



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

May 14, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Polk County Plan Amendment
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 31, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Ron Eber, DLCD Farm/Forest Specialist
Austin McGuigan, Polk County

<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED TO DLCD**
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
MAY 10 2007
STAMP
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Polk County**

Local file number: **PA 06-01 / ZC 06-01**

Date of Adoption: **5/9/2007**

Date Mailed: **5/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/21/2006

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amended Comprehensive Plan map from one resource designation (Agriculture) to another (Forest) and amended the zoning map from one resource zone (Exclusive Farm Use) to another (Timber Conservation).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Agriculture**

to: **Forest**

Zone Map Changed from: **Exclusive Farm Use**

to: **Timber Conservation**

Location: **T9S, R6W, Section 27 tx It 800 & 9.6.34 tx It 100**

Acres Involved: **315**

Specify Density: Previous: **80**

New: **80**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 004-06 (15572)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Austin McGuigan**

Phone: (503) 623-9237 Extension:

Address: **850 Main Street**

Fax Number: **503-623-6009**

City: **Dallas**

Zip: **97338-**

E-mail Address:

mcguigan.austin@co.polk.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF POLK, STATE OF OREGON**

In The Matter of Plan Amendment PA 06-01)
And Zone Change ZC 06-01 on a 315-Acre)
Exclusive Farm Use zoned property located at)
Township 9S, Range 6W, Section 34, Assessment)
Map Tax Lot 100 and Township 9S, Range 6W,)
Section 27, Assessment Map Tax Lot 800)

ORDINANCE NO. 07-04

WHEREAS, the Board of Commissioners held public hearings on April 25, 2007 with due notice of such public hearing having been given, and provided an opportunity for public comments and testimony; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment 06-01 and Zone Change 06-01 from the Polk County Hearings Officer based upon his public hearing and conclusions; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment 06-01 and Zone Change 06-01 from the Polk County Planning staff based upon the findings and evidence in the record; and

WHEREAS, the Board of Commissioners on April 25, 2007, publicly deliberated and unanimously passed a motion to approve Plan Amendment 06-01 and Zone Change 06-01; now, therefore,

THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Sec. 1 That Polk County adopts the findings in favor of PA 06-01 and ZC 06-01 located in the Record, the Staff Report and the Hearings Officer Recommendation.


Sec. 2 That Polk County adopts the Polk County Comprehensive Plan Map that designates the 315-acre Agriculture designated subject property, located at Township 9S, Range 6W, Section 34, Assessment Map Tax Lot 100 and Township 9S, Range 6W, Section 27, Assessment Map Tax Lot 800, as Forest in the Comprehensive Plan, as shown on Exhibit "A."

Sec. 3. That Polk County adopts the Polk County Zoning Map that designates the 315-acre Exclusive Farm Use (EFU) zoned subject property, located at Township 9S, Range 6W, Section 34, Assessment Map Tax Lot 100 and Township 9S, Range 6W, Section 27, Assessment Map Tax Lot 800, as Timber Conservation (TC), as shown on Exhibit "B."

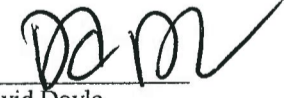
Sec. 4. An emergency is declared, and the provisions of this ordinance become effective upon its adoption.


Dated May 10, 2007 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS


Tom Ritchey, Chair

Approved as to form:

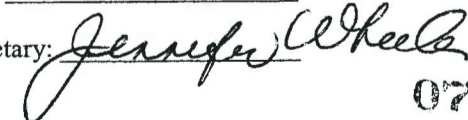

David Doyle
County Counsel


Mike Propes, Commissioner

First Reading: 5-9-07


Ron Dodge, Commissioner

Second Reading: 5-9-07

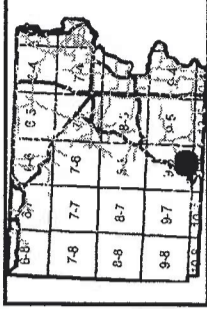
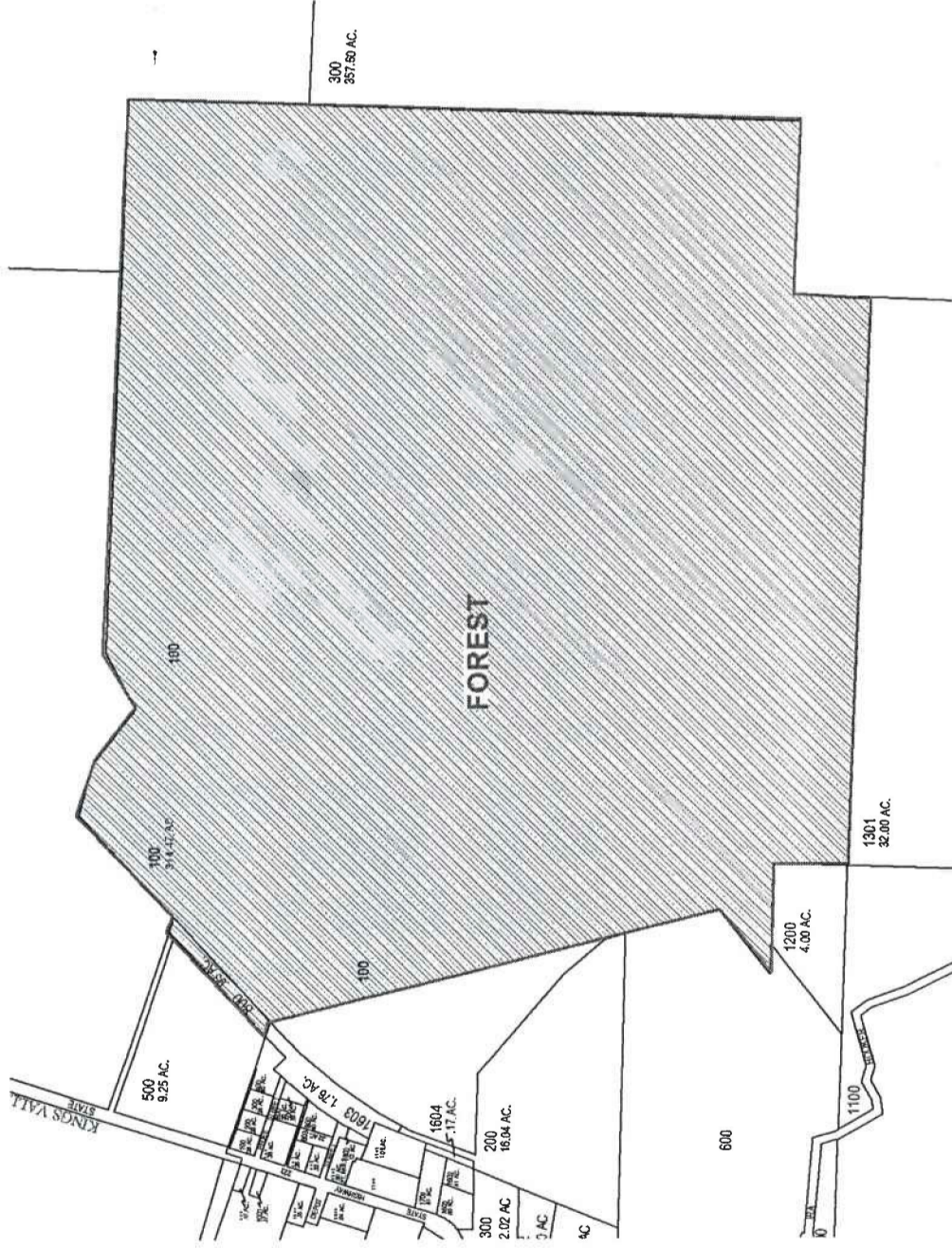
Recording Secretary: 

079219

Polk County Comprehensive Plan Map

Community Development

Taxlot 07
 Taxlot Arrows 07
 Taxlot Boundary 3
 taxlot 07



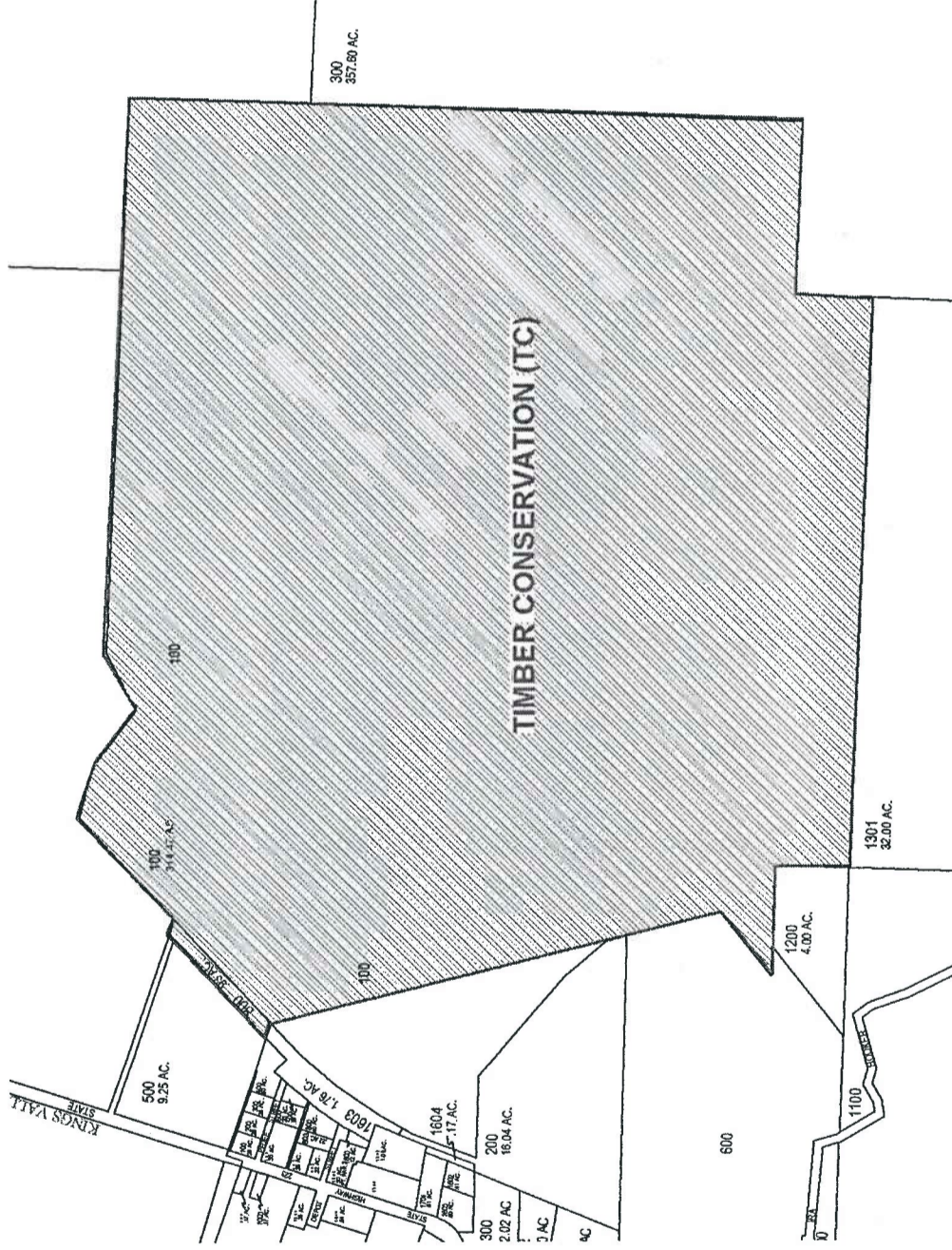
5/1/2007

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Polk County Zoning Map

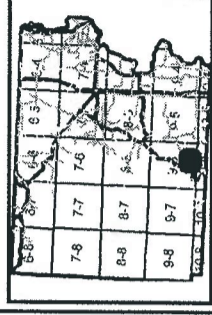
Community Development

- Taxlot07
- Taxlot Arrows07
- Taxlot Boundary3
- taxlot07



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuses or misinterpretation.

1 in. = 800 ft



5/1/2007



RECEIVED
FEB 27 2007

POLK COUNTY
COMMUNITY DEVELOPMENT

BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON

2
3

4 In the Matter of the Application of) Plan Amendment PA 06-01
5)
6 Phillip Kendall Cates) Zone Change ZC 09-01

7 **Summary of Proceedings**

8 This matter arose on the application of Phillip Kendall Cates for an amendment to the Polk County
9 Comprehensive Plan (PCCP) Map from Agriculture to Forest, and a zoning map amendment from
10 Exclusive Farm Use (EFU) to Timber Conservation (TC). Both zones have a minimum lot size of 80
11 acres.

12 The subject property contains approximately 315 acres and is located one property east of 18745
13 Depot Street, Monmouth, Polk County, Oregon. It is legally described as tax lot 800, section 27, and tax
14 lot 100, section 34, T96, R6W, WWM. The applicable review and decision criteria are Polk County
15 Zoning Ordinance (PCZO) 115.050, 111,140, 111,275, 177.010, and Oregon Administrative Rules
16 (OAR) 660-006-0000 and 660-012-0060. The PCCP amendment does not require an exception to
17 statewide planning goals. Approval would mean the subject parcel would become subject to Goal 4
18 (Forest Lands) and no longer would be subject to Goal 3 (agriculture) The location of the subject
19 property is shown on the area map (Attachment "A" of the staff report).

20 The application was submitted complete on February 17, 2006. On October 6, 2006, the
21 application was placed on hold by the applicant. On January 9, 2007, the applicant requested the
22 application be taken off hold and reactivated. The Department of Land Conservation and Development
23 (DLCD) 45-day notice was sent September 21, 2006. The applicant states that although the property is
24 zoned EFU, timbering operations have occurred on the majority of the property since 1972. The
25 applicant is planting additional areas to trees and desires to change the PCCP plan designation and
26 zoning of the property to better reflect the historical, present and future use of the property.

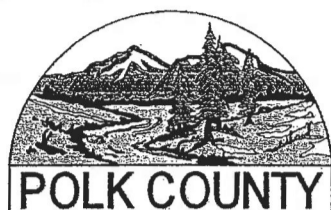
27 Zoning of the property to better reflect the historical, present and future use of the property.

