

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 440**

4
5
6 **Amending the Lincoln County Comprehensive Plan from Agricultural Land to**
7 **Dispersed Residential and the Lincoln County Zoning Map from AC (Agricultural**
8 **Conservation) to RR-10 (Rural Residential – 10-acre minimum parcel size), and**
9 **granting a “Committed Lands” Exception to Statewide Planning Goal 3, Agricultural**
10 **Lands on property identified as Tax Lot 1100, Lincoln County Assessor’s Map 10-10-**
11 **1A; and declaring an emergency.**
12

13 WHEREAS on March 26, 2006 the Lincoln County Planning Commission
14 recommended creation of a new rural residential zone, denominated the RR-10 Zone (File
15 No. 01-TA-06). By Ordinance No. 339 adopted earlier this date by the Lincoln County
16 Board of Commissioners, Lincoln County Code Section 1.1357 established the Rural
17 Residential Zone RR-10; and

18 WHEREAS also on March 26, 2006, the Lincoln County Planning Commission voted
19 8 to 0 to recommend approval of a request by applicant Isabel Bentley for a Comprehensive
20 Plan map amendment from Agricultural Land to Dispersed Residential, a zone change from
21 AC (Agricultural Conservation) to the newly created RR-10 (Rural Residential—10-acre
22 minimum parcel size), and granting a “Committed Lands” exception to Statewide Planning
23 Goal 3, Agricultural Lands, on property identified as Tax Lot 1100, Lincoln County
24 Assessor’s Map 10-10-1A, File No. 1-LUPC-ZC-06; and

1 WHEREAS after published notice in accordance with law, the Lincoln County Board
2 of Commissioners held a public hearing on May 31, 2006, to consider the request; and

3 WHEREAS at the conclusion of that hearing, the Board voted 3-0 to approve the
4 request;

5 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

6 **SECTION 1.**

7 1. The Planning Commission's recommendation is adopted, and the Comprehensive
8 Plan Map is amended from Agricultural Land to Dispersed Residential, zoning is changed
9 from AC (Agricultural Conservation) to RR-10 (Rural Residential—10-acre minimum parcel
10 size), and a "Committed Lands" exception to Statewide Planning Goal 3, Agricultural Lands,
11 is granted on property identified as Tax Lot 1100, Lincoln County Assessor's Map 10-10-1A
12 located approximately four miles east of the City of Siletz at 4272 Logsdon Road. The
13 subject property is more particularly identified on the map in Exhibit "A," which is attached
14 hereto and incorporated herein.

15 2. The findings and conclusions supporting these actions are adopted as set forth in
16 Exhibit "B" attached hereto and incorporated herein.

17 3. Copies of this ordinance shall be forwarded to County Surveyor; County Assessor;
18 County Counsel, Jessica Bondy, Lincoln County Planner; Matt Spangler, Lincoln County
19 Planning Department Director; Kurt Carstens, Attorney at Law, PO Box 553, Newport OR
20 97365; Iris Young, 4168 Logsdon Road, Siletz OR 97380; and applicant Isabel Bentley, c/o
21 Rick Prest, PO Box 456, Waldport OR 97394-0451.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 4. The Department of Planning and Development shall amend the official maps and
2 shall forward a copy of this ordinance to the Department of Land Conservation and
3 Development.

4 **SECTION 2.**

5 This Ordinance being necessary for the immediate preservation of the public peace,
6 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
7 its passage.

DATED this 14th day of June, 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS



DON LINDLY, Chair



BILL HALL, Commissioner



TERRY N. THOMPSON, Commissioner

ATTESTED TO:



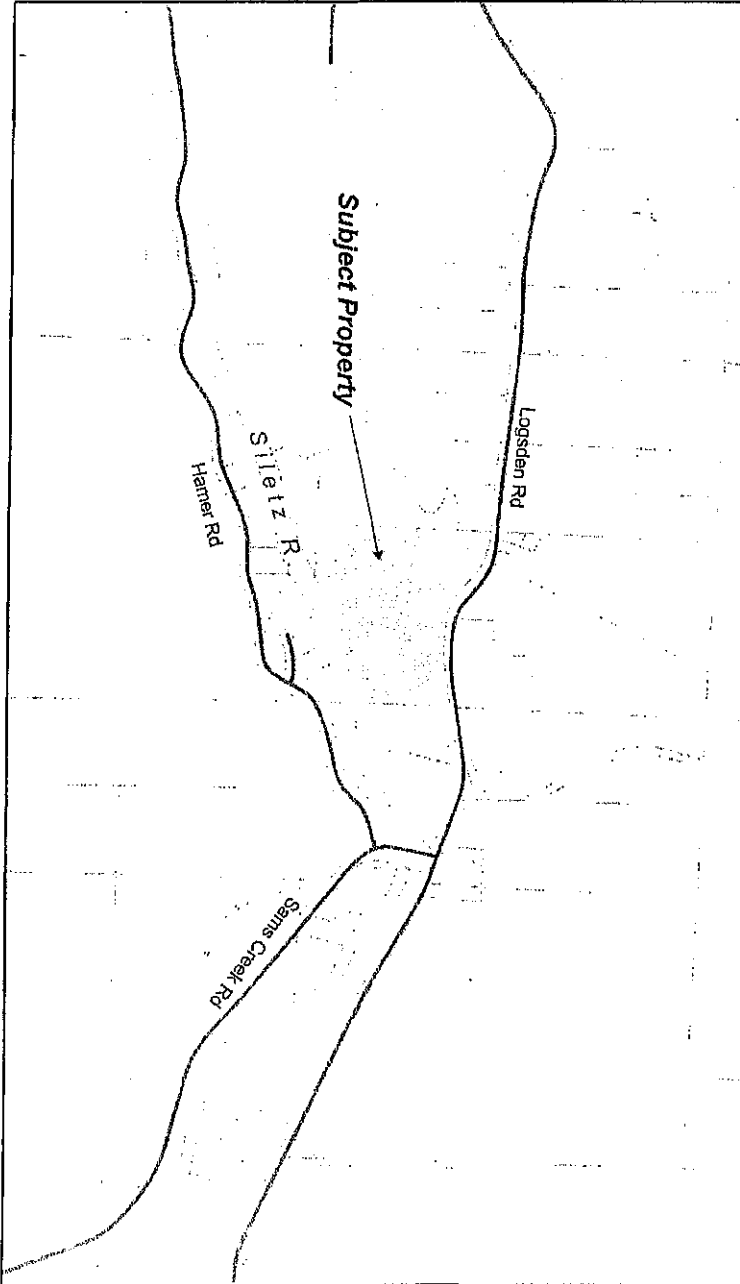
Liz Sample, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

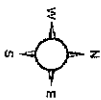


Siletz
Newport
Toledo



Applicant: Isabel Bentley
(Agents: Rick Presi, Bob Speaker)
Map and Tax lot: 10-10-1 A / 1100

0 1,000 2,000 Feet
1 inch equals 1,000 feet



BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON

Comprehensive Plan Map)	Case File #1-LUPC-PC-06
Amendment, Zone Change, and)	
Exception to Statewide)	Findings, Conclusions,
Planning Goal 3)	
Applicant: Isabel Bentley;)	and Final Order
Rick Prest (Agent))	

Nature of the Application

The applicant is requesting a comprehensive plan map amendment from Agricultural Land to Dispersed Residential and a zone change from AC (Agricultural Conservation) to RR-10 (Rural Residential – 10 acre minimum parcel size).

Approval of the application will require the County to adopt an Exception to Statewide Planning Goal 3.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The subject property is approximately 30.3 acres.
2. The subject property is located about four miles east of the City of Siletz on the south side of Logsdan Road. The property is identified on Lincoln County Assessor's Maps as T10S-R10W-Section 1A, Tax Lot 1100.
3. The subject property is zoned AC (Agricultural Conservation).
4. The subject property carries a plan designation of Agricultural Land.

