BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 13-09-17-06

IN THE MATTER OF ELECTING
WHETHER OR NOT TO HEAR
ARGUMENTS ON AN APPEAL OF A
HEARINGS OFFICIAL'S DECISION
APPROVING A SPECIAL USE
PERMIT FOR A PRIVATE PARK &
CAMPGROUND (FILE 509-PA12-05350/PRINDEL CREEK FARMS)
13-09-17-03

WHEREAS, the Lane County Hearings Official has made a decision, approving a Special Use Permit for a Private Park and Campground in the Non-Impacted Forest Lands Zone (F-1), application 509-PA 12-05350; and

WHEREAS, the Lane County Planning Director has accepted an appeal of the Hearings Official's Decision to the Board of County Commissioners pursuant to LC 14.515; and

WHEREAS, the Lane County Hearings Official has affirmed his decision on application 509-PA12-05350; and

WHEREAS, Lane Code 14.600 provides the procedure and criteria which the Board follows in deciding whether or not to conduct an on the record hearing for an appeal of a decision by the Hearings Official; and

WHEREAS, Lane Code 14.515(3)(f)(ii) provides the option that the appellant can request that the Board not conduct a hearing on the appeal and let the matter move forward to the Land Use Board of Appeals; and

WHEREAS, the Board of County Commissioners has reviewed this matter at a public meeting of the Board.

NOW, THEREFORE, the Board of County Commissioners of Lane County Finds and Orders as follows:

1. That the appellant in this appeal has requested that the Board not conduct a hearing on the appeal and deem the Hearing’s Official decision the final decision of the County.

2. That the appeal does not satisfy the criteria of Lane Code Chapter 14.600(3) and arguments on the appeals should therefore not be considered.

3. That the findings in support of this decision attached as Exhibit "A" are hereby adopted.
4. That the Lane County Hearing's Official decision dated August 12, 2013, interpreting applicable provisions of Lane Code 16.210(3)(c) & (d), 16.210(5), 16.210(8) and the Lane County Comprehensive Plan, attached as Exhibit "B", is affirmed and adopted by the Board of County Commissioners as the final decision on this application.

ADOPTED this 17th day of September 2013.

Sid Leiken, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 9-13-13 Lane County

OFFICE OF LEGAL COUNSEL
FINDINGS IN SUPPORT OF THE ORDER

1. The property, hereafter referred to as the “subject property,” is located in the northwestern portion of Lane County, about three miles south of the County boundary at the south end of Five Rivers Road. It is zoned Non-Impacted Forest Lands (F–1, LC 16.210). The subject property is comprised of tax lots 100 and 102, assessor’s map 15–09–27, and is also known as 95508, 95520, 95528, and 95536 River Rivers Road. Five Fivers, which traverses the subject property, is a Class 1 stream and is subject to the Riparian Regulations (LC 16.253). The property is within the jurisdiction of the Lane County Rural Comprehensive Plan and Lane Code Chapter 16.

2. In June 28, 2012, in the form of application 509-PA12-05350, the property owner and applicant, Daniel Dillon, requested Planning Director approval of a private park and campground, pursuant to Lane Code 16.210(3)(c) & (d). The application was deemed incomplete on July 27, 2012.

3. On December 31, 2012, the application was deemed complete after the applicant submitted additional information and a revised site plan.

4. On January 25, 2013, referral responses were solicited from affected agencies, service providers, and surrounding property owners. During the public comment period the Planning Director received multiple requests (more than 3) for a public hearing to be held for the above proposal. Pursuant to Lane Code 14.110(3)(f), the Planning Director elected to have an evidentiary hearing with the Hearings Official. After the provision of a traffic study and other issues raised, the application was placed on hold by the Applicant.

5. On June 20, 2013, a public hearing was held. The record was left open until July 29, 2013 for written submittals.

6. On August 12, 2013, the Hearings Official rendered his decision, conditionally approving the request.

7. On August 26, 2013, a timely appeal of the Hearings Official’s decision was filed by LandWatch Lane County.

8. On August 26, 2013, the Planning Director accepted the appeal, and forwarded it to the Hearings Official for his review. On August 27, 2012, and after reviewing the appeal, the Hearings Official affirmed his decision.
7. The appeal states that the Approval Authority exceeded his jurisdiction, he failed to follow procedure, he misinterpreted applicable law and criteria, he made findings that were not supported by substantial evidence, issued infeasible conditions, and he made inadequate findings in the decision.

8. In order for the Board to hear arguments on the appeal, Lane Code 14.600(3) requires one or more of the following criteria to be found by the Board to apply to the appeal:
   - The issue is of Countywide significance.
   - The issue will reoccur with frequency and there is a need for policy guidance.
   - The issue involves a unique environmental resource.
   - The Planning Director or Hearings Official recommends review.

9. The Board of Commissioners finds that issues raised in the appeal not to be of county-wide significance, since the issues raised in the appeal statement pertained to how the Hearings Official failed to follow procedure.

10. The Board of Commissioners finds that Staff has issued one special use permit for a campground and no applications for private parks since 2000, thus the issues related to the decision will not reoccur with frequency and there is no need for policy guidance.

11. The Board of Commissioners finds that there are no unique or rare environmental resources inventoried and located on the property.

12. The Planning Director has recommended to not review the appeal.

13. To meet the requirements of Lane Code 14.600(2)(b), the Board is required to adopt a written decision and order electing to have a hearing on the record for the appeal or declining to further review the appeal.

14. The Board choses to remain silent as to the Hearing’s Official’s interpretation of implementing ordinances and affirms the August 12, 2013, decision of the Lane County Hearing’s Official, attached here as Exhibit “B”.
LANE COUNTY HEARINGS OFFICIAL
REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PRIVATE PARK AND CAMPGROUND WITHIN AN F-1 DISTRICT

Application Summary

Daniel Dillon, 95520 Five Rivers Rd, Tidewater, OR 97390. The applicant requested Planning Director approval on June 28, 2012 for a special use permit for a private park and campground within a Non-impacted Forest Lands District. The application, which was found incomplete on July 27, 2012, was subsequently found complete on December 12, 2012.

Parties of Record

See Attachment A.

Application History

Hearing Date: June 20, 2013
(Record Held Open Until July 29, 2013)
Decision Date: August 12, 2013

Appeal Deadline

An appeal must be filed within 12 days of the issuance of this decision, using the form provided by the Lane County Land Management Division. The appeal will be considered by the Lane County Board of Commissioners.

Statement of Criteria

Lane Code 16.210(3)(c) & (d)
Lane Code 16.210(5) & (6)
OAR 660-006-0025(4)(e)(A)

Findings of Fact

1. The property, hereafter referred to as the “subject property,” is located in the northwestern portion of Lane County, about three miles south of the County boundary at the south end of Five Rivers Road. It is zoned Non-Impacted Forest Lands (F-1) and consists of tax lots 100 and 102, assessor’s map 15–09–27. The subject property is bordered to the west, east and south by the Siuslaw National Forest and to the north by private forest land. The latter is zoned Impacted Forest Land (F-2) and developed with
some old storage buildings. The subject property is not located within three miles of an urban growth boundary. The nearest residence is located about 0.4 miles to the north.

Also located to the east is tax lot 600, Assessor’s Map 15–09–22 and tax lot 101, Assessor’s Map 150927. This property is owned by Five Rivers Timber LLC and is in timber production. The property was clearcut within the last 10 years and is separated from the proposed park / campground use by Five Rivers Road. The owner has provided access across the property to the applicant to access the public road. There are no intensive agricultural practices that have been identified in the immediate area.

The subject property is 136 acres in size and is long and narrow in shape, almost one mile in length. As it is located at the bottom of the valley it is fairly flat. Five Rivers, a Class 1 Stream, runs through the property south to north. Prindel Creek and Lord Creek, perennial streams, run into Five Rivers on the subject property. There is a fish ladder at the southern end of the subject property for the salmon in Five Rivers. The property is composed of four open field areas and the rest is vegetated with riparian vegetation and trees.

The subject property consists of several legal lots that were created prior to Lane County’s adoption of partition requirements in 1975. It contains three manufactured dwellings, a single-family dwelling, multiple subsurface sewage disposal systems, a stage, two adjacent picnic shelters (seating area, outdoor kitchen, and showers), a vehicular bridge, and some equipment shelters. The three manufactured dwellings where replaced in the early 1990’s. All three permits were expired, but have been re-instated and are currently in “issued” status (BP 93-03050, BP 95-02298, & BP 95-02299). Verification of replacement rights and fuel break verifications were completed on all three of the manufactured dwellings. Lane County staff has not reviewed replacement rights for the single-family dwelling. RLID shows a built date of 1947, prior to restrictive land use regulations for this area.