28 **Table 1. PCCP Designations, Zoning Classifications and land uses for the subject property and**
29 **surrounding area properties.**

ZONING:	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment B)	Land Uses
Subject Parcel	Agriculture	Exclusive Farm Use (EFU)	Timber operations and one farm building
Property North	Agriculture	EFU	Farm/Forest uses and related dwellings
Property South	Forest	Timber Conservation (TC)	Timber operations
Property East	Agriculture	EFU and TC	Agriculture and timber operations
Property West	Unincorporated Community (UC) Residential, UC Commercial and Agriculture	UC-Commercial General UC-Suburban Residential EFU	Residential and commercial in the Pedee UC

30 The subject property is located on the east side of Kings Valley Highway (State Highway 223)

EXHIBIT A



RECEIVED
FEB 27 2007

POLK COUNTY
COMMUNITY DEVELOPMENT

BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON

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30 The subject property is located on the east side of Kings Valley Highway (State Highway 223)

1 and immediately east of the unincorporated community of Pedee. The property has no situs address but
2 is located one property east of 18745 Depot Street, Monmouth, Oregon (Assessment Map T9S R6W
3 Section 34, Tax Lot 100 and T9S R6W Section 27, Tax Lot 800 (See maps, Attachments A, B and C)).

4 The subject parcels (Tax Lots 100 and 800) were lawfully created as separate parcels. Tax Lot
5 100 was created by warranty deed recorded in the records of Polk County as Book of Record 119 Page
6 612 on April 7, 1945. This parcel is currently described in a warranty deed recorded as Polk County
7 Instrument No. 2000-6138 on June 6, 2000. Tax Lot 800 is remnant property from the Valley and Siletz
8 Railroad Company right of way and described as a separate parcel by quitclaim deed recorded in the
9 records of Polk County as Book of Record 185 Page 272 on March 4, 1985. The property was deeded to
10 the current owner in a bargain and sale deed recorded as Polk County Book of Record 189 Page 1095
11 recorded on September 11, 1985.

12 The subject parcels are identified as containing significant resources for deer, elk, fish and riparian
13 area on the Polk County Significant Resource Areas Zoning Map and are therefore subject to the
14 Significant Resource Overlay Zone, PCZO Chapter 182. A large portion of Tax Lot 100 is located within
15 an identified floodplain (Luckiamute River), pursuant to Federal Emergency Management Agency (FEMA)
16 Flood Insurance Rate Map (FIRM) panel number 41053C0375F dated December 19, 2006. Based on a
17 review of the National Wetland Inventory map, Falls City quadrangle, staff finds identified wetlands on the
18 subject property associated with the Luckiamute River.

19 The Luckiamute River meanders across the western area of the property. According to Polk
20 County property assessment records, the property is unimproved except for a farm building (Attachment
21 "E" of the staff report). The 2004 Polk County aerial photograph of the property shows that
22 approximately 60 acres are farmed and the remainder of property, approximately 255 acres, is forested.

23 The topography of the subject property is generally level with increased slopes on the
24 southeastern portion of Tax Lot 100. The Polk County Geographic Information System (GIS) identifies
25 an area along the southeastern property line that contains steep slopes greater than 35% and where
26 landslides might occur.

27 Soil characteristics of the subject property are identified in the Natural Resources Conservation
28 Service *Soil Survey of Polk County, Oregon*. The list of soil types found on the subject property and a
29 detailed soil analysis was generated using the Polk County Geographic Information System (GIS). The
30 results of this analysis indicate that the property contains predominantly high value agricultural soil
31 which also has a forest productivity value capable of producing 22,906.61 cubic feet of wood fiber per
32 year (Attachment "E" of the staff report).

33 On November 29, 2006, Polk County authorized a Measure 37 claim (M06-58) by Board Order
34 No. 06-72 for Tax Lot 100. Board Order No. 06-72 modified the PCZO for P. Kendall Cates who had
35 acquired the property on January 29, 1972. Although this Measure 37 claim was approved for the subject
36 property, this application does not include a request for a specific development pursuant to this claim.
37 This application is not being processed as the result of the Measure 37 claim approval. According to
38 Community Development Department records, no land use applications or building permits have been
39 received or issued for the subject property.

40 The application did not indicate a specific proposed use. Any uses which may occur in the future
41 would be subject to those uses that would be allowed by the proposed TC zoning, if approved.

42 Notice of the February 13, 2007, public hearing before the Polk County Hearings Officer was
43 provided as required by PCZO 111.340 to 111.370. Notice was mailed to property owners located within
44 750 feet of the outside perimeter of the subject property, on January 16, 2007. Notice was printed in the
45 local *Itemizer-Observer* newspaper on January 24, 2007. Notice was posted on the subject property on
46 January 22, 2007.

47 The subject property abuts Depot Street and Pedee Street, which are located within the unincorporated
48 community of Pedee. These streets provide the property with access to State Hwy 223, Kings Valley
49 Highway. According to the application, the property also has access to Ira Hooker Road by way of a private
50 easement road. Depot and Pedee streets are local access roads not identified in the *Polk County*
51 *Transportation Systems Plan*. Kings Valley Highway is a Minor Arterial and Ira Hooker Road is a

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50 easement road. Depot and Pedee streets are local access roads not identified in the *Polk County*
51 *Transportation Systems Plan*. Kings Valley Highway is a Minor Arterial and Ira Hooker Road is a

1 Resource Road as designated in the *Polk County Transportation Systems Plan*, Figure 3.

2 The subject property is within the Luckiamute Water District. The application indicates that an
3 existing spring provides water. There are no existing sewer services or on-site septic systems on the
4 subject property.

5 No written comments were received by staff prior to the public hearing.

6 **PUBLIC HEARING**

7 A duly advertised public hearing was held in the Polk County Courthouse on February 12, 2007.
8 There were no objections as to jurisdiction, notice, or conflict of interest. Applicant appeared and was
9 assisted by his brother, Chuck Cates. Staff cited the applicable decision criteria and summarized its
10 recommendations. The Hearings Officer recited the applicable admonitions required by law and
11 ordinance. Applicant expressed agreement with the staff report. No members of the public appeared.
12 No additional written testimony was submitted. There were no requests for a continuance or additional
13 time for submission of written evidence. There being no further business, the Hearings Officer declared
14 the record closed and adjourned the meeting. Robert W. Oliver, Polk County Hearings Officer, presided.
15 He was authorized by the Polk County Board of Commissioners to conduct the hearing and submit a
16 recommendation to the Board.

17 **FINDINGS**

18 Authorizations for a PCCP amendment and zone change are under PCZO 111.275 and 115.050.
19 Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and
20 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board then
21 conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. The
22 applicant provided findings for the PCCP and zoning map amendments that are identified in the record
23 as Exhibit 1 and Exhibit 2 of the staff report.

24 **(Plan Amendment)**

25 **Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:**
26 **[PCZO 115.050(A)]**

27 **(A) The Comprehensive Plan designation is erroneous and the proposed amendment**
28 **would correct the error, or [PCZO 115.050(A)(1)]**

29 Current evidence, provided in attachments, indicates that 77% of this parcel is comprised of
30 soils that are highly productive forest soils. These soils meet the criterion of Class I, II or III forest soils
31 by NRCS data. Another 8% of the soils are also assessed as commercial forest land by a certified
32 forester, bringing the total to 85%. The NRCS soils data also indicates that a considerable, though
33 lesser, percentage of these soils are also class I through IV agricultural soils as defined in Goal 3.
34 Although an error may have occurred in the original designation of these lands as Agriculture, the
35 applicant does not base his application on that criterion.

36 **(B) The Comprehensive Plan Designation is no longer appropriate due to changing**
37 **conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

38 Applicant argues that the 315-acre subject property is located in an area of the Luckiamute River
39 Valley that, at the time of the adoption of the PCCP, had several small farms (including the subject
40 property) that were producing row crops of various types, including beans, sweet corn and other cannery
41 crops in addition to small grains. The applicant's farm produced these crops on 70 acres of bottom
42 ground. According to the applicant's records, these crops were capable of producing a gross income of
43 approximately \$600 to \$700 per acre. Some were capable of producing over \$800 per acre. Over the
44 past 40 years, however, this valley and others feeding the Willamette Valley have ceased to produce
45 these crops primarily due to competition from other areas and the closing of most of the canneries in the
46 Willamette Valley. Today, these same lands are producing grass seed that produces a gross income of
47 approximately \$500 per acre. Thus, the land is now producing crops of less value, even without

1 Resource Road as designated in the *Polk County Transportation Systems Plan*, Figure 3.

2 The subject property is within the Luckiamute Water District. The application indicates that an
3 existing spring provides water. There are no existing sewer services or on-site septic systems on the
4 subject property.

5 No written comments were received by staff prior to the public hearing.

6 **PUBLIC HEARING**

7 A duly advertised public hearing was held in the Polk County Courthouse on February 12, 2007.
8 There were no objections as to jurisdiction, notice, or conflict of interest. Applicant appeared and was
9 assisted by his brother, Chuck Cates. Staff cited the applicable decision criteria and summarized its
10 recommendations. The Hearings Officer recited the applicable admonitions required by law and
11 ordinance. Applicant expressed agreement with the staff report. No members of the public appeared.
12 No additional written testimony was submitted. There were no requests for a continuance or additional
13 time for submission of written evidence. There being no further business, the Hearings Officer declared
14 the record closed and adjourned the meeting. Robert W. Oliver, Polk County Hearings Officer, presided.
15 He was authorized by the Polk County Board of Commissioners to conduct the hearing and submit a
16 recommendation to the Board.

17 **FINDINGS**

18 Authorizations for a PCCP amendment and zone change are under PCZO 111.275 and 115.050.
19 Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and
20 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board then
21 conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. The
22 applicant provided findings for the PCCP and zoning map amendments that are identified in the record
23 as Exhibit 1 and Exhibit 2 of the staff report.

24 **(Plan Amendment)**

25 **Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:**
26 **[PCZO 115.050(A)]**

27 **(A) The Comprehensive Plan designation is erroneous and the proposed amendment**
28 **would correct the error, or [PCZO 115.050(A)(1)]**

29 Current evidence, provided in attachments, indicates that 77% of this parcel is comprised of
30 soils that are highly productive forest soils. These soils meet the criterion of Class I, II or III forest soils
31 by NRCS data. Another 8% of the soils are also assessed as commercial forest land by a certified
32 forester, bringing the total to 85%. The NRCS soils data also indicates that a considerable, though
33 lesser, percentage of these soils are also class I through IV agricultural soils as defined in Goal 3.
34 Although an error may have occurred in the original designation of these lands as Agriculture, the
35 applicant does not base his application on that criterion.

36 **(B) The Comprehensive Plan Designation is no longer appropriate due to changing**
37 **conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

38 Applicant argues that the 315-acre subject property is located in an area of the Luckiamute River
39 Valley that, at the time of the adoption of the PCCP, had several small farms (including the subject
40 property) that were producing row crops of various types, including beans, sweet corn and other cannery
41 crops in addition to small grains. The applicant's farm produced these crops on 70 acres of bottom
42 ground. According to the applicant's records, these crops were capable of producing a gross income of
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44 past 40 years, however, this valley and others feeding the Willamette Valley have ceased to produce
45 these crops primarily due to competition from other areas and the closing of most of the canneries in the
46 Willamette Valley. Today, these same lands are producing grass seed that produces a gross income of
47 approximately \$500 per acre. Thus, the land is now producing crops of less value, even without

1 accounting for inflation, than it did 30 to 40 years prior.

2 Prior to 1972, some of the subject property had been used for livestock production in the form of
3 hillside pastures. During the 1960's the applicant's father determined that these livestock operations
4 were no longer feasible, and abandoned those areas to forest uses.

5 The majority of the parcel, approximately 200 acres, has been used since 1972 for the production
6 of timber, predominantly Douglas Fir. This has been the most productive commercial crop on most of
7 this acreage, primarily because its northerly slopes are conducive to forest production, and because the
8 price of timber has been steadily rising. This market appears to be solid and is estimated by industry
9 experts to continue to rise as the demand for lumber increases, and the public supply of timber remains
10 severely constrained.

11 Currently, the owner leases 69 acres of the lower elevation lands for grass seed production for less
12 than \$100 per acre, for a net income of less than \$7000 per year.

13 The property owner is currently planting several areas within the bottom land to tree species that
14 will produce forest products and the acreage is gradually changing into forest production. Along with
15 this conversion to a longer term commercial crop, there is an increased need for a continuing income
16 stream from recreational activities that are afforded by the increased habitat on forest lands. These
17 recreational opportunities are better accommodated under the forest goal, than the agricultural goal.

18 Based upon the above findings, the applicant claims that circumstances have changed on the parcel
19 and in the surrounding area.

20 Staff reports that the subject property is located within the Agriculture PCCP designation. The
21 applicant is proposing to change the PCCP designation to Forest. As depicted in Table 1, surrounding
22 properties are designated Unincorporated Community, Agriculture and Forest in the PCCP.

23 Based on statements and evidence submitted by the applicant, the changing conditions in the
24 surrounding area are related to changes that have occurred within the agricultural industry that, based on
25 characteristics of the subject property, necessitated the property owner to apply to change the resource
26 use from agriculture to forest in order to take better advantage of both the changing industry trends and
27 to make the best use of the property.

28 The applicant submitted a *Soils Woodland Suitability Report* to document the predominance of
29 soils suitable for forest use (Attachment "F" of the staff report). The applicant's above-described factors
30 and evidence, demonstrates that substantial changes have occurred in the surrounding area that could
31 constitute changing the PCCP designation of the subject property.

32 (C) **The purpose of the Comprehensive Plan will be carried out through approval of the**
33 **proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]**

34 (1) **Evidence that the proposal conforms to the intent of relevant goals and**
35 **policies in the Comprehensive Plan and the purpose and intent of the**
36 **proposed land use designation. [PCZO 115.050(A)(3)(a)]**

37 Applicant states that section 2 of the PCCP provides the following applicable goals and policies:

38 **Goals:**

39 **Citizen Involvement:** The citizen involvement policies are implemented by the County
40 Code which requires all of the notification and participation of the Statewide Planning Goals
41 (GOALS) and has been acknowledged as consistent with these Goals. This application is being
42 processed pursuant to those policies, and their implementing ordinances.

43 The application is consistent with the citizen involvement element.

44 **Forest Element:** The PCCP states two goals for the forest element: First: To conserve and
45 protect, and encourage the management of forest lands for continued timber production, harvesting
46 and related uses. Second: To conserve and protect watersheds, fish and wildlife habitats, riparian
47 areas and other such uses associated with forest lands. Under these goals the plan establishes the
48 policies under the following three general categories: Resource Preservation, Resource

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3 hillside pastures. During the 1960's the applicant's father determined that these livestock operations
4 were no longer feasible, and abandoned those areas to forest uses.

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6 of timber, predominantly Douglas Fir. This has been the most productive commercial crop on most of
7 this acreage, primarily because its northerly slopes are conducive to forest production, and because the
8 price of timber has been steadily rising. This market appears to be solid and is estimated by industry
9 experts to continue to rise as the demand for lumber increases, and the public supply of timber remains
10 severely constrained.