5. Surrounding Land Uses are:

- North: Logsden Road, then rural residential, then commercial forestry
- East: Rural residential
- South: Siletz River, then rural residential on small lots (Geneva Acres Subdivision)
- West: Rural residential

Surrounding Zoning is:

- North: Timber Conservation (T-C), across Logsden Road
- East: Rural Residential – 5 acre minimum (RR-5)
- South: Rural Residential – 5 acre minimum (RR-5)
- West: Agricultural Conservation (A-C)

6. Description of Property: The subject property is in the Siletz River valley about four miles east of the town of Siletz and ¼ mile west of Sams Creek. The property is between Logsden Road and the river. The road forms the northern boundary of the property. The Siletz River gently meanders in a westerly direction along the southern boundary of the property. About 3.5 acres of the property are in the floodplain of the river. The remainder of the property is relatively flat, gently sloping from the road to the river. The northwestern corner of the property (1.3 acres) is separated by Bentilla Creek, a small perennial stream. The elevation is about 170 feet msl. The Siletz River valley is generally 1,500 to 3,000 wide in this area. The surrounding land rises steeply to 600 – 900 feet msl above the valley floor. These hillslopes are forested and used for commercial timber production.
7. The subject property contains one single-family dwelling, built in 1900, located in the northwest corner of the property. The 1.3 acre area that contains the dwelling is cut off from the rest of the property by Bentilla Creek. This portion of the property also contains a storage shed, woodshed, garage, driveway, and septic system.
8. The following utilities are proposed to serve the subject property:
- a. Water: On-site well.
 - b. Sewer: On-site sewage disposal system.
 - c. Electricity: Central Lincoln P.U.D.

9. Portions of the property lie within the 100-year regulatory floodplain. Any development within the Flood Hazard Overlay Zone requires compliance with floodplain development set forth in L.C.C. Section 1.1395.

10. According to mapping prepared by the U.S. Soil Conservation Service, the upland portion of the property is comprised of Logsdon silt loam soil. According to the Natural Resources Conservation Service "Soil Survey of Lincoln County Oregon Area," this soil is agricultural capability class IIc. The Soil Survey states that Logsdon soil:

"... is used mainly for hay and pasture. It also is used for homesite development, wildlife habitat, and limited timber production.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, low fertility, and the cool, moist summers that inhibit proper curing of hay crops during most years. Grazing during wet periods results in compaction of the surface layer, poor tilth, and excessive runoff."

The portion of the property in the floodplain (about 3.7 acres) is comprised of Nehalem silt loam. It is classified as agricultural capability class IIIw. The Soil Survey states that Nehalem soil:

"...is used mainly for hay and pasture and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are the hazard of flooding, low fertility, and the cool moist summers that inhibit proper curing of hay crops during most years."

11. The soils are not suitable for commercial forestry use, based on the NRCS Soil Survey.

12. No comments were received from the Department of Land Conservation and Development.

13. A public hearing was held on March 27, 2006 before the Lincoln County Planning Commission. All interested parties were given an opportunity to testify.

14. The applicant's representative presented testimony on behalf of the request. The basis for the applicant's request is that the subject property was originally zoned AC in error and qualifies for an exception to Goal 3. The property was irrevocably committed to uses other than farm or forestry based on existing adjacent uses and other relevant factors when it was designated AC in 1980. These uses and factors include: extensive parcelization and residential development on adjacent lands; the unsuitability of the soils on the property for forestry uses; climatic limitations on the agricultural productivity of soils on the property; and the small farmable area relative to commercial farm units in the area.
15. The applicant evaluated the proposal in terms of the applicable code, statute and administrative rule criteria. Their conclusion was that a Dispersed Residential designation of the County Comprehensive Plan is more appropriate for the subject property than the current Agricultural designation.
16. The applicant contends that the property was zoned in error and meets the standards for an exception to Goal 3. After evaluating the parcelization and land use pattern of the adjacent area, soil productivity, potential for agricultural use and other relevant factors, the applicant concluded that the property should be re-designated to Agriculture and re-zoned to RR-10.
17. No opposition testimony was entered into the record.
18. All application materials and staff's report are by reference incorporated into the record herein.

Relevant Criteria

- a. Lincoln County Development Code, Section 1.1235, Quasi-Judicial Amendments: A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that:
 - 1) The change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and
 - 2) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or

- 3) The zoning previously adopted for the area was in error; or
- 4) There is a public need for the change being sought.

b. Statewide Planning Goal 2: Land Use Planning PART II -- EXCEPTIONS

2.1 - A local government may adopt an exception to a goal when:

- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

ORS 197.732 - Goal exceptions; criteria; rules; review. (1) A local government may adopt an exception to a goal if:

- (b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

OAR 660 Division 4 – Interpretation of Goal Exception Process

2.3 - OAR 660-004-000 - Purpose

- (2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.
- (3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to:

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- (a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and
 - (b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide Goal.
- (4) When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception.

OAR 660-004-0010 - Application of the Goal 2 Exception Process to Certain Goals

- (1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:
- (a) Goal 3 "Agricultural Lands"; however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS Chapter 215 and OAR chapter 660 division 033, "Agricultural Lands" ;

2.4 – OAR 660-004-0018 - Planning and Zoning for Exception Areas

- (1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning

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provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

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

(b) That meet the following requirements:

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

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

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

2.5 - OAR 660-004-0028 - Exception Requirements for Land Irrevocably Committed to Other Uses

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;

(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;

(c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
- (a) The characteristics of the exception area;
 - (b) The characteristics of the adjacent lands;
 - (c) The relationship between the exception area and the lands adjacent to it; and
 - (d) The other relevant factors set forth in OAR 660-004-0028(6).
- (3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:
- (a) Farm use as defined in ORS 215.203;
 - (b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and
 - (c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).
- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

- (5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.
- (6) Findings of fact for a committed exception shall address the following factors:
- (a) Existing adjacent uses;
 - (b) Existing public facilities and services (water and sewer lines, etc.);
 - (c) Parcel size and ownership patterns of the exception area and adjacent lands:
 - (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;
 - (B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if

they stand alone amidst larger farm or forest operations, or are buffered from such operations.

- (d) Neighborhood and regional characteristics;
 - (e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;
 - (f) Physical development according to OAR 660-004-0025; and
 - (g) Other relevant factors.
- (7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

c. Lincoln County Comprehensive Plan:

Applicable Comprehensive Plan Goals and Policies:

1.3.1 - LCLUC 1.0010 Land Use Planning Goals

(2) To ensure that all growth is orderly and efficient.

1.3.2 - LCLUC 1.0010 Land Use Planning Goals

(3) To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

1.4 - LCLUC 1.0050 Natural Hazards Goals

- (1) To identify and evaluate areas where natural hazards are known or suspected to exist.
- (3) To provide appropriate safeguards for land uses in areas of natural hazards.

1.0055 Natural Hazard Policies

- (3) Lincoln County shall require developments in areas subject to flooding to comply with the requirements of the U.S. Department of Housing and Urban Development (HUD) Flood Insurance Program.

1.5 - LCLUC 1.0065 Forest Land Policies

- (4) Lincoln County shall protect existing forest uses from encroachment of incompatible forest uses.

1.6 - LCLUC 1.0070 Agricultural Lands Goals

- (1) To preserve and maintain agricultural lands.
- (2) To conserve and improve the existing commercial agricultural enterprise within the area.

1.0075 Agricultural Lands Policies

- (1) Lincoln County shall designate, preserve and maintain agricultural land for farm use consistent with existing and future needs for agricultural products, forest and open space.

1.6 - 1.0075 Agricultural Lands Policies

- (3) Lincoln County shall ensure that designated agricultural lands are protected from encroachment of incompatible land use.
- (4) Where rural residences can be accommodated on land within agricultural areas not suited for agriculture or commercial timber production, such residences shall be allowed if they pose no threat of conflict with prevailing farm and forest practices.

1.7 - LCLUC 1.0140 Transportation Goals

- (1) To plan for a safe, convenient and economic transportation system.

1.0145 Transportation Policies

- (15) A condition of final development approval shall be that public roads providing access to proposed development be improved to minimum County standards.

1.8 - LCLUC 1.0160 Housing Goals

- (1) To assist in providing housing.

1.9 - LCLUC 1.0185 Public Facilities Policies

- (8) The overall land use classification system shall include the following categories:

(b) Dispersed Residential:

- (A) Dispersed Residential areas are committed to residential use and shall be defined on the basis of population and as areas having a historic land use pattern of low density settlement with few if any public services and facilities either existing or planned.

- (B) Those public services and facilities considered appropriate for Dispersed Residential areas shall be limited to existing services and facilities and those services and facility improvements that are needed for the maintenance of the existing low density residential uses.

- (C) Water systems shall be individual or approved community water systems. Sewerage shall be by means of individual on-site subsurface disposal, community drain fields or spray irrigation of effluent disposal systems. Dispersed Residential areas shall be served by rural fire protection districts where available. Where rural fire protection districts are not established, special performance standards shall be applied to ensure adequate protection of the surrounding natural resources.

Findings

The Commission Finds:

1. The application complies with LCC Section 1.1235 in that the AC zoning previously adopted for the area was in error. The applicant has submitted substantial evidence summarized below.