Portions of the property are designated as jurisdictional wetlands on the National Wetlands Inventory. These areas are limited to the field north of Five Rivers, Five Rivers, and Prindel Creek. No development is proposed in a wetland area. The grass field to the north of Five Rivers has traditionally been used for low intensity agriculture (horse grazing) and during the events activities are limited to temporary camping and parking in camping area “A”. The northern parking area is not designated as wetlands. No permanent ground alteration or development of structures is proposed in a designated wetlands area.

2. The applicant’s proposal includes outdoor musical events, social gatherings, performance arts and education programs. Camping is proposed in conjunction with the foregoing described uses. More specifically, the uses associated with the proposed permit include:

a. Outdoor Music Events: These events will occur from June through September and will range in size from small one–night events serving about 300 participants to up to four annual large, three–night events that may have up to 2,500 participants.
Two smaller events with attendance less than 800 participants will also occur in the summer. The music will occur in an area with a 1,043 square foot permanent stage that faces south/southwest and may play from 11:00 a.m. until 2:00 a.m. the following day. Temporary food booths will provide food to the participants.

b. **Social Events:** Social events will consist primarily of weddings but also may include reunions and memorials. The weddings will consist of less than 150 participants and will occur on weekends. Music will happen in the stage area and there will be a picnic shelter in a central area for gathering, food preparation and barbequing, and food consumption. Reunions and memorials will be conducted in a manner similar to that of weddings except that participants may be on site for up to three days and the events will not be limited to weekends.

c. **Performance Arts:** These events will consist of plays and vaudeville–type acts and will typically occur during a four–hour period. Attendance will be less than 300 participants and camping would be limited to the performers and staff.

d. **Environmental Education Programs:** Educational seminars and programs would be offered for small groups of 20 to 50 participants and would range from a single–day to up to a two–week period. Programs would include forestry seminars, Forest Service Woodlands Seminars, Salmon habitat restoration, outdoor school, and wildlife walks.

The applicant proposes to provide 250 campsites to accommodate approximately 2,000 persons (4 tents per space and 2 persons per tent). There is an activity center that contains the stage, two picnic shelters, and a pergola structure. The latter is proposed for removal from its location near the river. There are no permits for any of these existing structures. The stage structure is located approximately 60’ from the ordinary high waterline of Five Rivers, within the 100–foot riparian setback area.

The structures utilized for the events on the property are located slightly less than 500’ from the F-1 property to the west. The stage is located approximately 485’ from the west property line as measured on the County GIS application. The location is chosen to take advantage of a topographic condition near the bend in Five Rivers. The landscape drops in elevation as it nears the river, providing a small arena type location for the stage providing an elevated viewing position for seated participants and a level area in front of the stage for dancers. The pavilion is located approximately 464’ from the west property line as measured on the County GIS application. The location at the top of the high ground in the activity area is centrally located and is best suited for the provision of a drainfield to serve the graywater system utilized for the food booths and staff showers.

3. **Access to the subject property:** Access to the subject property is via Five Rivers Road, a paved County Road. Five Rivers Road starts at Alsea Highway at mile point 0.0 and restarts stationing in Lane County (after mile point (MP) 10 in Lincoln County). Lane County’s jurisdiction ends at about
MP 5.64, and becomes forest service NF 32. Prindel Creek Farm driveways are at approximately MP 5.5 and 5.64 in Lane County (near Lord Creek). Lane County jurisdiction of Five Rivers Road ends at Lord Creek (approximate MP 5.64).

Five Rivers Road has a width varying from 14 feet to widths in excess of 25 feet. It does not meet Lane County rural local road standards as specified in Lane Code 15.705 is the following ways: (1) it lacks sufficient width in several areas; (2) portions are steep with steep ditch side slopes that do not provide a reasonable opportunity for recovery for an out–of–control vehicle; and (3) it lacks a 10–foot clear zone.

The access route back onto Rive Rivers Road from the main check-in location to reach the activity area and the southern parking lot crosses over a portion of property owned by Nancy Powell (tax lot 101, assessor’s map 15–09–27). Ms. Powell has granted permission to utilize this portion of her property for access purposes.

Emergency access to the subject property is proposed to be provided via Forest Service Road 32; located on the west side of the river at the south end of the property. The applicant will need a permit from the Forest Service for this purpose although apparently this access is currently used to service the portable toilets in the campground area west of Five Rivers and to provide emergency medical service to the camping areas.

The subject property is located a little past MP 5.5 on Five Rivers Road. The average daily traffic for the road is about 100 at MP 3.642. The portion of Five Rivers Rd in Lincoln County is at least 20’ wide with striping and many turnouts alongside the road. The Lane County portion of Five Rivers Rd immediately becomes narrower (14’ at one spot) and has no striping.

4. Lane Code 16.250(2)(a)(i) requires 625 parking spaces for 2,500 person events (one space per four seats). This translates to a need for 187,500 square feet of land for parking or about 4.3 acres. Lane Code 16.250(2)(a) requires 300 square feet for parking and driving space per automobile. The applicant proposal meets that standard in that it provides 10’ x 18’ parking spaces with a 24’ driving aisle between rows of parking spaces. The applicant’s site plan allocates eight acres for parking.

5. Sanitation is to be provided through portable privies and water will be provided from an on–site well.

No water other than irrigation water is discharged onto the ground at the site. Gray water will be produced from a stainless steel triple sink used for washing, rinsing and sanitizing (30 gallons total), a kitchen used for other washing needs (three gallons), a hand washing station (one gallon per minute), and shower stalls (two gallons per minute). In addition, vendors may discharge up to five gallons of gray water per day through hand washing, food washing and booth cleaning. This gray water is strained to remove organic matter and the water flows directly into a drain field. The applicant has installed a gray water disposal system adjacent to the shelter that is anticipated to process less than 2,500 gallons per day. The drain field for this system is constructed with plastic leach field
chambers that are 160 feet long. Currently, the gray water system does not exhibit any characteristics that it is failing such as ground saturation or standing water and the soil located at the pavilion, Soil Map Unit #88 – Nehalem silt loam, is the same soil that serves three existing residences on the property. The Nehalem soil unit is a deep well drained soil on slopes from 0 to 3 percent with loam to a depth of 48 inches. There is an abundance of area sloping gently upwards between the pavilion and the road within this soil unit to contain a drainfield of any required size.

Residents in the area have witnessed participants of events held on the subject property to park their vehicles within 30 feet of Five Rivers. They have also witnessed numerous occasions of event participants urinating near the river and, at times, large numbers of participants bathing and playing in the river.

6. The property owner has water rights from Five Rivers to irrigate 14.8 acres at a rate of 2.5 acre feet per year for each acre irrigated. ( Permit #38387). The land authorized for irrigation includes the areas utilized for the activity area and the parking areas. The applicant currently exercises this water right to maintain grass fields for horse grazing. The use of the creek for anything else, except for emergency fire fighting, would require another water right. There is a 5 hp pump adjacent to Five Rivers and they have a 150-foot long hose capable of producing 80 gallons per minute near the structures for emergency purposes.

Water usage for special events held on the subject property consists of water used for fire protection, drinking water for attendees, vendor food preparation and hand washing, and showers for staff. This usage is anticipated to be less than 5,000 gallons per day. During past events that were authorized under ORS 660-006-0025(3)(q), water was trucked in from Waldport and from the Barkley Meadows community water system. Fire Arrow of Eugene provided the tanker truck used in this activity. Subsequently, the groundwater systems serving two residences on the subject property have been upgraded to provide water for park use.

During the weekend event of June 28, water usage was monitored to provide usable estimates of the water needed for the event. The event was attended by 1200 persons, 100 staff members\(^1\), and seven-food vendors. Based upon actual water usage by vendors, kitchen staff, staff showers and participant drinking needs (estimated at one gallon per person per day), and extrapolated to an event of 2,500 persons, it is estimated that a total of 5,000 gallons of water per day is adequate.\(^2\) Additional water supply is available from the existing 1,500-gallon storage tank that is filled during days prior to the event providing an additional 500 gallons per day that increases the water available for drinking to 1.2 gallons per person per day. Additional storage containers can also be developed in accordance with the water system for filling prior to the event.

\(^1\) A typical number of staff for the larger events.

\(^2\) See the breakdown of water usage on page three of the Applicant’s July 8, 2013 submission.
Potable water is tested prior to each event. The latest test conducted on June 18, 2013 demonstrates the lack of e. coli or coliforms in the water. The water system for the park / campground use can be registered as a transient non-community system with the Oregon Department of Human Services Drinking Water Program under OAR 333-061.

