 2018
- **Sale Price:** $350,000
- **Terms:** Cash to seller

**REAL ESTATE**
- **Site**
  - **Land Area:** 38.5 acres
  - **Zoning:** EFU-40

**Property Description**
The square-shaped property is located just west of Highway 99 off of Milliron Road, about 3 miles south of downtown Junction City. When the State of Oregon acquired the site south of Junction City for the state mental hospital, a long swath of property was brought into the city limits to be able to provide city water and sewer to the planned facilities. The properties just west of this sale property were included in the Urban Growth Boundary and could be annexed into Junction City at any point in time, and have been designated for commercial use in the city development plan. The sale property
is not within the UGB but abuts the UGB along its eastern border. However, given the large amount of land brought into the UGB when the mental hospital site was approved, it is unlikely that any additional land will be brought into the UGB for several decades.

This site was acquired by the Can Do Ranch LLC in June 2004 for $250,000 for development of an equine facility. The soils on the site are 96% Class 4 and 4% Class 2, and the site has a history of hay production. The site is level with no unusual features. Electrical utilities were extended to the site, as well as natural gas. A well was installed and a septic system developed for waste disposal. A 6,000-square-foot barn with 17 stalls, 9 outdoor paddocks, tack room and office space was developed, as well as an outdoor riding arena and pole building.

There was no approved home site for this property. All of the utilities were installed for the equine facility and efforts to gain approval for a dwelling were not successful.

The property was placed on the market in 2016 at an asking price of $425,000. The price was slowly reduced, and the property sold for $350,000 after 888 days on the market. The buyers acquired the property as an investment.

Discussions with the selling broker indicated the following price allocation:

- 38.55 acres at $6,500/acre: $250,575
- All improvements and utilities: $99,425

The broker believed the current land value would be about $8,000 per acre, partly due to the location adjacent to the UGB and the availability of natural gas to the site. The hemp industry is expanding in Oregon and natural gas is the favored fuel in the drying process.

**Confirmation:** Lisa Johnson, selling broker with Horsepower Real Estate 541-510-4601
Sales Comparison Approach
Location: 36983 Wallace Creek Road, Springfield, Lane County, Oregon,

Assessor ID: Map 18-02-15, Tax Lot 101

TRANSACTION—
Grantor: Douglas Wolf
Grantee: Travis and Demi Joseph
Date: March 19, 2020
Sale Price: $375,000
Terms: Cash to seller. Seller contributed $5,000 towards buyers closing costs for a cash equivalent price of $370,000.

REAL ESTATE—
Site—
Land Area: 31.4 acres
Zoning: F-2

Property Description
This 31.4-acre rural residential parcel is located in Jasper Estates, a multi-lot rural residential development about 4.2 miles south of the intersection of Bob Straub Highway and Main Street, south of Springfield. This is a gated community, with parcels generally ranging between 5 and 30 acres, is
a popular development, located close to town, within the Pleasant Hill School District and improved with very good quality homes.

This site contains 31.40 acres and included a well, septic approval and electrical service to the home site. The property was originally listed at $550,000 in January 2016, reduced to $450,000 and taken off the market with no offers, in December 2016. The property was relisted in October 2018 at $475,000, eventually reduced to $399,000 and sold for $375,000 after 406 days on the market. At the reduced listing price of $399,000, the marketing/exposure time was about 240 days until closing and about 150 days to the accepted offer.

**Confirmation:**
Amy Dean, listing broker with Amy Dean Real Estate  541-554-4442
LAND SALE 5

Location: 36991 Wallace Creek Road, Springfield, Lane County, Oregon

Assessor ID: Map 18-02-11, Tax Lot 1604

TRANSACTION
Grantor: David Smejkal
Grantee: David Peacher
Date: July 16, 2019
Recording: 2019-29517
Sale Price: $296,500
Terms: Cash to seller

REAL ESTATE—Site—
Land Area: 10.3 acres
Zoning: F-2, Impacted Forest Land

Property Description
This 10.3-acre rural residential site is located in Jasper Estates, a multi-lot rural residential development about 4.2 miles south of the intersection of Bob Straub Highway and Main Street, south of Springfield. This is a gated community, with parcels generally ranging between 5 and 30 acres, is
a popular development, located close to town, within the Pleasant Hill School District and improved with very good quality homes.

This parcel included a well, septic approval and electrical service to the home site. The site is gently sloping, with good local views. The property was listed for $299,000 and sold for $296,500 after 101 days on the market.

**Confirmation:** Amy Dean, listing broker with Amy Dean Real Estate  541-554-4442
**LAND SALE 6**

**Location:** 36993 Wallace Creek Road, Springfield, Lane County, Oregon

**Assessor ID:** Map 18-02-15, Tax Lot 104

**TRANSACTION—**
- **Grantor:** David Smejkal
- **Grantee:** Lawrence and Marie Longworth
- **Date:** July 11, 2019
- **Recording:** 2019-28758
- **Sale Price:** $269,000
- **Terms:** Cash to seller

**REAL ESTATE—**
- **Site—**
  - **Land Area:** 6.0 acres
  - **Zoning:** F-2
Property Description
This 6-acre rural residential site is located in Jasper Estates, a multi-lot rural residential development about 4.2 miles south of the intersection of Bob Straub Highway and Main Street, south of Springfield. This is a gated community, with parcels generally ranging between 5 and 30 acres, is a popular development, located close to town, within the Pleasant Hill School District and improved with very good quality homes.

This site was improved with a well (shared with adjacent property owner), septic approval and electrical service to the home site at the time of sale. The site has a good view with gentle topography. The property was listed for $269,000 and sold for full price after 62 days on the market.

Confirmation: Amy Dean, listing agent and Marc Setchko, forester
**LAND SALE 7**

**Location:** Sproat Ranch Estates, Veneta, Lane County, Oregon

**Assessor ID:** Map 17-05-30, Tax Lots 1300 through 2100

**Property Description:** Sproat Ranch Estates is a 9-unit subdivision located off of Jeans Road in Veneta. Lots 1 and 2 are within the city limits of Veneta, with Lots 3 through 9 located in the jurisdiction of Lane County. Lots 3-9 are served by individual installed wells, have septic approval and underground utilities to each site. The County portion of the property is zoned RR-2, a rural residential zoning allowing for 2-acre home sites. The sites are level, and partially wooded. The properties on Jeans Road leading to Sproat Ranch Road are industrial in nature, and those sites closest to Jeans Road are negatively impacted by the industrial setting. The lots near the northern boundary of the development (Lots 6, 7, 8 and 9) are the more desirable lots in the development. The area to the north of Lot 9 is within the Fern Ridge Wildlife Management Area (Applegate Unit).
The following chart details the sales of Lots 6 through 9:

<table>
<thead>
<tr>
<th>LOT NO.</th>
<th>SIZE</th>
<th>DATE OF SALE</th>
<th>SALE PRICE</th>
<th>GRANTOR/GRANTEE</th>
<th>RECORDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>2.07 acs.</td>
<td>12/3/2019</td>
<td>$159,000</td>
<td>McDougal/Burns</td>
<td>2019-55233</td>
</tr>
<tr>
<td>7</td>
<td>2.03 acs.</td>
<td>10/23/2019</td>
<td>$159,000</td>
<td>McDougal/Mekkadath</td>
<td>2019-48732</td>
</tr>
<tr>
<td>8</td>
<td>2.05 acs.</td>
<td>2/27/2019</td>
<td>$169,000</td>
<td>McDougal/Burrows</td>
<td>2019-7510</td>
</tr>
<tr>
<td>9</td>
<td>2.06 acs.</td>
<td>8/13/2018</td>
<td>$180,000</td>
<td>McDougal/Horn</td>
<td>2018-37861</td>
</tr>
</tbody>
</table>

Lots 8 and 9 were the first lots sold in the development and are considered the two best lots due to the distance from Jeans Road. Lot 8 was on the market for 186 days; Lot 9 was on the market for 46 days. Lots 6 and 7 had marketing/exposure times of 434 and 436 days, respectively. The terms of sale were cash at closing. The asking prices were $164,000 for Lot 6, $169,000 for Lot 7, $179,000 for Lot 8 and $189,000 for Lot 9.

**Confirmation:**
Mick Cates, Listing broker with Re/Max Integrity Real Estate
541-914-2605
Sales Comparison Approach
**LAND SALE 8**

**Location:** 37626 Upper Camp Creek Road, Springfield, Lane County, Oregon

**Assessor ID:** Map 17-02-24, Tax Lot 2300

**TRANSACTION—**
- **Grantor:** Phillip and Tammy Dean
- **Grantee:** Willie and Tambolina Davis
- **Date:** June 5, 2019
- **Recording:** 2019-22003
- **Sale Price:** $202,500
- **Terms:** Cash to seller

**REAL ESTATE—**
- **Site—**
  - **Land Area:** 4.52 acres
  - **Zoning:** RR-2

**Property Description**
This 4.52-acre parcel is located at 37626 Upper Camp Creek Road, about ½ mile north of its intersection with Camp Creek Road and about 4 miles west of Walterville. The site is generally level pasture, with some wetland issues along the eastern boundary, with 1.05 upland acres along Upper...
Camp Creek Road suitable for development without incurring any wetland mitigation costs. The site sold for $202,500 after 257 days on the market at an original listing price of $249,000. There is a high producing well/pump on the property producing 50 gallons per minute. The site is septic approved and has power at the property line. A deed restriction requires a stick-built home with a minimum of 1,800 square feet (no manufactured homes).

**Confirmation:** Marcia Edwards, listing broker with Windemere Real Estate
541-465-8103
Sales Comparison Approach
Sales Location Maps
The sales on the prior pages are summarized on the following chart:

### SALES SUMMARY CHART

<table>
<thead>
<tr>
<th>SALE NO.</th>
<th>DATE OF SALE</th>
<th>SALE PRICE</th>
<th>SIZE</th>
<th>OVERALL $ PER ACRE</th>
<th>ALLOCATED LAND VALUE PER ACRE</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/4/2020</td>
<td>$275,000</td>
<td>50.36 acs.</td>
<td>$5,461</td>
<td>Tillable: $7,500 Brushy: $4,002</td>
<td>Frontage on Corps of Engineer land along west shore of Fern Ridge Reservoir. 84% Class 2, 16% Class 4 soils. No water rights.</td>
</tr>
<tr>
<td>2</td>
<td>Pending 5/2020</td>
<td>$300,000-$310,000</td>
<td>58.55 acs.</td>
<td>$5,129-$5,294</td>
<td>Cleared land: $5,400-$5,500</td>
<td>Equal parts Class 3 and Class 4 soils. Grazing and pasture land with no homesite approval. 54.35 cleared acres with 4.2 acres in wooded acres with less utility and value. No water rights.</td>
</tr>
<tr>
<td>3</td>
<td>8/8/2018</td>
<td>$250,575 (land only)</td>
<td>38.5 acs</td>
<td>$6,500</td>
<td>$6,500</td>
<td>Prior equestrian facility adjacent to Junction City UGB. 96% Class 4 soils. Sold to an investor involved with the nursery business. No water rights.</td>
</tr>
<tr>
<td>4</td>
<td>3/19/2020</td>
<td>$375,000</td>
<td>31.4 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000 29.4 acs. @ $4,592/ac</td>
<td>Large home site in Jasper Estates. Full level of utilities. Good view.</td>
</tr>
<tr>
<td>5</td>
<td>7/16/2019</td>
<td>$296,500</td>
<td>10.3 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000 8.3 acres @ $6,807/ac</td>
<td>Medium sized rural residential home site in Jasper Estates. Full level of utilities. Good view.</td>
</tr>
<tr>
<td>6</td>
<td>7/11/2019</td>
<td>$269,000</td>
<td>6.0 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000 4 acres @ $7,250/ac</td>
<td>Smaller rural residential home site in Jasper Estates. Full level of utilities, Good view.</td>
</tr>
<tr>
<td>7</td>
<td>12/3/2019</td>
<td>$159,000</td>
<td>2.07 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td>Roughly 2 acre home sites in a newer subdivision off of Jeans Road. Water and electricity at each home site and all sites approved for septic.</td>
</tr>
<tr>
<td></td>
<td>10/23/2019</td>
<td>$159,000</td>
<td>2.03 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2/27/2019</td>
<td>$169,000</td>
<td>2.05 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/13/2018</td>
<td>$180,000</td>
<td>2.06 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>6/5/2019</td>
<td>$202,500</td>
<td>4.52 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td>Wetlands along eastern boundary. Good quality home site in popular Upper Camp Creek location.</td>
</tr>
</tbody>
</table>
The sales utilized in this assignment consist of three (3) sales of rural acreage with no home sites ranging in size from 38.5 acres to 58.55 acres (Sales 1, 2 and 3), three (3) sales of rural acreage with home sites in the same development (Sales 4, 5 and 6) and two sales covering 5 separate smaller rural residential home sites (Sales 7 and 8). The sales allow the development of an opinion of market value of the subject larger parcel in the before and after situation.