The property is between Logsdan Road and the Siletz River, about ¼ mile downstream from the confluence of Sams Creek. The Siletz gently meanders in a westerly direction along the southern boundary of the property. The elevation is about 170 feet msl. The river valley is generally 1,500 to 3,000 wide in this area. The land rises steeply to 600 – 900 feet msl above the valley floor. The hillslopes are forested and used for commercial timber production. Five streams enter the Siletz within a mile of the property. The Bentley's were one of the early families to settle in the area. The house that is on the Bentley property was built around 1900.

Zoning was first applied to this area of rural Lincoln County in 1974. At that time, the property was zoned A-2 (Rural Residential). This zoning designation had a one acre minimum lot size. A Comprehensive Plan Map designation of Agriculture was first applied to the property in 1980. The zoning was changed to Agricultural Conservation – 10 acre Minimum lot size at that time. The current Agricultural Conservation (A-C) zoning was applied to the property in 1994. Parcelization, existing development and land uses, and other relevant factors present in 1980, when the County's Comprehensive Plan was adopted, will be considered in determining the appropriate zoning for the property.

Based on conditions in 1980, the area around the subject property was extensively parcelized as shown on Figure 1 and Tables 1 through 3 and applicant's Exhibit B. The median parcel size in the immediate area was 1.76 acres and the median size of all parcels within one mile that border a road or the river was 1.96 acres. There were 26 dwellings within 0.50 mile of the subject property.

Table 1. Parcel sizes for all parcels in the area around the subject property.
[Based on 1980 data]

Distance From Subject Property	Number of Parcels	Median Parcel Size (Acres)
Within 0.25 Mile	56	1.76 acres
Within 0.50 Mile	86	4.56 acres
Within 1.00 Mile	159	4.34 acres

Table 2. Parcel sizes for all parcels within one mile of the subject property that border a road or the river. [Based on 1980 data]

Distance From Subject Property	Number of Parcels	Median Parcel Size (Acres)
Parcels Bordering a Road or the River Within 1.00 Mile	127	1.96 acres

Table 3. Parcel sizes for land bordering the subject property. [Based on 1980 data]

Distance From Subject Property	Number of Parcels	Median Parcel Size (Acres)
Parcels Bordering the Subject Property	15	1.85 acres

The subject property was bordered by non-resource land to the east and south (zoned RR-5). Land in these directions was extensively parcelized in 1980 and intended for residential development, which subsequently occurred. Resource land to the west (AC) was divided into small parcels (1.85 and 9.66 acres), both of which contained dwellings. Neither parcel was actively farmed. The presence of small parcels and dwellings immediately adjacent to and in the area

surrounding the subject property limits its potential for farm use because of potential conflicts with these uses caused by noise, dust, odor and other activities commonly associated with farming.

The subject property is 30.3 acres. About 1.3 acres are cut off from the rest of the property by Bentilla Creek and contain a dwelling built around 1900. The southern 3.2 acres of the property drops off rapidly to the river and is in the Sieltz River floodplain. These areas are not available for agricultural or forestry use. The remaining 25.8 acres could potentially be used for farming.

Soil productivity on the property is limited by tendency for surface layer compaction and by climatic conditions. The soil survey states that the Logsdon soils present on the property, "is used mainly for hay and pasture. It also is used for homesite development, wildlife habitat, and limited timber production. If this unit is used for hay and pasture, **the main limitations are the susceptibility of the surface layer to compaction, low fertility, and the cool, moist summers that inhibit proper curing of hay crops during most years. Grazing during wet periods results in compaction of the surface layer, poor tilth, and excessive runoff.**" (Emphasis added)

The subject property has not been actively farmed for several years. Attempts were made to pasture cattle and raise a hay crop on the property in the 1990s. They were unsuccessful. Hay crops did not cure properly and cattle production yielded about \$1,000 net income in good years (about \$39 per acre). The soils and climate are not suitable for other crops.

The size of commercial farm units was evaluated in the Lincoln County Comprehensive Plan. The County found that the average size for a commercial farm with primarily pasture and hay production was 55 acres. The overall average for all farms in the County was 81 acres. The subject property has a maximum of 25.8 acres of potentially farmable land. It is surrounded by rural residential development. There are no bordering commercial farms that the property could be combined with to make a more viable farm unit. It is less than one-half the size of the average commercial farm engaged primarily in pasturing livestock and hay production. It is less than one-third the size of the average commercial farm in the County.

Therefore, the property is not appropriately designated Agriculture and AC based on limitations on its resource use caused by the extensive parcelization and rural residential development of the surrounding area and potential conflicts with these uses, limitations of the soil and climate, and the size of the potentially farmable portion of the subject property. These conditions existed in 1980 when the Agricultural designation was placed on the property. This designation was in error. The property should have been designated Dispersed Residential and zoned Rural Residential.

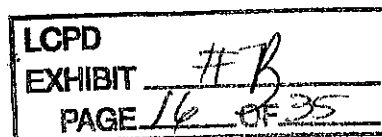
2. The property meets the criteria for an exception to Statewide Planning Goal 3 contained in SPG 2, Part II – Exceptions; ORS 197.732 - Goal exceptions; criteria; rules; review; OAR 660 Division 4 – Interpretation of Goal Exception Process; OAR 660-004-000; OAR 660-004-0010; OAR 660-004-0018; and OAR 660-004-0028.

The requested Plan and zone designations authorize a single numeric minimum lot size (10 acres) and limit uses, density, and public facilities and services to existing types of development in the exception area. The uses, densities and public facilities and services allowed in the Dispersed Residential and RR-10 designations will maintain the land as "rural" as defined by the state goals. The allowed uses are consistent with all other applicable goal requirements.

Compatibility with surrounding lands designated for resource use. Adjacent areas to the east and south are already acknowledged exception areas. The area to the west of the subject property was already divided into parcels smaller than 10 acres in 1980. Eight of the nine closest parcels to the west are smaller than 10 acres and seven contain dwellings. Four of the dwellings were present in 1980. Although the area is designated Agriculture and A-C, it was already in rural residential use in 1980. Establishment of uses permitted in the RR-10 zone on the subject property will be consistent with adjacent land uses to the west and will not commit this land to nonresource use.

The nearest resource land to the north is across Logsdan Road, an improved County road. There were three rural residences on the north side of the road in 1980, between the subject property and commercial timber uses. These residences further buffer resource uses from development on the subject property. Land to the north of these residences is used for commercial forestry. The subject property is adequately separated from resource uses to the north. Allowing the uses permitted under the Dispersed Residential and RR-10 designations will not commit this land to nonresource use.

As previously described, the rural residential and other rural uses allowed under the Dispersed Residential and RR-10 designations, the 10 acre minimum parcel size and the public facilities and services necessary to accommodate these uses are compatible with adjacent and nearby resource uses.



Characteristics of the Exception Area

The proposed exception area is the Bentley property. It consists of one parcel described as T10S-R10W-Section 1A, Tax Lot 1100 on Lincoln County Assessor's Maps. The exception area is characterized as:

Size: The exception area is approximately 30.3 acres.

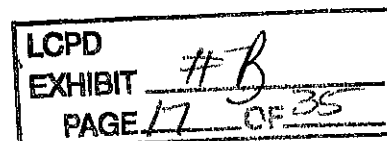
Location: The exception area is on the south side of Logsdan Road about four miles east of Siletz Oregon. It is between Logsdan Road and the Siletz River. The road forms the northern property boundary. The river forms the southern property boundary.

Physical Description: The exception area is in the Siletz River valley at an elevation of 170 feet msl. The valley is about 2,000 feet wide at the subject property. The property slopes gently (about 5%) from north to south for the first 400 feet from Logsdan Road. Then it is relatively level for the next 500 to 600 feet, until it reaches the floodplain of the river. The northwestern 1.3 acres of the property is separated from the remainder by Bentilla Creek, a perennial stream. This portion of the property contains a dwelling and outbuildings. The southern portion of the property is in the floodplain. About 25.8 acres of the property are potentially available for farm use. This was used for pasture for six to ten cattle for a few years in the 1990s. It has not been used since that time. Vegetation on this part of the property is a mix of grasses and herbaceous plants typical of lightly pastured land in the area. The floodplain portion of the property is vegetated with deciduous shrubs and trees typical of riparian zones in the area.

The upland portion of the property is comprised of Logsdan silt loam soil. According to the Natural Resources Conservation Service "Soil Survey of Lincoln County Oregon Area," this soil is agricultural capability class IIc. The Soil Survey states that Logsdan soil:

"... is used mainly for hay and pasture. It also is used for homesite development, wildlife habitat, and limited timber production.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, low fertility, and the cool, moist summers that inhibit proper curing of hay crops during most years. Grazing during wet periods results in compaction of the surface layer, poor tilth, and excessive runoff."



