



**Marion County**  
OREGON

# ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

## RECEIVED

JAN 23 2025

**Marion County  
Planning**

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

- |  |   |
|--|---|
| <input type="checkbox"/> Zone Change - \$2500+\$40/acre                                      | <input type="checkbox"/> Mineral Aggregate Site - \$6360 base fee + |
| <input type="checkbox"/> Comprehensive Plan Change - \$3755+\$70/acre                        | \$30/acre - 0-100 acres   |
| <input checked="" type="checkbox"/> Zone Change/Comprehensive Plan Change - \$4510+\$70/acre | \$90/acre - 101-200 acres   |
| <input type="checkbox"/> Zone Change/Comprehensive Plan Change -                             | \$120/acre - 201-399 acres  |
| with goal exception \$6010+\$70/acre   | \$180/acre - 400+ acres   |

PROPERTY OWNER(S): Jerome P Lackner	ADDRESS, CITY, STATE, AND ZIP: [REDACTED]
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP [REDACTED]
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL: [REDACTED]
ADDRESS OF SUBJECT PROPERTY: Off Eastern end of Wagner Lan SE	SIZE OF SUBJECT PROPERTY: 21.87 Acres
The property owners request to change the zone from (current) <u>EFU</u> to (proposed) <u>FT</u> and/or change the Comprehensive Plan designation from <u>Primary Agriculture</u> to <u>Farm Timber</u> . Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? ( ) Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY:			
Township <u>9S</u>	Range <u>2E</u>	Section <u>18A</u>	Application elements submitted:
Tax lot number(s) <u>100</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u>	Comp Plan:		<input type="checkbox"/> 2 Site plans showing existing/proposed zoning
Zone map number: <u>95</u>	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural		<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable) <u>N/A</u>
Case Number: <u>201CP/AR25-001</u>			<input checked="" type="checkbox"/> Filing fee
Signs given (min. agg. only):			Application accepted by: <u>ACD</u> Set up by: <u>GTB</u> 01/28/25
Date determined complete:			Date: <u>1/23/2025</u>





**Marion County**  
OREGON

## ADMINISTRATIVE REVIEW APPLICATION

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

- ☐ Administrative Review - \$770
- ☐ Primary Farm Dwelling - \$1000
- ☐ Replacement Dwelling - \$450
- ☐ Lot of Record - \$1250 (staff); \$1990 (hearing)
- ☐ Secondary Farm - \$1250
- ☒ Forest Dwelling - \$1250

PROPERTY OWNER(S): Jerome P Lackner	ADDRESS, CITY, STATE, AND ZIP: [REDACTED]
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP [REDACTED]
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: Off the eastern end of Wagner Lane Se	SIZE OF SUBJECT PROPERTY: 21.87 Acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): Place a template dwelling on the subject parcel _____ _____ _____	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? ( ) YES (X) NO IF YES, WHICH RAILROAD:	

FOR OFFICE USE ONLY:			
Township	Range	Section	Application elements submitted:
Tax lot number(s)			<input type="checkbox"/> Title transfer instrument
Zone:			<input type="checkbox"/> Site plan
Zone map number:			<input type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number:			<input type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input type="checkbox"/> Rural			Application accepted by: Set up by:
Date determined complete:			Date:

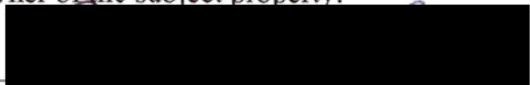
**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

JEROME P. LACKNER

Print Name

  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

**DATED** this 2<sup>nd</sup> day of JANUARY, 2025



## APPLICANT STATEMENT

Jerome Lackner owns a 21.87 acre parcel that is zoned EFU (Exclusive Farm Use) and is located at the eastern end of Wagner Lane SE. The property is in timber use and is designated as a timber property by the Marion County Assessor. Mr. Lackner purchased the property from the estate of Ledor and Tyler Pinkston on September 16, 1992. A research of the deed records indicate that the parcel was deeded to the Pinkston's as a parcel 3 from Lula Baringer and Glen and Verla Beringer (husband and wife) in Volume 474 Page 89 on March 24, 1955. As such is considered a legal parcel because there were no restrictions on the creation of parcel in the Marion County Land use regulations at that time. At the time of purchase the property was in timber use and Mr. Lackner planted reprod timber to replace timber that was harvested by the Pinkston's. Unfortunately, Mr. Lackner did not retain any receipts for this replanting but aerial photos show the maturing timber that he planted as the 2016 photos in the Marion County GIS records. These trees were burnt in the Santiam Canyon fire and have since been replanted.

Because the property has never been in farm use and continues to be managed for timber production, the applicant is now applying to change the zone from EFU to FT (Farm Timber) and the plan designation from Primary Agriculture to Farm/Timber. Also included in the application is an Administrative Review application for a Template Dwelling. Later in this report the receipts for the replanting will be submitted to verify the land is still in timber management.

The following will address the criteria for a zone change/comprehensive plan amendment and the Administrative Review for the Template dwelling. The application will follow past land use cases that have been reviewed and approved by Marion County:

1. As was noted above, the property has historically been in timber production and is currently being managed for timber. Surrounding parcels to the north are in timber production and contain a dwelling. To the east are parcels with both the FT and EFU zones which are in both timber and farm use and contain dwellings. To the south are parcels containing dwelling as well as a Public zone with State of Oregon Forestry offices as well as medium acreage parcels containing dwellings. To the west are smaller parcels with dwellings within the EFU zone.
2. The 21.87 acre parcel is predominantly listed in the Marion County soils report as being 74.4% high value soils. Non high value soils are listed as 15.1%. The predominant soil is McCully clay loam with slopes of 2 to 7 percent slopes. The McCully clay loam has a forest site index of 172 cu/ft per acre production value. The property predominantly slopes from the north to the south



## STATEWIDE PLANNING GOALS

3 According to the MCCC (Marion County Comprehensive Plan) plan amendments section, comprehensive plan amendments must be consistent with statewide planning goals.

*Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: The land use review process requires Marion County hold public hearings with both the Hearings Officer and the Board of Commissioners and provide notice other hearings to surrounding property owners. Therefore, the application process will comply with Goal 1.

*Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decision and actions.*

Response: The applicant is proposing a zone change/comprehensive plan amendment and an administrative review for a template dwelling. All local and state agencies as well as county departments affected by this action will be notified and have an opportunity to comment before a decision is made. Subject to compliance with any comments received from these agencies and departments, the applicants' proposal can be approved.

*Goal 3: Agricultural Lands. To preserve and maintain agricultural lands.*

Response: The subject parcel is currently covered by the agricultural goal under OAR 660-006-0015(2), no Goal 3 exception is required to designate the subject property for forest use. The proposed application will comply with the provisions of the exception process to amend the property designation from agriculture to forest.