**Adjustment Analysis**

**Market Conditions**— The sales data occurred between late 2018 and mid-2020. Rural residential lands have been appreciating since about 2012 after declining by 30%-40% between 2008 and 2012. The market has been stable over the last 8-10 months after annual increases of over 10%. According to local realtors active in the market, values between mid-late 2019 and May 2020 would likely be unchanged. As the data contains very recent sales and mid-to-late 2019 sales, no specific time adjustment is made, other than to conclude that the more recent sales are given more weight than sales occurring in 2018 or early 2019.

**Location**— The majority to sales are located in comparable areas with similar demand factors. Sale No. 3, located adjacent to the Junction City UGB, is considered to be superior to the Goodwin site overall, however it is unlikely the site will have any significant development opportunities in the immediate future. However the site is connected to natural gas, which is a superior feature. Overall, the broker believed the site to be about $2,000 per acre superior to an agricultural site not located in close proximity to the UGB and not served by natural gas. Sales No. 4, 5 and 6 are superior to the subject in terms of residential home site value. These sales are located in a gated community with very good quality homes, some exceeding $1,000,000 in value/price. Smaller 2-3 acre home sites in the adjacent development transacted at $240,000, which was stated as the contributory value of a 2 acre home site on the larger sales within Jasper Estates. By comparison, the 4 sales contained within Sale No. 7 transacted at $159,000 to $180,000 for home sites of just over 2 acres. In the estimate of home site value for the Goodwin property, Sales 4, 5 and 6 are considered to be $75,000 superior to the Goodwin home site value, with the sales summarized in Sale 7 considered comparable to the subject at a mid-point of the transaction prices, or $165,000.

**Soils Quality**— The Goodwin property is about 80% Class 3 soils with a small lens of Class 2 and Class 4 soils. Sale No. 1 indicates Class 2 soils at $7,500 per acre, with Sale No. 2 indicating a parcel of equal parts Class 3 and 4 transacting at between $5,129 and $5,294 per acre, a variable of about $2,200 to $2,400 per acre compared to Class 2 soils. As the Goodwin property is most Class 3, an adjustment of -$2,000 per acre is made to Sale 1 to reflect the variation in soils quality. Sale No. 3 is 96% Class 4 soils, and an upward adjustment of $1,000 per acre is utilized for the subject with mostly Class 3 soils. The upper end of the projected sale price of Sale No. 2 ($5,294 per acre) is indicated for the Goodwin site by Sale No. 2. Sale No. 3, which is a mid-2018 sale adjacent to the Junction City UGB is given secondary consideration, but is supportive of agricultural land values for sites suitable for grass seed/hay production of about $5,000 per acre, in 2018, which would be lower than anticipated for the subject due to the date of sale.

**Agricultural Land Valuation**

**Sale No. 1** is the May 2020 sale of a 50.36-acre parcel of primarily Class 2 agricultural land located about 6 miles north of the Goodwin property on the west side of Fern Ridge Reservoir. Although the proximity to Fern Ridge would normally be considered superior to the subject, the lack of residential usage of the sale property essentially negates a superior rating for the agricultural portions of the site. The 21 acres tillable land were allocated a value of $7,500 per acre, with the brushy areas allocated the balance averaging $4,002 per acre. The land not currently in production can be utilized as pasture or cleared for more productive crop usage.
**Sale No. 2** is the pending sale of a 58.55-acre parcel of primarily Class 3 and 4 pasture land with a small wooded area. The site is fenced and cross-fenced, similar to the Goodwin site. The property has a history of grazing and is equal parts Class 3 and Class 4 soils. The broker could not specify the exact price but did provide a fairly tight range indicating prices of $5,129 to $5,294 per acre. The sale is contingent on the seller providing proof that the property is a legal lot of record, which would be mandatory in order to attempt to gain development rights for one rural residence on the property. According to the listing broker, the asking price was not based on the property have any building rights.

**Sale No. 3** is a 38.5-acre parcel located adjacent to the UGB/City limits of Junction City. The city limits were extended to this area south of Junction City to allow for the extension of public facilities to the state-owned property designated for the State mental hospital site and prison, as well as a large parcel acquired by Grain Millers just south of the hospital site. Due to the large acreage included in the city limit expansion, it is unlikely the sale property will have much chance of annexation for several decades.

The property is primarily Class 4 soils, and improved with an outdoor arena, large barn with 17 stalls, 9 outdoor paddocks and other improvements designed specifically for an equine operation. The broker believed the land value was $6,500 per acre at the time of sale in 2018 and was benefitted by the natural gas lines extended to the property. The buyers acquired the property as an investment and did not continue the equine operation.

The three agricultural acreage sales are charted below with the concluded adjustments applied:

<table>
<thead>
<tr>
<th>SALE NO.</th>
<th>DATE OF SALE</th>
<th>SALE PRICE/AC.</th>
<th>SOIL QUALITY ADJUST.</th>
<th>LOCATION ADJUST.</th>
<th>INDICATED VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/2020</td>
<td>$7,500</td>
<td>-$2,000</td>
<td>None</td>
<td>$5,500/ac</td>
</tr>
<tr>
<td>2</td>
<td>5/2020</td>
<td>$5,129-$5,294</td>
<td>None</td>
<td>None</td>
<td>$5,294/ac</td>
</tr>
<tr>
<td>3</td>
<td>8/2018</td>
<td>$6,500</td>
<td>+$1,000</td>
<td>-$2,000</td>
<td>$5,500/ac</td>
</tr>
</tbody>
</table>

After adjustments, the sales indicated a value of agricultural land similar to the subject of $5,294 to $5,500 per acre. Sale No. 2 is most similar to the subject, not only in terms of soils but also has a similar fencing and cross fencing, but it is noted this is a pending sale and the final price could be different than the reported range if the condition of sale is not met. Sale No. 1 is similar to the subject, with an indicated price of $5,500 per acre, comparable to the indicated price/value by Sale No. 3, although Sale 3 is given secondary weight due to the locational differences. I have concluded a value for the subject agricultural acreage of $5,500 per acre.
# Home Site/Excess Land Valuation

<table>
<thead>
<tr>
<th>SALE NO.</th>
<th>DATE OF SALE</th>
<th>SALE PRICE</th>
<th>SIZE</th>
<th>OVERALL $ PER ACRE</th>
<th>ALLOCATED LAND VALUE PER ACRE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>3/19/2020</td>
<td>$375,000</td>
<td>31.4 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000</td>
<td>Large home site in Jasper Estates. Full level of utilities. Good view.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29.4 acs @ $4,592/ac</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>7/16/2019</td>
<td>$296,500</td>
<td>10.3 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000</td>
<td>Medium sized rural residential home site in Jasper Estates. Full level of utilities. Good view.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8.3 acs @ $6,807/ac</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>7/11/2019</td>
<td>$269,000</td>
<td>6.0 acs.</td>
<td>N/A</td>
<td>2 acre HS @ $240,000</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4 acres @ $7,250/ac</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>12/3/2019</td>
<td>$159,000</td>
<td>2.07 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td>Roughly 2 acre home sites in a newer subdivision off of Jeans Road. Water and electricity at each home site and all sites approved for septic.</td>
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<td>$159,000</td>
<td></td>
<td>2.03 acs.</td>
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</tr>
<tr>
<td>8</td>
<td>6/5/2019</td>
<td>$202,500</td>
<td>4.52 acs.</td>
<td>N/A</td>
<td>N/A</td>
<td>Wetlands along eastern boundary. Good quality home site in popular Upper Camp Creek location.</td>
</tr>
</tbody>
</table>

**Sales No. 4, 5 and 6** are located in Jasper Estates, a gated community off of Wallace Creek Road south of Springfield. Several homes in the development are valued at over $1,000,000, with most sites containing around 10 acres. The sales included wells, septic approval and electrical service to a designated home site.

The sales ranged in size from 6 acres to 31.4 acres and are utilized to estimate both the value of the home site on the larger parcel and the value of the additional acres beyond the home site acreage. Based on the brokers statements and the prices achieved by smaller 2-acre parcels adjacent to the development, a 2-acre home site was allocated a value of $240,000. The additional acreage contribution varies depending on size as indicated on the above chart. The largest property of 31.4 acres sold for $375,000, with $240,000 allocated to the 2-acre home site leaving $135,000 for the additional 29.4 acres or a contributory value of $4,592 per acre ($135,000/ 29.4 acres = $4,591.84, rounded to $4,592). The same analysis for Sales 5 and 6 resulted in a contributory value of additional acreage at $6,807 and $7,250 per acre for 8.3 acres and 4 acres of additional land, respectively. As the amount of additional increases, the contributory value declines.

In the before value estimate, the Goodwin property contains 68.26 acres with 66.26 acres of land outside the home site. In comparison to Sales 4, 5 and 6, the additional acreage is superior in quality and utility to the additional acreage of the sales, which is primarily brush covered hillside land versus level fenced pasture. Therefore, the additional land of the subject would reasonably have a higher contributory value than the indicated contributory value of the brushy hillside land in the sale properties. A review of Sale No. 1 indicated the brush covered land was allocated just over $4,000 per acre with the cleared tillable land allocated $7,500 per acre. The tillable land value was adjusted for soil quality, indicating a value for the subject pasture of $5,500 per acre in the preceding analysis, versus a price of $4,000 per acre for the brushy land, a variation of about $1,500 per acre. Given the higher quality of the Jasper Estates property, I believe a price variable between the excess land in Jasper Estates versus the Goodwin site would be $1,000 per acre. Therefore, the additional land in the Goodwin site in the before valuation would be about $5,592 per acre, comparable to the acreage conclusion from the analysis of the three agricultural land sales. ($5,500 per acre).
However, this value estimate ($5,592 per acre) needs to be reviewed to address the variation in size between the excess land of the Goodwin property (66.26 acres) versus the largest of the Jasper Estate sales (Sale No. 4 with 29.4 additional acres). The Jasper Estates sales indicate the price per additional acre decreases as the amount of additional land increases. I have no doubt this trend would also apply to the Goodwin property, however, the agricultural sales data supports a value of $5,500 per acre for 38 to 58 acre parcels. I believe the agricultural land values are not affected to same degree as additional acres consisting of brushy land with no agricultural potential but providing additional buffer acres from surrounding properties. Therefore, I believe the data supports a value of $5,500 per acre for the additional 66.26 acres of pasture land on the Goodwin property in the before situation.

**Sales No. 7** summarized 4 sales of roughly 2.03-2.07 acre home sites in a newer rural residential subdivision near Veneta off of Jeans Road. The best of the lots sold for $180,000 in August of 2018, with the slightly lower quality lots selling for $159,000 to $169,000 in mid to late 2019. The highest price lot has no adjoining residential use to the north, east or west, providing additional privacy compared to the remaining lots. The location of these sales is geographically similar in terms of proximity to the Goodwin property, but much different in terms of surrounding uses and the proximity of additional dwellings/improved properties. Existing housing in Halderson Road is rated as average in terms of age and quality, but the privacy afforded by the dead-end configuration of Halderson Road is a positive feature. It is my opinion a contributory value of $180,000 would be attributable to the approximately 2-acre home site component of the total 68.26 Goodwin property in the before situation.