The portion of the property in the floodplain (about 3.7 acres) is comprised of Nehalem silt loam. It is classified as agricultural capability class IIIw. The Soil Survey states that Nehalem soil:

"...is used mainly for hay and pasture and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are the hazard of flooding, low fertility, and the cool moist summers that inhibit proper curing of hay crops during most years."

Land Use: The exception area contains one single-family dwelling located in the northwest corner of the property. The 1.3 acre area that contains the dwelling is cut off from the rest of the property by Bentilla Creek. This portion of the property also contains a storage shed, woodshed, garage, driveway, and septic system.

Until 2000, the upland 25.8 acres of the property were used as pasture for six to ten cattle. For the last six years, it has been not been used for any commercial agricultural purposes, due largely to the inefficiency of farming an isolated 25.8 acre field in marginal growing climate.

Characteristics of Adjacent Lands

Physical Description: Refer to Figures 1 through 7 in applicant's Exhibit A. The Siletz River meanders from east to west in the area of the subject property. Logsdon Road follows the river. Adjacent lands along the road and river are in the river valley. These lands are characterized by gentle slopes and a mix of pasture and small woodlots. The valley ranges from 1,500 to 3,000 feet wide in the area.

Soils on the valley floor are similar to those found on the subject property. They are predominately Logsdon silt loam, Euchre silt loam, Hebo silty clay loam, Knappa silt loam, Meda loam, Wolfer silt loam and Yachats very fine silty loam. These soils are generally suitable for hay and pasture, homesite development, and wildlife habitat. Some are suitable for limited timber production. These soils are subject to compaction, low fertility and cool and moist summers, all of which limit agricultural capability.

To the north and south of the valley floor, the land slopes steeply to elevations of 600 to 900+ feet msl. Soils on these slopes are predominantly Tolovana-Reedsport complex (35-60% slopes). These soils are suited to the production of western hemlock and Douglas-fir, for wildlife

habitat and for water supply.

Zoning:

North: Timber Conservation (T-C), across Logsdan Road
East: Rural Residential – 5 acre minimum (RR-5)
South: Rural Residential – 5 acre minimum (RR-5)
West: Agricultural Conservation (A-C)

Existing Adjacent Land Uses:

North: Logsdan Road, then rural residential, then commercial forestry
East: Rural residential
South: Siletz River, then rural residential
West: Rural residential

The proposed exception area is between Logsdan Road and the Siletz River. Parcelization and rural residential land uses within one mile of the property are shown in Tables 1-3 and Figures 1 and 2.

Analysis of Existing Development Pattern in 1980:

The subject property is bordered by non-resource land to the east and south. Another large block of non-resource land is located about 600 feet west of the property. The subject property is part of a relatively small area designated A-C that is nearly surrounded by acknowledged exception areas. Not including the subject property, the area designated A-C consists of nine tax lots totaling 72.82 acres. Seven of these lots contain dwellings four of which were present when the area was designated Agriculture in 1980. Not including the subject property, the average lot size in the AC designated area is 8.09 acres. The median lot size is 6.96 acres. None of these properties are used for commercial agriculture. Three A-C zoned parcels directly border the subject property to the west. They are 1.85, 3.74 and 9.66 acres in size. Two of these lots contain a dwelling. This parcelization and rural residential development was present in 1980.

Existing Public Facilities and Services:

The only public facility in the area is Logsdan Road, an improved County road that provides access to the exception area. Individual, private on-site sewerage disposal, water supply and drainage systems exist on developed parcels.

Electrical power, fire protection and law enforcement services are available to the exception area.

Relationship Between the Exception Area and Adjacent Lands

The proposed exception area is between Logsdan Road and the Siletz River. It is bordered by Logsdan Road to the north and the river to the south. Land to the north of the road contains rural residential development. There is commercial timber management further to the north. The road and existing residences provide a buffer between the subject property and commercial forestry to the north.

The exception area is bordered by land zoned Agricultural Conservation to the west. This is the only area designated A-C within ¼ mile of the property. Not including the subject property, the area designated A-C consists of nine tax lots totaling 72.82 acres. There are large, acknowledged exception areas to the north, south and west of this area.

The area adjacent to the exception area was extensively parcelized and developed with rural residences in 1980 (Tables 1-3 and Figure 1). There were 159 parcels and 45 dwellings within one mile of the property (applicant's Exhibit B). The median parcel size was 4.34 acres for all parcels within one mile, 1.96 acres for parcels bordering a road or the river and 1.85 acres for parcels bordering the subject property. The subject property does not border any land that was in commercial agricultural or timber use in 1980. There are no commercial agricultural uses in the vicinity of the exception area.

There are 15 tax lots immediately bordering the property. Five of these contained dwellings in 1980. Twelve of these contain dwellings in 2006.

Evaluation of Potential for Farm Use (ORS 215.203), Propagation or Harvesting of a Forest Product (OAR 660-033-0120) and Forest Operations or Forest Practices (OAR 660-006-0025(2)(a))

The subject property is 30.3 acres. About 25.8 acres are potentially available for resource use. This area was used for pasturing six to ten cattle until 2000. During the 1990s, this operation generally had gross sales of \$3,500 to \$5,000 and net revenues of about \$1,000, about \$39 per acre per year. This portion of the property is comprised of Logsdan silt loam soil. According to the Natural Resources Conservation Services "Soil Survey of Lincoln County Area, Oregon," this soil may be used for hay and pasture but

is limited by the susceptibility of the surface layer to compaction, low fertility, and the cool, moist summers that inhibit proper curing of hay crops during most years. Grazing during wet periods results in compaction of the surface layer, poor tilth, and excessive runoff. The last time the property was cut for hay was in 2004 and the crop was lost due to poor summer weather conditions. The extremely limited farm use of the property was discontinued six years ago due largely to the inefficiency of farming an isolated 25.8 acre field in a marginal growing climate.

The size of commercial farm units was evaluated in the Lincoln County Comprehensive Plan. The County found that the average size for a commercial farm with primarily pasture and hay production was 55 acres. The overall average for all farms in the County was 81 acres.

The subject property has a maximum of 25.8 acres of potentially farmable land. It is surrounded by rural residential development. There are no bordering commercial farms that the property could be combined with to make a more viable farm unit. It is less than one-half the size of the average commercial farm engaged primarily in pasturing livestock and hay production. It is less than one-third the size of the average commercial farm in the County.

Based on the limitations of the soil and climate, the amount of useable land, and the extensive parcelization and encroachment of nonfarm uses present in 1980, which potentially conflict with agricultural uses, the subject property does not have the potential for farm use. According to the NRCS Soil Survey, the Logsdon soils on the property are not suitable for forestry uses.

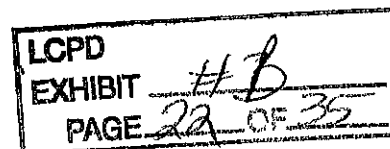
Summary and Conclusions

- The proposed exception area is not in farm use.
- The property contains about 25.8 acres of land that could potentially be farmed.
- The average size of farms pasturing livestock in Lincoln County is 55 acres and the average size of all farms in the County is 81 acres.
- Soil and climate conditions limit the agricultural productivity of the property.
- Extensive parcelization and rural residential development was present immediately adjacent to the property and in the surrounding area in 1980.
- These factors make it impracticable to farm the property.

- Forestry uses of the property are limited by the small size of the parcel and the unsuitability of the soil for timber production. Based on the NRCS Soil Survey of Lincoln County, the soils on the property are not suitable for forestry uses.
 - The proposed exception area is irrevocably committed to uses not allowed by Goal 3 because existing adjacent uses and the other factors previously evaluated make the farm and forest uses allowed by Goal 3 impracticable on the property.
3. The application is consistent with the applicable provisions of the Lincoln County Comprehensive Plan based on the facts and evidence in the following Findings.
4. LCLUC 1.0010 Land Use Planning Goals. (2) To ensure that all growth is orderly and efficient.

Rural residential growth in this section of the Siletz River valley has occurred over about a 30 year period, from 1975 to 2005. About 67 dwellings were built during that time, an average of 2.2 each year. There is the potential for 20 to 30 additional dwellings on existing parcels within one mile of the property. The subject property is the only property between Logsdan Road and the river that could potentially be divided under Oregon Administrative Rules adopted in 2000, which effectively establish a 10 acre minimum parcel size for new RR zoned areas.