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12 than \$100 per acre, for a net income of less than \$7000 per year.

13 The property owner is currently planting several areas within the bottom land to tree species that
14 will produce forest products and the acreage is gradually changing into forest production. Along with
15 this conversion to a longer term commercial crop, there is an increased need for a continuing income
16 stream from recreational activities that are afforded by the increased habitat on forest lands. These
17 recreational opportunities are better accommodated under the forest goal, than the agricultural goal.

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19 and in the surrounding area.

20 Staff reports that the subject property is located within the Agriculture PCCP designation. The
21 applicant is proposing to change the PCCP designation to Forest. As depicted in Table 1, surrounding
22 properties are designated Unincorporated Community, Agriculture and Forest in the PCCP.

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24 surrounding area are related to changes that have occurred within the agricultural industry that, based on
25 characteristics of the subject property, necessitated the property owner to apply to change the resource
26 use from agriculture to forest in order to take better advantage of both the changing industry trends and
27 to make the best use of the property.

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29 soils suitable for forest use (Attachment "F" of the staff report). The applicant's above-described factors
30 and evidence, demonstrates that substantial changes have occurred in the surrounding area that could
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42 processed pursuant to those policies, and their implementing ordinances.

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45 protect, and encourage the management of forest lands for continued timber production, harvesting
46 and related uses. Second: To conserve and protect watersheds, fish and wildlife habitats, riparian
47 areas and other such uses associated with forest lands. Under these goals the plan establishes the
48 policies under the following three general categories: Resource Preservation, Resource

1 Management and Recreation:

2 **PCCP Section 2-C; Forest Land - Resource Preservation Policies:**

3 ***Policy 1.1; Polk County will provide for the protection of productive forest lands. Designated***
4 ***forest lands will be areas defined as one of the following:***

5 ***(1) Predominately Forest Site Class I, II and III, for Douglas Fir as classified by the U.S.***
6 ***Soil Conservation Service;***

7 ***(2) Suitable for commercial forest use;***

8 The applicant provided a soils woodland suitability report prepared by a certified forester. In
9 summary, this report, using U.S. Natural Resource Conservation Service (NRCS) data, establishes
10 that 77% of the soils on this parcel are Class II and Class III forest soils. In addition the Chehalis
11 Soils are noted as not listed in the NRCS data, but investigated and indicating 90% forest
12 suitability. This raises the total commercial forest suitability on the parcel to 85%. When one
13 considers that another 10.8 percent of the parcel is comprised of the water of the Luckiamute River
14 and the Xerofluvents soils immediately adjacent to that river, neither of which are suitable for
15 either farm or forest use, then the area of the parcel suitable for any commercial use is 96% forest
16 suitable. The parcel is predominantly forest site class I, II and III and is 85% suitable for
17 commercial forest use. Criteria 1 and 2 are satisfied.

18 ***(3) In predominately commercial forest use and predominately owned by public agencies and***
19 ***private timber companies;***

20 Applicant says the subject property is a relatively large parcel owned by the applicant. The
21 applicant has been harvesting timber from this property for the past ten years, and the applicant's
22 father has harvested from time to time since the family ownership began in 1945. Portions
23 harvested have been or are being replanted to forest species. The areas being reforested lie
24 predominantly on the eastern and southern areas of the property, on northerly sloping ground. They
25 comprise approximately 188 acres or 60% of the parcel. In addition to these areas, approximately
26 15 acres of the lower lying areas, containing the Cloquato, Newberg and Chehalis soils, have
27 recently been planted to forest species, such as Douglas Fir and Red Alder. Approximately 205
28 acres or 65% of the total acreage is under active forest management. Approximately 69 acres or
29 22% is leased for grass farming. The remaining 13% is unproductive area, the river and its
30 adjacent riparian area. Based on these facts, the subject property is predominantly in commercial
31 forest use, and is owned by a private timber operator. Therefore, Criteria 3 is satisfied.

32 ***(4) Cohesive forest areas with large parcels;***

33 Applicant says lands surrounding this parcel on the south and the east are currently
34 designated as Forest under the PCCP. These parcels are relatively large, or are comprised of
35 several smaller parcels under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and
36 Solakian. Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by
37 Smith, and 107 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's
38 property, as indicated on aerial photographs, these parcels are currently managed as forest lands.
39 To the west is the rural community of Pedee, and some smaller parcels that are zoned EFU, along
40 the Luckiamute.

41 ***(5) Necessary for watershed protection;***

42 ***(6) Potential reforestation areas; and***

43 ***(7) Wildlife and fishery habitat areas, potential and existing recreation areas or those having***
44 ***scenic significance.***

45 Applicant argues that approximately 2.7% of this parcel contains waters of the Luckiamute River.
46 Another 8.1% is frequently flooded riparian area. The parcel has a total river frontage of
47 approximately one mile. Thus there is a considerable frontage along fish habitat and a considerable
48 amount of riverine associated wildlife habitat. This parcel is farmed on both sides of the
49 Luckiamute River. Designation as Forest will encourage management of this area for timber uses,
50 which increase shade and habitat values. The Luckiamute is not identified in the PCCP as 1C, 3A,
51 B, or C resource under goal 5 protection, nor are there any other Goal 5 resources identified on the

1 Management and Recreation:

2 **PCCP Section 2-C; Forest Land - Resource Preservation Policies:**

3 ***Policy 1.1; Polk County will provide for the protection of productive forest lands. Designated***
4 ***forest lands will be areas defined as one of the following:***

- 5 ***(1) Predominately Forest Site Class I, II and III, for Douglas Fir as classified by the U.S.***
6 ***Soil Conservation Service;***
7 ***(2) Suitable for commercial forest use;***

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13 considers that another 10.8 percent of the parcel is comprised of the water of the Luckiamute River
14 and the Xerofluvents soils immediately adjacent to that river, neither of which are suitable for
15 either farm or forest use, then the area of the parcel suitable for any commercial use is 96% forest
16 suitable. The parcel is predominantly forest-site class I, II and III and is 85% suitable for
17 commercial forest use. Criteria 1 and 2 are satisfied.

- 18 ***(3) In predominately commercial forest use and predominately owned by public agencies and***
19 ***private timber companies;***

20 Applicant says the subject property is a relatively large parcel owned by the applicant. The
21 applicant has been harvesting timber from this property for the past ten years, and the applicant's
22 father has harvested from time to time since the family ownership began in 1945. Portions
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24 predominantly on the eastern and southern areas of the property, on northerly sloping ground. They
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26 15 acres of the lower lying areas, containing the Cloquato, Newberg and Chehalis soils, have
27 recently been planted to forest species, such as Douglas Fir and Red Alder. Approximately 205
28 acres or 65% of the total acreage is under active forest management. Approximately 69 acres or
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30 adjacent riparian area. Based on these facts, the subject property is predominantly in commercial
31 forest use, and is owned by a private timber operator. Therefore, Criteria 3 is satisfied.

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36 Solakian. Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by
37 Smith, and 107 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's
38 property, as indicated on aerial photographs, these parcels are currently managed as forest lands.
39 To the west is the rural community of Pedee, and some smaller parcels that are zoned EFU, along
40 the Luckiamute.

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44 ***scenic significance.***

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48 amount of riverine associated wildlife habitat. This parcel is farmed on both sides of the
49 Luckiamute River. Designation as Forest will encourage management of this area for timber uses,
50 which increase shade and habitat values. The Luckiamute is not identified in the PCCP as 1C, 3A,
51 B, or C resource under goal 5 protection, nor are there any other Goal 5 resources identified on the

1 property. Although there are no Goal 5 resources identified on the parcel and the Luckiamute is
2 not a water of concern for goal 5 protections, the designation of this parcel as timberland will
3 encourage timber management along a mile of stream and will encourage improvement of habitat
4 values as well as potential recreational use. Criteria 5, 6, and 7 are satisfied.

5 Based on the above, applicant concludes that the proposed PCCP amendment is consistent
6 with these policies.

7 ***Policy 1.2; Polk County shall designate forest lands on the Comprehensive Plan Map consistent***
8 ***with Goal 4 and OAR 660 Division 6.***

9 Applicant states that Goal 4 defines forest lands as follows: Forest lands are those lands
10 acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is
11 not acknowledged or a plan amendment involving forest lands is proposed, forest land shall
12 include lands which are suitable for commercial forest uses including adjacent or nearby lands
13 which are necessary to permit forest operations or practices and other forested lands that maintain
14 soil, air, water and fish and wildlife resources.

15 Since a plan amendment is requested, the lands must be suitable for commercial forest uses.
16 The applicant has provided a professional assessment that concludes that the parcel is 85% suitable
17 for commercial forest uses for species identified as commercial species under the Oregon Forest
18 Practices Act (ORS Chapter 527). The subject property meets the definition of Forest Lands in
19 Goal 4. Goal 4 further provides uses, implementation standards and guidelines for comprehensive
20 plans to be consistent with Goal 4. The PCCP forest element has been acknowledged as consistent
21 with Goal 4. Further, the standards and uses in the PCCP mirror the standards indicated in Goal
22 4. If this application is found to be consistent with the Forest Element of the PCCP, it has been
23 acknowledged as consistent with Statewide Planning Goal 4.

24 OAR 660 Division 6 establishes the following purpose and implementation guidance. "(1)
25 the purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative
26 policy of ORS 215.700. (2) To accomplish the purpose of conserving forest lands, the governing
27 body shall: (a) Designate forest lands on the comprehensive plan map as forest lands consistent
28 with Goal 4 and OAR Chapter 660, Division 6; (b) Zone forest lands for uses allowed pursuant to
29 OAR Chapter 660, Division 6 on designated forest lands; and (c) Adopt plan policies consistent
30 with OAR Chapter 660, Division 6."

31 ORS 215.700 permits the establishment of dwellings on forest and farm lands under certain
32 circumstances of ownership. There is no application for a dwelling, here.

33 Polk County PCCP policies have been acknowledged as consistent with OAR 660. Uses
34 specified in the PCCP and its implementing ordinances mirror the uses specified in Division 6.

35 Polk County PCCP and its policies provide criteria to assess the validity of amendments to
36 the plan. If the amendment is found to be consistent with PCCP Policies, the application can be
37 assumed to be consistent with Division 6.

38 OAR 660-006-015 establishes the criteria for designation of forest lands outside urban
39 boundaries, as is the case here. OAR 660.006.15(1) requires that, "... The plan shall describe the
40 zoning designation(s) applied to forest lands and its purpose and shall contain criteria which
41 clearly indicate where the zone(s) will be applied."
42

43 The PCCP, in its forest element resource preservation policies, cited above, clearly describes
44 the purposes and criteria for the Forest designation and zone and provides clear criteria for
45 application of the designation and zone. The applicant contends that the evidence provided meets
46 the criteria of being predominantly commercial forest land, that the proposed amendment is
47 consistent with OAR 660.006.015(1) and does not require an exception.

48 OAR 660.006.15 (2) states, "When lands satisfy the definition requirements of both
49 agricultural land and forest land, an exception is not required to show why one resource
50 designation is chosen over another. The plan need only document the factors that were used to
51 select an agricultural, forest, agricultural/forest, or other appropriate designation." The PCCP

1 property. Although there are no Goal 5 resources identified on the parcel and the Luckiamute is
2 not a water of concern for goal 5 protections, the designation of this parcel as timberland will
3 encourage timber management along a mile of stream and will encourage improvement of habitat
4 values as well as potential recreational use. Criteria 5, 6, and 7 are satisfied.

5 Based on the above, applicant concludes that the proposed PCCP amendment is consistent
6 with these policies.

7 ***Policy 1.2; Polk County shall designate forest lands on the Comprehensive Plan Map consistent***
8 ***with Goal 4 and OAR 660 Division 6.***

9 Applicant states that Goal 4 defines forest lands as follows: Forest lands are those lands
10 acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is
11 not acknowledged or a plan amendment involving forest lands is proposed, forest land shall
12 include lands which are suitable for commercial forest uses including adjacent or nearby lands
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14 soil, air, water and fish and wildlife resources.

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28 with Goal 4 and OAR Chapter 660, Division 6; (b) Zone forest lands for uses allowed pursuant to
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39 boundaries, as is the case here. OAR 660.006.15(1) requires that, "... The plan shall describe the
40 zoning designation(s) applied to forest lands and its purpose and shall contain criteria which
41 clearly indicate where the zone(s) will be applied."

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43 The PCCP, in its forest element resource preservation policies, cited above, clearly describes
44 the purposes and criteria for the Forest designation and zone and provides clear criteria for
45 application of the designation and zone. The applicant contends that the evidence provided meets
46 the criteria of being predominantly commercial forest land, that the proposed amendment is
47 consistent with OAR 660.006.015(1) and does not require an exception.

48 OAR 660.006.15 (2) states, "When lands satisfy the definition requirements of both
49 agricultural land and forest land, an exception is not required to show why one resource
50 designation is chosen over another. The plan need only document the factors that were used to
51 select an agricultural, forest, agricultural/forest, or other appropriate designation." The PCCP

1 indicates the factors used in determining that a parcel is forest land under the Forest designation, as
2 cited above. The primary indicator is that it is comprised predominantly of forest lands in Cubic
3 Foot Site Class I, II, and III. As found above, 77% of this parcel meets that criteria, and 85% of the
4 parcel meets the definition of "suitable for commercial forest uses" as defined by Goal 4.
5 Therefore, the application of the Forest designation to this parcel is consistent with OAR
6 660.006.015(2).

7 ***Policies 1.3 through 1.7***

8 Applicant says these policies apply to action to be taken and use to be permitted on lands
9 that have been designated as forest lands under Statewide Planning Goal 4 and the implementing
10 administrative rules. The application here is to designate lands as Forest lands and there are no
11 specific uses requested with this application. PCCP forest policies 1.3 through 1.7 and the
12 attendant uses described will become applicable to these lands upon designation, but are not
13 specifically applicable to the decision to designate resource lands for forest uses.

14 ***Policy 1.8; Polk county will encourage the conservation and protection of watersheds and fish***
15 ***and wildlife habitats on forest lands in Polk County in accordance with the Oregon Forest***
16 ***Practices Act.***

17 ***Policy 1.9; Polk County will discourage the construction of new roads within areas designated***
18 ***as forest lands, with the exception of secondary roads necessary for harvesting purposes.***

19 Staff notes that these policies were not addressed in the applicant's findings but appear to be
20 applicable to the proposed amendment. The PCCP policies for the Forest designation (Goal 4)
21 appear to be more conservation oriented than the Agriculture designation (Goal 3). Although
22 Policies 1.8 and 1.9 were not specifically addressed in the applicant's findings, they were
23 addressed indirectly in applicant's responses to other conservation related policies below in the
24 Resource Management policy section 2.