**Sale No. 8** details the mid-2019 sale of a 4.52-acre rural residential site in the Upper Camp Creek Road area north of Springfield. The property is level, contains a high producing well and has electrical service available at the property. The property sold for $202,500, higher than the sales itemized in Sale No. 7 above, but also about 2.5 acres larger than the Sproat Ranch Road sales. A review of the smaller acreage sale in the Jasper Estates development indicated the additional acreage above a 2-acre home site contributed $7,250 per acre for a 6-acre parcel, indicated the probability that the additional 2.5 acres of the Upper Camp Creek Road sale would contribute say $8,000/acre or about $20,000, supporting a 2-acre home site value of about $180,000 - $182,000, similar to the better lot in the Sproat Ranch Road development, and supportive of a $180,000 valuation for the 2-acre home site on the Goodwin property.

The before value for the Goodwin property is summarized as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00-acre home site at $180,000:</td>
<td>$180,000</td>
</tr>
<tr>
<td>66.26 additional pasture acres @ $5,500/ac:</td>
<td>$364,430</td>
</tr>
<tr>
<td>Total estimated before value:</td>
<td>$544,430 (rounded to $544,500)</td>
</tr>
</tbody>
</table>

**After Valuation**

In the after situation, the property will contain 28.26 acres, consisting of a 2.00-acre home site and 26.26 acres of level pasture. The home site contribution does not change from the before valuation due to the reduction in acreage size and remains at $180,000 in the after valuation.

The additional land decreases from 66.26 acres in the before situation to 26.26 acres in the after situation. The analysis for the before valuation indicated that the contributory value of the additional land decreases as the land area increases, and conversely, increases as the land area declines. The data suggested a value of $5,600 per acre would be applicable for smaller parcels of additional land in the 28-acre range, and that price/value is concluded for the additional 26.26 acres in the after situation.
The estimated land value in the after situation is calculated as follows:

2.00-acre home site @ $180,000: $180,000
26.26 additional pasture acres @$5,600/ac: $147,056
Total estimated after Value: $327,056

The loss of perimeter fencing in the after situation requires a deduction in the after situation not reflected in the above land value. As the sales have perimeter fencing at the concluded value, the cost of establishing a fenced northerly boundary on the remainder parcel is required. The Marshall Valuation Service was utilized to estimate the fencing cost, based on the need to establish 1,860 linear feet of fencing.

Fencing types and costs are contained in Section 66, page 5 of the Marshall Valuation Service. Metal post and 4-strand barbed wired fencing costs range from $3.60 to $5.37 per linear foot. The current cost multiplier is 1.04, with no additional local multiplier, for an updated cost estimate of $3.74 to $5.58 per linear foot. The property is generally level, with fairly long runs for ease of installation. A cost estimate of $3.80 per linear foot is concluded, for an estimated fencing cost of $7,068 ($3.80 x 1,860 = $7,068). This cost is deducted from the land value in the after situation ($327,056) to reflect the loss of perimeter fencing by the partial acquisition, resulting in a total after value of $319,988 ($327,056 - $7,068 = $319,988), rounded to $320,000.

The estimated value of the partial acquisition of 40 acres is expressed as the difference between the before and after values as follows:

Before value: $544,500
After Value: $320,000
Value of partial acquisition: $224,500
Goodwin Property
Halderson Road
Eugene, Lane County, Oregon

E-40 ZONING ORDINANCE
SOILS MAP
SOILS DESCRIPTION
PRELIMINARY TITLE REPORT
BPA CHECKLIST
APPRAISER QUALIFICATIONS
CONSERVATION EASEMENT
VALUATION CERTIFICATE
EXCLUSIVE FARM USE ZONE (EFU-RCP)

RURAL COMPREHENSIVE PLAN

EFU Zone Table of Contents

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16.212 Exclusive Farm Use Zone (EFU-RCP)

(1) Purpose

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Rural Comprehensive Plan. The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

(2) Definitions

For the purpose of LC 16.212, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(a) Agri-tourism. “Agri-tourism” means a common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals.

(b) Associated Transmission Lines. “Associated transmission lines” means transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

(c) Farm Operation. “Farm Operation” means all lots or parcels of land in the same ownership that are used by the farm operator for farm use as defined in ORS 215.203.

(d) Farm Operator. “Farm Operator” is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing.
(e) Golf course. An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of LC 16.212 means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(i) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(ii) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(iii) Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this Subsection, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.

(f) High Value Farmland. “High value farmland” means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, “specified perennials” means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa;

(iv) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in (2)(f)(i) and (2)(f)(ii) and the following soils:
(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(v) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in (2)(f)(i) and (2)(f)(ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brenner and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Nesko win and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(vi) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in (2)(f)(i) and (2)(f)(ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and
(cc) Subclassification IVw, specifically, Huffing Silty Clay Loam.

(vii) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of “high value farmland.”

(g) Net Metering Power Facility. “Net metering power facility” means a facility for the production of energy that:

(i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.213(1)(u) in the Exclusive Farm Use zone;

(ii) Is intended to offset part of the customer-generator’s requirements for energy;

(iii) Will operate in parallel with a utility’s existing transmission and distribution facilities;

(iv) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations; and

(v) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

(h) Non-Commercial/Stand Alone Power Generating Facility. “Non-commercial/stand-alone power generating facility” means a facility for the production of energy that:

(i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and ORS 215.213(1)(u) in the Exclusive Farm Use zone;

(ii) Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;
(iii) Operates as a standalone power generator not connected to a utility grid; and

(iv) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

(i) Relative. A child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, or first cousin of the farm operator or the farm operator’s spouse.

(3) Use Table

Table of Permitted Uses

Table 16.212-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the farm districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.212-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.212-1:

(a) Uses:

(i) “A” means the use is outright allowed or permitted subject to standards.

(ii) “C” means the use is a Conditional Use, subject to Section (5)

(iii) “X” means use is not allowed.

(iv) “HV” means when a property is predominately composed of High Value Soils, as defined in LC 16.212(2)(f).

(v) “Non-HV” means when a property is predominately composed of Non-High Value Soils, as defined in LC 16.212(2)(f).

(b) Procedures:

(i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.

(ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
(iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.

(iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.

(v) “AL” means Assembly License, subject to LC 3.995.

(vi) “X” means no new use is allowed.

(c) The “Subject To” column identifies any specific provisions of LC 16.212 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.212(15).

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “…discretionary approval of a proposed development of land…” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm, Forest, and Natural Resource Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1. Farm use</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>1.2. Propagation or harvesting of a forest product</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>1.3. Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>1.4. Nonresidential buildings customarily provided in conjunction with farm use</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>1.5. Creation of, restoration of, or enhancement of wetlands</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Use Type HV</td>
<td>Local Procedure Type HV</td>
<td>Use Type Non-HV</td>
<td>Local Procedure Type Non-HV</td>
<td>Subject to</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>-------------</td>
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<td>-----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1.6. A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products as defined in ORS 603.038 within a calendar year</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>(4)(a)</td>
</tr>
<tr>
<td>1.7. A facility for the primary processing of forest products</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(b), (5)</td>
</tr>
<tr>
<td>1.8. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(c), (5)</td>
</tr>
<tr>
<td>1.9. Marijuana production</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>LC 16.420</td>
</tr>
<tr>
<td>1.10. Marijuana wholesale distribution</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>LC 16.420</td>
</tr>
<tr>
<td>1.11. Marijuana research</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>LC 16.420</td>
</tr>
<tr>
<td>1.12. Marijuana processing</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(a), LC 16.420</td>
</tr>
<tr>
<td>2. Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1. Primary farm dwelling</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(y), (7)</td>
</tr>
<tr>
<td>2.2. Woodlot operation dwelling</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>II</td>
<td>(4)(y), (7)(g), (7)(h), (5)</td>
</tr>
<tr>
<td>2.3. Relative farm help dwelling</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(y), (8)(b)</td>
</tr>
</tbody>
</table>
## Table 16.212-1: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4. Accessory farm dwelling for year-round and seasonal farm workers</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(y), (8)(a)</td>
</tr>
<tr>
<td>2.5. Non-farm dwelling on High Value Farmland</td>
<td>A</td>
<td>II</td>
<td>X</td>
<td>X</td>
<td>(4)(y), (9)</td>
</tr>
<tr>
<td>2.6. Non-farm dwelling on Non-high Value Farmland</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td>II</td>
<td>(4)(y), (10)</td>
</tr>
<tr>
<td>2.7. Alteration, restoration, or replacement of a lawfully established dwelling</td>
<td>A</td>
<td>I or II</td>
<td>A</td>
<td>I or II</td>
<td>(4)(y), (4)(bb), (6)(a)-(d)</td>
</tr>
<tr>
<td>2.8. Replacement dwelling for historic property</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(y), (6)(e)</td>
</tr>
<tr>
<td>2.9. Temporary hardship dwelling</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(y), (5), (8)(c)</td>
</tr>
<tr>
<td>2.10. Residential home as defined in ORS 197.660, in existing dwellings</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(y), (5)</td>
</tr>
<tr>
<td>2.11. Room and board arrangements for a maximum of five unrelated persons in existing residences</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(z), (5)</td>
</tr>
<tr>
<td>3. Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1. Dog training classes or testing trials</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>(4)(d)</td>
</tr>
<tr>
<td>3.2. Farm stand</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>(4)(e)</td>
</tr>
<tr>
<td>3.3. Small Winery or Cider Business</td>
<td>A</td>
<td>I or II</td>
<td>A</td>
<td>I or II</td>
<td>(11)(a)</td>
</tr>
<tr>
<td>3.4. Large Winery</td>
<td>A or C</td>
<td>I or II</td>
<td>A or C</td>
<td>I or II</td>
<td>(11)(b)</td>
</tr>
<tr>
<td>3.5. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(12)</td>
</tr>
<tr>
<td>3.6. Parking of up to seven log trucks</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
</tbody>
</table>
| Table 16.212-1: Use Table for EFU Zones  
| I = Type I  
| II = Type II  
| III = Type III  
| P = Permitted Outright  
| AL = Assembly License  
| X = Prohibited |

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.7. Home occupations</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(f), (5)</td>
</tr>
<tr>
<td>3.8. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Use 3.1</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>3.9. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>3.10. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Use 1.7, but excluding activities in conjunction with a marijuana crop</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(aa), (5)</td>
</tr>
</tbody>
</table>

4. **Mineral, Aggregate, Oil and Gas Uses**

<p>| 4.1. Operations for the exploration for and production of geothermal resources in accordance with ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head | A           | P                       | A               | P                           |
| 4.2. Operations for the exploration for minerals as defined by ORS 517.750 | A           | P                       | A               | P                           |
| 4.3. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted | C           | II                      | C               | II                          | (5)        |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.4. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(h), (5)</td>
</tr>
<tr>
<td>4.5. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(g), (5)</td>
</tr>
<tr>
<td>4.6. Processing of other mineral resources and other subsurface resources</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>5. Transportation Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1. Climbing and passing lanes within the right of way existing as of July 1, 1987</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>5.2. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>5.3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>5.4. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
### Table 16.212-1: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.5. Operations, maintenance, and repair as defined in LC 15.010 of existing</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>transportation facilities, services, and improvements, including road, bicycle,</td>
<td></td>
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<tr>
<td>pedestrian, port, airport and rail facilities, and major regional pipelines</td>
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<tr>
<td>and terminals</td>
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</tr>
<tr>
<td>5.6. Preservation as defined in LC 15.010, and rehabilitation activities and</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>projects as defined in LC 15.101 for existing transportation facilities,</td>
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<tr>
<td>services, and improvements, including road bicycle, pedestrian, port, airport</td>
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<tr>
<td>and rail facilities, and major regional pipelines and terminals</td>
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<tr>
<td>5.7. Changes in the frequency of transit, rail and airport services</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>5.8. Construction of additional passing and travel lanes requiring the</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>acquisition of right of way but not resulting in the creation of new land</td>
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<tr>
<td>parcels</td>
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<tr>
<td>5.9. Reconstruction or modification of public roads and highways involving</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>the removal or displacement of buildings but not resulting in the creation of</td>
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<tr>
<td>new land parcels</td>
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</tr>
<tr>
<td>5.10. Improvement of public road and highway related facilities, such as</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>maintenance yards, weigh stations and rest areas, where additional property or</td>
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</tr>
<tr>
<td>right of way is required but not resulting in the creation of new land parcels</td>
<td></td>
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</tr>
<tr>
<td>5.11. Bikeways, footpaths, and recreation trails not otherwise allowed as a</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>modification or part of an existing road</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5.12. Park and ride lots</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
</tbody>
</table>
Table 16.212-1: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.13. Railroad mainlines and branch lines</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>5.14. Pipelines</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>5.15. Navigation channels</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>5.16. Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(i), (5)</td>
</tr>
<tr>
<td>5.17. Replacement of an intersection with an interchange</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(i), (5)</td>
</tr>
<tr>
<td>5.18. Continuous median turn lanes</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(i), (5)</td>
</tr>
<tr>
<td>5.19. New roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(i), (5)</td>
</tr>
<tr>
<td>5.20. Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(i), (5)</td>
</tr>
<tr>
<td>5.21. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(j), (5)</td>
</tr>
</tbody>
</table>