Access to the property is by Logsdan Road, an improved County road. Water supply and sewerage disposal will be on site and can be provided. The surrounding area is about 75-80% developed. This development largely occurred in the last 30 years. Redesignating the subject property for Rural Residential - 10 acre development will result in a 2-3% increase in development in the area. This rate of development is orderly and not excessive, based on historic patterns. All services and facilities are readily available to the property. Therefore, residential growth on the property would be orderly and efficient and the applications are in accord with Land Use Planning Goal 2.



5. LCLUC 1.0010 Land Use Planning Goals. (3) To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

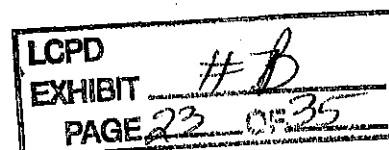
The County's established land use review process and policy framework have been acknowledged by LCDC to be in compliance with Statewide Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning. The County utilized this process and policy framework in evaluating the applications. There is an adequate factual basis for the County's decisions and actions on these applications. Therefore, the applications are in accord with Land Use Planning Goal 2.

6. LCLUC 1.0050 Natural Hazards Goals. (1) To identify and evaluate areas where natural hazards are known or suspected to exist. (3) To provide appropriate safeguards for land uses in areas of natural hazards. LCLUC 1.0055 Natural Hazard Policies. (3) Lincoln County shall require developments in areas subject to flooding to comply with the requirements of the U.S. Department of Housing and Urban Development (HUD) Flood Insurance Program.

The southern portion of the property is within the floodplain of the Siletz River. No development is planned or will be allowed by the County in the floodplain, unless applicable provisions of County Code are met. There are other areas on the property sufficient for the proposed development. Therefore, the applications are in accord with Natural Hazards Policy 3.

7. LCLUC 1.0065 Forest Land Policies. (4) Lincoln County shall protect existing forest uses from encroachment of incompatible forest uses.

The subject property is between Logsdon Road and the Siletz River. The nearest forest uses are to the north, across Logsdon Road and to the south, across the river. The property is separated from forest uses by the road and river and existing rural residential development. Dispersed residential development on the subject property will not encroach on forest uses. Therefore, the applications are in accord with Comprehensive Plan Forest Land Policy #4.



8. LCLUC 1.0070 Agricultural Lands Goals. (1) To preserve and maintain agricultural lands. (2) To conserve and improve the existing commercial agricultural enterprise within the area. LCLUC 1.0075 Agricultural Lands Policies. (1) Lincoln County shall designate, preserve and maintain agricultural land for farm use consistent with existing and future needs for agricultural products, forest and open space. LCLUC 1.0075 Agricultural Lands Policies. (3) Lincoln County shall ensure that designated agricultural lands are protected from encroachment of incompatible land use. (4) Where rural residences can be accommodated on land within agricultural areas not suited for agriculture or commercial timber production, such residences shall be allowed if they pose no threat of conflict with prevailing farm and forest practices.

The subject property consists of a single 30.3 acre parcel. It contains a dwelling built around 1900. The property is divided into three sections by natural features. A 1.3 acre section in the northwest corner of the property is separated from the rest of the property by Bentilla Creek. This corner contains the dwelling, storage shed, woodshed, garage, driveway, and septic system. It is effectively cut off from the remainder of the property and can't be efficiently farmed due to its size and the existing improvements. The southern 3.2 acres of the property drops off steeply into the river and is in the floodplain. It is effectively cut off from the rest of the property due to its slope and flooding.

The remaining 25.8 acres have been used as pasture in the past. Overall, the parcel is comprised of about 80% Logsdon silt loam and about 20% Nehalem silt loam. Logsdon is classified by the Natural Resources Conservation Service Soil Survey as agricultural capability class IIc. The Soil Survey states that Logsdon soil:

"... is used mainly for hay and pasture. It also is used for homesite development, wildlife habitat, and limited timber production.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, low fertility, and the cool, moist summers that inhibit proper curing of hay crops during most years. Grazing during wet periods results in compaction of the surface layer, poor tilth, and excessive runoff."

Nehalem is a floodplain soil that is found along the river. It is classified as agricultural capability class IIIw. The Soil Survey states that Nehalem soil:

"...is used mainly for hay and pasture and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are the hazard of flooding, low fertility, and the cool moist summers that inhibit proper curing of hay crops during most years."

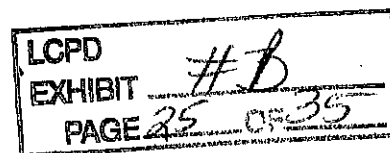
Historically the Bentley property has been used as pasture. Ms. Bentley kept six to ten head of cattle on the property until 2000. For the last five years it has been not been used for any agricultural purposes, due largely to the inefficiency of farming an isolated 25.8 acre field in a marginal growing climate.

The size of commercial farm units was evaluated in the Lincoln County Comprehensive Plan. The County found that the average size for a commercial farm with primarily pasture and hay production was 55 acres. The overall average for all farms in the County was 81 acres.

The subject property has a maximum of 25.8 acres of potentially farmable land. It is surrounded by rural residential development. There are no bordering commercial farms that the property could be combined with to make a more viable farm unit. It is less than one-half the size of the average commercial farm engaged primarily in pasturing livestock and hay production. It is less than one-third the size of the average commercial farm in the County.

The Bentley property has not been farmed in over five years. Even then it was minimally productive. It is not an existing commercial farm. It is not practical to commercially farm the available 25.8 acres in an area surrounded by rural residential development, isolated from commercial farming activities, on soils with low fertility that are limited by climate and flooding.

The property is not currently a commercial agricultural operation. Due to the conditions previously described, it will not be converted to a commercial agricultural operation in the future. Therefore, redesignating the property to Dispersed Residential and Rural Residential – 10 acre minimum parcel size will not remove agricultural land from production and will not impact the supply of agricultural lands in the County. The suitability of the subject property for resource use has been evaluated in detail in other findings of fact.



Therefore, the applications are in accord with Agricultural Lands Goals 1 and 2 and Agricultural Lands Policy 1.

9. LCLUC 1.0140 Transportation. Goals (1) To plan for a safe, convenient and economic transportation system. LCLUC 1.0145 Transportation Policies. (15) A condition of final development approval shall be that public roads providing access to proposed development be improved to minimum County standards.

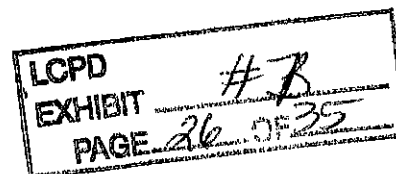
Logsdan Road forms the northern boundary of the subject property. Logsdan Road is an improved County road. It will provide for safe and convenient access to the property. Therefore, the applications comply with Transportation Goal 1 and Transportation Policy 15.

10. LCLUC 1.0160 Housing Goals. (1) To assist in providing housing.

Approval of the applications will result in the ability to develop the subject property with rural residences consistent with the provisions of the Lincoln County Land Use Code. This will result in the construction of dispersed rural residences on the 30.3 acres. This will assist in providing housing in the County. Therefore, the applications are in accord with Housing Goal 1.

11. LCLUC 1.0185 Public Facilities Policies. (8) The overall land use classification system shall include the following categories: (b) Dispersed Residential:

The area around the subject property has a land use history of dispersed residential development. Most of the area along Logsdan Road and the Siletz River within one mile of the property is already designated Dispersed Residential and RR-5. The subject property is bordered by land zoned RR-5 to the east and south. It is at the east end of a group of 11 tax lots designated Agriculture. Even these 11 lots have a dispersed residential land use pattern. The median lot size of these, including the subject property, is only 6.96 acres and there are dwellings on eight of the 11 lots. Four of these were present in 1980



The area around the subject property has a dispersed residential land use pattern based on population and the historic land use pattern of low density settlement with the only existing or planned public services being Logsdan Road.

Approval of the applications will continue the dispersed residential pattern. Public services and facilities will be limited to existing services and facilities, Logsdan Road. Water systems will be individual or approved community water systems. Sewerage will be by means of individual on-site subsurface disposal. The property will be served by the rural fire protection district, if available.

Therefore, the applications are in accord with Public Facilities Policy 8.

Conclusions:

- 1) Substantial evidence in the record demonstrates that the proposed comprehensive plan map amendment, zone change and exception to Statewide Planning Goal 3 are in accordance with the Comprehensive Plan Goals and Policies, the Statewide Planning Goals, Oregon Revised Statutes and Oregon Administrative Rules.
- 2) Substantial evidence in the record demonstrates that the subject property was zoned in error and therefore meets the requirements for a zone change from AC to RR-10.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #1-LUPC-PC-06 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners.

This ORDER was presented to and approved by the Lincoln County Planning Commission on April 10, 2006.