7. On July 29, 2004, Lane County Compliance staff sent the property owner a Request for Voluntary Correction to not hold a summer camp that was advertised on a website. The property owners complied with this request and moved the camp (letter dated August 4, 2004). On May 17, 2012, Lane County Compliance staff sent the property owner another Request for Voluntary Correction after being informed they were planning on holding a large event on the property. The property owners subsequently applied for a Land Use Compatibility Statement asking for verification that their proposed event (Mountain Stomp) complied with the zoning as a other (smaller) than mass-gathering event per ORS 660-006-0025(3)(q). Planning staff signed off on the event on June 22, 2010 (PA10-05472). The property owner obtained a building permit for a temporary campground associated with the event (BP 10-00605).

8. Testimony has established that past events have contributed to trespass and, if not vandalism, at least destruction of property and pollution of the river. During the summer months, juvenile salmon and trout tend to become concentrated in holding water (pools) when river flows are low and warming. These holding pools have not been identified by the Applicant or other parties. Adult salmon hold and spawn within this reach of Five Rivers starting during the first fall rains. Disturbance to both juvenile and adult salmon and trout can lead to excessive stress, increased susceptibility to predation and induced mortality.

9. The bridge crossing has been reviewed by the Yachats Rural Fire District Chief during a June 4, 2013 visit to the site, which verified access to the property is adequate for fire equipment across the bridge.

10. The expected vehicle occupancy of ingress/egress vehicles at the site would be approximately 2.8 passengers per vehicle, given the attendance and location of comparable events. It is estimated that on Sunday after an event with 1,200 people a typical egress would include up to about 40 vehicles per hour at the maximum egress time period. Some of the attendees would not be camping and other attendees would stay until Monday morning (the day after the event), or leave early.

At the request of Lane County, the potential for up to 850 vehicles leaving the site within a five–hour period was included in the capacity/LOS analysis. It should be noted, the egress of 850 vehicles within a five hour period on Sunday is not likely based on this facility and their event characteristics, and would not be a design hour condition, since Sunday background traffic volumes are typically less than design PM peak hour background traffic volumes and 850 vehicles at the site would not be indicative of a typical event. An egress of 850 vehicles over five hours, which would result in an
average of 170 vehicles leaving the site during every hour or about three vehicles per minute for every minute during a five-hour period, was included as potential trip generation for the site.

The TIA recommends that signage be utilized at intersecting forest service roads and other roadway intersections, including private driveways, on Five Rivers Road (including Alsea Highway) in Lane and Lincoln County to direct traffic to the site and keep travelers on the route from going the wrong way. Signage may include “Event” with an arrow to show the direction or may include “Prindel Creek Farm” with an arrow or an equivalently effective identification of the event and a route direction arrow. “Slow” signs are also recommended. These signs should discourage travelers on Five Rivers Road from entering side roads from either direction and should direct incidental side road traffic destined for the site.

Flaggers at one mile increments in Lane county, starting at the boundary with Lincoln County with “Event in Progress” and/or “Slow” or equivalent displays and advanced “Flagger Ahead” warning signs are recommended to manage vehicle speed and to encourage driver accountability. Nighttime visibility is also recommended to identify flaggers' locations. Flaggers should wear reflective clothing and be located where there is adequate roadway shoulder. The recommended one-mile stationing is approximate.

Lane County transportation planning staff have recommended various roadway safety enhancements beyond flaggers, the above-identified signage, and the use of pilot cars. These recommendations include edge striping, removal of a large fir tree, smaller trees and brush at milepost 1.4, installation of Chevron signing to delineate the sharp curve at milepost 1.4, and the installation of “Road Narrows” signing. It seems to me that edge striping, and the installation of the additional signs are responsibility of Lane County as they address existing road conditions. Further, I believe that the requirement of edge striping would have to be accompanied by a Dolan analysis that would determine whether the cost of the striping was roughly proportional to the impact from the proposed use. I believe that the removal of the vision-obscuring vegetation at milepost 1.4, if located in the right-of-way, would be of minimal expense if done by Lane County and charged to the Applicant.

11. Lane County regulates noise through Lane Code 5.615. This code provision regulates sound in two respects. First, it sets thresholds for sound based upon the properties that are occupied with a “noise sensitive unit” (e.g., residence). Depending upon the time of day, the maximum sound level, as measured at the property occupied by the noise sensitive unit, is either 50 dB,A or 60 dB,A. Second, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, sound may not be clearly audible at a noise sensitive unit or on a public right-of-way at a distance of 50 feet or more from the source of the sound.

The nearest property with a noise sensitive unit (residence) is tax lot 700, assessor's map 15–05–22. This property is located slightly less than ½ mile from the proposed stage location and is developed with a residence with an address of 95725 Five Rivers Road.
State noise standards\textsuperscript{3}, promulgated by DEQ, limit night-time noise to $L_{1}=60\ dB,A$, which means that this noise level cannot be exceeded for longer than 36 seconds per hour. DEQ’s rules also limit night-time noise to $L_{50}=50\ dB,A$, which means that this noise level cannot be exceeded for longer than 30 minutes during any given hour. DEQ’s rules also provide for an ambience degradation standard that limits noise from “new operations.” For a new operation, the $L_{10}$ and $L_{50}$ standards may not exceed the existing ambience by more than 10 dB. Ambient readings were taken at multiple locations on the subject property. During the daytime, these readings varied between 35 dB,A and 54 dB,A. Night-time existing ambience is estimated to be around $L_{10}=40\ dB,A$ and $L_{50}=35\ dB,A$.

The applicant has conducted several sound tests on the subject property, utilizing an air horn (June 10, 2013) and music from loudspeakers (June 16, 2013). The purpose of these tests was to determine what mitigation measures were necessary to meet state and local noise standards. The sound tests were conducted with individuals using sound meters calibrated by a licensed, acoustical engineer. The operators of the meters were instructed (trained) by the engineer in the use of the meters and the operation of these meters is uncomplicated, requiring only the ability to turn the device on and off and to record the data. The acoustical engineer managing the sound tests reviewed photos and videos of the testing to ensure that proper procedures were followed. Sound test calculations anticipated crowd noise (2,000 people) and included inflow vehicle movement during an event.

Loudness of a concert is monitored at the sound engineer’s booth which is generally 75 feet from the stage. Noise at this location may range from 85 dB,A to 100 dB,A. Noise from loudspeakers may be mitigated by sound barriers and the applicant has proposed that hay bales be used for this purpose. The bales must be thick enough, high enough and long enough to mitigate vocal/treble range sound as well as bass range sound. Bass, or low frequency sounds, are more difficult to be mitigated by a sound barrier as they have a longer wavelength and are omni-directional. Calculations indicate that it is feasible for a stacked hay bale wall to adequately mitigate bass sounds if those sounds do not exceed 90 dB,A at the sound engineer’s desk. It is anticipated that a hay bale wall of 20 feet high or less will be adequate assuming that sound testing prior to an event will control the actual dimensions and placement of the wall. Calculations indicate that if the stage must be moved outside of the 100–foot riparian setback area the impact on noise reduction at adjacent property boundaries would be imperceptible.

With proper construction of a hay bale sound barrier and the limitation of bass sounds to 90 dB,A at the sound engineer’s desk, State and Lane County noise regulations can be observed. Sound attenuation should be down to 64.2 dB,A at the nearest known Marbled Murrette nesting area, which is 2600 feet west of the stage. The nearest Spotted Owl nest, which is 2700 feet to the east of the stage, should have a sound attenuation down to 64 dB,A.

\textsuperscript{3}OAR 340–35–035
12. The subject property is largely surrounded by Siuslaw National Forest land. This forest is known to provide habitat to the Northern Spotted Owl and the Marbled Murrelet, two threatened species under the Endangered Species act.\(^4\) Besides the destruction of their habitat, the Murrelets may be harmed by noise that disturbs nesting and chick feeding and by human development\(^5\) that attracts corvids,\(^6\) predators to Marbled Murrelet eggs and young. Actions that limit food availability to corvids include the provision of predator-proof trash cans, permanent signs and handouts that explain why feeding wildlife is detrimental to Marbled Murrelets, and the adequate clean-up of post-event activities.

The Endangered Species Act prohibits the “taking” of an endangered animal. Section 3(19) of the Endangered Species Act defines the term “take” to include “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or attempt to engage in any such conduct”. The terms “harm” and “harass” have been further defined by regulations at 50 CFR § 17.3 as follows:

- **Harass** means an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, or sheltering.