*Goal 4: To conserve forest lands by maintaining the forest land base and to protect the state's economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities.*

Response: The land adjacent to the north of the subject parcel is zoned FT and the surrounding area of the subject parcel is devoted to both timber use and farming activities. In previous land use cases, ZC/CP03-5 and ZC/CP11-02 the properties were predominantly in timber use and were changed from both the SA (Special Agriculture) and EFU (Exclusive Farm Use) zones to FT (Farm Timber). As has been noted earlier in this report, the subject parcel has been in timber use and has never been actively farmed. The previous owner harvested timber and the current owner has replanted timber during his ownership. The Santiam Canyon Fire had a significant impact to the parcel by burning most of the acreage that was in 25+ years of replanting. Aerial photos submitted with this report show that in 2016 there were areas on the



subject parcel that were covered with the replanted trees (see exhibit "A"). Later aerial photos of 2019 still show the areas of maturing timber (see exhibit "B"). After the 2020 Santiam Canyon Fire the area was devastated and the replanted timber along with much of the existing timber was destroyed as can be seen on the 2021 aerials (see exhibit "C"). An aerial photo of the subject parcel taken in 2023 show area with mechanical lines of where new trees were planted (see exhibit "D"). These photos show that the property has continued to be managed for commercial forest use. Receipts collected by Mr. Lackner indicate that during 2023 two separate purchases were made from nurseries of commercial tree species. In 9/23 an order for 5000 trees were sent to the owner by IFA Nurseries, Inc. and another order for another 1800 trees were picked up by the owner (see exhibits "E" and "F"). This together with the aerial photo from 2023 show that many of these trees were planted on the subject parcel. Another receipt dated 3/19/2024 from Rue Forest Contracting Inc. indicate that 1000 trees were planted on the subject parcel (see exhibit "G").

*Goal 5: Open Space, and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.*

Response: There are no open space or historic areas identified on the subject or adjacent parcels. Goal 5 is not applicable to the applicants' request.

*Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of air, water and land resources of the state.*

Response: The subject parcel is now zoned EFU and if the zone change/comprehensive plan amendment is granted the zone will change to Farm Timber and the comprehensive plan will be amended to Farm Timber. Both the existing and proposed zones have the possibility of a single family dwelling and this current application includes an administrative review for a template dwelling. Any dwelling approved for the parcel will be regulated by existing Marion County standards for a dwelling placement such as septic site evaluations or driveway access. These will assure that any development on the subject parcel will not have any significant impacts to air, water and land resources quality. It should also be noted that the parcel is not within an identified ground water overlay or any big game habitat overlay so impacts to those resources will be negligible. As a timber parcel the subject parcel will not experience day to day impacts to the above listed resources that may be affected should the property be farmed with an intensive farm operation. With the regulations currently in place, the level of air, water or land resources will be maintained and Goal 6 is satisfied.



*Goal 7: Areas Subject to Natural Disasters' and Hazards. To protect people and property from natural hazards.*

Response: The subject parcel is not within any identified hazards area. There are no floodplains, geologic or slope hazards mapped on the subject parcel. Goal 7 is protected by existing regulations and is satisfied.

*Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for siting of necessary recreational facilities including destination resorts.*

Response: the recreational needs identified in Goal 8 will not be impacted by the applicants' proposal. Therefore, this goal is not applicable.

*Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon's citizens.*

Response: In this instance the application does not affect Goal 9 because no commercial or industrial uses are being proposed and it mainly applies within Urban Growth Areas.

*Goal 10: Housing. To provide for housing needs of citizens of this state.*

Response: The subject parcel is not within any Urban Growth Boundary and the goal largely deals with housing with UGB's and the efficient use of residential designated lands. Goal 10 does not apply.

*Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arraignment of public facilities and services to serve as a framework for urban and rural development.*

Response: All rural services are with the area. Fire protection is provided by the Stayton Fire District and police protection is provided by the Marion County Sheriff. The applicant will be required to obtain a driveway permit off the easement of the eastern end of Wagner Lane SE to access the potential dwelling and for access to the parcel. Any additional requirements would require coordination with appropriate agencies should any additional development be established on the subject parcel. Goal 11 is satisfied.

*Goal 12: Transportation, to provide and encourage a safe, convenient and economic transportation system.*

Response: The subject parcel will obtain its access off the eastern end of Wagner Lane SE. The change in zone from EFU to FT will not significantly impact the easement because any proposed use would comply with the zoning would be similar for both zones. Goal 12 would not be significantly impacted and the provisions of Goal 12 are satisfied.

*Goal 13: Energy Conservation: To conserve energy.*

Response: Both farm and forest uses are similar in nature and changing the zone to FT will not create a more energy intensive use that is permitted in the EFU zone. Goal 13 is satisfied.

*Goal 14: Urbanization*

Response: The proposed change in zone will not significantly increase the urbanization of the parcel and therefore, Goal 14 would not apply.

*Goal 15: Willamette River Greenway, 16 Estuarine Resources, Coastal Shorelands. 18 Beaches and Dunes and 19, Ocean Resources are not applicable because the subject property is not within and of the above areas.*

Response: The resources listed in Goal 15 do not occur on the subject parcel or in the area of the subject parcel so they would not apply to the applicants' proposal. Based upon the above findings the proposed comprehensive plan amendment and zone change meet the applicable statewide planning goals and satisfies OAR 660-006-0057 and should be approved.

#### MCCP POLICIES

All comprehensive plan amendments must be consistent with applicable MCCP goals and policies. If the subject property are designated Farm Timber, forest lands goals and policies will apply. Therefore the proposed action must be consistent with the forest lands goals and policies.

The forest land and farm/timber land goal is to conserve forest lands and mixed farm/timber lands by maintaining the forest land base and mixed forest and agriculture base and to protect the county's forest and farm economies by making possible economically efficient forest and agricultural products as leading use on forest land and mixed farm/timber land consistent with sound management of soil, air water and fish and wildlife resources and to provide for recreational opportunities.

*Forest land and farm/timber land policies:*

1. *Protect the resource values of those areas designated as forest lands by applying a Timber Conservation consistent with OAR 660 Division 6.*

Response: This application is not seeking a Forest Land designation or TC (Timber Conservation) zoning. Policy 1 is not applicable.

2. *Protect the forest resource value of those areas designated as farm/timberlands by applying a Farm/Timber designation with the FT zoning being applied consistent with OAR 660 Division 6. Policy 2 above will be met.*



3. *Protect the agricultural resources value of those areas designated as farm/timber lands by applying a Farm/Timber zone consistent with OAR660 Division 33.*

Response: The existing parcel has been in timber use as far back as records allow it to be researched. The 21.67 acre parcel has had commercial timber harvested through the years and has been planted back with commercial tree species. The land was severely impacted by the Santiam Canyon fire and has been almost entirely replanted with commercial tree species. There does not appear to be any commercial farming practices on the subject parcel and its use has been primarily for timber production. Policy 3 is met.

4. *Non-forest and non-farm uses included in OAR660-06-0025 and 660-33-120 may be allowed when the activity meets criteria that ensure there will be no significant adverse impacts on farm or forest practices occurring on nearby lands or increased risk associated with fire.*

Response: Any new use proposed for the subject parcels will be reviewed by Marion County staff and commenting agencies to assure that the proposed use will be consistent with the protections of the resource management of the subject parcel as well as surrounding parcels. Subject to these review, the use will comply with 4 above.