Cris Torp, Chair

Lincoln County Planning Commission

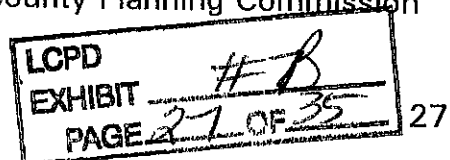
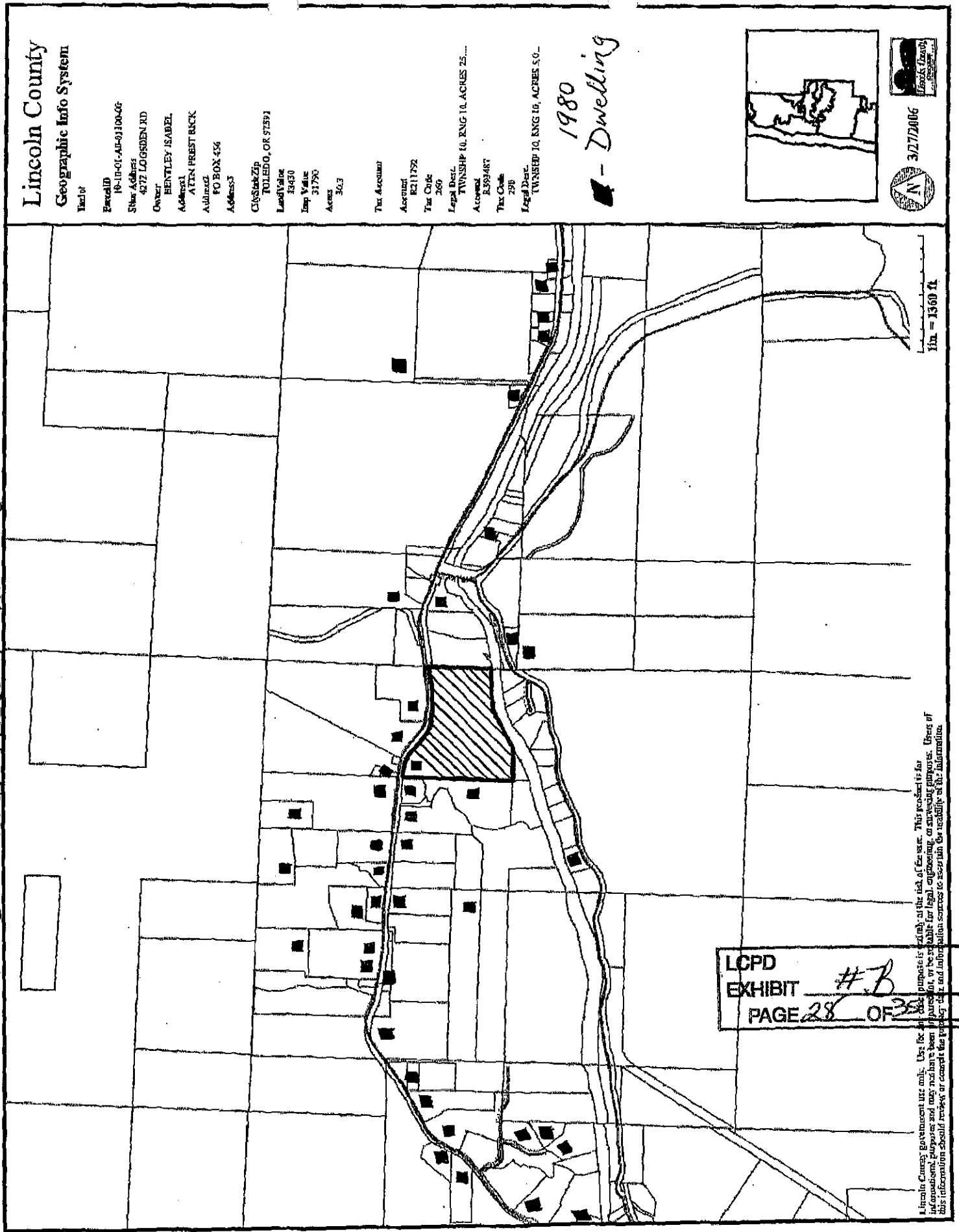


FIGURE 1. DWELLINGS PRESENT IN 1980.



Lincoln County
Geographic Info System

Parcel ID

19-10-01-41-01100-06

Street Address

4272 LOGSDEN RD

Owner

BENTLEY ISABEL

Address 1

ATTEN PREST ROCK

Address 2

PO BOX 456

Address 3

CITY/STATE/ZIP

TOLLEDO, OR 97351

Land Value

33450

Imp Value

31750

Acres

36.3

Tax Account

RE11792

Tax Code

260

Legal Desc.

TOWNSHIP 10, RANG 10, ACRES 25...

Account

R394487

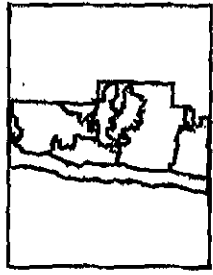
Tax Code

290

Legal Desc.

TOWNSHIP 10, RANG 10, ACRES 5.0...

1980
Dwelling



3/27/2006

LCPD
EXHIBIT # B
PAGE 28 OF 30

Lincoln County Government uses only the best available data for this purpose. This product is for informational purposes only and may not have been updated. Users of this information should review or consult the primary data and information sources to ascertain the accuracy of the information.

LOPEX EXHIBIT PAGE 35
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Lincoln County

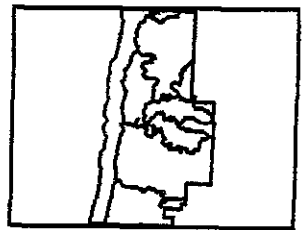
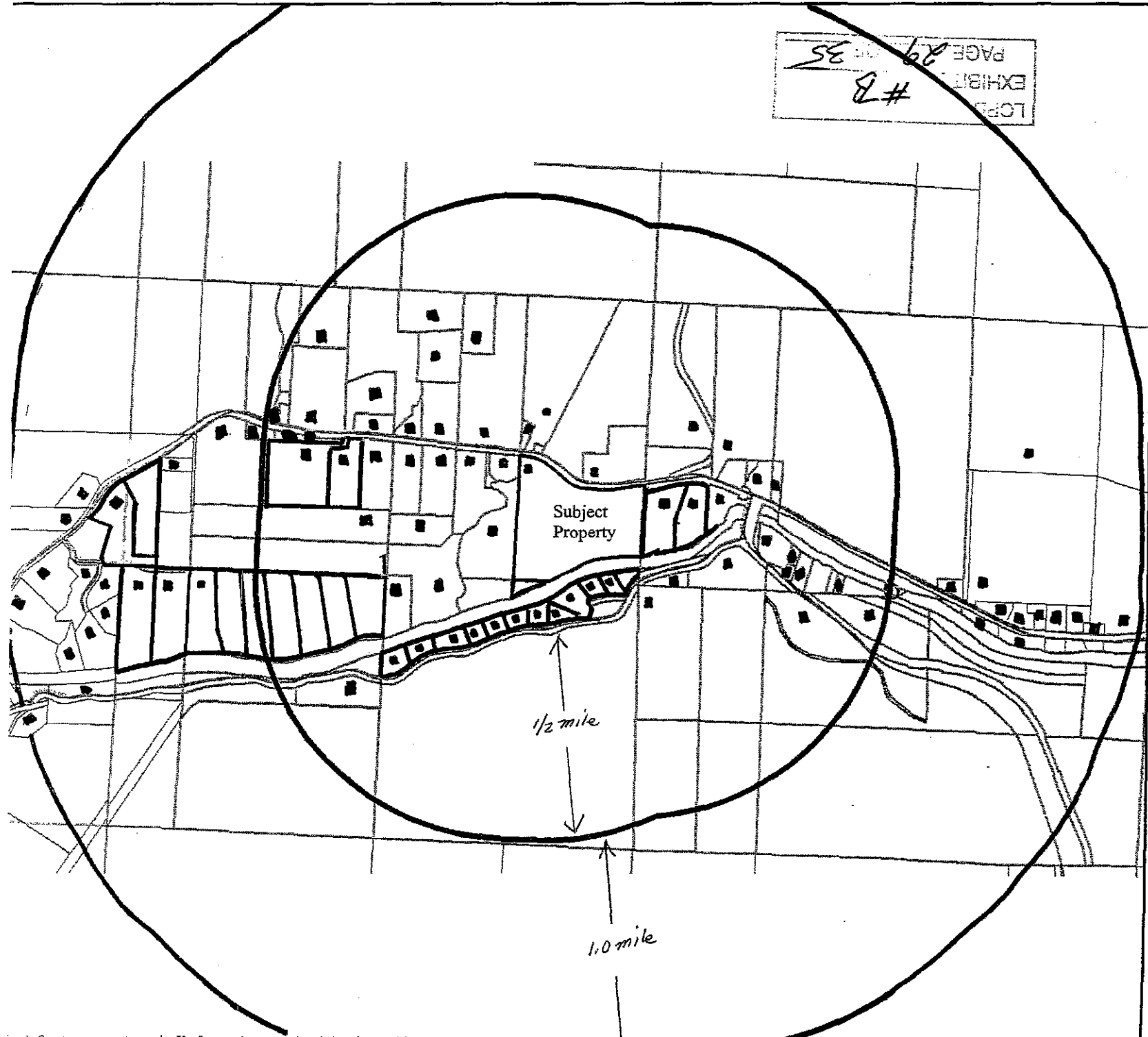
Geographic Info System

- County
- County
- Shore2
- Roads
- Sections
- Taxlot
- Taxlot
- ugb

Figure 2.