- **Harm** means an act that actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

Loud noise can cause injury to Murrelets if certain levels are exceeded. The sound-only injury threshold that can cause injury to a Marbled Murrelet or Northern Spotted Owl has been determined to be about 92 dB. The sound-only disturbance threshold for these birds is 70 dB, A. Marbled Murrelets are not easily disrupted from nesting attempts by human disturbance except when confronted at or very near the nest itself. Using that sound level, threshold distances have been determined for both species, applying the impact of blasting, jackhammers, chainsaws, helicopters and single-engine airplanes, and the operation of heavy equipment. Injury threshold distances for both species are about one mile for more than two miles of explosive, 60 yards for a jackhammer, 120 yards for helicopters and single-engine airplanes, and 35 yards for the operation of heavy equipment. The operation of chainsaws, for firewood cutting, pre-commercial thinning and commercial thinning is about 45 yards for the Murrelet and 65 yards for the Spotted Owl. The portion of the subject property east of the Five Rivers Road provides a buffer 165 feet greater distance than the distance required from a chainsaw (estimated to be 104 dB) and 120 feet greater distance than that required from a jackhammer.

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\(^4\) See maps provided by Bridgett Tuerler, US Fish & Wildlife Service, that show suspected or known spotted owl and marble Murrelet sites in the vicinity of the subject property.

\(^5\) Especially human activities that provide a food source for predators of the Marbled Murrelet.

\(^6\) Stout-billed passerine (perching) birds such as crows, jays, magpies and ravens.
The US Fish & Wildlife Service has supplied information regarding the location and habitat for the Marbled Murrelet and Spotted Owl in the vicinity of the subject property. A review of the maps indicates that the nearest Marbled Murrelet nest is approximately 2600 feet to the west and the nearest Spotted Owl nest is located approximately 2700 feet to the east of the stage. Potential Murrelet habitat is located 1725 feet to the west, 1150 feet to the northwest, and 750 feet to the eastern property line of the subject property.

13. At the June 20, 2013 hearing on this matter, the applicant’s representative acknowledged that no fireworks would be used in future events held on the subject property. This understanding was memorialized in a Fire and Life Safety Inspection report filed by Kristina Deschaine, State of Oregon Fire Marshal. Ms. Deschaine and Matt Mackey, an official with the Western Lane Oregon Department of Forestry, took a site visit of the Prindel Creek Farm on July 2, 2013. The report noted that during this inspection, taken with the applicant, the latter agreed that no more fireworks would be used on the site.

On July 20–21, 2013 the applicant allowed an event (SOAK Burning Man festival) not sanctioned by Lane County land use approval, on the subject property. During this event, several neighbors witnessed the burning of a wooden ship and the ignition of numerous fireworks. In his rebuttal statement of July 29, 2013, the applicant withdrew his request that ceremonial burns, fireworks and fire dancers be a component of the application.

In regard to the use of burning materials, the applicant’s application, as of the time of the closing of the record in this matter, consists of the use of a central fire pit in the activity area, and allowance of campers to smoke.

14. The applicant’s “Fire Plan” for events subject to this application, can be described as follows:

Individual campfires are prohibited in the campgrounds although portable cooking stoves using liquefied or bottled fuel are allowed. A central campfire (fire pit) will be provided and fueled with split firewood. The campfire is built inside a ring of stones surrounded by sitting benches. Firewood is stored at least 15 feet from the fire pit. Two- and five-gallon buckets filled with water are at the campfire site for fire suppression and the ground around the campfire is saturated with water. The fire pit is annually inspected by the Oregon Department of Forestry.

Fire equipment on hand will be a fire pump and a skid sprayer. The former consists of a pump and gasoline engine capable of producing 80 gallons of water per minute. The pump is connected to 450 feet of 1.5-inch fire hose. A splitter is employed to provide two fire hoses. Each hose has a nozzle that can be adjusted from a fine mist to a solid stream. A skid sprayer will be on site at all times for all events. This consists of a truck or trailer mounted water tank with a pump, gasoline engine and hard fire hose usually stored on a reel. It has a one hundred–ten gallon capacity and is foam capable, which triples its effectiveness.
Fire lanes are maintained within all parking areas to allow emergency access to the central fire pit. Access is provided at two locations onto Five Rivers Road. The northern fire/safety access is provided by a 10-foot wide bridge to the northern part of the property. The bridge has been evaluated by a registered professional structural engineer, is determined to be capable of supporting a 55,000 pound truck crossing the bridge, and meets the requirements of Lane code 16.210(6)(iii). The second access to the campground areas is provided by Forest Service Road 32 at the southern end of the subject property.

The applicant will recognize and observe the four levels of fire danger identified by the Oregon Department of Forestry’s West Oregon District. At all times, the applicant shall have a “Butt Can” and a moist or water filled disposal can for each campsite. The camp host and security personnel will monitor the use of these cans. There shall be fire tools mounted and painted red near the portable toilets. The applicant will have water barrels filled with water and clearly labeled “Fire.” Five gallon buckets also labeled “Fire,” filled with wet burlap, shall be located near each barrel.

During Moderate Fire Danger (Color Code Blue) there will be no open flame in the campground and smoking will be restricted to each campsite with wet extinguishing of cigarette butts required. There will be no walking around with lit smoking material.

During High Fire Danger (Color Code Yellow) smoking will be restricted to designated smoking areas (not individual campsites) and moist or water filled disposal cans for cigarette butts will be located in these areas. A fire extinguisher will also be located in each designated smoking area. A skid sprayer will be positioned for immediate response.

During Extreme Fire Danger (Color Code Red) smoking will be restricted to designated smoking areas (not individual campsites) and moist or water filled disposal cans for cigarette butts will be located in these areas. There will be one or more ATVs that will be equipped with fire extinguishers and that will routinely drive through the campgrounds to monitor compliance. The applicant shall have daily communication with local and state fire suppression agencies.

Each campground will have a sign that displays the smoking restrictions and location of fire fighting equipment. Finally, the applicant has warranted that no event will include fireworks, fire dancing or ceremonial burns.

15. The subject property is bordered on the west, south, and east by the Siuslaw National Forest (SNF). The forest is classified as a Late Successional Reserve in the Northwest Forest Plan. This designation is consistent with the recovery plan for the Marbled Murrelet and the Northern Spotted Owl and the information provided by the USF&W during the last record period. The objective of Late-Successional Reserves is to protect and enhance conditions of late-successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth related species. The Management

\[7\] See Exhibit 54 to the applicant’s July 8, 2013 submission.
Project Map 2 Alternative 1 designates the area to the west of the subject property for commercial thinning. Michele Holman-Jones, Central Coast Ranger District for the Siuslaw National Forest, has noted that the National Forest lands adjacent to Prindel Creek Farm contain relatively young stands of trees and that management practices are minimal except for future thinning and the necessary spraying of invasive vegetation.

16. Security at the site is provided for each event by the promoter. During the events with over 800 persons in attendance, the contract with the property owner requires at least one DPSST (Department of Public Safety, Standards, and Training) certified person to be on site during the hours patrons are present on site. Personnel are required to provide security in all areas and hours of the event including the parking and camping areas, stage, and gates as people arrive and depart the event. Security is required to monitor, manage, and enforce the state laws and event policy on alcohol, tobacco, and illegal drug use.

All promoters are provided with an emergency contact list for emergency service providers including the Life Flight GPS coordinates for the property. The property owner requires an event Medical Station to be clearly labeled and accessible to all and staffed at all times by at least one person certified to perform First Aid and CPR. A medical doctor is required to be on site to assess the need for transport.

**Decision**

THE REQUEST (PA 12–5350) BY DANIEL DILLON FOR A SPECIAL USE PERMIT TO OPERATE A PRIVATE PARK AND CAMPGROUND WITHIN AN F–1 DISTRICT IS APPROVED, subject to the following conditions:

1. Large events on the site shall be limited to the months of June through September. The events shall consist of a maximum of four events with an attendance of 2,500 persons, and two events with a maximum attendance of 800 persons.

2. No ceremonial burns, fireworks, or fire dancers are allowed at any events on the property. Any individual discharging a firework will be ejected from the property immediately. This requirement shall be written into all contracts with event promoters.

3. Each year prior to the conduct of any large events, the applicant shall:
   a. Contact the Oregon Department of Forestry to inspect the central fire pit. Any ODOF permit requirements shall be met;
   b. Provide notice of the schedule of events to the emergency responders identified in the fire plan and provide opportunity for any requested inspections
   c. Provide annual drinking water test results to the Lane County Environmental Health Program
   d. Renew the short term campground license from the Lane County Environmental Health Program;
   e. Provide notice to the residents of Five Rivers Road of the schedule of events;
f. Obtain a Facility Permit to implement the conditions of approval in this decision. For purposes of clarity, the following requirements shall be met by the Applicant for all events where attendance is expected to exceed 700 people:

(1) Temporary signage shall be installed at least one day in advance of large events (greater than 700 attendees) through the day following the conclusion of an event. Signs shall be placed at the intersections on Five Rivers Road within Lane County, including at private driveways, to direct traffic to the site and from the site to Alsea Highway. Guide signs shall also be placed at Alsea Highway and at Buck Creek Road in Lincoln County to direct traffic. Finally, “Slow” signs shall be placed in Lane County at one-mile increments on Five Rivers Road.