25 Applicant states that in the process of continued forestation of the property, more trees
26 would be planted in the riparian areas. In addition, the applicant plans to enhance fisheries habitat
27 by providing greater shade in riparian areas thereby decreasing water temperatures. No new roads
28 are proposed by this application. This policy is implemented by the PCZO through the TC zoning,
29 Significant Resources Overlay and their corresponding development standards. This application
30 could comply with these stated policies.

31 **PCCP Section 2-C; Forest Lands - Resource Management Policies:**

32 ***Policy 2.1; Polk County will promote the efficient management of its timber resources to ensure***
33 ***a sustained yield of forest products, adequate grazing areas for domestic livestock, wildlife***
34 ***habitat, protection of watershed areas, and the provision of recreational activities.***

35 Applicant provided a professional analysis of soils that shows 85% of this parcel to be
36 commercial forest lands. Under the current land use laws, any farm use as defined by ORS
37 215.203 is also permitted in forest lands. The applicant intends to continue with the forestation of
38 lands that are commercially productive. He also intends to continue planting trees in the riparian
39 areas. He further intends to provide some small scale grain, or hay harvest on certain areas where
40 these activities are commercially viable. In the process of doing this, the applicant plans to
41 enhance fisheries habitat by providing greater shade in riparian areas. He also will create more
42 edge habitat in the currently farmed areas by planting forest species where appropriate. He intends
43 to utilize this habitat improvement through recreational hunting and fishing uses. He also intends
44 to continue grass seed production where that is viable. Changing the subject property designation
45 to Forest will meet the purpose of the forest resource management policy. The application is
46 consistent with Forest Policy 2.1.

47 ***Policies 2.2 through 2.7***

48 Applicant says forest resource management policies 2.2 through 2.7 generally require the
49 County to promote and encourage multiple uses and reforestation under the Forest Practices Act as
50 well as maintaining data for economic, taxation and planning purposes. The application proposes

1 indicates the factors used in determining that a parcel is forest land under the Forest designation, as
2 cited above. The primary indicator is that it is comprised predominantly of forest lands in Cubic
3 Foot Site Class I, II, and III. As found above, 77% of this parcel meets that criteria, and 85% of the
4 parcel meets the definition of "suitable for commercial forest uses" as defined by Goal 4.
5 Therefore, the application of the Forest designation to this parcel is consistent with OAR
6 660.006.015(2).

7 ***Policies 1.3 through 1.7***

8 Applicant says these policies apply to action to be taken and use to be permitted on lands
9 that have been designated as forest lands under Statewide Planning Goal 4 and the implementing
10 administrative rules. The application here is to designate lands as Forest lands and there are no
11 specific uses requested with this application. PCCP forest policies 1.3 through 1.7 and the
12 attendant uses described will become applicable to these lands upon designation, but are not
13 specifically applicable to the decision to designate resource lands for forest uses.

14 ***Policy 1.8; Polk county will encourage the conservation and protection of watersheds and fish***
15 ***and wildlife habitats on forest lands in Polk County in accordance with the Oregon Forest***
16 ***Practices Act.***

17 ***Policy 1.9; Polk County will discourage the construction of new roads within areas designated***
18 ***as forest lands, with the exception of secondary roads necessary for harvesting purposes.***

19 Staff notes that these policies were not addressed in the applicant's findings but appear to be
20 applicable to the proposed amendment. The PCCP policies for the Forest designation (Goal 4)
21 appear to be more conservation oriented than the Agriculture designation (Goal 3). Although
22 Policies 1.8 and 1.9 were not specifically addressed in the applicant's findings, they were
23 addressed indirectly in applicant's responses to other conservation related policies below in the
24 Resource Management policy section 2.

25 Applicant states that in the process of continued forestation of the property, more trees
26 would be planted in the riparian areas. In addition, the applicant plans to enhance fisheries habitat
27 by providing greater shade in riparian areas thereby decreasing water temperatures. No new roads
28 are proposed by this application. This policy is implemented by the PCZO through the TC zoning,
29 Significant Resources Overlay and their corresponding development standards. This application
30 could comply with these stated policies.

31 **PCCP Section 2-C; Forest Lands - Resource Management Policies:**

32 ***Policy 2.1; Polk County will promote the efficient management of its timber resources to ensure***
33 ***a sustained yield of forest products, adequate grazing areas for domestic livestock, wildlife***
34 ***habitat, protection of watershed areas, and the provision of recreational activities.***

35 Applicant provided a professional analysis of soils that shows 85% of this parcel to be
36 commercial forest lands. Under the current land use laws, any farm use as defined by ORS
37 215.203 is also permitted in forest lands. The applicant intends to continue with the forestation of
38 lands that are commercially productive. He also intends to continue planting trees in the riparian
39 areas. He further intends to provide some small scale grain, or hay harvest on certain areas where
40 these activities are commercially viable. In the process of doing this, the applicant plans to
41 enhance fisheries habitat by providing greater shade in riparian areas. He also will create more
42 edge habitat in the currently farmed areas by planting forest species where appropriate. He intends
43 to utilize this habitat improvement through recreational hunting and fishing uses. He also intends
44 to continue grass seed production where that is viable. Changing the subject property designation
45 to Forest will meet the purpose of the forest resource management policy. The application is
46 consistent with Forest Policy 2.1.

47 ***Policies 2.2 through 2.7***

48 Applicant says forest resource management policies 2.2 through 2.7 generally require the
49 County to promote and encourage multiple uses and reforestation under the Forest Practices Act as
50 well as maintaining data for economic, taxation and planning purposes. The application proposes

1 to change the designation to Forest and zoning to TC, thus subjecting these lands to the Forest
2 Practices Act. Management as proposed in the application will be consistent with the uses
3 permitted in the TC Zone. Such management practices are consistent with policies 2.2 through
4 2.7. The application is consistent with Forest Policies 2.2 through 2.7.

5 **PCCP Section 2-C; Forest Lands - Recreational Use policies:**

6 ***Policy 3.1; Polk County will encourage access to forest lands having a high potential for***
7 ***recreational use.***

8 ***Policy 3.2; Polk County will coordinate with land owners and governmental agencies to identify***
9 ***and designate areas for recreational vehicle use which minimize adverse impacts upon***
10 ***productive forest lands and domestic water sources***

11 Applicant says Forest Recreation policies 3.1 and 3.2 generally encourage recreation in
12 forest lands while minimizing recreational vehicle impacts on productive forest lands and
13 domestic water sources.

14 This application will have the effect of permitting uses that are listed within forest zones.
15 Some of these permitted uses are recreational in nature, such as hunting, fishing, etc. Other
16 recreational uses, such as campgrounds are also conditionally permitted in these zones. These uses
17 echo the uses in OAR 660 Division 6.

18 This parcel has approximately one mile of frontage on the Luckiamute River. This river
19 frontage provides for significant hunting and fishing opportunities. The parcel lies adjacent to the
20 rural community of Pedee. Recreational development on this property, consistent with the
21 protection of forest lands could provide benefit to the community and Polk County.

22 There are no community domestic water sources on the parcel. According to the Applicant, the
23 river is not currently a domestic source in the area. The proposed reforestation and preservation of
24 the riparian areas have some potential to improve water temperature.

25 The subject property has a potential for recreational use that can benefit the rural community
26 of Pedee and Polk County as a whole and not interfere with forest or domestic water uses.
27 Applicant concludes that this application is consistent with the forest recreation policies of the
28 PCCP.

29 **Natural Resources Element**

30 **PCCP Section 2-D; Natural Resources Policies – Fish and Wildlife:**

31 ***Policy 3.1; Polk County will cooperate with governmental agencies to conserve and protect***
32 ***identified fish and wildlife habitat.***

33 ***Policy 3.2; Polk County will encourage the development of stocking programs for wildlife and***
34 ***fish in suitable habitats.***

35 ***Policy 3.3; Polk County will continue to recognize the importance of riparian vegetation as fish***
36 ***and wildlife habitat as well as erosion, sediment and run-off control and shall protect it through***
37 ***implementing ordinances.***

38 ***Policy 3.4; Polk County will recognize the value of fish and wildlife and protect identified***
39 ***significant (1-C) fish and wildlife resources through application of a significant resource areas***
40 ***overlay zone and implementing ordinances.***

41 ***Policy 3.5; Polk County will protect identified significant (1-C) bird nesting and habitat sites in***
42 ***accordance with the provisions of Chapter 182 of the Zoning Ordinance and the Sensitive Bird***
43 ***Sites ESEE analysis.***

44 ***Policy 3.6; If fish and wildlife resources, not identified on the County's Comprehensive Plan***
45 ***Map, are identified by the ODFW, the County or member of the public, the County shall***
46 ***consider the site for inclusion in the inventory of significant resource areas. If the County***
47 ***determines the resource site/area is significant, it shall be analyzed pursuant to applicable***
48 ***provisions of OAR 660-16 and, where prudent, given protection under pertinent Goal, Policies***

1 to change the designation to Forest and zoning to TC, thus subjecting these lands to the Forest
2 Practices Act. Management as proposed in the application will be consistent with the uses
3 permitted in the TC Zone. Such management practices are consistent with policies 2.2 through
4 2.7. The application is consistent with Forest Policies 2.2 through 2.7.

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16 recreational uses, such as campgrounds are also conditionally permitted in these zones. These uses
17 echo the uses in OAR 660 Division 6.

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19 frontage provides for significant hunting and fishing opportunities. The parcel lies adjacent to the
20 rural community of Pedee. Recreational development on this property, consistent with the
21 protection of forest lands could provide benefit to the community and Polk County.

22 There are no community domestic water sources on the parcel. According to the Applicant, the
23 river is not currently a domestic source in the area. The proposed reforestation and preservation of
24 the riparian areas have some potential to improve water temperature.

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26 of Pedee and Polk County as a whole and not interfere with forest or domestic water uses.
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47 ***determines the resource site/area is significant, it shall be analyzed pursuant to applicable***
48 ***provisions of OAR 660-16 and, where prudent, given protection under pertinent Goal, Policies***

1 ***and Ordinance provisions of Polk County.***

2 Applicant argues that, to the above ends, the PCCP policies generally use the 1-C resource
3 designation to protect special resources, and then generally encourage the protection of other
4 natural resources. The owner is unaware of any Goal 5, 1-C designated resources on this parcel.

5 In addition to the 1-C designated resources the general policies and uses, both permitted and
6 conditional of the TC zone reflect a protection of resource values in the zone. The Natural
7 Resource policies for Open Space, Mineral Aggregate, Fish and Wildlife, Natural Areas, Scenic
8 Resources, Water Resources and Reservoir Sites are generally echoed in the TC Zone. In general,
9 resource use is balanced with resource protection through the application of this designation. For
10 instance aggregate extraction is permitted, while balancing water quality concerns. Conservation
11 of fish and wildlife habitat is encouraged. Restoration of Forested areas is required under the
12 Forest practices act. Recreational hunting and fishing are permitted or conditionally permitted
13 uses. Stream corridor protection is encouraged through the Forest practices act. Water resource
14 protection is encouraged through management plans and water reservoirs are also permitted in the
15 zone. The applicant is converting some previously cultivated are into riparian habitat along the
16 Luckiamute River.

17 There are no known historical, archaeological or cultural resources on this property. Nor are
18 there any designated recreational trail or specific energy resources. The requested designation will
19 be at least as protective to the Natural Resources within and adjacent to this parcel as the current
20 designation, if not more so.

21 Staff reports that the PCCP policies, under Natural Resource Section 2-D, were generally
22 reviewed by the applicant. Policies 3.1 through 3.6, although not specifically addressed in the
23 applicant's findings, appear to be applicable to the proposed amendment. Applicant's finding under
24 Policy 1.1(7) above indicates that there are no Goal 5 resources on the subject property. However,
25 staff review of the Polk County Geographic Information Systems zoning map identified the subject
26 property as being within the Goal 5 Significant Resources Overlay Zone for deer and elk and the
27 property contains a significant fish bearing river, the Luckiamute River (Attachment G).

28 Staff believes these policies currently apply to the subject property under the existing PCCP
29 Agriculture designation due to the identification of significant resources and application of the
30 Significant Resources Overlay Zone. These policies will continue to apply if the proposed
31 amendment to change the property's designation to Forest is approved. The application does not
32 include an amendment to change the Significant Resources Overlay Zone. Staff concluded that the
33 implementation of these policies could continue to be met under the proposed PCCP amendment.

34 **Recreational Needs Element**

35 **PCCP Section 2-G; Recreational Needs**

36 Applicant argues that only policy 5.1 is generally applicable in that it encourages private
37 organizations to provide overnight camping facilities. The application of the TC Zone allows
38 private campgrounds as a conditional use.

39 Staff reports that applicant provided evidence that the proposal conforms to the intent of relevant
40 goals and policies in the PCCP and the purpose and intent of the proposed land use designation. Staff
41 concurred that the proposed PCCP amendment complies with this criteria. Staff concludes that the PCCP
42 designation is no longer appropriate due to changing conditions in the surrounding area.

43 **(2) Compliance with Oregon Revised Statutes, statewide planning goals and related**
44 **administrative rules which applies to the particular property(s) or situations. If**
45 **an exception to one or more of the goals is necessary, the exception criteria in**
46 **Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO**
47 **115.050(A)(3)(b)]**

48 Applicant says there are no specific state statutes that apply to this request that are not otherwise
49 addressed in the statewide planning goals or administrative rules. The proposal's conformance with
50 statewide planning goals is addressed below. No exception to statewide planning goals is proposed or

1 ***and Ordinance provisions of Polk County.***

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20 designation, if not more so.

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48 Applicant says there are no specific state statutes that apply to this request that are not otherwise
49 addressed in the statewide planning goals or administrative rules. The proposal's conformance with
50 statewide planning goals is addressed below. No exception to statewide planning goals is proposed or

1 required.

2 Applicant argues the requested amendment of the PCCP text is consistent with the applicable
3 statewide planning goals as follows:

4 Goal 1. Citizen Involvement. A Non Legislative Plan Amendment is a quasi-judicial
5 process. Public notice is required and public hearings will be held giving interested citizens
6 an opportunity to be involved in the process.

7 Goal 2. Land Use Planning. The PCCP was adopted by the County and acknowledged by
8 LCDC as being in compliance with the statewide planning goals, state statutes and state
9 administrative rules, on March 19, 1981. As outlined herein, the proposal complies with the
10 PCCP and all associated detail plans.

