

lots, but says “it just comes out in doing the work.”

When Nickell or another surveyor or land-use attorney find old legal lots, they fill out an application form with Lane County Land Management to have the lots recognized as separate legal lots. Neighbors are notified of these applications, but there is no public comment process and often little understanding of what the designation of new legal lots means.

Once lots are recognized by the county as separate entities, they are not guaranteed development rights, but they are subject to different land-use standards that can pave the way for new development with the potential for changing forested lots into McMansions.

From Legal Lot to Development

Lands that are zoned as forestland have restrictions on residential development that are meant to maintain forests and promote timber industry uses.

In “impacted forest lands” or F-2 zones, newly created lots or parcels cannot be smaller than 80 acres, and each parcel can have only one residential dwelling. Limiting lot sizes to 80 acres greatly reduces the development potential of properties, which is why rediscovering lots from the past can be a major boon for developers who want to build more houses.

The restrictions that apply to larger lots do not apply in the same way to smaller lots created through the historical lot verification process. If a landowner has historical lots approved on their property, each lot can be smaller than 80 acres and eligible for a new dwelling.

At the development by the McDougals above LCC, one of the historical lots is from the turn of the 20th century. The lot will come back to life and undermine state zoning laws aimed at preserving forestland and limiting sprawl.

Developers can create mini-subdivisions on lands that are supposed to be kept as forests, because once landowners have established multiple legal lots on a larger swath within their ownership, they can move the lots into a more development friendly configuration.

Residents often don't understand the implications of legal lot verifications and end up shocked by developments down the line.

— LAURI SEGEL-VACCHER
OF LANDWATCH LANE COUNTY

Forest Template Dwellings

In lands zoned for forest use, dwellings can be approved under certain restrictions described by state law. Within the guidelines of state law, counties have the right to make more restrictive requirements but cannot be more lenient than state law, according to Gordon Howard, the community services manager for the Oregon Department of Land Conservation and Development (DLCD).

One area that is an issue for the DLCD in terms of maintaining forestlands for their intended use is template dwellings.

Template dwellings are one of the types of residential development that are allowed in forest zones. The law is supposed to limit template dwellings to one house for every 80 acres of zoned forestland, but small lots created through the lot verification process are each eligible for forest dwellings under Lane County's development guidelines.

Oregon's state land-use goals set expectations for how land should be managed to satisfy different values, from



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