(2) Flaggers shall operate three hours prior to the beginning of a scheduled event and for a five-hour period immediately following the end of an event or until it can be verified that 50 vehicles per hour or less are exiting the site. Flagger locations shall include a flagger at the beginning of Lane County’s jurisdiction on Five Rivers Road (where the road turns from two-way with centerline striping to no center stripe) and at all intersections between the beginning of Lane County jurisdiction previously described and at the site driveway. “Flagger Ahead” warning signs shall be utilized and may be substituted for “Slow” signs. Flaggers shall be certified according to Oregon Department of Transportation standards and wear shall apparel appropriate for day and night time visibility.

(3) Pilot cars shall be used for events where 1,400 or more attendees are expected. These cars should be utilized during the three-hour period prior to the beginning of an event and for the five-hour period immediately after the conclusion of the event or until it can be verified that 80 or fewer cars per hour are exiting the site.

(4) The Applicant shall reimburse Lane County for removal of vision-obscuring vegetation located in the right-of-way at Five Rivers Road milepost 1.4.

4. A Building permit shall be obtained for the stage. The stage shall be relocated to a position outside of the 100-foot riparian setback unless approval is granted for a riparian setback modification. Any relocation of the stage shall maintain the directional orientation to the south. (It should be noted that sound mitigation structures, such as a hay bail fence, will operate as an intrusion into the setback area and should be considered in the siting of the stage.)

5. A building permit shall be obtained for the pavilion structure.

6. A gray water disposal permit shall be obtained for the wastewater disposal at the pavilion.

7. The applicant shall register the existing water system as a Transient Non-community water system with the Oregon Department of Human Services Drinking Water Program.
through the Lane County Environmental Health Program. Groundwater usage shall be limited to 5,000 gallons per day.

8. The applicant shall obtain a Special Use Permit from the Siuslaw National Forest for access from Forest Service Road 32 to the campgrounds west of the river.

9. The applicant shall record a Farm Use and Forest Management Easement at Lane County Deeds and Records. In addition, the Applicant shall mark the border of the subject property west of the campgrounds to alert campers not to trespass onto adjacent forest land.

10. The fire protection plan described in Applicant’s Exhibit 76 and described in Finding of Fact #14, shall be implemented by the applicant. The pumping system shall be maintained as an operating unit at all times.

11. The applicant shall implement the Neighborhood Response Plan contained in Applicant’s Exhibit 65.

12. A Medical station shall be clearly labeled and accessible to all and staffed at all times by at least one person certified to perform First Aid and CPR during all large events.

13. The applicant shall provide adequate numbers of portable toilets for each event in accordance with the requirements of OAR 918-650-0050 Table 2 based upon the expected attendance. These shall be monitored through the short-term campground license issued by the Lane County Environmental Health Program.

14. All trash shall be removed from the property promptly after each event. Areas subject to trash removal shall include the riparian areas adjacent to campgrounds and adjacent river and riverbanks. Bear-proof trash containers shall be utilized for the collection of trash on the property and a sign will be installed in each campground that explains why the feeding of wildlife and the careless disposal of edible trash is detrimental to Marbled Murrelets.

15. Signs shall be placed at the access to the waterfall area stating a prohibition on the use of bathing products (soaps, shampoos, etc.). Access to river will be limited to waterfall area and any known fish ladders will be marked with “No swimming, bathing, etc.” signs. Other areas of the river may be used for human access if determined by ODF&W staff not to be important fish habitat or that human access will not to be detrimental to nearby fish habitat.

16. Water withdrawals from Five Rivers are limited to the authorized water right for irrigation and for emergency purposes (fire suppression).

17. All stages shall be oriented to the south. As recommended by the Applicant’s Acoustic Engineer, a hay bale wall shall be installed behind the stage(s) in manner to be adequate to meet State and Lane County sound regulations.
18. Campers shall access camp areas C-G by foot traffic only. Overnight temporary use in the campground by a camper or camper’s vehicle cannot exceed a total of 30 days within any six-month period.

19. No parking for any vehicle is authorized within 100 feet of Five Rivers.

20. A 30-foot primary fuel break shall be maintained around the pavilion and stage.

21. Any future change in ownership requires submittal of an application for Verification of Conditions prior to the scheduling of any events on the property.

22. A sound mitigation system for the large events shall be installed in conjunction with the main stage that accomplishes the reduction in expected sound levels consistent with the analysis in the Acoustic Engineer’s reports. The system may consist of hay bales or other suitable materials as determined by the Acoustic Engineer. A sound level monitor shall also be established at the operator’s homsite that provides an alert if the sound levels produced at the stage are exceeding acceptable limits. For purpose of this decision, acceptable limits are a reading of base sound at the sound engineer’s desk of 90 dB,A or less. Upon establishment of the mitigation system and monitor, certification from an Acoustic Engineer shall be provided to Lane County stating that the system operates in a manner that maintains sound levels produced at the property in conformance with Lane Code Chapter 5 requirements.

23. At the conclusion of the 2014 season, and prior to the beginning of the 2015 season, an evidentiary hearing shall be held regarding compliance with the fire hazard and the wildlife/riparian habitat protection conditions of this decision. The hearing will be limited to these two issues and at its conclusion, the Hearings Official may modify those conditions to ensure better compliance.

**Justification for Decision (Conclusion)**

Parks are allowed as discretionary uses in the F–1 District by Lane Code 16.210(3)(c). Lane Code 16.210(3)(d) allows campgrounds for areas devoted to temporary use for vacation, recreational, or emergency purposes. Both uses must comply with the requirements of Lane Code 16.210(5).

Citing the *Tennant v. Polk County* case,8 opponents of this application raised the issue of whether the proposed uses are “appropriate in a forest environment.” In *Tennant*, LUBA noted that Statewide Planning Goal 4 required that “recreational uses “must be “appropriate in a forest environment.” In its previous decision in *Tice v. Josephine County*,9 LUBA noted that outdoor recreational activities may not “dominate and change the character of the forest environment.”

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8 *Tennant v. Polk County*, 56 Or LUBA 455 (2008)
In *Tice*, LUBA held that a proposed motorcycle race track was not in accord with the character of forest uses but in *Tennant* it held that a proposed paintball facility was.

In the present case, the “forest environment” surrounding the subject property consists of Late-Successional Reserves, as defined by the Siuslaw National Forest’s Northwest Forest Plan. The plan notes that the forest provides habitat to the Northern Spotted Owl and the Marbled Murrelet, two endangered species. Arguably, recreational uses that create a “take” of the owl or murrelet would change the character of this forest environment. The record indicates three potential impacts from the proposed use that might threaten the two endangered species: fire, noise and human activity that would provide food sources that attract corvids. The issue of fire hazard will be addressed under Lane Code 16.210(5)(a) & (b), below.

Sound studies conducted on the subject property indicate that noise mitigation measures necessary for compliance with State and Lane County noise regulations will also ensure that noise levels at existing Northern Spotted Owl and the Marbled Murrelet nests will not harass, let alone harm, these birds. These noise levels are anticipated to be around 64 dB,A or less; considerably below the 70 dB,A threshold for harassment and arguably substantially less intrusive than pre-commercial and commercial thinning operations conducted in areas near these nests.

As a condition of approval, all trash shall be removed from the property promptly after each event and bear-proof trash containers shall be utilized for the collection of trash on the property. In addition, the Applicant will be required to install a sign in each campground that explains why the feeding of wildlife and the careless disposal of edible trash is detrimental to Marbled Murrelets.

Concern has been raised regarding the impact on fish that use Five Rivers. Coho salmon spawn in the river and juvenile and adult salmon and trout concentrate in pools when river flows are low and warming. The waterfall does not appear to qualify in this respect but the areas that are likely to serve as holding pools are not mapped. Therefore, unless other areas are specifically approved by the Oregon Department of Fish and Wildlife (ODF&W) as not being important fish habitat, only the waterfall area shall be available for use by event participants and staff for human access (swimming, bathing, etc.).