11 Goal 3. Agricultural Lands. This Goal currently applies to the Agriculture designation of
12 the subject property. The applicant states that although the subject property contains some
13 acreage that is suitable as agricultural lands, the property is predominantly in forest use. The
14 applicant has submitted findings demonstrating that the subject property is not
15 predominantly employed for farm use as defined in ORS 215.203(2)(a) and therefore this
16 Goal should not apply.

17 Goal 4. Forest Lands. This Goal would apply to the subject property if the proposed
18 amendment under this application is approved. This Goal defines Forest Lands as “...those
19 lands acknowledged as forest lands as of the date of adoption of this goal amendment.
20 Where a plan is not acknowledged or a plan amendment involving forest lands is proposed,
21 forest land shall include lands which are suitable for commercial forest uses including
22 adjacent or nearby lands which are necessary to permit forest operations or practices and
23 other forested lands that maintain soil, air, water and fish and wildlife resources.”

24 Applicant provided a soils woodland suitability report prepared by a certified forester.
25 In summary, this report, using USDA, NRCS data, establishes that the 77% of the soils on
26 this parcel are Class II and Class III forest soils. In addition the Chehalis Soils are noted as
27 not listed in the NRCS data, but investigated and indicating 90% forest suitability. This
28 raises the total commercial forest suitability on the parcel to 85%. When one considers that
29 another 10.8 percent of the parcel is comprised of the water of the Luckiamute River and the
30 Xerofluvents soils immediately adjacent to that river, then the area of the parcel suitable for
31 any commercial use is 96% forest suitable. 205 acres or 65% the parcel are currently
32 employed in forest production.

33 The parcel meets the definition of forest lands under Goal 4 and is predominantly in
34 forest use. Designation of these lands as forest lands is appropriate under Goal 4. The
35 requested change is consistent with both Goal 3 and Goal 4 and their implementing
36 regulations. We have also concluded above, that the application complies with an
37 acknowledged plan, which was acknowledged and amended to maintain consistency with
38 Goal 3 and Goal 4. As such, we give deference to the acknowledged plan and find the
39 application consistent with Goal 3 and Goal 4.

40 Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known
41 scenic or historic areas on the subject property. There are however, natural resources
42 identified as being subject to this goal that are applicable to this application. These resources
43 have been described in Section 1 of these findings under Property Description. The proposed
44 amendment was shown to be in compliance with this Goal as addressed in Section II, 1 (C)
45 1, Natural Resources Element Policies.

46 Goal 6. Air, Water and Resources Quality. Development of the property will be required to
47 comply with the Federal, State of Oregon, and County requirements for air and water
48 pollution.

49 Goal 7. Area Subject to Natural Disasters and Hazards. A large portion of Tax Lot 100 is
50 located within an identified 100-year floodplain (Luckiamute River), pursuant to Federal
51 Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number

1 required.

2 Applicant argues the requested amendment of the PCCP text is consistent with the applicable
3 statewide planning goals as follows:

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5 process. Public notice is required and public hearings will be held giving interested citizens
6 an opportunity to be involved in the process.

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18 amendment under this application is approved. This Goal defines Forest Lands as “...those
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31 any commercial use is 96% forest suitable. 205 acres or 65% the parcel are currently
32 employed in forest production.

33 The parcel meets the definition of forest lands under Goal 4 and is predominantly in
34 forest use. Designation of these lands as forest lands is appropriate under Goal 4. The
35 requested change is consistent with both Goal 3 and Goal 4 and their implementing
36 regulations. We have also concluded above, that the application complies with an
37 acknowledged plan, which was acknowledged and amended to maintain consistency with
38 Goal 3 and Goal 4. As such, we give deference to the acknowledged plan and find the
39 application consistent with Goal 3 and Goal 4.

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41 scenic or historic areas on the subject property. There are however, natural resources
42 identified as being subject to this goal that are applicable to this application. These resources
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44 amendment was shown to be in compliance with this Goal as addressed in Section II, 1 (C)
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50 located within an identified 100-year floodplain (Luckiamute River), pursuant to Federal
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41053C0375F dated December 19, 2006. The areas of special flood hazard identified on the FIRM are subject to the PCZO Flood Hazard Overlay Zone.

The Polk County GIS identifies an area along the southeastern property line that contains steep slopes greater than 35% and where landslides might occur. Development of the subject property to forest uses is consistent with Goal 7 as subject to standards established in the PCZO.

Goal 8. Recreational Needs. The proposed amendment could affect the inventory of recreational uses. To the extent that the permitted uses in the forest zone allow recreational activities not permitted in the agricultural zone, the degree of recreation will be increased.

Goal 9. Economic Development. This Goal requires jurisdictions to consider the economic needs of the State and the local area by providing opportunities for a variety of economic opportunities. Both the current PCCP designation of Agriculture and the proposed PCCP designation of Forest are resource zones that provide an indirect economic service to the citizens of the state and local area.

Goal 10. Housing. The subject property is not designated for residential development and therefore there will be no impact to the residential lands inventory. This Goal is not applicable to the subject property.

Goal 11. Public Facilities and Services. The subject property is not currently served by public facilities nor does this request include the extension of public facilities to the subject property.

Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-012-0060(1), which states:

“Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc.) of the facility.”

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

- “(a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.”

Polk County has an adopted a transportation system plan and a Functional Classification Map. The subject property has frontage on Depot Street and Pedee Street which are located within the unincorporated community of Pedee. These streets provide the property with access to State Hwy 223, Kings Valley Highway. Depot and Pedee streets are local access roads not identified in the *Polk County Transportation Systems Plan*. Kings Valley Highway is identified as a Minor Arterial as designated in the *Polk County Transportation Systems Plan, Figure 3*.

The proposed PCCP amendment would maintain the same minimum parcel size as established by the applied zoning. The uses allowed in the application of the TC Zoning District are no more intense than uses allowed by the EFU Zoning District. As such, the proposed PCCP amendment will not adversely impact the functional classification of the surrounding transportation facilities.

Goal 13. Energy Conservation. This Goal requires that land and uses be managed to maximize the conservation of all forms of energy. The proposed change from one resource

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- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.”

Polk County has an adopted a transportation system plan and a Functional Classification Map. The subject property has frontage on Depot Street and Pedee Street which are located within the unincorporated community of Pedee. These streets provide the property with access to State Hwy 223, Kings Valley Highway. Depot and Pedee streets are local access roads not identified in the *Polk County Transportation Systems Plan*. Kings Valley Highway is identified as a Minor Arterial as designated in the *Polk County Transportation Systems Plan, Figure 3*.

The proposed PCCP amendment would maintain the same minimum parcel size as established by the applied zoning. The uses allowed in the application of the TC Zoning District are no more intense than uses allowed by the EFU Zoning District. As such, the proposed PCCP amendment will not adversely impact the functional classification of the surrounding transportation facilities.

Goal 13. Energy Conservation. This Goal requires that land and uses be managed to maximize the conservation of all forms of energy. The proposed change from one resource

1 designation to another is not likely to adversely impact energy use.

2 Goal 14. Urbanization. The subject property is designated as resource land and will
3 continue to be designated as resource land. Resource land is not subject to Goal 14.
4 Therefore, this Goal is not applicable to this application.

5 Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the
6 Willamette River Greenway, or in an estuary or beach area.

7 Staff concluded that the applicant addressed all applicable Oregon Statewide Planning Goals and
8 demonstrated that the proposal conforms to the intent of the PCCP relevant goals and policies. The
9 applicant is proposing to apply the TC Zoning District to implement the proposed Forest PCCP
10 designation. Based on the evidence and facts reviewed, the Hearings Officer finds that the application
11 meets this criterion.

12 (Zone Change)

13 (A) A zone change is a reclassification of any area from one zone or district to another,
14 after the proposed change has been reviewed and a recommendation made by the
15 Hearings Officer or the Planning Commission. Such change shall be an ordinance
16 enacted by the Board of Commissioners after proceedings have been accomplished in
17 accordance with the provisions of this chapter. [PCZO 111.140]

18 Authorizations for a zone change and a PCCP Map and text amendment are under PCZO 111.275
19 and 115.050, subject to recommendation by the Hearings Officer after holding a public hearing pursuant
20 to PCZO 111.190, and 115.030, and decision by the Polk County Board of Commissioners after holding
21 a public hearing pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the
22 proposed zone change. Staff prepares a report and recommendation for the Hearings Officer and the
23 Hearings Officer makes a recommendation to the Board for a final local decision. The application is
24 following the proper review process and meets this criterion.

25 (B) Pursuant to Section 111.160, a zone change may be approved, provided that the
26 request satisfies all applicable requirements of this ordinance, and provided that with
27 written findings, the applicant(s) clearly demonstrate compliance with the following
28 criteria:

29 (1) The proposed zone is appropriate for the comprehensive plan land use
30 designation on the property and is consistent with the purpose and policies for the
31 applicable comprehensive plan land use classification; [PCZO 111.275 (A)]

32 The proposed application of the TC Zoning District is appropriate and will conform to the PCCP
33 text and map as amended.

34 (2) The proposal conforms with the purpose statement of the proposed zone; [PCZO
35 111.275 (B)]

36 PCZO Chapter 177 states the purpose for the TC zone as follows:

37 "The Timber Conservation (TC) Zoning District is intended to: (A) Conserve, protect, and
38 encourage the management of forest lands for continued timber production, harvesting and
39 related uses; (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such
40 uses associated with forests; (C) Provide for orderly development through planned development
41 of both public and private recreational uses as appropriate and not in conflict with the primary
42 intent of the zone for timber management; (D) Recognize that the forest lands within the County
43 are necessary for the continuous production of renewable natural resources in the form of forest
44 crops and as such, are beneficial to the economy of the County and to the welfare of its people;
45 (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the
46 Polk County Comprehensive Plan; and (F) Implement the Goals and Policies of the Polk County
47 Comprehensive Plan."

48 Applicant proposes no use that is not listed as a permitted, administratively reviewed, or conditional

1 designation to another is not likely to adversely impact energy use.
2 Goal 14. Urbanization. The subject property is designated as resource land and will
3 continue to be designated as resource land. Resource land is not subject to Goal 14.
4 Therefore, this Goal is not applicable to this application.
5 Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the
6 Willamette River Greenway, or in an estuary or beach area.
7 Staff concluded that the applicant addressed all applicable Oregon Statewide Planning Goals and
8 demonstrated that the proposal conforms to the intent of the PCCP relevant goals and policies. The
9 applicant is proposing to apply the TC Zoning District to implement the proposed Forest PCCP
10 designation. Based on the evidence and facts reviewed, the Hearings Officer finds that the application
11 meets this criterion.

12 (Zone Change)

13 (A) A zone change is a reclassification of any area from one zone or district to another,
14 after the proposed change has been reviewed and a recommendation made by the
15 Hearings Officer or the Planning Commission. Such change shall be an ordinance
16 enacted by the Board of Commissioners after proceedings have been accomplished in
17 accordance with the provisions of this chapter. [PCZO 111.140]

18 Authorizations for a zone change and a PCCP Map and text amendment are under PCZO 111.275
19 and 115.050, subject to recommendation by the Hearings Officer after holding a public hearing pursuant
20 to PCZO 111.190, and 115.030, and decision by the Polk County Board of Commissioners after holding
21 a public hearing pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the
22 proposed zone change. Staff prepares a report and recommendation for the Hearings Officer and the
23 Hearings Officer makes a recommendation to the Board for a final local decision. The application is
24 following the proper review process and meets this criterion.

25 (B) Pursuant to Section 111.160, a zone change may be approved, provided that the
26 request satisfies all applicable requirements of this ordinance, and provided that with
27 written findings, the applicant(s) clearly demonstrate compliance with the following
28 criteria:

29 (1) The proposed zone is appropriate for the comprehensive plan land use
30 designation on the property and is consistent with the purpose and policies for the
31 applicable comprehensive plan land use classification; [PCZO 111.275 (A)]

32 The proposed application of the TC Zoning District is appropriate and will conform to the PCCP
33 text and map as amended.

34 (2) The proposal conforms with the purpose statement of the proposed zone; [PCZO
35 111.275 (B)]

36 PCZO Chapter 177 states the purpose for the TC zone as follows:

37 "The Timber Conservation (TC) Zoning District is intended to: (A) Conserve, protect, and
38 encourage the management of forest lands for continued timber production, harvesting and
39 related uses; (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such
40 uses associated with forests; (C) Provide for orderly development through planned development
41 of both public and private recreational uses as appropriate and not in conflict with the primary
42 intent of the zone for timber management; (D) Recognize that the forest lands within the County
43 are necessary for the continuous production of renewable natural resources in the form of forest
44 crops and as such, are beneficial to the economy of the County and to the welfare of its people;
45 (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the
46 Polk County Comprehensive Plan; and (F) Implement the Goals and Policies of the Polk County
47 Comprehensive Plan."

48 Applicant proposes no use that is not listed as a permitted, administratively reviewed, or conditional

1 use in PCZO chapter 177. It can be safely assumed that the uses listed are consistent with the purpose
2 statement in the same chapter, as well as the PCZO Policies for Forest Lands, ORS Chapter 215, OAR 660-
3 006, ORS Chapter 527 and Goal 4 of the Statewide Planning Goals.

4 Applicant concurrently filed an application for a PCCP amendment. The applicant is responsible
5 for showing compliance with criteria for PCCP changes and in order for the zoning change to be
6 approved. The applicant proposes applying the TC Zoning District, if an approval of the proposed
7 amendment to the PCCP designation to Forest is granted. The TC Zoning District is designated as an
8 implementing zone for the Forest designation and would be appropriate for a PCCP land use designation
9 of Forest. If approved, the subject property would be designated Forest in the PCCP and Plan Map. The
10 TC Zoning District for the subject area would be consistent with a Forest PCCP designation.

11 Applicant has not identified a specific use planned for the property if the zone change is approved
12 but has stated the property would be used consistent with the uses permitted within the TC Zoning
13 District. The uses normally allowed by the TC zone, are regulated under PCZO Chapter 177. The
14 minimum parcel size associated with the TC zone, 80 acres, is the same minimum parcel size associated
15 with the current EFU zoning. The subject property consists of approximately 315 acres which is large
16 enough to accommodate the proposed TC zone.

17 There have been no identified effects on local schools as a result of the proposed change. The
18 subject property is within a Fire Protection District and the Polk County Sheriff Department provides
19 emergency services. Staff concluded that there are adequate public facilities, services, and transportation
20 networks available at this time for the continued resource use of the property as provided by the PCZO
21 for the TC Zoning District.