5. *Subdivision development is prohibited and other land division creating new dwelling sites are not compatible with the protection and efficient management of forest lands and farm/timber lands and are discouraged.*

Response: The subject parcel under the 80 acre minimum parcel size of both the FT and EFU zones. No further land divisions are being proposed and the FT zone will assure that policy 5 is met.

6. *Division of forestlands and agricultural lands into parcels smaller than 80 acres may be permitted only for those non-forest uses specified in OAR660-33-120*

Response: The parcel is already under the 80 acre minimum parcel size and no further land divisions are being proposed. Policy 6 is met.

7. *Lot line adjustments may be appropriate provided tracts over 80 acres are not reduced below 80 acres. Tracts capable of significant timber or agriculture production but already below 80 acres shall not be reconfigured in a manner that makes them less suitable for timber or farm management.*

Response: No lot line adjustments are being proposed and any future lot line adjustments will be reviewed by Marion County to assure compliance with the ordinance. Policy 7 is met.

8. *Strict criteria should be applied to ensure that any dwellings and accessory structures permitted on existing parcels will not interfere with accepted forest or farm management practices on adjacent lands and have adequate road access, fire protection and domestic water supply and do not increase fire hazards.*

Response: This application will also include an administrative review for a template dwelling on the subject parcel. All of the elements listed in 8 above will be addressed as part of that review. Subject to compliance the dwelling will be granted and conditions applied that assure 8 above are met.

9. *If special siting and fire hazard protection requirements are imposed, dwellings may be appropriate on existing parcels with low cubic foot per per year productivity, on parcels with timber management limitations due to the proximity of dwellings and highly parcelized ownership pattern, or on existing parcels of 160 acres or more created prior to 1994. Dwellings allowed under OAR 660-06-02-027 (1), (e) and (f) as limited in the TC zone are consistent with this policy.*

Response: Even though Policy 9 specifically lists the TC zone, any dwelling allowed subject to standards or conditionally permitted in the FT zone must also be approved in accordance with state law and local ordinance so policy 9 is satisfied as well,

10. *The siting of dwellings in the Farm/Timber zone must meet the applicable criteria in either OAR 660, Division 6 or 33 based on the predominant use of the tract on January 2, 1993.*

Response: The applicant purchased the property in September of 1992 and began restocking the timber resources that already existed on the property. By the management practices of the applicant further verified that the use of the parcel was timber and it continues to be timber. The Marion County Assessor has listed this parcel as being in timber production. Until 2020 the parcel had timber that was of a commercial type that was, for the most part, destroyed by the Santiam Canyon fire. The applicant has subsequently replanted those areas that were destroyed as is the evidence submitted earlier in this report. There has not been any commercial cutting of timber on the property but the trees that were planted by the applicant were over 20 years old at the time of the fire and would have been thinned as part of the management practices to assure there would be commercial trees to be harvested in the future. It is clear that the subject parcel will comply with Policy 10 should a dwelling be approved on the parcel.



### Zone change

*Under MCC17.123.060, approval of a zone change application or initiated zone change shall include findings that the change meets the following criteria:*

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the subject property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and*
- B. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and*
- C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property; and*
- D. Other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and*
- E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

Response: The current application includes a request to amend the Comprehensive Plan from Primary Agriculture to Farm Timber. Evidence provided earlier in this report address the Comprehensive Plan amendment and if the findings are found to be complete and it is approved, the proposed FT zone would be consistent with the Farm/timber plan designation. As noted previously, the MCCP goals and policy listed in 17.123.060(A) is satisfied.

The surrounding area includes land zoned P (public), EFU and FT. The access that leads up to this parcel is a public right-of- way named Wagner Lane SE and the access to this parcel will be directly off an easement of the east end of the lane. All of the adjacent land north of the parcel is in timber use and is zoned FT. Land to the south is a combination of EFU and P zoned parcels. To the west are smaller acreage parcels within the EFU zone with most containing dwellings. To the east is a larger parcel with a dwelling that is in a combination of timber and farm use. The proposed change in zone is reflective of the history of the timber use on the parcel and their continued management as timber parcels. The criterion listed in 17.123.060 (B) is satisfied.

The dwellings on adjacent parcel indicate that there are sufficient rural services in the area that could serve any dwelling approved on the subject parcel. Any approval of a dwelling on the subject parcel will require findings that the dwelling will not negatively affect adjoining properties, the applicant will have to provide evidence that any dwelling will derive its water from a domestic well, is within the Stayton Fire District, and can obtain a driveway permit off Wagner Lane SE. Any approvals give for a dwelling on the subject parcel would be similar to the evidence that would have to be supplied for a dwelling on the adjacent EFU zone properties. Since the existing and proposed use of the property is for timber production and a dwelling approval would only require minimal public services. Wagner Lane SE exists and an easement off its east end to the subject parcel will assure that there are sufficient transportation services to the parcel or they will be concurrent to any future development on the parcel. The criterion listed in 17.123.060 (C) is met.

The criteria list standards that must be addressed concerning the availability of other elands for the proposed use are either unavailable or not as well suited for the anticipated use due to location, size or other factors. These criteria would normally apply where a specific use is being proposed such as commercial use that could be located within already existing commercial zones. This is not the case with this property and the applicants' proposal. The property under the applicants' ownership and the proposal is have the zoning reflect the current, past and future use of the parcel for commercial timber production. By applying the FT zone to the property there will be will be a benefit for the long term management for timber use. Because other FT zone land exist in other areas of Marion County should not preclude the subject parcel from being rezoned to FT as recognition of its use as a timber parcel. Based upon this discussion and findings, the applicants' proposed zoned change will comply with 17.123.060 (D).

The applicant has provided a response to all of the criteria and standards for a Zone Change/Comprehensive Plan Amendment. As part of the hearing record the applicant would request the following land use cases be made part of that record. These files are for similar requests for changing the zone from either SA or EFU to FT. They are as follows:

1. ZC/CP 11.002-Rescom Capital, LLC
2. ZC/CP 03-5-Dawn Robberstad Trust
3. ZC/CP 17-004-Helms

Based upon these findings the applicants' proposal will comply with the criteria and policies of Marion County to change the zone from EFU to FT and amend the Comprehensive Plan from Primary Agriculture to Farm Timber. Once the approval has been given for this requested change in zone and plan designation the applicant is further requesting approval for a template dwelling on the subject parcel. The following will address this request:



### Administrative Review for a Template Dwelling

139.030(B) *Template Dwellings. A single-family dwelling, subject to the special use and siting requirements in MCC17.139.070 may be allowed on a lot or parcel predominantly devoted to forest use on January 1, 1993, provided:*

1. *The tract on which the dwelling will be sited does not include a dwelling. "Tract" means all contiguous lands in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.*

Response: The subject parcel is owned by Jerome P Lackner and he as a single person does not own any adjacent parcels

2. *No dwellings are allowed on other lots or parcels that make up the tract, and the other lots or parcels in the tract cannot be used to justify another forest dwelling. Evidence must be provided that covenants, conditions and restrictions have been recorded with the county clerk of the county or counties where the property is located for any other lot or parcel within the subject tract.*

Response: As noted above, the applicant, as a single owner does not own any adjacent parcels. The applicants proposed dwelling will comply with 2 above.