Concern has also been raised by Ms. Mills regarding the impact of human access to the river (from the proposed use) on newts and salmon spawning habitat from pollution from water bathing, camping debris, and sewage drainage. In regard to bathing in the river, such activities must be conducted at locations approved by the ODF&W and, as a condition of approval, cannot occur with the use of soap or shampoo. Second, camping is prohibited within the 100-foot riparian setback area and, as a condition of approval, the clean-up operations conducted after each event shall include the riparian area adjacent to the campgrounds and the river and riverbank itself. Finally, there is no evidence that the Applicant’s plan for gray water and sewage will contaminate the river. The Applicant has proposed a gray water system and must obtain a permit for that system from Lane County. The record supports a conclusion that the proposed system is properly sized to accommodate the anticipated amount of gray water produced by the larger events associated with the proposed use. Also, conditions of approval require the
Applicant to supply the appropriate number of portable toilets for each event in accordance with OAR 918–650–0050, Table 2 – Sanitary Facilities.

It should be pointed out that the newt is not a species listed as endangered or threatened and the extent of its habitat along the river has not been identified. While the concern of the opponents is noted, there is nothing in the record that would indicate that human activity in the river, as conditioned by this decision, will affect the newts that apparently live near the Mill’s property more than four miles downstream from the subject property.

Based upon the evidence in the record, I cannot conclude that the proposed use, as conditioned by this decision, will represent a recreational use that is inappropriate to the existing forest environment of the area.

**Lane Code 16.210(5)**

(a) **The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.**

The subject property is surrounded by forest lands but no intensive farming practices have been identified. Much of the bordering property can be described as relatively young forested stands within the Siuslaw National Forest. Adjacent to the subject property the trees are 35 years of age or older. Management practices are limited to spraying of invasive vegetation and some commercial thinning. Six acres of timber east of Five Rivers Road, owned by Five Rivers Timber, LLC, are scheduled for clearcut harvest in January of 2017. Management practices in the interim would be selective harvest of wind-thrown or insect/disease damaged trees. Removal of timber does not typically occur on weekends. Representatives of the Siuslaw National Forest and Five Rivers Timber, LCC, owners of adjacent forest land, respectively, stated that the proposed use would not have an impact on their management practices or result in a loss of their ability to conduct forestry operations.

Based upon testimony received, the following impacts that might adversely affect farm and forest practices have been raised: fire danger, trespass and vandalism, negative impacts on water quality and quantity, and transportation conflicts.

**Fire Danger** – Much concern has been raised about the potential for fire danger from the ignition of fireworks and ceremonial burns that accompany many of the prior events held on the subject property. This concern was heightened by the travel distance/time to the nearest structured fire department (Yachats Rural Fire District). However, the Applicant has removed the use of fireworks and ceremonial burns from the application and these activities are no longer permitted in any capacity associated with the proposed uses.

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10 July 8, 2013 email correspondence from Michele Holman Jones, District Ranger, Siuslaw National Forest, to Thom Lanfear.
The Applicant has a fire plan that restricts the use of campfires to a central fire pit. The fire pit is surrounded by a ring of stones and fire suppression buckets are immediately available. The ground around the fire pit is saturated with water prior to its use. Finally, the fire pit is inspected on an annual basis by the Oregon Department of Forestry (ODF). Individual campfires are prohibited in the campgrounds. These rules and the location of fire fighting equipment will be prominently displayed in each campground.

The use of cigarettes (and open flames) is addressed by fire restriction rules, the severity of which is linked to fire danger levels promulgated by the ODF. At all times, each campsite will be equipped with a “butt can” and a moist/water-filled disposal can.

On a more general basis, a fire pump and a skid sprayer will be available for all events. The former consists of a pump and gasoline engine capable of producing 80 gallons of water per minute. The pump is connected to 450 feet of 1.5-inch fire hose. A splitter is employed to provide two fire hoses. Each hose has a nozzle that can be adjusted from a fine mist to a solid stream. A skid sprayer will be on site at all times for all events. This device consists of a truck- or trailer-mounted water tank with a pump, gasoline engine, and hard fire hose usually stored on a reel.

The fire plan developed by the Applicant is reasonably calculated to address the most likely potential for fire hazard that would be caused by the proposed uses of the subject property. Assuming the fire plan is conscientiously implemented, the proposed uses will not cause the managers of the surrounding forest (ODF and Five Rivers Timber, LL.C) to change their forest practices to address increased fire danger.

Trespass and vandalism – The record contains some evidence that events on the subject property have resulted in isolated incidents of trespass on properties abutting Five Rivers Road. None of these incidents appear to have occurred on forest land adjacent to the subject property but rather appear to have negatively impacted residents who live to the north, along Five Rivers Road and its environs (Buck Creek Road). However, an analysis of Lincoln County Sheriff’s Office response records from June of 2010 to May of 2013 does not indicate any trespass complaints on Five Rivers Road or Buck Creek Road.

The opportunity for inadvertent trespass appears to be greatest at Campground C, which is immediately adjacent to the Siuslaw National Forest to the west. As a condition of approval, the Applicant must mark the property line to prevent campers from wandering onto adjacent property.

Negative impacts on water quality and quantity – In regards to water quality, issues have been raised regarding pollution of Five Rivers from human activities in the river, trash left in the riparian area, gray water drainage, and human sewage.
Human activities in the river are addressed in Condition of Approval #15, which prohibits the use of bathing products. Locations of human activity in the river are restricted to the waterfall area and other areas deemed by ODF&W to not be significant to water wildlife.

Trash removal will follow all events and will include the riparian area, river banks and the river itself. Testimony has established that past trash removal efforts have been quite successful in removing trash that might otherwise end up in the river (or provide food for corvids).

The applicant has installed a gray water disposal system adjacent to the shelter that will not need a State permit as it is below 2,500 gallons per day. The Applicant’s detailed analysis of the facilities that provide input into the gray water disposal system appears to be inclusive and well documented and thus supports a conclusion that the disposal system is adequately sized. Currently, the gray water system does not exhibit any characteristics that it is failing such as ground saturation or standing water and the soil located at the pavilion, Soil Map Unit #88 – Nehalem silt loam, is the same soil that serves three existing residences on the property. The system will require a permit from Lane County that will also require a showing that the system meets DEQ requirements.

Human sanitation will be provided by portable privies. The number of privies per event will be sized in accordance with the requirements of OAR 918–650–0050 Table 2.

The Applicant has water rights for irrigation purposes. This water will be used, in part, for the activity area and parking areas. Water for vendors, kitchen staff, staff showers and participant drinking needs (up to 2,500 people) is conservatively estimated to be around 5,000 gallons of water per day or less. The Oregon Department of Water Resources rules presume that this amount of use will not adversely surrounding water users as no permit is necessary for commercial use up to this amount.

Transportation conflicts – The Applicant has commissioned a Traffic Impact Study for the proposed use. The study addressed the impact of events serving 2,500 participants on level of service and road capacity. Recognizing the limitations of Five Rivers Road, the study made several recommendations that would alleviate most of the adverse impacts from the traffic generated by the larger events proposed for the subject property. These recommendations have largely been incorporated into this decision’s conditions of approval. The reasons why the traffic impacts from the proposed uses will not force a significant change in, or significantly increase the cost of, accepted forest practices on forest lands are as follows:

1. The removal of logs from thinning or harvesting traditionally do not occur on weekends.
2. All of the major events\(^\text{11}\) will occur on Friday evenings and on weekends.
3. Flaggers will be used for all major events that have an attendance of more than

\(^{11}\) Events that will have more than 300 participants.
700 people and pilot cars will be used for events with more than 1,400 attendees.

4. Signage will be used to direct traffic for major events that have an attendance of more than 700 people.

5. The applicant's parking area has the capacity to accommodate the estimated number of vehicles generated by an event of 2,500 attendees.

Based upon the above-analysis, I must concluded that the proposed use, as warranted by the applicant and conditioned by this decision will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) **The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.**

I believe that the threat of increase in fire hazard to adjacent and surrounding forest land, and associated increase in fire suppression costs and increased risk to fire suppression personnel, is directly related to the current level of fire danger, the potential for fire hazard from proposed activities, the fire prevention plans proposed by the Applicant, and the ability of the Applicant to monitor and enforce his fire prevention rules.

The Applicant's fire plan is keyed to the current level of fire danger, as identified by Siuslaw National Forest personnel. The rigorousness of the plan increases with the level of fire danger. Activities that have a significant potential for fire hazard have been identified as the use of fireworks, ceremonial burns, smoking by campers, the use of the fire pit, and parking of cars on grassy fields. The Applicant has warranted that none of the events associated with his application shall include fireworks or ceremonial burns.

In the lowest level of fire danger, the fire plan calls for the placement of "butt cans " and water disposal cans at each campsite and the signs in each campground that convey the smoking rules and the location of fire equipment. Cooking stoves are permitted. When the fire danger escalates to "moderate," the use of open flames at campsites is prohibited. Also, smoking must occur at the campsites. When the fire danger level reaches "high," smoking at individual campsites is forbidden and a fire extinguisher will be placed in designated smoking areas. A skid sprayer will also become available. Finally, when the fire danger level reaches "extreme," the previous safeguards will be used and ATV's with fire extinguishers will patrol the camp. Daily communication with fire suppression agencies will occur.