6. Utility/Solid Waste Disposal Facilities

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Local Procedure Type HV</th>
<th>Use Type</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Use Type HV</td>
<td>Local Procedure Type HV</td>
<td>Use Type Non-HV</td>
<td>Local Procedure Type Non-HV</td>
<td>Subject to</td>
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</tr>
<tr>
<td>6.2.</td>
<td>Land application of reclaimed water, agricultural or industrial process water or bio solids, or the onsite treatment of septage prior to land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with use allowed by LC 16.212</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
</tr>
<tr>
<td>6.3.</td>
<td>Utility facility service lines</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
</tr>
<tr>
<td>6.4.</td>
<td>Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
</tr>
<tr>
<td>6.5.</td>
<td>Transmission towers over 200 feet in height</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
</tr>
<tr>
<td>6.6.</td>
<td>Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
</tr>
<tr>
<td>6.7.</td>
<td>Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
</tr>
<tr>
<td>6.8.</td>
<td>Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
</tr>
<tr>
<td>6.9.</td>
<td>A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
</tr>
</tbody>
</table>
### Table 16.212-1: Use Table for EFU Zones

<table>
<thead>
<tr>
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<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.10. Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
<td>*(4)(n)(ii), (4)(z)</td>
</tr>
<tr>
<td>6.11. Change out to an existing telecommunication tower</td>
<td>P</td>
<td>I</td>
<td>P</td>
<td>I</td>
<td>(16)</td>
</tr>
<tr>
<td>6.13. Collocation to an existing telecommunication tower</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(16)</td>
</tr>
<tr>
<td>6.14. New telecommunication tower or replacement tower not over 200 feet in height</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td>(4)(m)(i), (5), (16)</td>
</tr>
</tbody>
</table>

#### 7. Parks/Public/Quasi-public Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type HV</th>
<th>Local Procedure Type HV</th>
<th>Use Type Non-HV</th>
<th>Local Procedure Type Non-HV</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1. Firearms training facility in existence on September 9, 1995</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>*(4)(o), (4)(x)</td>
</tr>
<tr>
<td>7.2. Fire service facilities providing rural fire protection services</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>7.3. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>7.4. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>(4)(p)</td>
</tr>
<tr>
<td>7.5. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>Use</td>
<td>Use Type HV</td>
<td>Local Procedure Type HV</td>
<td>Use Type Non-HV</td>
<td>Local Procedure Type Non-HV</td>
<td>Subject to</td>
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<td>-----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>7.6. Living history museum</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(q), (4)(x), (5)</td>
</tr>
<tr>
<td>7.7. Armed Forces Reserve Center</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>(4)(r), (4)(x)</td>
</tr>
<tr>
<td>7.8. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(x), (5)</td>
</tr>
<tr>
<td>7.9. Public parks, public playgrounds, and public campgrounds</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(4)(s), (4)(x), (5)</td>
</tr>
<tr>
<td>7.10. Operations for the extraction and bottling of water</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>(5)</td>
</tr>
<tr>
<td>7.11. Churches and cemeteries in conjunction with ORS 215.441</td>
<td>X*</td>
<td>X*</td>
<td>A</td>
<td>II</td>
<td>(4)(x); or *(4)(x), (4)(z)</td>
</tr>
<tr>
<td>7.12. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
<td>(4)(t), (4)(x), (5); or *(4)(x), (4)(z) or *(4)(t), (4)(x), (5)</td>
</tr>
<tr>
<td>7.13. Private parks, private playgrounds, and private campgrounds</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
<td>(4)(u), (4)(x), (5); or *(4)(x), (4)(z)</td>
</tr>
<tr>
<td>Use</td>
<td>Use Type HV</td>
<td>Local Procedure Type HV</td>
<td>Use Type Non-HV</td>
<td>Local Procedure Type Non-HV</td>
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</tr>
<tr>
<td>7.14. Private Hunting and Fishing Preserves</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
<td>*(4)(u), (4)(x), (5); or *(4)(x), (4)(z)</td>
</tr>
<tr>
<td>7.15. Golf courses not on high-value farmland as defined in LC 16.212(2)(d) and ORS 195.300</td>
<td>X*</td>
<td>X*</td>
<td>C</td>
<td>II</td>
<td>(4)(v), (4)(x), (5);or *(4)(x), (4)(z)</td>
</tr>
<tr>
<td>8. Outdoor Gatherings</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>8.1. An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period</td>
<td>A</td>
<td>P or AL (if over 1,000 persons)</td>
<td>A</td>
<td>P or AL (if over 1,000 persons)</td>
<td>LC 3.995</td>
</tr>
<tr>
<td>8.2. An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760</td>
<td>A</td>
<td>III</td>
<td>A</td>
<td>III</td>
<td>ORS 433.735-760</td>
</tr>
<tr>
<td>8.3. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, notwithstanding Type III Hearings Official review</td>
<td>C</td>
<td>III (LCPC)</td>
<td>C</td>
<td>III (LCPC)</td>
<td>(4)(w)</td>
</tr>
<tr>
<td>9. Accessory Uses</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>9.1. Uses and structures accessory to existing uses and development permitted by LC 16.212</td>
<td>A</td>
<td>P or II</td>
<td>A</td>
<td>P or II</td>
<td>(4)(bb)</td>
</tr>
</tbody>
</table>
(4) Use Standards

(a) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:

(i) The farm on which the farm processing facility is located must provide at least one-quarter of the farm crops processed at the facility. This provision does not apply to a poultry establishment.

(ii) If a building is established or used for the farm processing facility or poultry establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.

(iii) A farm processing facility or poultry establishment must comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.

(iv) A division of a lot or parcel or a property line adjustment that separates a farm processing facility or poultry establishment from the farm operation on which it is located is prohibited.

(b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.

(c) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture. Referral notice pursuant to LC Chapter 14 must be provided at least 20 calendar days prior to a decision or initial public hearing on the application.

(d) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
(i) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

(ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

(e) A farm stand may be approved if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.

(iv) As used in this Section, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(v) As used in this Section, "local agricultural area" includes Oregon.

(vi) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(vii) Farm Stand Development Standards

(aa) Adequate off-street parking will be provided pursuant to provisions of LC 16.250.

(bb) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
(cc) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

(dd) No farm stand building or parking is permitted within the right-of-way.

(ee) Approval is required from the Road Authority regarding adequate egress and access. All egress and access points shall be clearly marked.

(ff) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within “vision clearance areas” at street intersections.

(A) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

(B) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.

(C) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.

(gg) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.

(hh) Signs are permitted consistent with LC 16.212(15)(b)(iii).

(viii) Permit approval is subject to compliance with Lane County Environmental Health or Department of Agriculture requirements and with the development standards of this zone.

(f) A home occupation must:

(i) Be operated by a resident or employee of a resident of the property on which the business is located;

(ii) Employ on the site no more than five full-time or part-time persons at any given time;
(iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;

(iv) Not unreasonably interfere with other uses permitted in LC 16.212;

(v) Comply with sanitation and building requirements prior to start of Home Occupation; and

(vi) Not to be used as a justification for a zone change.

(g) New facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(h) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:

(i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.

(ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County’s adopted inventory in the Rural Comprehensive Plan.

(i) Transportation facilities and uses shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

Land application of reclaimed water, agricultural process or industrial process water or bio solids, or the onsite treatment of septage prior to the land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this paragraph, onsite treatment of septage prior to the land application of bio solids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land applicable of bio solids is authorized under the license, permit or other approval.

Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(iii) The property to be served by the utility.

A utility facility that is necessary for public service.

(i) A utility facility is necessary for public service if the facility must be sited in the Exclusive Farm Use zone in order to provide the service.

(aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm Use zone due to one or more of the following factors:

(A) Technical and engineering feasibility;
(B) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned Exclusive Farm Use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and nonresource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(cc) The owner of a utility facility approved under Section (4)(n)(i) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(dd) The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
(ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under Table 16.212-1 uses 7.13 or 7.14, or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request, subject to a Type II review process, shall have no effect on the original approval.

(ff) In addition to the provisions of Subsection (4)(m)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.

(gg) Notwithstanding Subsection (4)(m)(i)(aa) through (dd) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264.

(hh) The provisions of Subsection (4)(m)(i)(aa) through (dd) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(ii) In addition to the requirements in LC 16.212(4)(m)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(c), to be located on high value farmland shall comply with the requirements of (4)(m)(iii) below.

(ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Section (4)(m)(ii)(aa) or Section (4)(m)(ii)(bb).

(aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;
(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (4)(m)(ii)(cc) and (dd), two or more of the following criteria:

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies.

(cc) As pertains to Section (4)(m)(ii)(bb), the applicant shall demonstrate how the proposal will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(dd) The County may consider costs associated with any of the factors listed in Section (4)(m)(ii)(bb), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
(ee) In addition to the requirements in LC 16.212(4)(m)(i)(aa) or (bb) above, a utility facility that is an associated transmission line, as defined by ORS 215.274, to be located on high value farmland shall comply with the requirements of section (4)(m)(iii) below.

(iii) The utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider’s obligation to consult.

(n) Composting operations and facilities:

(i) Composting operations and facilities allowed on land not defined as high-value farmland must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050, 340-096-0060, and ORS 215.401. Buildings and facilities used in conjunction with the composting operation must only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection (4)(z).

(aa) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

(A) Meets the requirements of OAR 340-096-0150;

(B) Identifies the distance of the proposed operation to the nearest residential zone;

(C) Includes a complaint response protocol;

(D) Is submitted to the DEQ with the required permit application; and

(E) May be subject to annual review by the county to determine if any revisions are necessary.
(bb) Compost operations subject to Section (4)(n)(i)(aa) include:

(A) A new disposal site for composting that sells, or offers for sale, resulting product; or

(B) An existing disposal site for composting that sells, or offers for sale, resulting product that:

(C) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

(D) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(ii) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(o) A firearms training facility in existence on September 9, 1995 shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

(i) For the purpose of this Section (o), a firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety;
(p) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator’s cost to maintain the property, buildings and facilities. As used in this Section, “model aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(q) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. A “living history museum” is defined as a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

(r) Armed forces reserve center that complies with these requirements:

(i) The center is within one-half mile of a community college; and

(ii) An “armed forces reserve center” includes an armory or National Guard support facility.

(s) Public parks include:

(i) Only uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable; and

(ii) May be established consistently with ORS 195.120

(t) Schools are subject to the following:
(i) Schools as formerly allowed pursuant to ORS 215.213 that were established on or before January 1, 2009 may be expanded if the expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.

(ii) Are used primarily for residents of the rural area in which the school is located.

(u) Private Campgrounds are subject to the following:

(i) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(ii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(iii) Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(iv) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

(v) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (vi).

(vi) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

(v) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
(i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(ii) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

(iv) An existing golf course may be expanded consistent with the requirements of Section (5), but shall not be expanded to contain more than 36 total holes.

(w) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
(x) Three-mile setback. For uses subject to this Subsection:

(i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this Subsection, “tract” means a tract that is in existence as of June 17, 2010.

(iii) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Chapter.