3. *The lot or parcel is:*
  - (c) *Predominantly composed of soils that are capable of producing more than 85 cubic feet per acres per year of wood fiber, and there are within a 160 acre square centered on the center of the subject tract all or part of at least 11 other lots ore parcels that existed on January1, 1993, and all or part of at least three dwellings that existed on January 1, 1993, and continue to exist.*

Response: A study area map has been produced by the Marion County Planning Division that plots out a 160 acre square centered on the subject parcel that indicates there are 20 lots with 10 dwellings within the study area. It should be noted that the study area encompasses an area that has been highly compromised by the Santiam Canyon fire and many of the dwellings within the area were destroyed and have been replaced. So, there may have been dwellings that existed in 1993 that were destroyed. Without further researching the replaced dwelling it was possible to find three existing dwellings that were within the study area that proceeded January 1993. Therefore the proposed dwelling will comply with 3 (c) above.

4. *The proposed dwelling is not prohibited by and will comply with the land use regulations and other provisions of law including MCC 17.110.830 through 17.110.936.*

Response: The FT zone permits dwellings that meet the template test criteria. The proposed dwelling will comply with the template test and is therefore not prohibited by the regulations. In reviewing MCC 17.110.830 through 17.110.836 the following findings are presented:

*17.110.830 Water Resource Protection*

Response: The subject parcel is not within an identified groundwater limited area as identified by the State of Oregon or Marion County. The proposed dwelling will use a domestic use well that is exempt from needing a water right. Therefore, the proposed dwelling will not significantly impact the groundwater resources of the county and will comply with 17.110.830 above.

*17.110.831 Significant and potential mineral and aggregate sites*

Response: There are no significant identified potential or existing mineral and aggregate sites in the area of the proposed dwelling. Therefore the proposed dwelling will not conflict with the resource identified above.

*17.110.832 Protection of scenic and natural areas and trails*

Response: The subject parcel is located off an easement off the east end of Wagner Lane SE with other dwellings on all sides of the parcel. The subject parcel has EFU zoned parcels to the south, east and west that are a mixture of smaller acreage homesites and larger acreages devoted to both farm and timber uses. To the north is a larger timber parcel that contains a dwelling. There are no identified trails and while the area has a natural beauty it is not provided scenic protection in any identified plan or ordinance. The proposed dwelling will not impact the natural scenic lands on the adjacent lands and therefore comply with the regulations above.

*17.110.833 Stormwater Management*

Response: As part of the building permit process the proposed dwelling will be required to meet any stormwater management policies of Marion County. This provision can be assured as part of the permitting process and the above listed requirement will be met.

*17.110.834 Noise Impacts*

Response: The proposed use is a single family dwelling. As such it should not produce any significant noise and should not impact any adjacent uses. Therefore, the proposed dwelling should comply with the above listed requirement.



17.110.835 *Fish and Wildlife Habitats*

Response: The subject parcel is not within an identified Big Game habitat area on the Marion County resource maps so the dwelling does not have to meet the standards of that overlay zone.

17.110.836 *Historic Structures or sites*

Response: There are no historic structures or sites identified by Marion County in the immediate area of the proposed dwelling. Therefore, the proposed dwelling will have no significant impact the above listed criteria.

5. *The dwelling will be consistent with the density policy if located in big game habitat area identified in the Comprehensive Plan.*

Response: As noted previously, the subject parcel is not within a Big Game Habitat Overlay that is identified in the Comprehensive Plan. Therefore, the proposed dwelling does not have to meet the standards of the overlay zone. Therefore the proposed dwelling will not violate any of the provisions of the ordinance and the dwelling should be approved.

17.178 *Floodplain Overlay Zone*

Response: There are no identified Floodplains located on or near the subject parcel. Therefore, the proposed dwelling will be unaffected by any flooding.

17.139.070 *Special Siting Requirements.*

*A (1) Dwellings and structures shall comply with the special requirements in subsection (A) (2) or (3) of this section. Compliance with the provisions in subsection (A) (2) of this section and subsections (B), (F) and (G) of this section satisfies the criteria in (A) (3) of this section. Alternative sites that meet the criteria in subsection (A) (3) of this section may be approved concurrently with any land use application.*

*A (2) Siting Standards for Dwellings and Other Buildings.*

- a. Dwellings shall be at least 200 feet from any abutting parcel in farm use or timber production. Buildings other than a dwelling shall be located at least 100 feet from any abutting parcel in farm use or timber production.*
- b. The special setback in subsection (A) (2) (a) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 through 195.336 nor should the special setback in subsection (a) (2) (A) of this section prohibit a claimant's application for homesites under ORS 195.300 through 195.336.*

- c. *The dwelling or other building shall be located within 300 feet of the driveway entrance on an abutting public road; or, if the property does not abut a public road for a distance of at least 60 feet, the dwelling or other building shall be located within 300 feet of the point where the driveway enters the buildable portion of the property.*

Response:

The subject parcel does not abut a public roadway for at least 60 feet. The applicant is proposing to located the dwelling with access to the eastern end of Wagner Lane SE with an easement from the abutting parcel to the north for a distance of 400 feet. At that point the access driveway to the proposed dwelling will be directly south 200 feet from the northern property line of the subject parcel. This area was chosen by the applicant because it is relatively flat and outside the reforested portion of the property. This dwelling location will comply with the siting standards for dwellings listed in (A) (2) (c). The applicants' proposed dwelling location will meet the special siting requirements of 17.139.070.

The applicant has provided a response to all of the criteria for a template test dwelling and has shown compliance with each. Based upon the above findings, the proposed dwelling should be approved. If there are questions or a need for further clarification please contact Norman Bickell at (503) 510-1742 or email nbickell0027@aol.com.