The fire pit is composed of a ring of stones. The ground around the fire pit is moistened with water and grass, if present, will be mowed. Filled water buckets are present and the fire pit is inspected annually by Forest Service personnel. Finally, the parking lot areas are mowed and moistened when necessary. Parking personnel are available to spot any fires should then occur.
As suggested above, the best fire prevention plans are worthless unless they are adequately enforced. This includes adequate notification to attendees about the fire plan and fire safety, diligent monitoring, and a willingness and ability to enforce the rules. The detailed testimony by event promoters in how security is enforced was instructive as it indicates how seriously they treat the issue. Indeed, the conditions of approval of this decision make it incumbent on the Applicant to ensure that all event promoters know the fire plan and prepare accordingly for its implementation. The conditions of approval make it clear that failure to do so could result in the modifications to this permit.

Based upon the fire plan proposed by the Applicant, and his apparent ability to apply the plan, I must conclude that the proposed use, as warranted by the Applicant and conditioned by this decision, will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

This requirement has been made a condition of approval that must be satisfied prior to the implementation of this permit.

Lane Code 16.210(6): Siting Standards for Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(6)(a)-(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

The “proposed” structures for this application include an outdoor stage and two picnic shelters (almost touching) that are currently existing without land use or building approval. All of the “proposed” structures are located in the Activity Area, which is a flat, open, pastureland. These structures are not located near residences on other tracts and are about 400 feet from Five Rivers Road. All areas of the subject property are suitable for the production of timber, but the Activity Area has been used for pasture and horse grazing in the past and is therefore the least suitable portion of the subject property for forest use. No structure will be placed within 30 feet of a ravine, ridge, or slope.
(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

The “proposed” structures are located in an open level area within the activity area. The proposed camping areas C-G are located within the forested area, but are located adjacent to an old logging road or in natural openings in the forestland. Tents probably qualify as "structures" under the Lane Code but due to their temporary nature and ability to be placed in small clearings in the forested area they are minimally intrusive. For example, staff noted that the campsites were very natural and tucked into the existing vegetation. Camping areas A & B are both located in open grassy fields and do not intrude into forested areas.

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) 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; and

The subject property and the adjoining properties to the west, south, and east are zoned F-1. The property to the north is zoned F-2. Based upon Lane County GIS measurements it appears that the structures are approximately 450’ from the western property line and over 500 feet from all other adjoining properties.

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

As a condition of approval, the stage must be moved to comply with the 100-foot riparian setback. As noted in the conditions of approval, noise-mitigation structures must also be located outside of the setback area.

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 10 feet from all property lines.

Based upon the submitted site plan, the proposed development exceeds these setback requirements.
(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

The Applicant has not proposed any new access roads. Existing roads and structures are located on open pastureland.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

The proposed development is not a dwelling or manufactured dwelling and pursuant to Lane Code 16.210(6)(c)(i) fuel breaks are not required. However, Lane County F-1 Zoning is not consistent with OAR 660-006-0035(3), which requires a primary fuel break around all structures. During staff’s site visit on June 4, 2013, it was verified that the structures had satisfactory primary fuel breaks.

(ii) Structural Fire Protection. Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20
minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

Staff makes the point that the proposed development is not a dwelling or manufactured dwelling however Lane Code 16.210(6)(c ) applies to structures and roads in addition to residents. The record indicates that the Applicant has a water supply in the river and equipment with a capacity to produce 80 gallons per minute near the structures for emergency purposes. As a condition of approval, the pumping system shall be maintained as an operating unit during periods of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

This criterion is not applicable as none of the proposed structures have chimneys. The picnic shelters have metal roofs and the stage has a removable canvas roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

The applicant has indicated that potable water will be obtained from the wells serving the existing residences on the subject property. The water system for the park / campground use must be registered as a transient non-community system with the Oregon Department of Human Services Drinking Water Program under OAR 333-061. As a condition of approval, the Applicant must submit an application for approval of the system and comply with any necessary requirements. The water is tested yearly prior to the events and submitted to the Lane County Environmental Health Program during the yearly inspection of the campground.
(c) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. An applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(6)(e). Evidence of compliance with the standards specified in LC 16.210(6)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sacs shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.
(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

No new roads or driveways are proposed. The Yachats Rural Fire Protection District staff has stated the District can provide service to the subject property in the case of an emergency and it has been verified that the access bridge will support emergency firefighting equipment. An engineer has certified that the bridge complies with Lane Code 16.210(6)(e)(3), above. There is an old logging road that provides emergency & facilities access to the camping areas across the river.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

No new roads are proposed.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

No driveways associated with the proposed uses are in excess of 200 feet.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i)-(vi) are provided below in LC 16.210(6)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.210(6)(e)(i). Hammerhead turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.210(6)(e)(iv).
No modification of road standards has been requested with this application.

Given the existing conditions of the subject property, I believe that the proposal complies with the provisions of Lane Code 16.210(6)(a), (b), (c), and (e), weighed together. The proposed structures and proposed uses, as conditioned, are compatible with forest operations and agriculture, minimize wildfire hazards and risks, and to conserve recreational values found on adjacent and surrounding forest lands.

**Conformity with Lane Code 16.210(7)**

(7) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

The subject property has a 100-foot buffer on both sides of Five Rivers, a Class 1 Stream. LC 16.253(2)(a) states that “a minimum of seventy-five percent (75%) of the total area within the riparian setback area of any legal lot shall remain in an unaltered, indigenous state.” The Applicant is not proposing any vegetation removal although some of the campsites are located within the 100-foot riparian setback area. While these are tent-only, walk-in sites, some native vegetation was altered. Based off of the comments from ODFW and NOAA, it is very important to maintain all vegetation within the 100-foot riparian setback area and that no additional clearing be allowed.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.
(ii) Signs shall not be illuminated or capable of movement.
(iii) Signs shall be limited to 200 square feet in area.

As a condition of approval, campgrounds must have signage that addresses fire safety and other campground rules. These signs must conform to the restrictions of Lane Code 16.210(7)(b).

**Conformity with OAR 660–006**


Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir,
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 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. 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. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. 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 6 month period.

The proposal is for a private park and campground that will support outdoor music events, social gatherings (weddings, reunions, etc), performing arts events, environmental education programs, and camping during these events. The subject property is located more than three miles away from an urban growth boundary. This proposal does not include any of the intensively developed recreation uses listed above, only an outdoor stage and picnic shelter.

The campground allows for tents, travel trailers, and recreational vehicles, but no sewer, water or electric hook-ups will be allowed for the campsites. Overnight temporary use in the campground by a camper or camper’s vehicle cannot exceed a total of 30 days in a 6-month period.

The campground use is proposed to be in conjunction with park events and temporary in nature. The subject property is adjacent to the Siuslaw National Forest and has Five Rivers traversing it. There is also a fish ladder in Five Rivers accessible for participants to view.

The proposal, as conditioned, conforms to OAR 660-006-0025(4)(e)(A).

**Conclusion**

Based upon warrants by the Applicant, and the conditions attached to this decision, I believe that the applicable approval criteria are met by the proposal. However, no matter how good the intentions of the Applicant, compliance with the approval criteria is dependent upon the ability of his event promoters to enforce the regulations. An example of this is where unauthorized use of fireworks occurred at that July 20–21 SOAK Burning Man Festival. Despite the Applicant's and the promoter's lack of culpability in this incident, the potential for fire hazard nevertheless occurred and there exists a question of whether future incidents of a similar nature can be
prevented. Therefore, as a final condition of approval, there will be an evidentiary hearing held at the conclusion of the 2014 season at which time evidence will be heard regarding compliance with the fire hazard and the wildlife/riparian habitat protection conditions of this decision. The hearing will be limited to these two issues and at its conclusion, the Hearings Official may modify those conditions to ensure better compliance.