(y) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(z) Expansion standards. Existing facilities wholly within the Exclusive Farm Use Zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(aa) Commercial activities in conjunction with farm use may be approved when the commercial activity:

(i) Is either exclusively or primarily a customer or supplier of farm uses.

(ii) Is limited to providing products and services essential to the practice of agriculture directly to surrounding agricultural businesses that are sufficiently important to justify the resulting loss of agricultural land.

(iii) Enhances the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.
(5) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.

(a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

(a) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:

(i) The dwelling to be altered, restored or replaced has, or formerly had:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights; and

(dd) A heating system.

(ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:

(aa) The previous five property tax years; or

(bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.

(cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
(A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or

(B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. “Improperly removed” means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(b) For replacement of a lawfully established dwelling under this section:

(i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(aa) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(bb) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

(cc) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(ii) The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished, or converted.

(iii) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the Planning Director, or the Director’s designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.213 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
(c) A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(i) The siting standards of Subsection (6)(c)(ii) apply when a dwelling qualifies for replacement because the dwelling:

(aa) Formerly had the features described in Subsection (6)(a)(i); or

(bb) Was removed from the tax roll as described in Subsection(6)(a)(iii).

(ii) The replacement dwelling must be sited on the same lot or parcel:

(aa) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

(bb) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

(iii) Replacement dwellings that currently have the features described in Subsection (6)(a)(i) and that have been on the tax roll as described in Subsection (6)(a)(ii)(cc) may be sited on any part of the same lot or parcel.

(d) A replacement dwelling permit that is issued under Use 2.7:

(i) Is a land use decision and subject to review using Type II procedure according to LC Chapter 14 where the dwelling to be replaced:

(aa) Formerly had the features described in Subsection (6)(a)(i); or

(bb) Was removed from the tax roll as described in Subsection (6)(a)(ii)(cc);

(ii) Is not subject to the time to act limits of LC 14.090 and does not expire; and

(e) A replacement dwelling for a historic dwelling permit reviewed under Use 2.8 is subject to the following requirements:

(i) The replacement dwelling must be in conjunction with a farm use.
(ii) The existing dwelling is listed on the county and national inventory as historic property as defined in ORS 358.480.

(7) Dwellings Customarily Provided in Conjunction with Farm Use

(a) Large Tract Standards. On land not identified as high-value farmland as defined in LC 16.212(2), a dwelling may be considered customarily provided in conjunction with farm use if:

(i) The parcel on which the dwelling will be located is at least 160 acres.

(ii) The subject tract is currently employed for farm use.

(iii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

(iv) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

(b) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(i) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned $32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farms products and:

(ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(b)(i); and

(iv) In determining the gross income required by Section (7)(b)(i):

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
(bb) Only gross income from land owned, not leased or rented, shall be counted; and

(cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(v) The lot or parcel is not smaller than the minimum lot size of the zone.

(c) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(i) The subject tract is currently employed for the farm use on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and

(ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and

(iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(c)(i);

(iv) In determining the gross income required by Section (7)(c)(i):

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(bb) Only gross income from land owned, not leased or rented, shall be counted; and

(cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(v) The lot or parcel is not smaller than the minimum lot size of the zone.

(d) Additional Farm Income Standards.

(i) For the purpose of Sections (7)(b) or (7)(c), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
(ii) Prior to the final approval for a dwelling authorized by Sections (7)(b) and (7)(c) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the County clerk the covenants, conditions, and restrictions form provided by the County (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(aa) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(bb) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the County or counties where the property subject to the covenants, conditions and restrictions is located.

(e) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Sections (7)(b) or (7)(c) above, subject to the following requirements:

(i) The subject tract will be employed as a commercial dairy as defined in Subsection (vii);

(ii) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

(v) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(vi) The Oregon Department of Agriculture has approved the following:
(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072.

(vii) As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (7)(b) or (7)(c), whichever is applicable, from the sale of fluid milk.

(f) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (7)(b) or (7)(c), whichever is applicable;

(ii) The subject lot or parcel on which the dwelling will be located is:

   (aa) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (7)(b) or (7)(c), whichever is applicable; and
   
   (bb) The lot or parcel is not smaller than the minimum lot size of the zone.

(iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

(iv) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (7)(f)(i); and

(v) In determining the gross income required by Subsection (7)(f)(i) and Subsection (7)(f)(ii):

   (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

   (bb) Only gross income from land owned, not leased or rented, shall be counted.
(g) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling under Section (7).

(h) Woodlot Operation Dwelling

(i) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(aa) If the farm operation or woodlot:

(A) Consists of 20 or more acres; and

(B) Is not smaller than the average farm or woodlot in Lane County producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(bb) The dwelling is located on land not identified as high-value farmland.

(ii) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than required under (i) above is allowed subject to compliance with the following requirements:

(aa) If the farm operation or woodlot:

(A) Has produced at least $20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least $20,000 in annual gross farm income; or

(B) Is a woodlot capable of producing an average over the growth cycle of $20,000 in gross annual income;

(bb) The dwelling is located on land not identified as high-value farmland.

(8) Accessory Dwellings

(a) Accessory farm dwelling for year-round and seasonal farm workers.
(i) Accessory dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

(aa) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

(bb) The accessory farm dwelling will be located:

(A) On the same lot or parcel as the primary farm dwelling;

(B) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;

(C) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

(D) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The County shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. “Farmworker housing” shall have the meaning set forth in 215.278, meaning housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing; or
(E) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in Lane Code 16.212(7)(b) or (c), whichever is applicable; and

(cc) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(ii) In addition to the requirements in Subsection (i), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(aa) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(A) At least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(bb) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
(cc) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or woodlot that meets the standards of LC 16.212(7)(h); or

(dd) It is located on a commercial dairy farm as defined in Section (7)(e)(vii); and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(B) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and 468B.200 to 468B.230; and

(C) A Producer License for the sale of dairy products under ORS 621.072.

(iii) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Chapter, a parcel may be created consistent with the minimum parcel size requirements in Subsection (14)(a).

(iv) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to uses 2.5 or 2.6 in Table 16.212-1 of this Chapter.

(v) For purposes of this Subsection, “accessory dwelling” includes all types of residential structures allowed by the applicable state building code.

(vi) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria of an accessory farm dwelling.

(b) To qualify for a relative farm help dwelling:

(i) A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
(ii) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.

(c) A temporary hardship dwelling is subject to the following:

(i) One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

(aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;

(bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and

(cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.

(ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.

(iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

(9) Dwellings Not in Conjunction with Farm Use on High Value Farmland

Non-farm dwelling. A non-farm dwelling on High Value Farmland is subject to the following requirements:

(a) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of “Date of Creation and Existence” in LC 16.090;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under Use 2.5 or 2.6 in Table 16.212-1 of this Chapter, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under Sections (14)(e). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings;
(cc) Determine whether the approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the approval authority considers necessary; and

(vi) Land use approval of a permit described in Section (9)(a) shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).

(b) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(ii) The following are satisfied:

(aa) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, in the case of an existing lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
(bb) A lot or parcel shall not be considered “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not “generally unsuitable.” A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(cc) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in subsections (9)(a)(iv)(aa) through (cc);

(iv) The dwelling complies with such other conditions as the approval authority considers necessary; and

(v) Land use approval of a permit described in (9)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(iii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).
(10) Dwellings Not in Conjunction with Farm Use on Non-High Value Farmland.

Non-farm dwelling. A non-farm dwelling on Non-high Value Farmland is subject to the following requirements:

(a) A dwelling not provided in conjunction with farm use may be established on a lot or parcel, subject to compliance with the following requirements:

(i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(ii) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983; and

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.

(b) The dwelling shall comply with such other conditions as the approval authority considers necessary. A dwelling not provided in conjunction with a farm use, on a lot or parcel that is not larger than three acres is subject to the following requirements:

(i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of “Date of Creation and Existence” in LC 16.090. For the purpose of this Section, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in this Section.
(A) “Contiguous” means "lots, parcels or lots and parcels that
have a common boundary, including but not limited to, lots,
parcels or lots and parcels separated only by a public
road."

(bb) On July 1, 1983, greater than possessory interests are held in
those contiguous lots, parcels or lots and parcels by the same
person, spouses or a single partnership or business entity,
separately or in tenancy in common; and

(iv) Notice of application shall occur in compliance with LC Chapter 14.

(c) Land use approval of a permit described in Section (10)(a) or (10)(b) shall be
valid for four years from the date of the approval. Notwithstanding the
requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year
extension of the timelines for the permit approval described in this Section may
be made and approved pursuant to LC 14.700(2).

(d) No final approval of a nonfarm use under this section will be given unless any
additional taxes imposed upon the change in use have been paid.

(e) The dwelling must comply with other conditions considered necessary by the
approval authority.

(11) Wineries and Cider Businesses

(a) Small Wineries and Cider Businesses. Small wineries and cider business and
their accessory uses are subject to the Type I procedure unless otherwise
specified in this section. Small winery and cider businesses are separate uses to
which distinct criteria and permitted uses apply and must not be used
interchangeably.

(i) A small winery or cider business may be established as a permitted use if
the proposed winery or cider business will produce wine or cider,
respectively, on-site with a maximum annual production of:

(aa) Less than 50,000 gallons of wine for a winery or 100,000 gallons
of cider for a cider business and the winery or cider business:

(A) Owns an on-site vineyard for a winery or orchard for a
cider business of at least 15 acres;

(B) Owns a contiguous vineyard for a winery or orchard for a
cider business of at least 15 acres;
(C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business; or

(D) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), or (C); or

(bb) At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery:

(A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;

(B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;

(C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business;

(D) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery or cider business site; or

(E) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), (C) or (D).

(ii) In addition to producing and distributing wine by a winery or cider by a cider business, a small winery or cider business established under this Section may:

(aa) Market and sell wine produced in conjunction with the winery or cider produced in conjunction with the cider business.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:
(A) Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;

(B) Wine for winery or cider for cider business club activities;

(C) Winemaker for winery or cidemaker for cider business luncheons and dinners;

(D) Winery and vineyard tours or cider business and orchard tours;

(E) Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;

(F) Winery or cider business staff activities;

(G) Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.

(cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by Subsection (11)(a)(ii)(bb) or (a)(ii)(dd), or (a)(v).

(dd) Host charitable activities for which the winery or cider business does not charge a facility rental fee.
(iii) A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection (11)(a)(ii)(cc). Food and beverage services authorized under Subsection (11)(a)(ii)(cc) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(iv) The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection (11)(a)(ii)(cc) to (dd) and (11)(a)(v) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the County, the winery or cider business shall submit a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.

(v) A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery, pursuant to Subsection (aa) or (bb) below:

(aa) The events on days one (1) through six (6) of the 18-day limit per calendar year must be authorized by the approval authority through the issuance of a renewable multi-year Winery or Cider Business License that:

(A) Is reviewed through a Type I procedure to determine necessary conditions pursuant to Section (11)(a)(vi) below;

(B) Has a term of five years;

(C) If the County issues a license under this subsection, the County must review the license at least once every five years and, if appropriate, renew the license; and

(D) Complies with requirements of Section (11)(a)(vi) below.

(E) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.
(bb) Events on days seven (7) through 18 of the 18-day limit per calendar year must be authorized by the County through the issuance of a renewable multi-year permit that:

(A) Is subject to a Type II procedure and must be reviewed to determine necessary conditions pursuant to Section (11)(a)(vi);

(B) Has a term of five years;

(C) If the Director issues a permit under this subsection, the Director must review the permit at least once every five years and, if appropriate, may renew the permit; and

(D) Complies with requirements of Section (11)(a)(vi) below.

(vi) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery or cider business are subordinate to the production and sale of wine at a winery or cider at a cider business and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on a permit related to:

(aa) The number of event attendees;

(bb) The hours of event operation;

(cc) Access and parking;

(dd) Traffic management;

(ee) Noise management; and

(ff) Sanitation and solid waste;

(vii) A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established or cider business is situated.

(viii) Prior to the issuance of a permit to establish a winery or cider business under Section (11)(a), the applicant shall show that vineyards for a winery or orchard for a cider business described in Section (11)(a) have been planted or that the contract has been executed, as applicable.