To: Marion County Planning Division

From: Norman Bickell

Re: Lackner application for a ZC/Cp/Adm

Jerome Lackner is making this application and will not be available until after April 6, 2025 for any public hearings with the county. Please do not schedule any hearings during the time he is not present. If there are any questions or a need for further clarification please call Norman Bickell at 503-510-1742 or email [nbickell0027@aol.com](mailto:nbickell0027@aol.com)



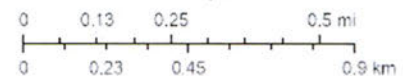
## Dwelling Template Report

## Letter ANSI A Portrait



December 31, 2024

1.24,075



MC-ASR, MC-IT-GIS, MC-IT-GIS, MC-Pty, MC-IT-GIS, MC-Planning, none



Time and Date: 11:07 AM 12/31/2024

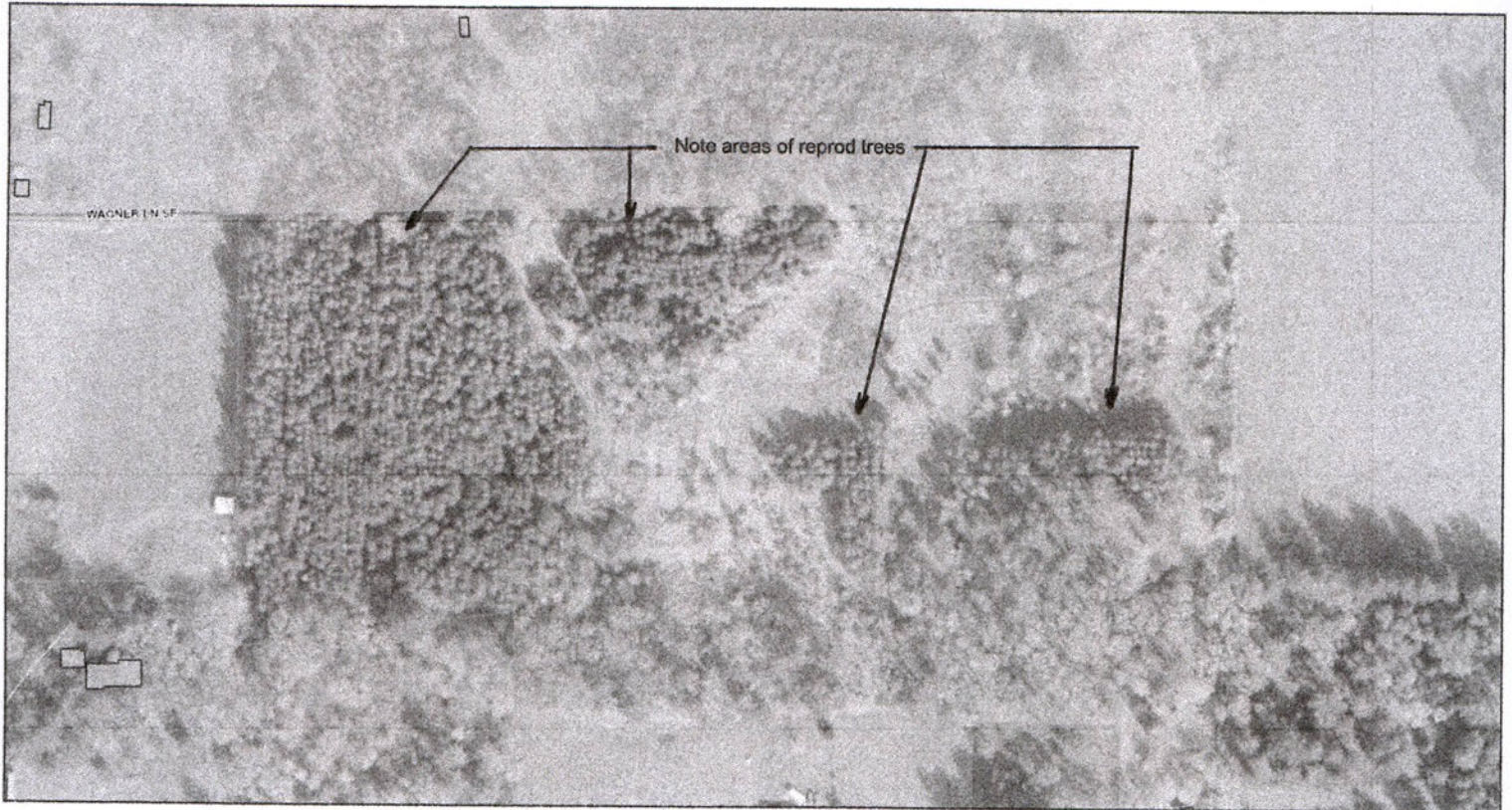
The following values are the rounded calculations of the selected area.

CURRENT TAXLOT	OWNER NAME	DWELLINGS	ZONE	ACRES
092E070001000	THACKER, KATHRYN FRANCES	1	TC	1.949
092E070001200	LACKNER JRLT & LACKNER, JEROME P TRE & LACKNER, KAREN L TRE	1	TC	32.575
092E070001300	BENJAMIN, LOGAN BENJAMIN, HEATHER	0	TC	11.314
092E080002300	J YVONNE PYEATT TR & PYEATT, J YVONNE TRE	1	TC; EFU	37.522
092E17BC01600	CRAIN, NANCY KAY	1	EFU	0.037
092E18A000100	LACKNER JRLT & LACKNER, JEROME P TRE & LACKNER, KAREN L TRE	0	EFU	21.649
092E18A000200	DAVIDSON, MISTY R	0	EFU	4.559
092E18A000300	JEANETTE C BULT LT & BULT, DONALD L TRE & BULT, JEANETTE C TRE	0	EFU	6.202
092E18A000500	JEANETTE C BULT LT & BULT, DONALD L TRE & BULT, JEANETTE C TRE	1964 1	EFU	0.712
092E18A000600	DAVIDSON, MISTY R	0	EFU	3.711
092E18A000700	MCDUGALL, JAMES A & MCDUGALL, LINDSEY	1974 1	EFU	1.946
092E18A000800	FARRIS, BRADEN L & FARRIS, WHITNEY N	0	EFU	1.946
092E18A000900	FARRELL, CONNIE L	1	EFU	1.925
092E18A001000	MARION COUNTY-FINANCE	0	EFU	0.016
092E18A001100	MOORS, EVELYN D N	0	EFU	10.055
092E18A001200	CANDELL, RONALD E & CANDELL, PATRICIA J	2	EFU	13.747
092E18A001400	STATE OF OREGON-FORESTRY	0	P	0.965
092E18A001500	STATE OF OREGON-FORESTRY	0	P	3.380
092E18A001600	COLLAR, LESLIE W & COLLAR, MARIE L	1940 1	EFU; P	2.669
092E18A001700	MCGUIRE, STEPHEN A & MCGUIRE, DIANA K	0	EFU	0.848
<b>TOTALS</b>		<b>10</b>		<b>160.000</b>

Disclaimer: Information is based on Marion County Tax Assessment data, current as of layer publication date. Provided dwelling figures are considered estimations. This information is provided for land use planning purposes only. Marion County is not responsible for map errors, misuse, or misinterpretation. Acreage calculations are based on precise geometric computations and may be rounded to the nearest significant digit.