Historic Land Use Pattern

- Tax Lots in 1974
- Tax Lots in 2005
- Dwellings in 1974
- Dwellings in 2005



11/22/2005



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1 in. = 1364 ft.

Exhibit B - Properties within one mile, sorted by date of construction of dwelling.

Distance to Subj. Prop. (miles)	Map No.	Tax Lot	Size (acres)	Road Frontage	River Frontage	Dwelling Year Blt.	P. Class
0.25	10-10-1	702	4.99	L		1928	4
0.25	10-9-6	400	23.84			1930	5
0.25	10-10-1A	501	0.63	L		1930	4
0.25	10-10-1A	100	6.91	L		1930	5
0.25	10-9-6	1400	19.65			1932	6
0.25	10-10-1A	802	1.85	L		1935	4
0.25	10-10-1A	801	6.96	L		1938	5
0.25	10-9-6BC	500	0.94	H		1962	4
0.25	10-10-1A	600	18.62	L		1968	4
0.25	10-9-6BC	200	4.80	L	S	1968	4
0.25	10-9-6BD	401	0.40	SC	S	1973	4
0.25	10-10-1	703	5.00	L		1977	5
0.25	10-10-1A	300	21.04	L		1977	6
0.25	10-10-1	707	1.42	L		1978	4
0.25	10-10-1A	601	4.51			1978	6
0.25	10-10-1A	800	9.66			1979	5
0.25	10-10-1D	1200	1.50	H	S	1979	4
0.25	10-9-6BD	500	1.35	SC	S	1981	4
0.25	10-10-1	2200	3.37		S	1983	
0.25	10-9-6BC	100	1.96	L		1983	4
0.25	10-10-1D	1000	1.00	H	S	1987	4
0.25	10-10-1D	1100	1.50	H	S	1989	4
0.25	10-9-6BC	101	0.95	L		1991	4
0.25	10-10-1	701	12.68		S	1992	4
0.25	10-10-1D	400	1.00	H	S	1992	4
0.25	10-10-1D	500	1.00	H	S	1992	4
0.25	10-9-6BD	800	0.41	SC	S	1992	4
0.25	10-9-6BC	601	5.40	L	S	1993	4
0.25	10-10-1	709	5.03	L		1994	4
0.25	10-10-1	704	5.04	L		1994	4
0.25	10-9-6	600	19.54			1994	6
0.25	10-9-6BD	400	0.58	SC		1994	4
0.25	10-10-1	706	4.56	L		1995	4
0.25	10-10-1D	300	1.00	H	S	1995	4
0.25	10-10-1D	700	1.00	H	S	1995	4
0.25	10-10-1D	800	1.00	H	S	1995	4
0.25	10-9-6BC	300	5.79	H		1995	4
0.25	10-10-1D	600	1.50	H		1997	4
0.25	10-9-6BC	603	6.50	L	S	1998	4
0.25	10-10-1D	900	1.00	H	S	2001	4
0.25	10-9-6BD	300	2.34	SC	S	2001	9
0.25	10-10-1D	1300	1.50	H	S	2004	4
0.25	10-10-1	708	5.30	L			4
0.25	10-9-6	1303	19.97				6
0.25	10-10-1A	400	0.17	L			4
0.25	10-10-1A	200	23.99	L			6
0.25	10-10-1D	1400	1.00	H			4

1.00	10-9-6	900	0.73	L			1890	
1.00	10-10-2	704	2.20	L			1928	
1.00	10-9-6	1102	1.14	L	S		1936	
1.00	10-10-11	104	20.28		S		1956	
1.00	10-9-6	1006	1.03	L			1957	
1.00	10-10-2D	2500	0.79	H	S		1960	
1.00	10-10-1	802	11.32	L			1971	
1.00	10-10-2	714	6.04	L			1973	
1.00	10-10-2D	700	5.00	L			1974	
1.00	10-10-2D	1200	1.96	LL			1975	
1.00	10-10-2D	201	5.44	L			1975	
1.00	10-9-6	1000	1.11	L			1977	
1.00	10-10-2D	1100	2.11	LL			1977	
1.00	10-10-2D	1300	4.30	LL	S		1977	
1.00	10-9-6	200	46.38				1978	
1.00	10-10-2	717	0.94	L			1979	
1.00	10-10-2	721	5.03	L			1979	
1.00	10-9-6	1100	1.95	L	S		1979	
1.00	10-10-2D	500	2.02	L			1979	
1.00	10-9-6	1003	1.04	L	S		1980	
1.00	10-10-2D	2700	1.75	H			1982	
1.00	10-10-2D	1301	1.90	LL	S		1987	
1.00	10-10-2	719	5.20				1988	
1.00	10-10-1	2900	6.18		S		1990	
1.00	10-10-2D	900	3.21	LL			1991	
1.00	10-9-6	1005	1.25	L	S		1992	
1.00	10-10-2D	2602	3.91	H			1992	
1.00	10-10-2D	800	4.86	L			1993	
1.00	10-10-1	1000	2.00	L			1994	
1.00	10-10-2D	2400	0.83	H	S		1994	
1.00	10-10-2D	1400	4.78	H	S		1994	
1.00	10-9-6	201	38.73				1995	
1.00	10-9-6	1101	1.95	L	S		1996	
1.00	10-10-11	106	31.75		S		1996	
1.00	10-9-6	100	24.47	L			1997	
1.00	10-9-6	1004	1.00	L			1999	
1.00	10-10-2	720	7.40		S		2000	
1.00	10-10-11	105	24.16		S		2001	
1.00	10-10-2D	600	5.76	L	S		2001	
1.00	10-10-2	707	7.10		S		2002	
1.00	9-10-35	4600	100.00				U	
1.00	9-10-36	4800	10.00				U	
1.00	9-10-36	5000	20.00				U	
1.00	9-10-36	4900	40.00				U	
1.00	9-10-36	5100	40.00				U	
1.00	10-9-7	400	21.31	SC			U	
1.00	10-9-7	100	80.70	SC			U	
1.00	10-9-7	300	372.31	SC			U	
1.00	10-10-12	1400	80.00				U	
1.00	10-10-12	1500	80.00				U	
1.00	10-10-12	1300	160.00				U	

Exhibit C - Properties with farm or forest tax deferral.

500 codes indicate farm deferral. 600 codes indicate forest or small woodlot deferral.