(ix) For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business must:
(aa) Establish a setback of at least 100 feet from all property lines for the winery or cider business and all public gathering places, unless the Director grants a variance allowing a setback of less than 100 feet; and

(bb) Provide direct road access and internal circulation for the winery or cider business and other on-site public gathering places

(b) Large Wineries. Large wineries and their accessory uses are subject to the Type I procedure unless otherwise specified in this section.

(i) A large winery may be established if:

(aa) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;

(bb) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection (11)(b)(i)(aa); and

(cc) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.

(ii) In addition to producing and distributing wine, a winery described in Subsection (11)(b)(i) may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery; and

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;

(cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by Subsection (11)(b)(ii)(bb), (dd), or (ee);

(dd) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year; and

(ee) Host charitable activities for which the winery does not charge a facility rental fee.

(iii) Income requirements:

(aa) The gross income of the winery from the sale of incidental items pursuant to Subsection (11)(b)(ii)(cc) and services provided pursuant to Subsection (11)(b)(ii)(dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
(bb) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant that certifies compliance with Subsection (aa) for the previous tax year.

(iv) A winery operating under Subsection (11)(b):

(aa) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.

(bb) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

(v) A winery shall be required to obtain a Type II permit when:

(aa) The winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection (11)(b)(ii)(dd) occurring on more than 25 days in a calendar year.

(bb) In addition to any other requirements, a local government may approve a permit application under this Subsection if the approval authority finds that the authorized activity:

(A) Complies with the standards described in Sections (5)(a) and (5)(b);

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(cc) If the local government issues a permit under this Section for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.

(vi) A winery operating under Section (11)(b) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the winery received a permit in similar circumstances before August 2, 2011.

(vii) A person may not have a substantial ownership interest in more than one winery operating a restaurant authorized in Section (11)(b).
(viii) Prior to the issuance of a permit to establish a winery under Section (11)(b), the applicant shall show that vineyards described in Section (11)(b)(i) have been planted.

(ix) A winery operating under Subsection (b) shall provide for:

(aa) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and

(bb) Direct road access and internal circulation.

(c) As used in Section (11):

(i) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(ii) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(12) Agri-tourism and Other Commercial Events

(a) Six or Fewer Events. Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved. The approval is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The six or fewer agri-tourism or other commercial events or activities must meet local standards and:

(i) Be incidental and subordinate to existing farm use on the tract;

(ii) Not, individually, exceed a duration of 72 consecutive hours; and

(iii) Comply with Section (12)(c) below.

(b) Seven to 18 Events. Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with (12)(a) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The seven to 18 agri-tourism or other commercial events or activities must comply with local standards and:

(i) Be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
(i) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;

(ii) Not exceed 18 events or activities in a calendar year; and

(iv) Comply with Section (12)(c) below.

(c) All agri-tourism or other commercial events or activities described in (12)(a) and (12)(b) above must:

(i) Not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(ii) Comply with Section (5)(a) and (b) Conditional Use Criteria;

(iii) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(iv) Must comply with conditions established for:

(aa) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration or the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(bb) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(cc) The location of access and egress and parking facilities to be used in conjunction with the agri-tourism or other commercial events or activities;

(dd) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(ee) Sanitation and solid waste.
(v) The approval authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under (12)(a) or (12)(b). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The County may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under (12)(a) or (12)(b), including, but not limited to, grading, filling or paving.

(vi) Agri-tourism or other commercial events or activities authorized under this section shall not be allowed at a winery which conducts agri-tourism or other commercial events or activities authorized under Sections (11)(a)(v)-(vi) or (11)(b)(v) or (11)(b)(ii)(dd).

(vii) Event or activities authorized under this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(a), do not include agri-tourism or other commercial events and activities.

(d) Expiration of Agri-Tourism Approvals

(i) Approvals issued pursuant to (12)(a) shall be valid for two years from the date of the approval, and may be renewed for an additional two years subject to:

(aa) An application for renewal; and

(bb) Demonstration of compliance with the provisions of Section (12)(a) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(ii) Approvals issued pursuant to (12)(b) shall be valid for four years from the date of the approval. If continued, the permit holder must submit an application for renewal at four year intervals. Upon receipt of a request for renewal, the Director must:

(aa) Issue public notice and an opportunity for public comment as part of the review process according to LC Chapter 14; and

(bb) Limit review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Section (12)(b).
(13) Commercial Facilities for Generating Power

(a) Commercial Power Generating Facility.

(i) Permanent features of a power generation facility shall not preclude more than:

(aa) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or

(bb) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(ii) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.

(iii) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504(b).

(b) Wind Power Generation Facility.

(i) For purposes of this Chapter, a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.

(aa) Temporary workforce housing described in Section (13)(a)(ii) must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete.
(bb) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.

(ii) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the County must find that all of the following are satisfied:

(aa) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(A) Technical and engineering feasibility;

(B) Availability of existing rights of way; and

(C) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (bb);

(bb) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(cc) Costs associated with any of the factors listed in Subsection (aa) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
(dd) The owner of a wind power generation facility approved under Subsection (ii) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(ee) The criteria of Subsection (iii) are satisfied.

(iii) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(aa) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(bb) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
(cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

(iv) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection (13)(b)(iii)(dd) are satisfied.

(v) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (13)(b)(iii) and (iv), the approval criteria of Subsection (13)(b)(iii) shall apply to the entire project.

(c) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(i) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(ii) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of the land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(iii) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
(iv) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(v) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(vi) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
(aa) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(bb) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and County approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and County approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

(dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and County approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

(ee) The project is not located on high-value farmland soils unless it can be demonstrated that:

(A) Non high-value farmland soils are not available on the subject tract;
(B) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or

(C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

(ff) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(A) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(B) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the Director or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(vii) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:

(aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(A) Nonarable soils are not available on the subject tract;
(B) Siting the project on nonarable soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or

(C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

(cc) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(A) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(B) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(dd) The requirements of Subsections (13)(c)(vi)(aa), (bb), (cc), and (dd) are satisfied.
(viii) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:

(aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or

(B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(cc) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

(dd) The requirements of Subsection (13)(c)(vi)(dd) are satisfied;

(ee) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the County, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing Chapters and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the County is responsible for determining appropriate mitigation measures; and
(ff) If a proposed photovoltaic solar power generation facility is located on lands where, after the site specific consultation with an Oregon Department of Fish and Wildlife biologist, if it determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or habitat or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or to wildlife habitats are anticipated. Based on the results of the biologist’s report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant’s site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the County is responsible for determining appropriate mitigation, if any, required for the facility.

(gg) The provisions of Subsection (13)(c)(viii)(ff) are repealed on January 1, 2022.

(ix) The project owner shall sign and record at Lane County Deeds & Records a document binding the project owner and the project owner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(x) Nothing in this Section shall prevent the County from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.
(14) Land Divisions

(a) Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with Section (14).

(b) The minimum area shall be:

(i) E-25: 25 acres
(ii) E-30: 30 acres
(iii) E-40: 40 acres
(iv) E-60: 60 acres

(c) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

(i) Land preparation.
(ii) Ripping and plowing.
(iii) Fencing.
(iv) Surveying.
(v) Crop cultivation.
(vi) Irrigation.
(vii) Herbicide; fungicide and/or fertilizer application.
(viii) Machinery.
(ix) Accessory farm buildings.
(x) Breeding and livestock raising concerns.
(xi) Labor.
(xii) Projected expenses associated with the above.
(xiii) Date by which the farm management plan would be substantially implemented.
(d) A division of land to accommodate a Conditional Use as permitted by in Table 16.212-1 of this Chapter, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by (14)(b) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in (9) or (10)(a) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.090;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in (14)(b) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in (14)(b) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the approval authority considers necessary.
(f) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of “Date of Creation and Existence” in LC 16.090;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by (14)(b) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with LC 16.212(9);

(viii) The non-farm dwellings shall comply with LC 16.212(5)(a) and (b);

(ix) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(x) The dwelling complies with other conditions considered necessary by the approval authority;
For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with the farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by (14)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in Sections (9) and (10); and

(iv) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236.

This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

This Section does not allow a division or property line adjustment of a lot or parcel that separates uses 2.3, 2.9, or 3.7 in Table 16.212-1 of this Chapter.
(k) This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified as use 1.6 in Table 16.212-1 of this Chapter.

(l) A division of land may be permitted to create a parcel with an existing dwelling to be used:

(i) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) or (10)(a); and

(ii) For historic property that meets the requirements of use 2.8 in Table 16.212-1 of this Chapter.

(m) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b),

(i) A division of land may be approved provided:

(aa) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

(bb) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

(cc) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner’s successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

(ii) A parcel created pursuant to this Subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
(dd) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(n) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b), a division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved as use 7.11 of Table 16.212-1;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall meet the minimum size in (14)(a) either by itself or after it is consolidated with another lot or parcel.

(o) Notwithstanding the minimum lot or parcel size described Subsection (14)(a), a division for a fire service facility provided in use 7.2 of Table 16.212-1, if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

(p) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:

(i) The portion of the parcel within the UGB has been redesignated for urban uses under the applicable acknowledged comprehensive plan; and

(ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to (14)(b) above; and

(iii) The parcel must be divided along the UGB boundary line; and

(iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.

(v) If the parcel outside of the UGB does not contain a dwelling, the parcel:

(aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;

(bb) May not be considered in approving or denying an application for any other dwelling; and
(cc) May not be considered in approving a redesignation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.

(vi) A landowner allowed a land division under (14)(p) shall sign and record in the Lane County deed records a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.397.

(q) Divisions under (14)(b) and (14)(c) shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of (6), (7) or (8) above for a dwelling are met.

(r) The governing body may not approve a division of land for nonfarm use under Subsection (d), (e), (f), (g), (l), (m), (n), or (o) unless any additional tax imposed for the change in use has been paid.

(s) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

(t) The Director or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to subsection (14)(g).

(u) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or bio solids as provided Section 6.2 of Table 16.212-1.

(15) Development Standards

All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

(a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.
(i) Dwellings and development accessory to residential uses to be siting upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as “Major” must be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(15)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings and development accessory to residential uses to be sited upon all of tracts must be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) All uses, activities, and structures allowed by LC 16.212 must comply with:

(i) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(aa) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines except as provided below.

(ii) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a Riparian Modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.

(iii) Signs.
(aa) Signs cannot extend over a public right-of-way or project beyond the property line.

(bb) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.

(cc) Signs are limited to 200 square feet in area.

(16) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of Section (15), LC 16.264, and with applicable requirements elsewhere in LC Chapter 16. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

*This space intentionally left blank.*

**PAGES 16-208 THROUGH 16-213 ARE RESERVED FOR FUTURE EXPANSION**
The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lane County Area, Oregon
Survey Area Data: Version 16, Sep 10, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 30, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Nonirrigated Capability Class

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>28E</td>
<td>Chehulpum silt loam, 12 to 40 percent slopes</td>
<td>6</td>
<td>4.6</td>
<td>5.1%</td>
</tr>
<tr>
<td>52B</td>
<td>Hazelair silty clay loam, 2 to 7 percent slopes</td>
<td>3</td>
<td>41.9</td>
<td>46.2%</td>
</tr>
<tr>
<td>128B</td>
<td>Veneta loam, 0 to 7 percent slopes</td>
<td>2</td>
<td>11.3</td>
<td>12.4%</td>
</tr>
<tr>
<td>130</td>
<td>Waldo silty clay loam</td>
<td>3</td>
<td>0.8</td>
<td>0.8%</td>
</tr>
<tr>
<td>135C</td>
<td>Willakenzie clay loam, 2 to 12 percent slopes</td>
<td>3</td>
<td>17.7</td>
<td>19.5%</td>
</tr>
<tr>
<td>135E</td>
<td>Willakenzie clay loam, 20 to 30 percent slopes</td>
<td>4</td>
<td>14.5</td>
<td>16.0%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td></td>
<td><strong>90.7</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified
Tie-break Rule: Higher
Order No.: 7091-3408468  
March 04, 2020

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:  
SUE CREEL, Escrow Officer/Closer  
Phone: (541)926-8808 - Fax: (866)847-2139- Email:screel@firstam.com

First American Title Insurance Company  
2405 14th Avenue SE, Suite B, Albany, OR 97322

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:  
Lacey Teague, Title Officer  
Phone: (541)484-2900 - Fax: (877)783-9167 - Email: lteague@firstam.com

### Preliminary Title Report

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Liability</th>
<th>TBD</th>
<th>Premium</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006 ALTA Owners Standard Coverage</td>
<td>$</td>
<td></td>
<td>$</td>
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<tr>
<td>2006 ALTA Owners Extended Coverage</td>
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<td></td>
<td>$</td>
<td></td>
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<tr>
<td>2006 ALTA Lenders Standard Coverage</td>
<td>$</td>
<td></td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>2006 ALTA Lenders Extended Coverage</td>
<td>$</td>
<td></td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Endorsement 9.10, 22 &amp; 8.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Govt Service Charge</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of February 28, 2020 at 8:00 a.m., title to the fee simple estate is vested in:

Roger E. Goodwin and Patricia A. Goodwin, as tenants by the entirety

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

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

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

A. Survey or alternative acceptable to the company
B. Affidavit regarding possession
C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
   i. Satisfactory evidence that no construction liens will be filed; or
   ii. Adequate security to protect against actual or potential construction liens;
   iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon

6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.