22 The subject property is identified as containing significant resources for deer, elk, fish and riparian
23 area on the Polk County Significant Resource Areas Zoning Map and is therefore subject to the Significant
24 Resource Overlay Zone, PCZO Chapter 182. A large portion of Tax Lot 100 is located within an identified
25 floodplain (Luckiamute River), pursuant to Federal Emergency Management Agency (FEMA) Flood
26 Insurance Rate Map (FIRM) panel number 41053C0375F dated December 19, 2006. Based on a review of
27 the National Wetland Inventory map, Falls City quadrangle, staff identified wetlands on the subject
28 property associated with the Luckiamute River.

29 The applicant is not proposing development activity as part of this application. Prior to
30 development on the subject parcel, local, state and federal permits may be required.

31 Approval of this request would be consistent with the purpose and intent of the TC zone. As stated
32 above, the property shall be designated Forest in the PCCP as is proposed as part of PA 06-01 and zoned
33 TC as part of ZC 06-01.

34 **(C) The uses allowed in the proposed designation will not significantly adversely affect**
35 **allowed uses on adjacent lands; [PCZO 111.275 (C)]**

36 Applicant states that lands surrounding this parcel on the south and the east are currently
37 designated as Forest under the PCCP. These parcels are relatively large, or are comprised of several
38 smaller parcels under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and Solakian.
39 Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by Smith, and 107
40 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's property, as indicated
41 on aerial photographs, these parcels are currently managed as forest lands. To the west is the rural
42 community of Pedee, and some smaller parcels that are zoned EFU, along the Luckiamute. The uses
43 permitted in the TC zone are fully compatible with the lands surrounding the parcel on the south, east
44 and the majority of the northern boundary. The EFU zone to the west and along the northern boundary is
45 also a resource zone. Resource zones are generally considered to be compatible across boundaries. The
46 adjacent lands in the rural community are zoned for residential purposes. For the past few years, the 10
47 acre (more or less) area of the applicant's property adjacent to the residential area has been planted to
48 forest species. The remainder of the applicant's parcel lies east of the Luckiamute River. The effect of
49 these two buffering areas serves to isolate any uses from the residential area. In any case, the requested
50 zone is at least as compatible with residential uses as the existing zone. Therefore, the proposed change
51 is compatible with the adjacent uses and the permitted uses in those zones and cannot be expected to
52 have a significant adverse effect on the allowed uses on adjacent land.

53 Staff reported that properties in the vicinity of the subject property include other resource uses to

1 use in PCZO chapter 177. It can be safely assumed that the uses listed are consistent with the purpose
2 statement in the same chapter, as well as the PCZO Policies for Forest Lands, ORS Chapter 215, OAR 660-
3 006, ORS Chapter 527 and Goal 4 of the Statewide Planning Goals.

4 Applicant concurrently filed an application for a PCCP amendment. The applicant is responsible
5 for showing compliance with criteria for PCCP changes and in order for the zoning change to be
6 approved. The applicant proposes applying the TC Zoning District, if an approval of the proposed
7 amendment to the PCCP designation to Forest is granted. The TC Zoning District is designated as an
8 implementing zone for the Forest designation and would be appropriate for a PCCP land use designation
9 of Forest. If approved, the subject property would be designated Forest in the PCCP and Plan Map. The
10 TC Zoning District for the subject area would be consistent with a Forest PCCP designation.

11 Applicant has not identified a specific use planned for the property if the zone change is approved
12 but has stated the property would be used consistent with the uses permitted within the TC Zoning
13 District. The uses normally allowed by the TC zone, are regulated under PCZO Chapter 177. The
14 minimum parcel size associated with the TC zone, 80 acres, is the same minimum parcel size associated
15 with the current EFU zoning. The subject property consists of approximately 315 acres which is large
16 enough to accommodate the proposed TC zone.

17 There have been no identified effects on local schools as a result of the proposed change. The
18 subject property is within a Fire Protection District and the Polk County Sheriff Department provides
19 emergency services. Staff concluded that there are adequate public facilities, services, and transportation
20 networks available at this time for the continued resource use of the property as provided by the PCZO
21 for the TC Zoning District.

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24 Resource Overlay Zone, PCZO Chapter 182. A large portion of Tax Lot 100 is located within an identified
25 floodplain (Luckiamute River), pursuant to Federal Emergency Management Agency (FEMA) Flood
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27 the National Wetland Inventory map, Falls City quadrangle, staff identified wetlands on the subject
28 property associated with the Luckiamute River.

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30 development on the subject parcel, local, state and federal permits may be required.

31 Approval of this request would be consistent with the purpose and intent of the TC zone. As stated
32 above, the property shall be designated Forest in the PCCP as is proposed as part of PA 06-01 and zoned
33 TC as part of ZC 06-01.

34 **(C) The uses allowed in the proposed designation will not significantly adversely affect**
35 **allowed uses on adjacent lands; [PCZO 111.275 (C)]**

36 Applicant states that lands surrounding this parcel on the south and the east are currently
37 designated as Forest under the PCCP. These parcels are relatively large, or are comprised of several
38 smaller parcels under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and Solakian.
39 Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by Smith, and 107
40 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's property, as indicated
41 on aerial photographs, these parcels are currently managed as forest lands. To the west is the rural
42 community of Pedee, and some smaller parcels that are zoned EFU, along the Luckiamute. The uses
43 permitted in the TC zone are fully compatible with the lands surrounding the parcel on the south, east
44 and the majority of the northern boundary. The EFU zone to the west and along the northern boundary is
45 also a resource zone. Resource zones are generally considered to be compatible across boundaries. The
46 adjacent lands in the rural community are zoned for residential purposes. For the past few years, the 10
47 acre (more or less) area of the applicant's property adjacent to the residential area has been planted to
48 forest species. The remainder of the applicant's parcel lies east of the Luckiamute River. The effect of
49 these two buffering areas serves to isolate any uses from the residential area. In any case, the requested
50 zone is at least as compatible with residential uses as the existing zone. Therefore, the proposed change
51 is compatible with the adjacent uses and the permitted uses in those zones and cannot be expected to
52 have a significant adverse effect on the allowed uses on adjacent land.

53 Staff reported that properties in the vicinity of the subject property include other resource uses to

1	the north, east and south and unincorporated community uses; residential, commercial and industrial, to	10
2	the west. The properties with larger acreage interspersed to the north, east and south have historically	11
3	been used for agriculture and managed as forests, some of these larger acreage properties contain single-	12
4	family dwellings associated with the resource uses. Properties immediately to the west of the subject	13
5	property, within the Pedee Unincorporated Community are zoned Suburban Residential and are mostly	14
6	developed. The proposed zone change could be consistent with the surrounding land uses and pattern of	15
7	development in the area. Staff reports that the proposed zone change and PCCP amendment are	16
8	appropriate when taking into account surrounding land uses. As a result, staff concluded that the	17
9	application could meet this criterion, and the Hearings Officer agrees	18
10	(D) Adequate public facilities, services, and transportation networks are in place, or are	19
11	planned to be provided concurrently with the development of the property; [PCZO	20
12	111.275 (D)]	21
13	Applicant says adequate public facilities, services, and transportation networks are in place, or are	22
14	planned to be provided concurrently with development of the property.	23
15	Staff states that the proposed Forest PCCP designation would be implemented by the TC Zoning	24
16	District. The TC zoning would allow uses to occur on the subject property that are similar to the	25
17	resource uses currently allowed by the ERFU zoning. Uses that would require water and on-site sewer	26
18	(septic tank and drainfield) services could also be similarly accommodated. There have been no	27
19	identified effects on local schools as a result of the proposed change. Polk Rural Fire Protection District	28
20	1 and the Polk County Sheriff Department provide emergency services at the subject property.	29
21	Approval of this proposed PCCP amendment and zone change would not authorize the applicant to	30
22	establish a use that would exceed transportation, water and/or sewer services until such services are	31
23	planned or available. The application could meet this criterion.	32
24	(E) The proposed change is appropriate taking into consideration the following:	33
25	(a) Surrounding land uses,	34
26	(b) The density and pattern of development in the area,	35
27	(c) Any changes which may have occurred in the vicinity to support the	36
28	proposed amendment. [PCZO 111.275 (E) (1-3)]	37
29	Applicant contends that, as described previously, the surrounding land uses generally consist of	38
30	resource uses to the north, south and east. The uses on the subject property have been shifting toward	39
31	forest uses for the past 30 years, and farm uses are now confined to 69 acres. In addition, the subject	40
32	property is 77% Class I, II and III forest soils and contains soils suitable for commercial forest species on	41
33	85% of the property.	42
34	Staff reports that, as described above, the surrounding lands are designated resource lands to the	43
35	north, east and south of the subject property. To the west is the unincorporated community of Pedee.	44
36	Properties within this unincorporated community are small sized parcels, generally less than one acre,	45
37	and zoned for residential use. According to Polk County 2004 aerial photographs, these residential	46
38	properties are mostly developed with residential uses (Attachment "B" of the staff report). The proposed	47
39	TC zoning would allow for many of the same types of uses that are now currently allowed with the ERFU	48
40	zoning. Considering that the surrounding resource lands to the south and east are also zoned for forest	49
41	use, the uses allowed in both the ERFU and TC zones are similar in nature and the minimum parcel sizes	50
42	are the same for both zones, the proposed zone change would appear to maintain the density and pattern	
43	of development in the area.	
44	In Section II, 1(B) of the staff report, the applicant stated that the resource management of the	
45	subject property and surrounding properties in the area has changed from being agriculturally oriented to	
46	forestry oriented. The applicant also demonstrated that the soils on the subject property are soils that are	
47	more conducive to timber production than agricultural production. Staff finds that the proposed zone	
48	change and PCCP amendment are appropriate when taking into account surrounding land uses and	
49	changes that have been occurring in the area as described above. The application meets this criterion.	
50	(F) The proposal complies with any applicable intergovernmental agreement pertaining to	

1	the north, east and south and unincorporated community uses; residential, commercial and industrial, to	10
2	the west. The properties with larger acreage interspersed to the north, east and south have historically	11
3	been used for agriculture and managed as forests, some of these larger acreage properties contain single-	12
4	family dwellings associated with the resource uses. Properties immediately to the west of the subject	13
5	property, within the Pedee Unincorporated Community are zoned Suburban Residential and are mostly	14
6	developed. The proposed zone change could be consistent with the surrounding land uses and pattern of	15
7	development in the area. Staff reports that the proposed zone change and PCCP amendment are	16
8	appropriate when taking into account surrounding land uses. As a result, staff concluded that the	17
9	application could meet this criterion, and the Hearings Officer agrees	18
10	(D) Adequate public facilities, services, and transportation networks are in place, or are	19
11	planned to be provided concurrently with the development of the property; [PCZO	20
12	111.275 (D)]	21
13	Applicant says adequate public facilities, services, and transportation networks are in place, or are	22
14	planned to be provided concurrently with development of the property.	23
15	Staff states that the proposed Forest PCCP designation would be implemented by the TC Zoning	24
16	District. The TC zoning would allow uses to occur on the subject property that are similar to the	25
17	resource uses currently allowed by the EFU zoning. Uses that would require water and on-site sewer	26
18	(septic tank and drainfield) services could also be similarly accommodated. There have been no	27
19	identified effects on local schools as a result of the proposed change. Polk Rural Fire Protection District	28
20	1 and the Polk County Sheriff Department provide emergency services at the subject property.	29
21	Approval of this proposed PCCP amendment and zone change would not authorize the applicant to	30
22	establish a use that would exceed transportation, water and/or sewer services until such services are	31
23	planned or available. The application could meet this criterion.	32
24	(E) The proposed change is appropriate taking into consideration the following:	33
25	(a) Surrounding land uses,	34
26	(b) The density and pattern of development in the area,	35
27	(c) Any changes which have occurred in the vicinity to support the	36
28	proposed amendment. [PCZO 111.275 (E) (1-3)]	37
29	Applicant contends that, as described previously, the surrounding land uses generally consist of	38
30	resource uses to the north, south and east. The uses on the subject property have been shifting toward	39
31	forest uses for the past 30 years, and farm uses are now confined to 69 acres. In addition, the subject	40
32	property is 77% Class I, II and III forest soils and contains soils suitable for commercial forest species on	41
33	85% of the property.	42
34	Staff reports that, as described above, the surrounding lands are designated resource lands to the	43
35	north, east and south of the subject property. To the west is the unincorporated community of Pedee.	44
36	Properties within this unincorporated community are small sized parcels, generally less than one acre,	45
37	and zoned for residential use. According to Polk County 2004 aerial photographs, these residential	46
38	properties are mostly developed with residential uses (Attachment "B" of the staff report). The proposed	47
39	TC zoning would allow for many of the same types of uses that are now currently allowed with the EFU	48
40	zoning. Considering that the surrounding resource lands to the south and east are also zoned for forest	49
41	use, the uses allowed in both the EFU and TC zones are similar in nature and the minimum parcel sizes	50
42	are the same for both zones, the proposed zone change would appear to maintain the density and pattern	
43	of development in the area.	
44	In Section II, 1(B) of the staff report, the applicant stated that the resource management of the	
45	subject property and surrounding properties in the area has changed from being agriculturally oriented to	
46	forestry oriented. The applicant also demonstrated that the soils on the subject property are soils that are	
47	more conducive to timber production than agricultural production. Staff finds that the proposed zone	
48	change and PCCP amendment are appropriate when taking into account surrounding land uses and	
49	changes that have been occurring in the area as described above. The application meets this criterion.	
50	(F) The proposal complies with any applicable intergovernmental agreement pertaining to	

1 **urban growth boundaries and urbanizable land; and [PCZO 111.275 (F)]**

2 The subject property is not located within an Urban Growth Boundary. This criterion is therefore
3 not applicable to this request.

4 **(G) The proposal complies with Oregon Revised Statutes, all applicable statewide planning**
5 **goals and associated administrative rules. If an exception to one or more of the goals is**
6 **necessary, the exception criteria in Oregon Administrative Rules, Chapter 660,**
7 **Division 4 shall apply. [PCZO 111.275 (G)]**

8 Applicant notes that the PCCP has been acknowledged as complying with all applicable statutes,
9 planning goals and associated administrative rules, Goal 4, ORS 215, and 660-006 in particular. This
10 application is being processed under procedures acknowledged as consistent. The Polk County TC zone
11 uses mirror those of OAR 660-006. The applicant is not proposing any use other than those listed in
12 Goal 4, ORS 215 and OAR 660-006. OAR 660-006 specifically provides that no exception is required
13 when changing from one resource zone to another.

14 The proposed zone change and review of applicable ORS and OAR provisions have been
15 addressed in Section II, Number 2 of the staff report. Based on this review, along with information and
16 evidence submitted by the applicant, the Hearings Officer finds that the proposed amendment is in
17 compliance with these rules and statutes.