Map Tax Lot	P.class	Map Tax Lot	P.class	Map Tax Lot	P.class
09-09-31-00-00100-00	600	10-09-06-00-01303-00	640	10-10-01-00-00802-00	541
09-09-31-00-00200-00	640	10-09-06-00-01400-00	641	10-10-01-00-00803-00	640
09-09-31-00-00300-00	640	10-09-06-00-01400-00	641	10-10-01-00-00804-00	641
09-09-31-00-00400-00	970	10-09-06-00-01401-00	640	10-10-01-00-00805-00	581
09-09-31-00-00500-00	620	10-09-06-00-01500-00	970	10-10-01-00-00805-00	581
09-09-31-00-00600-00	640	10-09-06-00-01600-00	640	10-10-01-00-00806-00	641
09-09-31-00-00700-00	620	10-09-06-BC-00100-00	401	10-10-01-00-00806-00	641
09-09-31-00-00800-00	970	10-09-06-BC-00102-00	401	10-10-01-00-00807-00	401
10-09-06-00-00100-00	401	10-09-06-BC-00200-00	401	10-10-01-00-00900-00	401
10-09-06-00-00101-00	550	10-09-06-BC-00201-00	400	10-10-01-00-00901-00	641
10-09-06-00-00102-00	640	10-09-06-BC-00300-00	401	10-10-01-00-00901-00	641
10-09-06-00-00103-00	400	10-09-06-BC-00300-00	401	10-10-01-00-01000-00	401
10-09-06-00-00200-00	681	10-09-06-BC-00301-00	400	10-10-01-00-01001-00	401
10-09-06-00-00200-00	681	10-09-06-BC-00302-00	40	10-10-01-00-01002-00	401
10-09-06-00-00201-00	681	10-09-06-BC-00400-00	400	10-10-01-00-01003-00	400
10-09-06-00-00201-00	681	10-09-06-BC-00500-00	401	10-10-01-00-01004-00	401
10-09-06-00-00202-00	400	10-09-06-BC-00600-00	640	10-10-01-00-01005-00	401
10-09-06-00-00305-00	620	10-09-06-BC-00601-00	401	10-10-01-00-01006-00	40
10-09-06-00-00305-00	620	10-09-06-BC-00601-00	401	10-10-01-00-01007-00	400
10-09-06-00-00400-00	541	10-09-06-BC-00602-00	40	10-10-01-00-01100-00	640
10-09-06-00-00400-00	541	10-09-06-BC-00603-00	401	10-10-01-00-01300-00	551
10-09-06-00-00500-00	400	10-09-06-BD-00100-00	400	10-10-01-00-01300-00	551
10-09-06-00-00600-00	641	10-09-06-BD-00200-00	960	10-10-01-00-01400-00	640
10-09-06-00-00600-00	641	10-09-06-BD-00300-00	950	10-10-01-00-01901-00	640
10-09-06-00-00800-00	950	10-09-06-BD-00400-00	401	10-10-01-00-01903-00	401
10-09-06-00-00900-00	401	10-09-06-BD-00401-00	401	10-10-01-00-01903-00	401
10-09-06-00-01000-00	401	10-09-06-BD-00500-00	401	10-10-01-00-02000-00	640
10-09-06-00-01002-00	60	10-09-06-BD-00600-00	401	10-10-01-00-02100-00	640
10-09-06-00-01003-00	401	10-09-06-BD-00700-00	400	10-10-01-00-02101-00	640
10-09-06-00-01004-00	401	10-09-06-BD-00800-00	401	10-10-01-00-02200-00	401
10-09-06-00-01005-00	401	10-09-06-BD-00900-00	400	10-10-01-00-02300-00	400
10-09-06-00-01006-00	401	10-10-01-00-00701-00	401	10-10-01-00-02400-00	400
10-09-06-00-01100-00	401	10-10-01-00-00701-00	401	10-10-01-00-02500-00	400
10-09-06-00-01101-00	401	10-10-01-00-00702-00	401	10-10-01-00-02600-00	400
10-09-06-00-01102-00	401	10-10-01-00-00703-00	541	10-10-01-00-02700-00	400
10-09-06-00-01299-00	400	10-10-01-00-00704-00	401	10-10-01-00-02800-00	400
10-09-06-00-01300-00	640	10-10-01-00-00704-00	401	10-10-01-00-02900-00	400
10-09-06-00-01301-00	681	10-10-01-00-00705-00	541	10-10-01-00-02900-00	400
10-09-06-00-01301-00	681	10-10-01-00-00706-00	541	10-10-01-00-03000-00	40
10-09-06-00-01302-00	401	10-10-01-00-00706-00	401	10-10-01-A0-00100-00	401
10-09-06-00-01302-00	401	10-10-01-00-00707-00	401	10-10-01-A0-00100-00	541
		10-10-01-00-00708-00	400	10-10-01-A0-00200-00	640
		10-10-01-00-00709-00	401	10-10-01-A0-00300-00	641
		10-10-01-00-00709-00	401	10-10-01-A0-00300-00	641
		10-10-01-00-00800-00	641	10-10-01-A0-00400-00	401
		10-10-01-00-00800-00	641	10-10-01-A0-00501-00	401
		10-10-01-00-00801-00	401	10-10-01-A0-00600-00	401
		10-10-01-00-00802-00	541	10-10-01-A0-00600-00	401

Map Tax Lot	P.class	Map Tax Lot	P.class	Map Tax Lot	P.class
10-10-01-A0-00601-00	641	10-10-02-D0-00500-00	401	10-10-11-00-00303-00	551
10-10-01-A0-00800-00	551	10-10-02-D0-00600-00	401	10-10-11-00-00303-00	551
10-10-01-A0-00800-00	551	10-10-02-D0-00600-00	401	10-10-11-00-00304-00	401
10-10-01-A0-00801-00	551	10-10-02-D0-00700-00	541	10-10-11-00-00304-00	401
10-10-01-A0-00801-00	551	10-10-02-D0-00800-00	401	10-10-11-00-00305-00	50
10-10-01-A0-00802-00	401	10-10-02-D0-00900-00	401	10-10-11-00-00400-00	681
10-10-01-A0-01100-00	551	10-10-02-D0-01100-00	401	10-10-11-00-00400-00	681
10-10-01-A0-01100-00	551	10-10-02-D0-01200-00	401	10-10-11-00-00500-00	401
10-10-01-D0-00100-00	400	10-10-02-D0-01300-00	401	10-10-11-00-00501-00	401
10-10-01-D0-00200-00	401	10-10-02-D0-01301-00	401	10-10-11-00-00600-00	640
10-10-01-D0-00300-00	401	10-10-02-D0-01400-00	401	10-10-11-00-00601-00	550
10-10-01-D0-00400-00	401	10-10-02-D0-01600-00	400	10-10-11-00-00700-00	400
10-10-01-D0-00500-00	401	10-10-02-D0-01700-00	401	10-10-11-00-00701-00	400
10-10-01-D0-00600-00	401	10-10-02-D0-01800-00	401	10-10-11-00-00702-00	400
10-10-01-D0-00700-00	401	10-10-02-D0-01900-00	401	10-10-11-00-00800-00	401
10-10-01-D0-00800-00	401	10-10-02-D0-02000-00	400	10-10-11-00-00801-00	551
10-10-01-D0-00900-00	401	10-10-02-D0-02100-00	401	10-10-11-00-00801-00	551
10-10-01-D0-01000-00	401	10-10-02-D0-02200-00	401	10-10-11-00-00900-00	930
10-10-01-D0-01100-00	401	10-10-02-D0-02300-00	401	10-10-11-00-01000-00	620
10-10-01-D0-01200-00	401	10-10-02-D0-02400-00	401	10-10-11-00-01100-00	600
10-10-01-D0-01300-00	401	10-10-02-D0-02500-00	401		
10-10-01-D0-01400-00	400	10-10-02-D0-02600-00	540		
10-10-01-D0-01500-00	640	10-10-02-D0-02601-00	401		
10-10-01-D0-01600-00	400	10-10-02-D0-02602-00	401		
10-10-02-00-00100-00	640	10-10-02-D0-02603-00	400		
10-10-02-00-00200-00	600	10-10-02-D0-02700-00	401		
10-10-02-00-00300-00	640	10-10-02-D0-02900-00	550		
10-10-02-00-00703-00	400	10-10-11-00-00100-00	580		
10-10-02-00-00704-00	401	10-10-11-00-00102-00	581		
10-10-02-00-00706-00	640	10-10-11-00-00102-00	681		
10-10-02-00-00707-00	401	10-10-11-00-00103-00	640		
10-10-02-00-00707-00	401	10-10-11-00-00104-00	551		
10-10-02-00-00713-00	540	10-10-11-00-00104-00	551		
10-10-02-00-00714-00	401	10-10-11-00-00105-00	551		
10-10-02-00-00714-00	401	10-10-11-00-00105-00	551		
10-10-02-00-00717-00	401	10-10-11-00-00106-00	551		
10-10-02-00-00718-00	540	10-10-11-00-00106-00	551		
10-10-02-00-00719-00	541	10-10-11-00-00200-00	401		
10-10-02-00-00719-00	541	10-10-11-00-00200-00	401		
10-10-02-00-00720-00	401	10-10-11-00-00202-00	401		
10-10-02-00-00720-00	401	10-10-11-00-00203-00	641		
10-10-02-00-00721-00	400	10-10-11-00-00300-00	551		
10-10-02-D0-00100-00	401	10-10-11-00-00300-00	551		
10-10-02-D0-00200-00	641	10-10-11-00-00301-00	681		
10-10-02-D0-00200-00	641	10-10-11-00-00301-00	681		
10-10-02-D0-00201-00	641	10-10-11-00-00302-00	550		
10-10-02-D0-00300-00	970				
10-10-02-D0-00400-00	950				