7. Taxes for the year 2019-2020
   Tax Amount: $ 468.38
   Unpaid Balance: $ 14.46, plus interest and penalties, if any
   Code No.: 02802
   Map & Tax Lot No.: 18-05-02-00-00500
   Property ID No.: 4280275

   (Affects Mobile Home)

8. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. (affects Tax Acct No. 0741668 and 1707874)

9. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an addition tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment. (affects Tax Acct No. 1707874)
10. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

11. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Unnamed Creek and the ownership of the State of Oregon in that portion lying below the high water mark of Unnamed Creek.

12. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Unnamed Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

13. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

14. Easement, including terms and provisions contained therein:
Recording Information: May 06, 1948 as Volume 372, Page 469, Deed Records of Lane County, Oregon
In Favor of: United State of America
For: transmission line

15. Easement, including terms and provisions contained therein:
Recording Information: June 20, 1962, Reception No. 73594
In Favor of: United State of America
For: electric power transmission structure and appurtenant signal lines

16. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Roger E. Goodwin and Patricia A. Goodwin, as Tenants By The Entirety
Grantee/Beneficiary: Washington Mutual Bank
Trustee: Western Title and Escrow Company, a Oregon Corporation
Amount: $197,600.00
Recorded: December 21, 1999
Recording Information: Instrument No. 1999-102862

17. Structure Use Covenant, including terms and provisions thereof.
Recorded: August 13, 2004 as Instrument No. 2004-063972

18. Structure Use Covenant, including terms and provisions thereof.
Recorded: August 13, 2004 as Instrument No. 2004-063973

19. Farm Use and Forest Management Easement, including terms and provisions thereof.
Recorded: July 29, 2013 as Instrument No. 2013-041009

20. Lane County Agricultural Building/ Equine Facility Use Covenant, including terms and provisions thereof.
Recorded: July 30, 2013 as Instrument No. 2013-041607

21. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -
NOTE: We find no matters of public record against State of Oregon Department of Fish and Wildlife that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

| Tax Amount: | $3,274.91 |
| Map No.:    | 18-05-02-00-00500 |
| Property ID: | 0741668 |
| Tax Code No.: | 02802 |

NOTE: Taxes for the year 2019-2020 PAID IN FULL

| Tax Amount: | $103.97 |
| Map No.:    | 18-05-02-00-00500 |
| Property ID: | 1707874 |
| Tax Code No.: | 02800 |

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops and Timber on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

Situs Address as disclosed on Lane County Tax Roll:

87308 and 87330 Halderson Road, Eugene, OR 97402

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

<table>
<thead>
<tr>
<th>RECORDED INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing Address: First American Title Insurance Company of Oregon</td>
</tr>
<tr>
<td>Attn: Recorder</td>
</tr>
<tr>
<td>2892 Crescent Ave</td>
</tr>
<tr>
<td>Eugene, OR 97408</td>
</tr>
</tbody>
</table>

Typical Recording Fees:

$87.00 per first page (most documents)

$5.00 per additional page

$5.00 per document e-recording fee

NOTE: An Additional fee of $20 may be imposed by the County Clerk if a document presented for recording fails to meet the requirements established by ORS Chapter 205.

cc: State of Oregon Department of Fish and Wildlife
cc: Roger E. Goodwin and Patricia A. Goodwin

First American Title
First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)
The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:
1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land;
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER’S POLICY (06/17/06)
The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:
1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land;
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS
1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation herefore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

First American Title
Privacy Notice

Effective: January 1, 2020
Notice Last Updated: January 1, 2020

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as “First American,” “we,” “us,” or “our”) collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties. For more information about our privacy practices, please visit https://www.firstam.com/privacy-policy/index.html. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect both personal and non-personal information about and from you. Personal information is non-public information that can be used to directly or indirectly identify or contact you. Non-personal information is any other type of information.

How Do We Collect Your Information? We collect your personal and non-personal information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your personal information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. We may use your non-personal information for any purpose.

How Do We Share Your Personal Information? We do not sell your personal information to nonaffiliated third parties. We will only share your personal information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. If you have any questions about how First American shares your personal information, you may contact us at dataprivacy@firstam.com or toll free at 1-866-718-0097.

How Do We Secure Your Personal Information? The security of your personal information is important to us. That is why we take commercially reasonable steps to make sure your personal information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your personal information.

How Long Do We Keep Your Personal Information? We keep your personal information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your personal information. In accordance with applicable law, your controls and choices. You can learn more about your choices, and exercise these controls and choices, by sending an email to dataprivacy@firstam.com or toll free at 1-866-718-0097.

International Jurisdictions: Our Products are hosted and offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your personal information to us in the US, and you consent to that transfer and use of your personal information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.

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Form 10-PRIVACY19 (1-10-20)
For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

**Right to Know.** You have a right to request that we disclose the following information to you: (1) the categories of personal information we have collected about or from you; (2) the categories of sources from which the personal information was collected; (3) the business or commercial purpose for such collection and/or disclosure of your personal information; (4) the categories of third parties with whom we have shared your personal information; and (5) the specific pieces of your personal information we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

**Right of Deletion.** You also have a right to request that we delete the personal information we have collected from you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

**Verification Process.** For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

**Right to Opt-Out.** We do not sell your personal information to third parties, and do not plan to do so in the future.

**Right of Non-Discrimination.** You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

**Collection Notice.** The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

| Categories of Personal Information Collected | The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer. |
| Categories of Sources | Categories of sources from which we've collected personal information include, but may not be limited to: the consumer directly; public records; governmental entities; non-affiliated third parties; social media networks; affiliated third parties |
| Business Purpose for Collection | The business purposes for which we've collected personal information include, but may not be limited to: completing a transaction for our Products; verifying eligibility for employment; facilitating employment; performing services on behalf of affiliated and non-affiliated third parties; debugging to identify and repair errors that impair existing intended functionality on our Websites, Applications, or Products; protecting against malicious, deceptive, fraudulent, or illegal activity |
Categories of Third Parties Shared

The categories of third parties with whom we’ve shared personal information include, but may not be limited to: advertising networks; internet service providers; data analytics providers; service providers; government entities; operating systems and platforms; social media networks; non-affiliated third parties; affiliated third parties.

Categories of Personal Information We Have Sold In The Past Year.

We have not sold any personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated.

Categories of Personal Information Disclosed For A Business Purpose In The Past Year.

The following is a list of the categories of personal information of California residents we may have disclosed for a business purpose in the 12 months preceding the date this Privacy Notice was last updated: The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver’s license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.
Exhibit "A"

Real property in the County of Lane, State of Oregon, described as follows:

Commencing at the Southeast corner of the Southwest quarter of the Southwest quarter of Section 2 Township 18 South of Range 5 West of the Willamette Meridian, set pipe for beginning point, thence North 0°6', West 1828.2 feet, set pipe, thence, North 0°06' West 811.8 feet to intersection of line running East and West through Section 2, set iron rod, thence North 21°15' East, 1294.7 feet, set pipe, thence South 69°10' East 360 feet, set pipe, thence South 46°13' East 1200 feet, set pipe, thence South 21°55' West 250 feet, set pipe, thence South 46°13' East 120 feet, set pipe, thence South 21°55' West 350 feet, set bar, thence south 46°13' East 202.8 feet, set pipe, thence South 21°15' West 1004.3 feet, set pipe, thence south 1188.7 feet to quarter section corner on South line of Section 2, thence West to the place of beginning, in Lane County, State of Oregon, except county roads.

Except a certain tract conveyed to Lane County by Deed recorded in Vol. 193, Page 261, of Lane County Oregon Deed Records, described as follows: A strip of land 50 feet in width, the center line of which is described as follows: Beginning at a point on the line between the lands of Clarence L. Haldorson and John A. Haldorson, said point being 1762.7 feet North and 1139.0 feet West of the quarter corner on the South side of Section 2 Township 18 South Range 5 West of the Willamette Meridian, Lane County, Oregon; thence South 70°20' East 227.4 feet; thence south 59°10' East 984.2 feet to a point on the line between the lands of John A. Haldorson and Ole Haldorson, said point being 1161.2 feet North and 22.3 feet West of the said quarter corner on the South side of Section 2, being a part of the Southwest quarter of Section 2, said township and range, in Lane County, Oregon.

Also the Northeast quarter of the Northwest quarter of Section 11, Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM: The Northeast quarter of the Northwest quarter of Section 11, Township 18, South, Range 5 West of the Willamette Meridian, in Lane County, Oregon.

ALSO EXCEPT THEREFROM Beginning at the Southeast corner of the Southwest quarter of Section 2 in Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon; thence run North 89°20' 25" West along the South line of said Section 2 a distance of 1311.51 feet to a point, said point being the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 2, said point being referenced by a 1/2 inch iron inch pipe which bears North 0.39 feet, thence leaving said section line and run North 00° 06' West along the West line of that certain tract of land described on that certain deed recorded in Book 401, Page 282, Lane County Oregon Deed Records, in Lane County, Oregon, a distance of 466.44 feet; thence South 89° 20' 25" East parallel with the South line of said Section 2 a distance of 1251.54 feet to a point that is 60.0 feet West of (when measured at right angles) the East line of that certain tract of land described in said book 401, Page 282, Lane County Oregon Deed Records; thence North 00° 05' 44" west parallel with the East line of said tract of land a distance of 714.70 feet to a point marked by a 5/8 inch iron rod marking the Southerly right of way of a 60.0 foot roadway (known as Holderson Road); thence South 56° 36' 10" East along said right of way line 71.95 feet to a point marked by a 5/8 inch iron rod on the East line of said tract of land described in Book 401, Page 282, Lane County Oregon deed Records, thence South 00° 05' 44" East 1142.22 feet to the point of beginning in Lane County, Oregon.

ALSO EXCEPT THEREFROM Beginning at the Southeast corner of the Southwest quarter of Section 2, in Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon; thence run North 89° 20' 25" West along the South line of said Section 2 a distance of 1311.51 feet to a point, said point being the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 2, said point being referenced by a 1/2 inch iron rod which bears North 0.39 feet; thence leaving said section line and run North 00° 06' West along the West line of that certain tract of land described on that certain deed recorded in Book 401, Page 282, Lane County Oregon Deed Records, in Lane County, Oregon, a distance of 466.44 feet; thence South 89° 20' 25" East parallel with the South line of said section 2 a
distance of 1251.54 feet to a point that is 60.0 feet West of (when measured at right angles) the East line of that certain tract of land described in said Book 401, Page 282, Lane County Oregon Deed Records, said point also being the True Point of Beginning of the herein described tract; thence North 00° 05' 44" west parallel with the East line of said tract of land a distance of 714.70 feet to a point marked by a 5/8 inch iron rod marking the Southerly right of way of a 60.0 feet roadway (known as Holderson Road); thence North 56° 36' 10" West along said right of way line 51.22 feet to a point marked by a 5/8 inch iron rod; thence leaving said right of way line and run South 33° 18' 28" West 204.54 feet to a point marked by a 5/8 inch iron rod; thence North 59° 36' 50" West 168.0 feet to a point marked by a 5/8 inch iron rod; thence South 6° 32' 13" West 656.87 feet to a point marked by a 5/8 inch iron rod that bears North 89° 20' 25" West of the True Point of Beginning, thence South 89° 20' 25" East 376.0 feet to the True Point of Beginning, in Lane County, Oregon.