# 2016 AERIAL OF SUBJECT PROPERTY



1/12/2025, 3:28:46 PM

MC Building Outlines - 2016

Roads

State Roads

County Roads

Non County Roads

County Owned, City Maintained

City Roads

Federal Roads

Private Roads

Marion County Zoning

Acreage Residential

Commercial

Commercial General

Commercial Office

EFU

Farm Timber

Industrial

Industrial/Commercial

Multi Residential

Public

Single Residential

Special Agriculture

Timber Conservation

Urban Development

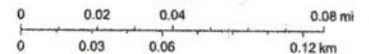
Urban Transition

County Boundary

City Boundaries

Parcels

1:2,257



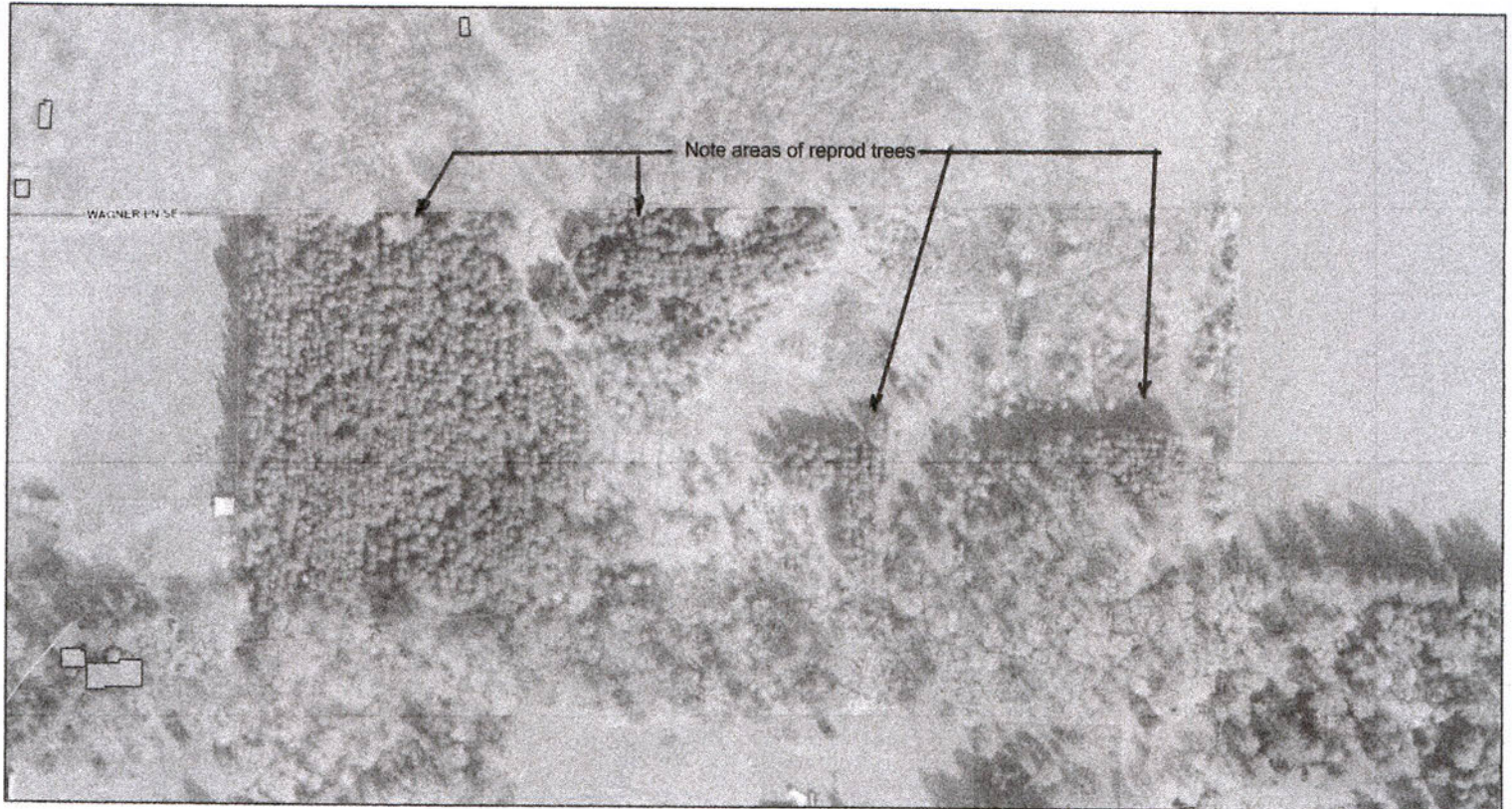
MC-Planning, MC-IT GIS, MC-ASR, MC-IT GIS, MC-IT GIS, MC-PV, MC-IT-GIS, MC-Planning

ArcGIS Web AppBuilder

Maps and spatial data made available to the public by Marion County are not legally recorded information and are not intended to be used as such. In no way does Marion County warrant the accuracy, reliability or timeliness of any of the data provided on these maps.