18 **H) The evidence submitted to support any committed exception shall, at a minimum,**
19 **include a current map, or aerial photograph which shows the exception area and**
20 **adjoining lands, and any other means needed to convey information about the factors**
21 **set forth in this rule. For example, a local government may use tables, charts,**
22 **summaries, or narratives to supplement the maps or photos. The applicable factors set**
23 **forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR**
24 **660-004-0028(7)]**

25 The applicant has adequately identified the subject property. A location map, aerial photographs
26 and zoning maps are available and have been included in the record for the proceedings (Attachments
27 "A", "B" and "C" of the staff report).

28 CONCLUSIONS

29 Based on the Review and Decision Criteria identified above, the applications submitted for the
30 proposed PCCP amendment and zone change;

- 31 (a) are following the proper review process through a public hearing before the Polk County
32 Hearings Officer for a recommendation to the Polk County Board of Commissioners,
33 (b) have findings to support the proposed change to the comprehensive plan designation,
34 (c) are compatible with the proposed zoning designation as stated in PCZO.

35 The proposed PCCP amendment and zone change applications could comply with the provisions
36 of law by the implementation of conditions.

37 RECOMMENDATIONS

38 Based on the evidence and information submitted into the record at the time of completion of the
39 Staff Report and brought forward at the public hearing, The Hearings Officer recommends to the Board
40 of Commissioners that the applications be APPROVED, as follows:

- 41 1. That the Board of Commissioners adopt the findings in favor of the PCCP amendment
42 application and change the PCCP Map designation from Agriculture to Forest, subject to the
43 following condition of approval:
44 (A) The Timber Conservation Zoning District shall be applied to the subject property.
45 2. That the Board of Commissioners adopt the findings in favor of the zone change application
46 and change the zoning classification from EFU to TC subject to the following conditions of

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urban growth boundaries and urbanizable land; and [PCZO 111.275 (F)]

The subject property is not located within an Urban Growth Boundary. This criterion is therefore not applicable to this request.

(G) The proposal complies with Oregon Revised Statutes, all applicable statewide planning goals and associated administrative rules. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply. [PCZO 111.275 (G)]

Applicant notes that the PCCP has been acknowledged as complying with all applicable statutes, planning goals and associated administrative rules, Goal 4, ORS 215, and 660-006 in particular. This application is being processed under procedures acknowledged as consistent. The Polk County TC zone uses mirror those of OAR 660-006. The applicant is not proposing any use other than those listed in Goal 4, ORS 215 and OAR 660-006. OAR 660-006 specifically provides that no exception is required when changing from one resource zone to another.

The proposed zone change and review of applicable ORS and OAR provisions have been addressed in Section II, Number 2 of the staff report. Based on this review, along with information and evidence submitted by the applicant, the Hearings Officer finds that the proposed amendment is in compliance with these rules and statutes.

H) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR 660-004-0028(7)]

The applicant has adequately identified the subject property. A location map, aerial photographs and zoning maps are available and have been included in the record for the proceedings (Attachments "A", "B" and "C" of the staff report).

CONCLUSIONS

Based on the Review and Decision Criteria identified above, the applications submitted for the proposed PCCP amendment and zone change;

- (a) are following the proper review process through a public hearing before the Polk County Hearings Officer for a recommendation to the Polk County Board of Commissioners,
- (b) have findings to support the proposed change to the comprehensive plan designation,
- (c) are compatible with the proposed zoning designation as stated in PCZO.

The proposed PCCP amendment and zone change applications could comply with the provisions of law by the implementation of conditions.

RECOMMENDATIONS

Based on the evidence and information submitted into the record at the time of completion of the Staff Report and brought forward at the public hearing, The Hearings Officer recommends to the Board of Commissioners that the applications be APPROVED, as follows:

- 1. That the Board of Commissioners adopt the findings in favor of the PCCP amendment application and change the PCCP Map designation from Agriculture to Forest, subject to the following condition of approval:
 - (A) The Timber Conservation Zoning District shall be applied to the subject property.
- 2. That the Board of Commissioners adopt the findings in favor of the zone change application and change the zoning classification from EFU to TC subject to the following conditions of

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approval:

- (A) Prior to development of the subject property, the property owner shall obtain all necessary permits from the Building and Environmental Health Divisions, and Public Works Department prior to release of building permits. These permits may include, but are not limited to the following: building, electrical and plumbing permits from the Polk County Building Division, septic installation permits from the Polk County Environmental Health Division, and an access permit from the Public Works Department.
- (B) Any development that occurs on the subject property must be established in accordance with the provisions for development within the TC Zone, as follows: [PCZO 177.170 and

Front Setback	Side and Rear Setback	Maximum Height
30	80	100

Dallas, Oregon, February 26, 2007.


Robert W. Oliver
Polk County Hearings Officer

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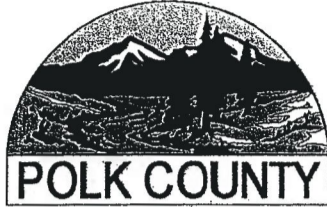
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Dallas, Oregon, February 26, 2007.


Robert W. Oliver
Polk County Hearings Officer



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338-3182

(503) 623-9237 ★ FAX (503) 623-6009

AUSTIN MCGUIGAN

DIRECTOR

Staff Report

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FILE NUMBERS: Plan Amendment PA 06-01 and Zone Change ZC 06-01

OWNER: Phillip Kendall Cates

TYPE OF APPLICATIONS: 1) A Comprehensive Plan Map amendment from Agriculture to Forest.
2) A Zoning Map amendment from Exclusive Farm Use (EFU) to Timber Conservation (TC). Both zones have a minimum lot size of 80-acres.

LOCATION: The subject tract is located one property east of 18745 Depot Street, Monmouth, Oregon (Assessment Map T9S R6W Section 34, Tax Lot 100 and T9S R6W Section 27, Tax Lot 800).

REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance Sections 115.050, 111.140, 111.275, 177.010; and Oregon Administrative Rules (OAR) 660-006-0000 and 660-012-0060.

HEARING DATE AND TIME: February 13, 2007; 6:00 p.m.

HEARING LOCATION: Hearing/Conference Room, First Floor, Polk County Courthouse, 850 Main Street, Dallas, Oregon

POLK COUNTY CONTACT: Austin McGuigan (503) 623-9237

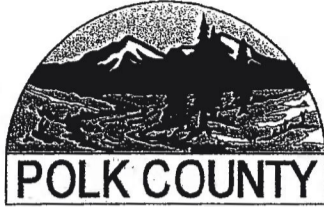
SECTION I: PROJECT AND PROPERTY DESCRIPTION

The applicant is proposing to change the existing Comprehensive Plan designation from Agriculture to Forest and to change the existing zoning classification of Exclusive Farm Use (EFU) to Timber Conservation (TC) on the subject property containing approximately 315.00-acres. The Comprehensive Plan Map amendment does not require an Exception to Statewide Planning Goals. Approval of the proposed Zone and Comprehensive Plan designation change would mean the subject property would become subject to Goal 4 (Forest Lands) and would no longer be subject to Goal 3 (Agriculture). The location of the subject property is identified on the area map (Attachment A).

The application was submitted complete on February 17, 2006. On October 6, 2006, the application was placed on hold by the applicant. On January 9, 2007, the applicant requested the application be taken off hold and reactivated. The Department of Land Conservation and Development (DLCD) 45-day notice was sent September 21, 2006.

The applicant states that although the property is zoned EFU, timbering operations have occurred on the majority of the property since 1972. The applicant is planting additional areas to trees and desires to change the Comprehensive Plan and zoning of the property to better reflect the historical, present and future use of the property.

EXHIBIT B



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338-3182

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DIRECTOR

Staff Report

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3 **FILE NUMBERS:** Plan Amendment PA 06-01 and Zone Change ZC 06-01
4 **OWNER:** Phillip Kendall Cates
5 **TYPE OF APPLICATIONS:** 1) A Comprehensive Plan Map amendment from Agriculture to
6 Forest.
7 2) A Zoning Map amendment from Exclusive Farm Use (EFU) to
8 Timber Conservation (TC). Both zones have a minimum lot size of
9 80-acres.
10 **LOCATION:** The subject tract is located one property east of 18745 Depot Street,
11 Monmouth, Oregon (Assessment Map T9S R6W Section 34, Tax
12 Lot 100 and T9S R6W Section 27, Tax Lot 800).
13 **REVIEW AND**
14 **DECISION CRITERIA:** Polk County Zoning Ordinance Sections 115.050, 111.140,
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22

SECTION I: PROJECT AND PROPERTY DESCRIPTION

23 The applicant is proposing to change the existing Comprehensive Plan designation from Agriculture to
24 Forest and to change the existing zoning classification of Exclusive Farm Use (EFU) to Timber
25 Conservation (TC) on the subject property containing approximately 315.00-acres. The Comprehensive
26 Plan Map amendment does not require an Exception to Statewide Planning Goals. Approval of the
27 proposed Zone and Comprehensive Plan designation change would mean the subject property would
28 become subject to Goal 4 (Forest Lands) and would no longer be subject to Goal 3 (Agriculture). The
29 location of the subject property is identified on the area map (Attachment A).

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35 majority of the property since 1972. The applicant is planting additional areas to trees and desires to
36 change the Comprehensive Plan and zoning of the property to better reflect the historical, present and
37 future use of the property.

38

1 **Table 1. Comprehensive Plan Designations, Zoning Classifications and land uses for the subject**
 2 **property and surrounding area properties.**

ZONING:	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment B)	Land Uses
Subject Parcel	Agriculture	Exclusive Farm Use (EFU)	Timber operations and one farm building
Property North	Agriculture	EFU	Farm/Forest uses and related dwellings
Property South	Forest	Timber Conservation (TC)	Timber operations
Property East	Agriculture	EFU and TC	Agriculture and timber operations
Property West	Unincorporated Community (UC) Residential, UC Commercial and Agriculture	UC-Commercial General UC-Suburban Residential EFU	Residential and commercial in the Pedee UC

3 **PROPERTY DESCRIPTION:**

4 The subject property is located on the east side of Kings Valley Highway (State Highway 223) and
 5 immediately east of the unincorporated community of Pedee. The property has no situs address but is
 6 located at one property east of 18745 Depot Street, Monmouth, Oregon (Assessment Map T9S R6W
 7 Section 34, Tax Lot 100 and T9S R6W Section 27, Tax Lot 800). See maps, Attachments A, B and C.

8 The subject parcels (Tax Lots 100 and 800) were lawfully created as separate parcels. Tax Lot 100 was
 9 created by Warranty Deed recorded in the records of Polk County as Book of Record 119 Page 612 on
 10 April 7, 1945. This parcel is currently described in a Warranty Deed recorded as Polk County
 11 Instrument No. 2000-6138 on June 6, 2000.

12 Tax Lot 800 is remnant property from the Valley and Siletz Railroad Company railroad right of way and
 13 described as a separate parcel by Quitclaim Deed recorded in the records of Polk County as Book of
 14 Record 185 Page 272 on March 4, 1985. The property was deeded to the current owner in a Bargain and
 15 Sale Deed recorded as Polk County Book of Record 189 Page 1095 recorded on September 11, 1985.

16 The subject parcels are identified as containing significant resources for deer, elk, fish and riparian area on
 17 the Polk County Significant Resource Areas Zoning Map and are therefore subject to the Significant
 18 Resource Overlay Zone, PCZO Chapter 182. A large portion of Tax Lot 100 is located within an identified
 19 floodplain (Luckiamute River), pursuant to Federal Emergency Management Agency (FEMA) Flood
 20 Insurance Rate Map (FIRM) panel number 41053C0375F dated December 19, 2006. Based on a review of
 21 the National Wetland Inventory map, Falls City quadrangle, staff finds identified wetlands on the subject
 22 property associated with the Luckiamute River.

23 The Luckiamute River meanders across the western area of the property. According to Polk County
 24 property assessment records, the property is unimproved except for a farm building (Attachment E). The
 25 2004 Polk County aerial photograph of the property shows that approximately 60-acres are farmed and
 26 the remainder of property, approximately 255-acres, is forested.

27 The topography of the subject property is generally level with increased slopes on the southeastern
 28 portion of Tax Lot 100. The Polk County Geographic Information System (GIS) identifies an area along
 29 the southeastern property line that contains steep slopes greater than 35% and where landslides might
 30 occur.

31 Soil characteristics of the subject property are identified in the Natural Resources Conservation Service
 32 Soil Survey of Polk County, Oregon. The list of soil types found on the subject property and a detailed
 33 soil analysis was generated using the Polk County Geographic Information System (GIS). The results of
 34 this analysis indicate that the property contains predominantly high value agricultural soil which also has
 35 a forest productivity value capable of producing 22,906.61 cubic feet of wood fiber per year (Attachment

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1. Findings for Comprehensive Plan Amendment file PA 06-01:

**Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:
[PCZO 115.050(A)]**

(A) The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error, or [PCZO 115.050(A)(1)]

Applicant Findings: Current evidence, provided in attachments, indicates that 77% of this parcel is comprised of soils that are highly productive forest soils. These soils meet the criterion of Class I, II or III forest soils by NRCS data. Another 8% of the soils are also assessed as commercial forest land by a certified forester, bringing the total to 85%. The NRCS soils data also indicates that a considerable, though lesser, percentage of these soils are also class I through IV agricultural soils as defined in Goal 3. Although an error may have occurred in the original designation of these lands as Agriculture, the applicant does not base his application on that criterion.

(B) The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]

Applicant Findings: The 315-acre subject property is located in an area of the Luckiamute River Valley that, at the time of the adoption of the County Comprehensive Plan, had several small farms (including the subject property) that were producing row crops of various types, including beans, sweet corn and other cannery crops in addition to small grains. The applicant's farm produced these crops on 70 acres of bottom ground. According to the applicant's records, these crops were capable of producing a gross income of approximately \$600 to \$700 per acre. Some were capable of producing over \$800 per acre. Over the past 40 years, however, this valley and others feeding the Willamette Valley have ceased to produce these crops primarily due to competition from other areas and the closing of most of the canneries in the Willamette Valley. Today, these same lands are producing grass seed that produces a gross income of approximately \$500 per acre. Thus, the land is now producing crops of less value, even without accounting for inflation, than it did 30 to 40 years prior.

Prior to 1972, some of the subject property had been used for livestock production in the form of hillside pastures. During the 1960's the applicant's father determined that these livestock operations were no longer feasible, and abandoned those areas to forest uses.

The majority of the parcel, approximately 200 acres, has been used since 1972 for the production of timber, predominantly Douglas Fir. This has been the most productive commercial crop on most of this acreage, primarily because its northerly slopes are conducive to forest production, and because the price of timber has been steadily rising. This market appears to be solid and is estimated by industry experts to continue to rise as the demand for lumber increases, and the public supply of timber remains severely constrained.