Respectfully Submitted,

[Signature]

Gary Darnielle
Lane County Hearing Official
## ATTACHMENT A
### Parties Of Record in PA 12–5350

<table>
<thead>
<tr>
<th>Daniel Dillon</th>
<th>Mona Linstromberg</th>
<th>Alan Ayres</th>
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<tr>
<td>Charlotte Mills</td>
<td>US Dept. of Commerce</td>
<td>Linda Johnston</td>
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<td>Michael Morgan</td>
<td>Robert Hansen</td>
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<td>Nancy Powell</td>
<td>Onno Husing</td>
<td>Lauri Segel</td>
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<td>Robert Emmons</td>
<td>LandWatch Lane County</td>
<td>Comm. Bill Hall</td>
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<tr>
<td>Derek Wilson, ODFW</td>
<td>Sgt. M. Todd Thompson</td>
<td>Mike Novak</td>
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<tr>
<td>Jason Kirchner, ODFW</td>
<td>Grant Windom</td>
<td>Steve Kinney</td>
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<td>Bertha Hoeye</td>
<td>Lorraine &amp; Peter Karassik</td>
<td>Benetta Minor</td>
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<td>Carol Van Strum</td>
<td>Ed Dyess</td>
<td>Ray Hughey</td>
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<td>Frankie Petrick, YRFPD</td>
<td>Margie Grinnell</td>
<td>David Parrish</td>
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<tr>
<td>Roger Frederick</td>
<td>John Clark</td>
<td>Mark Lemons</td>
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<td>Sharon Johnston</td>
<td>Violet Brown</td>
<td>Vanessa Petro</td>
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<td>Ron Leavens</td>
<td>Joseph O’Neil</td>
<td>Sean Mullon</td>
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<td>Sally Houck</td>
<td>Patrick &amp; Tamara Delaney</td>
<td>Michael Mattick</td>
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<tr>
<td>Thomas McElroy</td>
<td>Ryan Dillon</td>
<td>Daniel Hartman</td>
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<td>Casey Jackson</td>
<td>Chad Butler</td>
<td>Dannie Jones</td>
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<tr>
<td>Everett &amp; Christine Fuller</td>
<td>Justin Down</td>
<td>Oliver Zeck</td>
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<tr>
<td>Brian Cooper</td>
<td>Matt Chamberlain</td>
<td>Sean Malone</td>
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<tr>
<td>Zack Manning</td>
<td>Frankie Petrick</td>
<td>Bridgette Tuerler</td>
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</tbody>
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CERTIFICATE OF MAILING

509-PA12-05350
DILLION/PRINDEL/LANFEAR
8-13-2013

This is to certify that I, Chris Rogers, mailed Notification of

__________________________

HO. DECISION

To the person(s) shown on the attached copy of mailing labels &/or attached letter, and delivered said information to the authorized agent for the us Post Office in Eugene, Oregon on

DATE MAILED: 8/13/2013

END OF COMMENT PERIOD: _____________________________

APPEAL DEADLINE: 8/26/2013

__________________________

CHRIS ROGERS

NOTE: Surrounding property owners listed are “the owners of record of all property on the most recent property tax assessment rolls” on RLID as per Lane Code 14.300(3)(d). If a tax lot appears on the notice list & there are no corresponding addresses then the tax records have not been updated; therefore, these property owners were not notified.
MAIL RETURNED
DEPT OF AGR F S
PO BOX 1148
CORVALLIS, OR 97330

DILLON DANIEL & GRINNELL MARGIE
95520 E FIVE RIVERS RD
TIDEWATER, OR 97390

FIVE RIVERS TIMBER LLC
2031 NW 17TH ST
ALBANY, OR 97321

MORGAN MICHAEL S
95725 E FIVE RIVERS RD
TIDEWATER, OR 97390

PRINDEL CREEK FARM INC
95528 FIVE RIVERS RD
TIDEWATER, OR 97390

PRINDEL CREEK FARM INC
95520 FIVE RIVERS RD
TIDEWATER, OR 97390

SIUSLAW NATL FOREST/U S GOVERNMENT
PO BOX 1148
CORVALLIS, OR 97330

SMYTH CAROLYN
95520 E FIVE RIVERS RD
TIDEWATER, OR 97390

WINDOM/LIEBER REVOCABLE TRUST
234 NW 30TH ST
CORVALLIS, OR 97330

THOM LANFEAR
541 WILLAMETTE ST #402
EUGENE, OR  97401

RAY HUGHEY
33055 SE PEORIA RD
CORVALLIS, OR  97333

ARMY CORPS OF ENGINEERS
1600 EXECUTIVE PARKWAY SUITE 210
EUGENE, OR  97401-2156

KAT BEAL
US ARMY CORPS OF ENGINEERS
PO BOX 429
LOWELL OR 97452

ARMY CORPS OF ENGINEERS
26275 CLEAR LAKE ROAD
JUNCTION CITY, OR 97448

DIVISION OF STATE LANDS
WETLANDS PROGRAM-DANA FIELDS
775 SUMMER ST NE SUITE #100
SALEM OR 97301-1279

OREGON DEPARTMENT OF FORESTRY
WESTERN LANE DISTRICT
87950 Territorial Rd
VENETA OR 97487

OR STATE FISH & WILDLIFE
(COASTAL) DEREK WILSON & JASON KIRCHNER
2040 SE MARINE SCIENCE DR
NEWPORT OR 97365-5229

YACHATS RFPD
FRANKIE PETRICK
PO BOX 1
YACHATS, OR  97498
EUGENE WATER & ELECTRIC BOARD
ATTN: KARL MORGENSTERN
500 E 4TH AVE
EUGENE, OR 97401

KRISTINA DESCHAINE
FIRE MARSHALL
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SPRINGFIELD, OR 97477

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FALL CREEK, OR 97438

LANDWATCH LANE COUNTY
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Tidewater, OR 97390

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Oregon State Habitat Office
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Roseburg, OR 97471

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Tidewater, OR 97390

VIOLET BROWN
NEWPORT HIGH SCHOOL
322 NE EADS
NEWPORT, OR 97365

DEQ
DANIEL WILTSE
165 E 7TH AVE. #100
EUGENE, OR 97401

SEAN MULLON
8121 E FIVE RIVERS RD
TIDEWATER, OR 97390

RON LEAVENS & SALLY HOUCK
121 E CRAB CREEK RD
TIDEWATER, OR 97390

PATRICK & TAMARA DELANEY
154 E BUCK CREEK RD
TIDEWATER, OR 97390

DAVID PARRISH
50 E FIVE RIVERS RD
TIDEWATER, OR 97390

ROGER FREDERICK
96320 E FIVE RIVERS RD
TIDEWATER, OR 97390

JOHN CLARK
PO BOX 26
ALSEA, OR 97324

MARK LEMONS & SHARON JOHNSTON
345 E CRAB CREEK RD
TIDEWATER, OR 97390

BERTHA HOEYE
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TIDEWATER, OR 97390

JOSEPH O'NEIL
ODFW
2418 E FALL CRK RD
ALSEA, OR 97324

US DEPT OF COMMERCE
KENNETH PHIPPEN
2900 STEWART PARKWAY
ROSEBURG, OR 97471

MICHELE HOLMAN JONES
CENTRA COAST RANGER DISTRICT SIUSLAW NATION FOREST
3200 SW JEFFERSON WAY
WALDPORT, OR 97394

MARK & ANGIE LEY
N 1607 FAIRVIEW LANE
FORT ATKINSON, WI 53538

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Onno Husing
Lincoln County Planning & Development
210 S. W. 2nd Street
Newport, OR 97365

Mona Linstromberg
831 E. Buck Creek Road
Tidewater, OR 97390

Benetta Minor  MAIL RETURNED
96737 E. Five Rivers Rd
Tidewater, OR 97390

Steve Kinney
97089 E. Five Rivers Rd
Tidewater, OR 97390

Lorraine & Peter Karassik
1087 E. Buck Creek Rd
Tidewater, OR 97390

Carol Van Strum
7493 E. Five Rivers Rd
Tidewater, OR 97390
Ed Dyess  
8435 E. Five Rivers Rd  
Tidewater, OR 97390

ALAN AYRES  
PO BOX C  
CORVALLIS, OR 97339

MEGAN DILLON  
4537 NE 11th  
PORTLAND, OR 97211

ART NOXON  
3690 COUNTRY FARM RD  
EUGENE, OR 97408

COMMISSIONER HALL  
LINCOLN COUNTY COURTHOUSE  
225 W OLIVE ST #110  
NEWPORT, OR 97365

Michael Mattick  
Watermaster, District 2  
125 East 8th Avenue  
Eugene, OR 97401

US FISH & WILDLIFE  
BRIDGETTE TUERLER  
2600 SE 98th AVE, SUITE 100  
PORTLAND, OR 97266

US FISH & WILDLIFE (COASTAL)  
ATTN: ROY LOWE  
2127 SE MARINE SCIENCE DR.  
NEWPORT, OR 97365

USDA FOREST SERVICE  
WILLAMETTE NATIONAL FOREST  
3106 Pierce Parkway, Suite D  
Springfield, OR 97477

BUILDING

FLOOD MANAGEMENT
COMPLIANCE

TRANSPORTATION PLANNING
DAN INGRAM

JOHN PETSCH
COUNTY ROAD MAINTENANCE

ENVIRONMENTAL HEALTH
ZACH MANNING

LAURI SEGEL
NO ADDRESS

VANESSA PETRO
NO ADDRESS