# 2019 AERIAL OF SUBJECT PROPERTY



1/12/2025, 3:36:17 PM

MC Building Outlines - 2016

Roads

State Roads

County Roads

Non County Roads

County Owned, City Maintained

City Roads

Federal Roads

Private Roads

Marion County Zoning

Acreage Residential

Commercial

Commercial General

Commercial Office

EFU

Farm Timber

Industrial

Industrial/Commercial

Multi Residential

Public

Single Residential

Special Agriculture

Timber Conservation

Urban Development

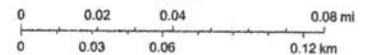
Urban Transition

County Boundary

City Boundaries

Parcels

1:2,257



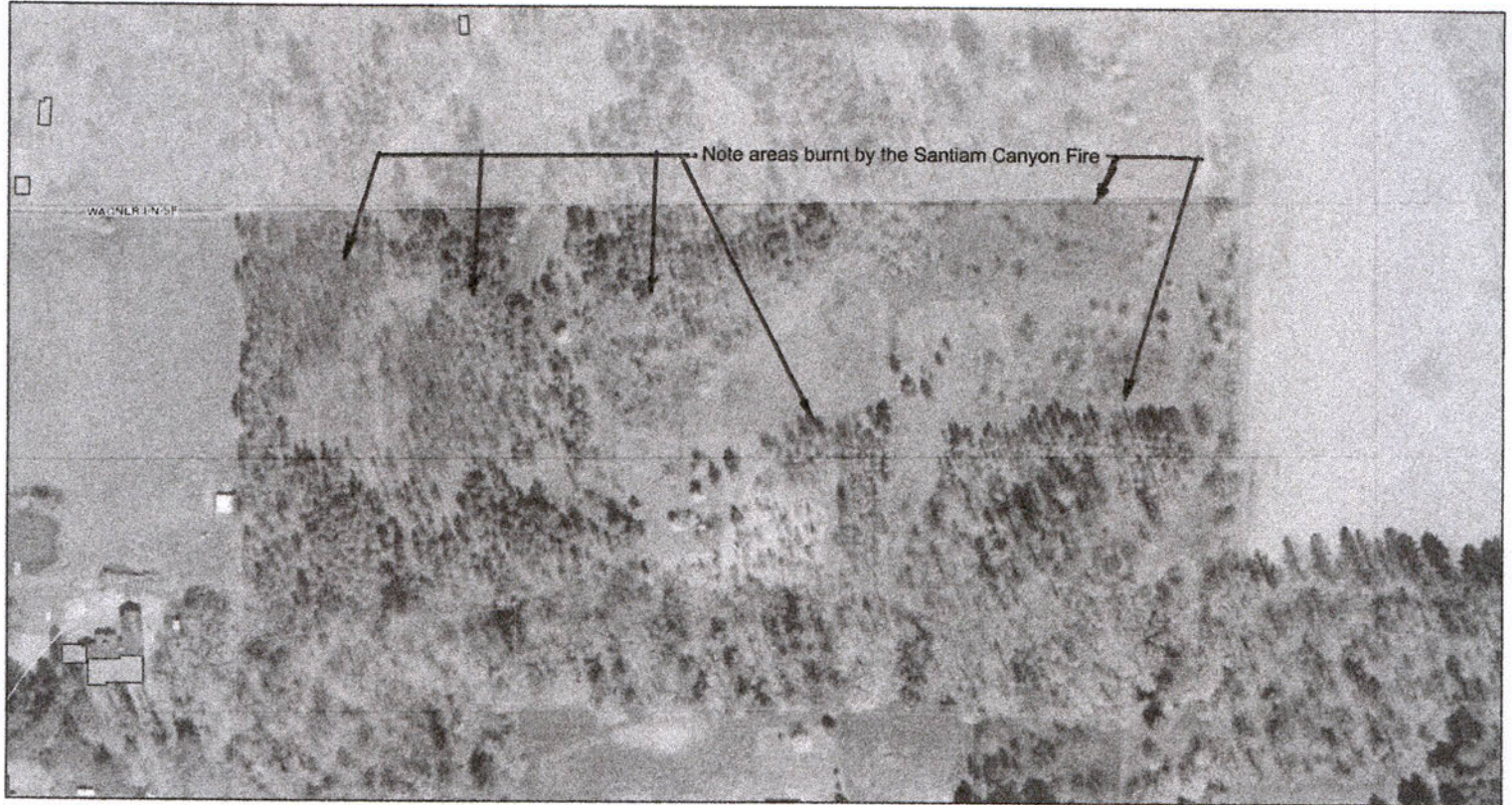
MC-Planning, MC-IT GIS, MC-ASR, MC-IT GIS, MC IT-GIS, MC PW, MC IT-GIS, MC Planning

ArcGIS Web AppBuilder

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# 2021 AERIAL OF SUBJECT PROPERTY



1/12/2025, 3:41:33 PM

MC Building Outlines - 2016

Roads

State Roads

County Roads

Non County Roads

County Owned, City Maintained

City Roads

Federal Roads

Private Roads

Marion County Zoning

Acreage Residential

Commercial

Commercial General

Commercial Office

EFU

Farm Timber

Industrial

Industrial/Commercial

Multi Residential

Public

Single Residential

Special Agriculture

Timber Conservation

Urban Development

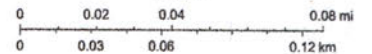
Urban Transition

County Boundary

City Boundaries

Parcels

1:2,257



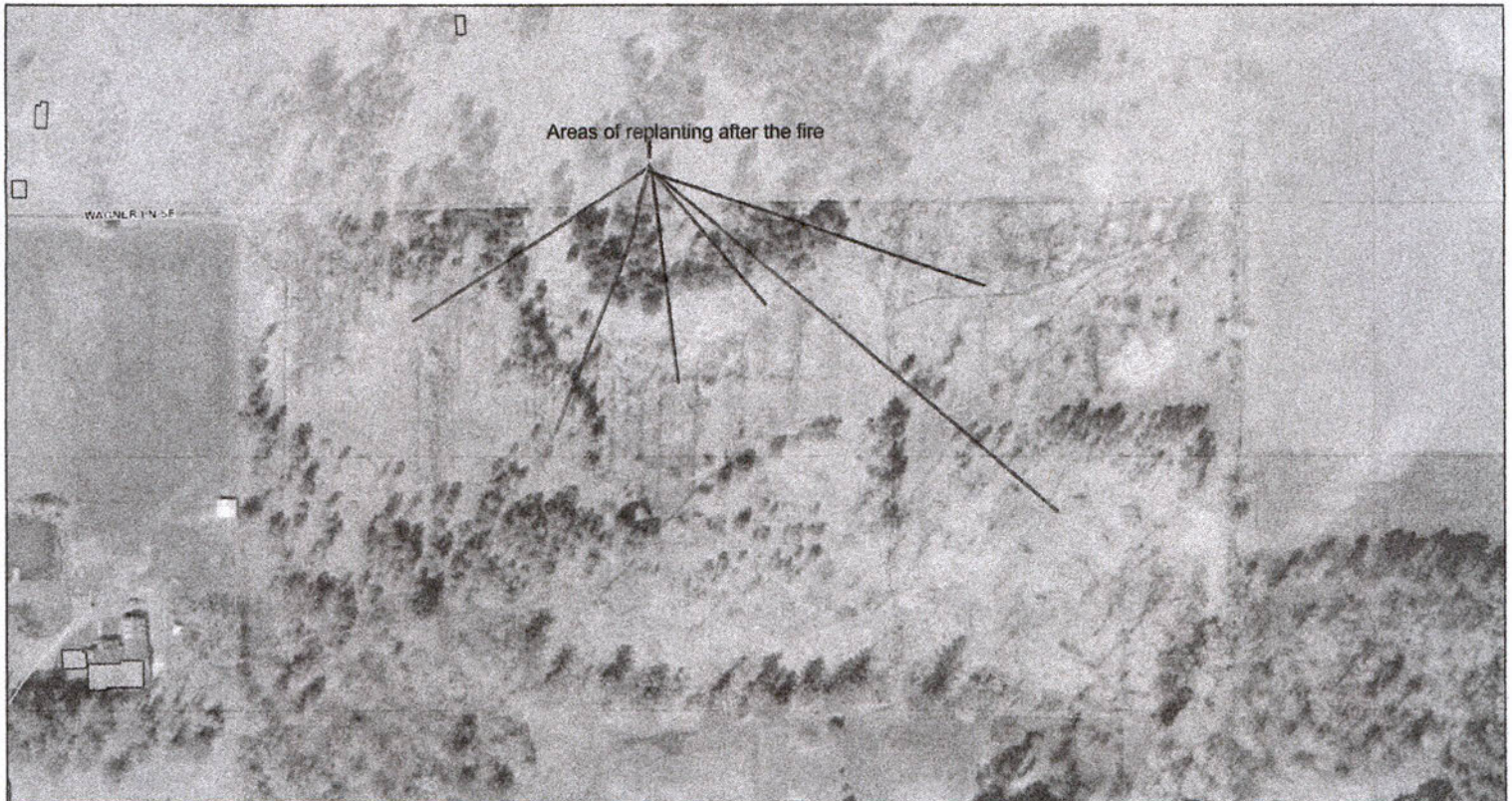
MC-Planning, MC-IT GIS, MC-ASR, MC-IT GIS, MC-IT GIS, MC-PW, MC-IT-GIS, MC-Planning

ArcGIS Web AppBuilder

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2023 AERIAL OF SUBJECT PROPERTY