EXCEPT THEREFROM that portion lying Northerly of the Southerly line of Haldorson Road (County Road No. 1166).

NOTE: This legal description was created prior to January 1, 2008.
ParcelID: 4280275
87308 Halderson Rd
Eugene, OR 97402

This map/ plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.
February 5, 2010

In reply refer to: KEW-4

Dear Fish and Wildlife Project Sponsor:

The Bonneville Power Administration’s (BPA) implementation of the Fish and Wildlife Program frequently involves securing real property interests to protect, mitigate and enhance fish and wildlife adversely affected by the construction and operation of the Federal Columbia River Power System. In determining the fair market value of these properties, BPA must comply with federal law and regulations regarding the federal appraisal review process. BPA proposes to adopt the guidelines and requirements outlined in the attached “BPA Fish and Wildlife Appraisal Requirements” and seeks your review and comment prior to adoption, scheduled for April 1, 2010.

During the past two years, up to 30 percent of the appraisals that have been submitted have not met federal requirements and standards, and were inadequate to support land acquisition or easement purchases under the Fish and Wildlife Program. This has resulted in delays in the review process and consequently, in the date of acquisition. Many of you along with BPA’s COTRs may have experienced these delays. BPA anticipates that these guidelines will provide clarity of expectations for appraisals and streamline the acquisition process.

BPA’s real property appraisal staff developed the attached guidelines and requirements document that includes a summary of definitions, references, and requirements of the appraisal process. This document is intended to inform fish and wildlife project sponsors of the requirement standards that appraisals (and appraisers) will be required to meet for appraisals prepared under the Fish and Wildlife Program. You will note also that there are special appraiser certifications that have not been required in the past. BPA is providing this information early to sponsors, so as to allow them an early heads up before these requirements go into effect.

BPA is seeking your review and comment on the proposed appraisal requirements during a 30-day comment period. Comments are due no later than March 5, 2010. Please provide your written comments to Steven C. Bottemiller, MAI Chief Appraiser sbottemiller@bpa.gov, the primary contact for this document. Please also copy Jennifer Yarman jayarman@bpa.gov, Fish and Wildlife Program administrative assistant. We will revise the guidelines document following consideration of your comments, with anticipation that they will go into effect on April 1, 2010.
For additional information or to arrange for additional consultation on the proposed requirements, you may contact Steve Bottemiller at 503-230-5541 or you may contact David Byrnes from my staff at 503-230-3171.

Sincerely,

William C. Maslen
Director of Fish & Wildlife

Attachment:
BPA F&W 2010 Appraisal Standards

Cc:
Mr. Tony Grover, Northwest Power and Conservation Council
Mr. Brian Lipscomb, Columbia Basin Fish and Wildlife Authority
BPA FISH AND WILDLIFE APPRAISAL REQUIREMENTS
DEFINITIONS, REFERENCES AND REQUIREMENTS
FOR ALL APPRAISALS SUBMITTED FOR FUNDING TO THE
BONNEVILLE POWER ADMINISTRATION (BPA) FISH AND WILDLIFE PROGRAM

January 18, 2010

I. COMPLIANCE DATE FOR THE ENCLOSED REQUIREMENTS AND
GUIDELINES:

The requirements and guidelines set forth in this transmittal take effect on April 1, 2010. Appraisal reports under contract before April 1, 2010 will be accepted for review by the BPA under the contract terms agreed to with the appraiser.

II. COMPLIANCE WITH FEDERAL REQUIREMENTS AND GUIDELINES:

All definitions and requirements to be included in the appraisal must be consistent with the following publications:


3) The Uniform Standards of Professional Appraisal Practice (USPAP) (Website Location to USPAP).

III. SPECIFIC MINIMUM APPRAISAL REPORT COMPLIANCE ITEMS REQUIRED IN ALL REPORTS PREPARED FOR BPA USE:

1. Proper documentation of the landowner contact and an invitation to the landowner to accompany the appraiser on the property inspection must be included in each appraisal report. Public Law 91-646 [49 CFR Part 24.102(f) Basic Acquisition Policies].


4. The appraisal valuation conclusion must be based on an economic use and not a Public or Special Interest Use Value premise.

5. A ten-year sales history of the subject property (ies) together with the last sale of the property irrespective of the date and any listings or prior offers within said time period are required: UASFLA “The Yellow Book”, Section A-13e Page 15


7. Reference linking the “Estimate of Value to a Specific Exposure Time” shall not be included in the appraisal report: UASFLA “The Yellow Book”, Section A-9 Page 13, Section D-1(b) Page 78.

8. Scope of Work: The applicability of all standard approaches to value shall be discussed and the exclusion of any approach to value shall be explained: UASFLA “The Yellow Book” Section A-8 Page 12.

9. All comparable sale data shall comply with the UASFLA “The Yellow Book” requirements cited under B-4 pages 37-40 and Section A-17 pages 20 to 22

10. Comparable sales (to and/or for other government agencies) requiring Extraordinary Verification and Treatment must be addressed in an appropriate manner: UASFLA “The Yellow Book”, Section D-9 Page 84.

11. The Date of Value shall be the Date of Physical Inspection of the subject property by the appraiser.

12. Submit appraisal report (s) to The BPA for review and approval through The BPA Project Manager.

13. The larger parcel shall be identified and the impact of the acquisition on the larger parcel needs to be analyzed: UASFLA “The Yellow Book” Section B-11, Pages 47 through 41 and Section B-13 Pages 53 through 55.

14. Color photographs of the subject and all comparable properties, together with a location map clearly exhibiting all sales in relation to the subject, must be included in all copies of the appraisal report: UASFLA “The Yellow Book” Section A-17 Pages 21-22. The location map must have appropriate distinguishing landmarks to assist the appraiser during a field inspection.
15. A GPS coordinate is needed of the locations indicating where each photo is taken for the subject property(s) as well as for the comparable sales used in this report. This coordinate will be included in the photo caption as well as the name of the person taking the photo and the date the photo was taken. The BPA will be using these coordinates in completing a field review of this report: UASFLA “The Yellow Book” Section A-17 Page 21.

16. Discussion relative to the comparable properties used in the appraisal report shall include individual narrative comments and adjustment conclusions as to the value each comparable property indicates for the subject, together with an overall summary conclusion. If an adjustment grid tabulation is used, it shall be clearly presented containing all adjustments and supported through market sources: UASFLA “The Yellow Book” Section A-17 Pages 21-22.

17. The Appraisal Certification shall include a statement indicating the contract appraiser has personally inspected the appraised property and all comparable sale properties used in arriving at the estimate of value. In addition, the concluded final estimate of “Market Value” and date of valuation shall be included in the Appraisal Certification. The appraisal will be rejected if these items are not present: UASFLA “The Yellow Book” Section A-4 Pages 9-10.

18. The enclosed checklist must be filled out and located in the addenda of the appraisal report. Failure to include this completed checklist will cause immediate rejection of this report.

IV DOCUMENTATION

The appraiser(s) will provide an appraisal report both in hard copy and PDF electronic format to comply with the rules and regulations described by reference in this transmittal. The BPA needs to be listed as either the client or an intended user of the report. It is further recommended that the phrase “For the United States Government Agencies and Bureaus (attention: The Bonneville Power Administration) use”. The appraisal employment contract including the appraisal instructions and fee for appraisal services must be included in the addenda of the appraisal report. The BPA Appraisal Department will accept appraisals with dates of value within six months of the time of receipt in the department. Reports with dates of value exceeding six months may or may not be accepted without an update.

V APPRAISER REQUIREMENTS

The principle appraiser must be a Certified General Appraiser in the State where the subject property is located or hold a Certified General Appraiser license in another state that will be
granted reciprocity by the state licensing agency governing the location of the subject property(s).

As of October 1, 2010: All appraisers providing easement related appraisals for The BPA Fish and Wildlife program will be required to show proof of attendance and passing either the Appraisal Institute’s or American Society of Farm Managers and Rural Appraiser’s Valuation of Conservation Easement Certificate Program course. In addition, All appraisers are required to have taken a UASFLA “The Yellow Book” course/seminar sponsored by a member of the Appraisal Foundation and passed the appropriate examinations. Reports received after this date will be rejected if evidence of the Valuation of Conservation Easement Certification and the UASFLA “The Yellow Book” course of study are not present by reference or exhibit in the report.

VI VALUATION METHODS TO BE USED

Valuation Methods to be used are to be determined by the appraiser(s) and must be consistent with the prior referenced Federal Requirements in Section I. If conflicts arise between the requirements of UASFLA “The Yellow Book”, Public Law 91-646 (49 CFR Part 24), revised in January 4, 2005 and USPAP, The BPA Appraisal Staff assigned to the project will instruct the appraiser(s) regarding which requirements are to be followed. The BPA appraisal staff are available to respond to questions by the appraiser(s) regarding appraisal methodology and procedures.
## APPRAISAL REQUIREMENT CHECK LIST

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THOMAS S. MORGAN

Qualifications

FORMAL EDUCATION
University of Colorado 1969-72
Boulder, Colorado

Colorado Community College 1967-69
Denver, Colorado

APPRAISAL EDUCATION
University Courses
- Real Estate Principles
- Real Estate Law
- Real Estate Appraisal
- Real Estate Investment

American Institute of Real Estate Appraisers
- R41-b Seminar
- Course VIII
- Course 1A
- Highest and Best Use Analysis
- Standards of Professional Practice
- Capitalization Theory and Technique
- Case Studies
- Report Writing and Valuation Analysis
- Analyzing Cash Flows
- Easement Valuation

Society of Real Estate Appraisers
- R41-C Seminar
- Income Property Valuation – 201
- Appraisal of Residential Condominium Projects

Appraisal Institute
- Standards of Professional Practice
- Wetlands Valuation
- Uniform Appraisal Standards for Federal Land Acquisition
- Valuation of Conservation Easements

Independent Courses
- American Right-of-Way Association courses
- Oregon State Department of Revenue – Appraisal Short Course

EXPERT WITNESS
- Lane County Circuit Court
- Federal Bankruptcy Court
LICENCES
Certified Appraiser – State of Oregon Department of Revenue

PROFESSIONAL EXPERIENCE
Appraiser Duncan & Brown 1994 – present
Real Property Officer Lane County Real Estate Division 1977 – 1978
Real Estate Appraiser Lane County Assessor’s Office 1974 – 1977

CURRENT FOCUS OF APPRAISAL PRACTICE
After several decades of traditional appraisal practice (residential, multi-family, industrial and commercial assignments), my practice currently focuses on appraisals of Conservation Easements, Working Lands Easements and rural farm/timber properties. Clients include The Nature Conservancy, McKenzie River Trust, Trust for Public Lands, Wetlands Conservancy, Western Rivers Conservancy, Greenbelt Land Trust, Southern Oregon Land Conservancy and the Deschutes Land Trust. Appraisals are completed in conformance with both the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA, commonly referred to as the “Yellow Book”).

Appraiser Certification and Licensure Board
State Certified General Appraiser
20 hours of continuing education required

THOMAS S MORGAN
DUNCAN & BROWN LLC
280 W 12TH AVE
EUGENE, OR 97401

License No.: C000013
Issue Date: June 10, 2020
Expiration Date: May 31, 2022

Chad Koch, Administrator
Certificate of Completion

Thomas Morgan

has successfully completed the

Valuation of Conservation Easements Certificate Program

on December 3, 2010

[Signature]

Leslie Sellers, MAI, SRA, 2010 President,
Appraisal Institute

THE CERTIFICATE OF COMPLETION DOES NOT PROVIDE CERTIFICATION OF ANY KIND, NOR DOES IT ATTEST TO THE COMPETENCY OF THE PARTICIPANTS.