1/12/2025, 3:51:31 PM

MC Building Outlines - 2016

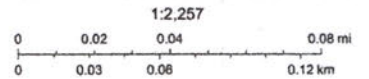
Roads  
State Roads  
County Roads  
Non County Roads  
County Owned, City Maintained

City Roads  
Federal Roads  
Private Roads  
Marion County Zoning  
Acreage Residential  
Commercial

Commercial General  
Commercial Office  
EFU  
Farm Timber  
Industrial  
Industrial/Commercial

Multi Residential  
Public  
Single Residential  
Special Agriculture  
Timber Conservation  
Urban Development

Urban Transition  
County Boundary  
City Boundaries  
Parcels



MC-Planning, MC-IT GIS, MC-ASR, MC-IT GIS, MC IT-GIS, MC PW, MC IT-GIS, MC Planning

ArcGIS Web AppBuilder

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Brooks Tree Farm, Inc

of

## ACKNOWLEDGEMENT OF ORDER

This is a copy of your order as we understand it. Please check shipping dates, species, quantities, addresses, and comments. Return a signed copy noting additions, corrections, or cancellations with the required 25% deposit. Orders not secured by deposit may be reduced or cancelled. Buyer agrees to 1.5% monthly service fee and agrees to pay attorney or collection fees and all costs on any unpaid balance 30 days after pickup. This sale is governed by the Uniform Commercial Code in place in Oregon at the time of sale. Seller is not bound by any terms on buyer's order blanks.

Sold To

Jerry Lackner  
23047 Wagner Ln  
Lyons, OR 97358

Printed Date 9/22/2023

Order #: 9892

Cust Code: LAC03

Customer PO

Date Ordererd: 9/13/2023

Ship Date: 3/1/2024

Ship Method Pickup

Quantity	Description	Size	Price	Extended
5000	Douglas Fir Cascade High (9) <i>Pseudotsuga menziesii</i>	P-1 (HG)	\$ .770	\$3,850.00
	<i>Plug 1</i> <i>thurs or Friday</i>			
500	Ponderosa Pine Will Valley <i>Pinus Ponderosa</i>	P-1	\$ .770	\$385.00
	<i>maybe 200</i> <i>thurs</i>			
300	Coast Redwood <i>Sequoia sempervirens</i>	Plugs 8"+	\$ .750	\$225.00
	<i>March 1</i>			

Total \$4,460.00  
Credit 0.00  
Deposit Due \$1,115.00

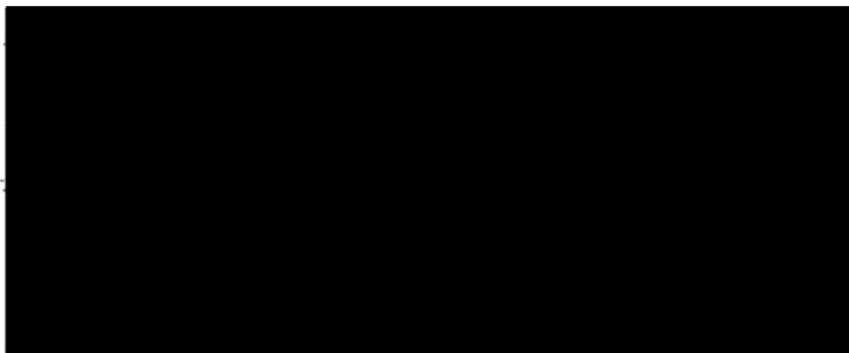
## COMMENTS

Accepted By

Date

To assure quick, efficient loading of your complete order, please allow three days prior notice and arrange to receive your plants early in the season. In the event of a shortages due to damage from the weather, errors in field estimates, or other circumstances beyond our control, late shipments and orders without deposits may be reduced or cancelled. Orders must be paid in full by March 1st to be held in reserve in our cold storage facilities. Cancellations after February 1 may forfeit deposit.





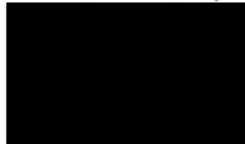
PA 11-30-23

## Invoice from Brooks Tree Farm, Inc

Brooks Tree Farm, Inc

Ph

Fax



Date 12/1/2023

Sold To

Jerry Lackner  
23047 Wagner Ln  
Lyons, OR 97358

Invoice # 9892-01  
Customer PO  
Cust Code: LAC03

Description	Size	Qty	Price	Extended	Rem Qty
Douglas Fir Cascade High (9) <i>Pseudotsuga menziesii</i>	P-1 (HG) ODF	5000	\$ .770	\$3,850.00	
Ponderosa Pine Will Valley <i>Pinus Ponderosa</i>	P-1	200	\$ .770	\$154.00	300
Coast Redwood <i>Sequoia sempervirens</i>	Plugs 8" -12"	0	\$ .750	\$ .00	300

Ship Method: Pickup

Subtotal	\$4,004.00
Discount	\$ .00
Freight	\$ .00
Total	\$4,004.00
Deposit	-\$1,115.00
Balance	\$2,889.00

IFA<sup>®</sup> Nurseries, Inc.Pd 11-1-23  
ck # 2067

## Invoice

For Billing Questions Contact

JKL Enterprises

Invoice Date 10/2/2023

Invoice Number 30376

Terms Net 15

Attention:

P.O. No.

Description	Billing Age	Cont.	Species	Seed Lot ID	Order	Units	Price	Total
IFAS-CE22512	1124	BR	DF	451,452 Molalla ...	5,000	5,000	0.65 0.00%	3,250.00T 0.00

RECEIVED  
APR 18 2024  
Salem OR FSA~~Dec -23~~  
Paid Jan. 24

Subtotal \$3,250.00

Payments/Credits \$0.00

Balance Due This Invoice \$3,250.00

**\* Deposit for reservation of Spec Seedlings is NON-REFUNDABLE \***

\*\* Grower shall not be liable for any delay to produce seedlings due to fire, flood, pestilence, disease, natural disaster, strikes, labor disputes, delays or shortages in transportation, shortages of labor or materials, governmental authority, inclement weather, or any other cause beyond the reasonable control of the Grower. \*\*

\*\*\*Payment made by US Mail \*\*\*

Please send Payment to:  
PNC #1019821145  
Lockbox #911326  
IFA Nurseries Inc.  
P.O. Box 31001-1326  
Pasadena, CA 91110-1326

\*\*\*For EFT\*\*\*

Contact Michelle Sutherland  
360-864-2828

\* We do not take credit or debt card payments at  
this time

Thank You! Our business is growing the future, and you are the future of our business.



## Rue Forest Contracting Inc.



Jerry Lackner  
23047 Wagner Ln SE  
Lyons, OR 97358

Invoice #24-33

Job : Planting

Invoice Date: 3/26/2024

Date	Unit Name	Total Trees	Rate	Total
3/19/2024	Jerry Lackner's Property	1000 Total Trees	\$0.55	\$550.00

Paid 4-6-24  
ck# 2103

Grand Total:\$550.00