Currently, the owner leases 69 acres of the lower elevation lands for grass seed production for less than \$100 per acre, for a net income of less than \$7000 per year.

The property owner is currently planting several areas within the bottom land to tree species that will produce forest products and the acreage is gradually changing into forest production.

Along with this conversion to a longer term commercial crop, there is an increased need for a continuing income stream from recreational activities that are afforded by the increased habitat on forest lands. These recreational opportunities are better accommodated under the forest goal, than the agricultural goal.

Based upon the above findings, the applicant claims that circumstances have changed on the parcel and in the surrounding area.

Staff Findings: The subject property is located within the Agriculture Comprehensive Plan designation. The applicant is proposing to change the Comprehensive Plan designation to Forest. As depicted in Table 1, surrounding properties are designated Unincorporated Community, Agriculture and Forest in

1
2 **1. Findings for Comprehensive Plan Amendment file PA 06-01:**

3 **Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:**
4 [PCZO 115.050(A)]

5 (A) **The Comprehensive Plan designation is erroneous and the proposed amendment**
6 **would correct the error, or [PCZO 115.050(A)(1)]**

7 Applicant Findings: Current evidence, provided in attachments, indicates that 77% of this parcel is
8 comprised of soils that are highly productive forest soils. These soils meet the criterion of Class I,
9 II or III forest soils by NRCS data. Another 8% of the soils are also assessed as commercial forest
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11 considerable, though lesser, percentage of these soils are also class I through IV agricultural soils
12 as defined in Goal 3. Although an error may have occurred in the original designation of these
13 lands as Agriculture, the applicant does not base his application on that criterion.

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15 **conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

16 Applicant Findings: The 315-acre subject property is located in an area of the Luckiamute River
17 Valley that, at the time of the adoption of the County Comprehensive Plan, had several small farms
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19 sweet corn and other cannery crops in addition to small grains. The applicant's farm produced
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26 land is now producing crops of less value, even without accounting for inflation, than it did 30 to
27 40 years prior.

28 Prior to 1972, some of the subject property had been used for livestock production in the form of
29 hillside pastures. During the 1960's the applicant's father determined that these livestock
30 operations were no longer feasible, and abandoned those areas to forest uses.

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33 most of this acreage, primarily because its northerly slopes are conducive to forest production, and
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35 estimated by industry experts to continue to rise as the demand for lumber increases, and the public
36 supply of timber remains severely constrained.

37 Currently, the owner leases 69 acres of the lower elevation lands for grass seed production for less
38 than \$100 per acre, for a net income of less than \$7000 per year.

39 The property owner is currently planting several areas within the bottom land to tree species that
40 will produce forest products and the acreage is gradually changing into forest production.

41 Along with this conversion to a longer term commercial crop, there is an increased need for a
42 continuing income stream from recreational activities that are afforded by the increased habitat on
43 forest lands. These recreational opportunities are better accommodated under the forest goal, than
44 the agricultural goal.

45 Based upon the above findings, the applicant claims that circumstances have changed on the parcel
46 and in the surrounding area.

47 Staff Findings: The subject property is located within the Agriculture Comprehensive Plan designation.
48 The applicant is proposing to change the Comprehensive Plan designation to Forest. As depicted in
49 Table 1, surrounding properties are designated Unincorporated Community, Agriculture and Forest in

1 the Comprehensive Plan.

2 Based on statements and evidence submitted by the applicant, the changing conditions in the
3 surrounding area are related to changes that have occurred within the agricultural industry that, based on
4 characteristics of the subject property, necessitated the property owner to apply to change the resource
5 use from agriculture to forest in order to take better advantage of both the changing industry trends and
6 to make the best use of the property.

7 The applicant has submitted a *Soils Woodland Suitability Report* to document the predominance of soils
8 suitable for forest use (Attachment F). The applicant's above-described factors and evidence,
9 demonstrates that substantial changes have occurred in the surrounding area that could constitute
10 changing the PCCP designation of the subject property.

11 (C) **The purpose of the Comprehensive Plan will be carried out through approval of the**
12 **proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]**

13 (1) **Evidence that the proposal conforms to the intent of relevant goals and**
14 **policies in the Comprehensive Plan and the purpose and intent of the**
15 **proposed land use designation. [PCZO 115.050(A)(3)(a)]**

16 Applicant Findings: Section 2 of the PCCP provides the following applicable goals and policies:

17 **Goals:**

18 **Citizen Involvement:** The citizen involvement policies are implemented by the County
19 Code which requires all of the notification and participation of the Statewide Planning Goals
20 (GOALS) and has been acknowledged as consistent with these Goals. This application is being
21 processed pursuant to those policies, and their implementing ordinances.

22 The application is consistent with the citizen involvement element.

23 **Forest Element:** The PCCP states two goals for the forest element: First: To conserve and
24 protect, and encourage the management of forest lands for continued timber production, harvesting
25 and related uses. Second: To conserve and protect watersheds, fish and wildlife habitats, riparian
26 areas and other such uses associated with forest lands. Under these goals the plan establishes the
27 policies under the following three general categories: Resource Preservation, Resource
28 Management and Recreation:

29 **PCCP Section 2-C; Forest Land - Resource Preservation Policies:**

30 ***Policy 1.1; Polk County will provide for the protection of productive forest lands. Designated***
31 ***forest lands will be areas defined as one of the following:***

- 32 (1) ***Predominately Forest Site Class I, II and III, for Douglas Fir as classified by the U.S.***
33 ***Soil Conservation Service;***
34 (2) ***Suitable for commercial forest use;***

35 Applicant Findings: The applicant has provided a soils woodland suitability report prepared by a
36 certified forester. In summary, this report, using U.S. Natural Resource Conservation Service
37 (NRCS) data, establishes that 77% of the soils on this parcel are Class II and Class III forest soils.
38 In addition the Chehalis Soils are noted as not listed in the NRCS data, but investigated and
39 indicating 90% forest suitability. This raises the total commercial forest suitability on the parcel to
40 85%. When one considers that another 10.8 percent of the parcel is comprised of the water of the
41 Luckiamute River and the Xerofluvents soils immediately adjacent to that river, neither of which
42 are suitable for either farm or forest use, then the area of the parcel suitable for any commercial use
43 is 96% forest suitable. The parcel is predominantly forest site class I, II and III and is 85% suitable
44 for commercial forest use. Criteria 1 and 2 are satisfied.

45 (3) ***In predominately commercial forest use and predominately owned by public agencies and***
46 ***private timber companies;***

47 Applicant Findings: In addition, the subject property is a relatively large parcel owned by the
48 applicant. The applicant has been harvesting timber from this property for the past ten years, and
49 the applicant's father has harvested from time to time since the family ownership began in 1945.

1 the Comprehensive Plan.

2 Based on statements and evidence submitted by the applicant, the changing conditions in the
3 surrounding area are related to changes that have occurred within the agricultural industry that, based on
4 characteristics of the subject property, necessitated the property owner to apply to change the resource
5 use from agriculture to forest in order to take better advantage of both the changing industry trends and
6 to make the best use of the property.

7 The applicant has submitted a *Soils Woodland Suitability Report* to document the predominance of soils
8 suitable for forest use (Attachment F). The applicant's above-described factors and evidence,
9 demonstrates that substantial changes have occurred in the surrounding area that could constitute
10 changing the PCCP designation of the subject property.

11 (C) The purpose of the Comprehensive Plan will be carried out through approval of the
12 proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]

13 (1) Evidence that the proposal conforms to the intent of relevant goals and
14 policies in the Comprehensive Plan and the purpose and intent of the
15 proposed land use designation. [PCZO 115.050(A)(3)(a)]

16 Applicant Findings: Section 2 of the PCCP provides the following applicable goals and policies:

17 **Goals:**

18 **Citizen Involvement:** The citizen involvement policies are implemented by the County
19 Code which requires all of the notification and participation of the Statewide Planning Goals
20 (GOALS) and has been acknowledged as consistent with these Goals. This application is being
21 processed pursuant to those policies, and their implementing ordinances.

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27 policies under the following three general categories: Resource Preservation, Resource
28 Management and Recreation:

29 **PCCP Section 2-C; Forest Land - Resource Preservation Policies:**

30 ***Policy 1.1; Polk County will provide for the protection of productive forest lands. Designated***
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46 ***private timber companies;***

47 Applicant Findings: In addition, the subject property is a relatively large parcel owned by the
48 applicant. The applicant has been harvesting timber from this property for the past ten years, and
49 the applicant's father has harvested from time to time since the family ownership began in 1945.

1 Portions harvested have been or are being replanted to forest species. The areas being reforested lie
2 predominantly on the eastern and southern areas of the property, on northerly sloping ground. They
3 comprise approximately 188 acres or 60% of the parcel. In addition to these areas, approximately
4 15 acres of the lower lying areas, containing the Cloquato, Newberg and Chehalis soils, have
5 recently been planted to forest species, such as Douglas Fir and Red Alder. Approximately 205
6 acres or 65% of the total acreage is under active forest management. Approximately 69 acres or
7 22% is leased for grass farming. The remaining 13% is unproductive area, the river and its
8 adjacent riparian area. Based on these facts, the subject property is predominantly in commercial
9 forest use, and is owned by a private timber operator. Therefore, Criteria 3 is satisfied.

10 **(4) Cohesive forest areas with large parcels;**

11 Applicant Findings: Lands surrounding this parcel on the south and the east are currently
12 designated as Forest under the PCCP. These parcels are relatively large, or are comprised of
13 several smaller parcels under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and
14 Solakian. Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by
15 Smith, and 107 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's
16 property, as indicated on aerial photographs, these parcels are currently managed as forest lands.
17 To the west is the rural community of Pedee, and some smaller parcels that are zoned EFU, along
18 the Luckiamute.

19 **(5) Necessary for watershed protection;**

20 **(6) Potential reforestation areas; and**

21 **(7) Wildlife and fishery habitat areas, potential and existing recreation areas or those having**
22 **scenic significance.**

23 Applicant Findings: As previously stated, approximately 2.7% of this parcel contains waters of the
24 Luckiamute River. Another 8.1% is frequently flooded riparian area. The parcel has a total river
25 frontage of approximately one mile. Thus there is a considerable frontage along fish habitat and a
26 considerable amount of riverine associated wildlife habitat. This parcel is farmed on both sides of
27 the Luckiamute River. Designation as Forest will encourage management of this area for timber
28 uses, which increase shade and habitat values. The Luckiamute is not identified in the PCCP as
29 1C, 3A, B, or C resource under goal 5 protection, nor are there any other Goal 5 resources
30 identified on the property.

31 Although there are no Goal 5 resources identified on the parcel and the Luckiamute is not a water
32 of concern for goal 5 protections, the designation of this parcel as timberland will encourage
33 timber management along a mile of stream and will encourage improvement of habitat values as
34 well as potential recreational use. Criteria 5, 6, and 7 are satisfied.

35 Based on the above findings, the applicant concludes that the proposed PCCP amendment is
36 consistent with these policies.

37 ***Policy 1.2; Polk County shall designate forest lands on the Comprehensive Plan Map consistent***
38 ***with Goal 4 and OAR 660 Division 6.***

39 Applicant Findings: Goal 4 defines forest lands as follows: Forest lands are those lands
40 acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is
41 not acknowledged or a plan amendment involving forest lands is proposed, forest land shall
42 include lands which are suitable for commercial forest uses including adjacent or nearby lands
43 which are necessary to permit forest operations or practices and other forested lands that maintain
44 soil, air, water and fish and wildlife resources.

45 Since a plan amendment is requested, the lands must be suitable for commercial forest uses. The
46 applicant has provided a professional assessment that concludes that the parcel is 85% suitable for
47 commercial forest uses for species identified as commercial species under the Oregon Forest
48 Practices Act (ORS 527). The subject property meets the definition of Forest Lands in Goal 4.

49 Goal 4 further provides uses, implementation standards and guidelines for comprehensive plans to
50 be consistent with Goal 4. The PCCP forest element has been acknowledged as consistent with
51 Goal 4. Further, the standards and uses in the PCCP mirror the standards indicated in Goal 4. If

1 Portions harvested have been or are being replanted to forest species. The areas being reforested lie
2 predominantly on the eastern and southern areas of the property, on northerly sloping ground. They
3 comprise approximately 188 acres or 60% of the parcel. In addition to these areas, approximately
4 15 acres of the lower lying areas, containing the Cloquato, Newberg and Chehalis soils, have
5 recently been planted to forest species, such as Douglas Fir and Red Alder. Approximately 205
6 acres or 65% of the total acreage is under active forest management. Approximately 69 acres or
7 22% is leased for grass farming. The remaining 13% is unproductive area, the river and its
8 adjacent riparian area. Based on these facts, the subject property is predominantly in commercial
9 forest use, and is owned by a private timber operator. Therefore, Criteria 3 is satisfied.

10 **(4) Cohesive forest areas with large parcels;**

11 Applicant Findings: Lands surrounding this parcel on the south and the east are currently
12 designated as Forest under the PCCP. These parcels are relatively large, or are comprised of
13 several smaller parcels under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and
14 Solakian. Parcels to the north are designated as Agriculture. These parcels are 144 acres owned by
15 Smith, and 107 acres owned by Weyerhaeuser. For the majority of the frontage on the applicant's
16 property, as indicated on aerial photographs, these parcels are currently managed as forest lands.
17 To the west is the rural community of Pedee, and some smaller parcels that are zoned EFU, along
18 the Luckiamute.

19 **(5) Necessary for watershed protection;**

20 **(6) Potential reforestation areas; and**

21 **(7) Wildlife and fishery habitat areas, potential and existing recreation areas or those having**
22 **scenic significance.**

23 Applicant Findings: As previously stated, approximately 2.7% of this parcel contains waters of the
24 Luckiamute River. Another 8.1% is frequently flooded riparian area. The parcel has a total river
25 frontage of approximately one mile. Thus there is a considerable frontage along fish habitat and a
26 considerable amount of riverine associated wildlife habitat. This parcel is farmed on both sides of
27 the Luckiamute River. Designation as Forest will encourage management of this area for timber
28 uses, which increase shade and habitat values. The Luckiamute is not identified in the PCCP as
29 1C, 3A, B, or C resource under goal 5 protection, nor are there any other Goal 5 resources
30 identified on the property.

31 Although there are no Goal 5 resources identified on the parcel and the Luckiamute is not a water
32 of concern for goal 5 protections, the designation of this parcel as timberland will encourage
33 timber management along a mile of stream and will encourage improvement of habitat values as
34 well as potential recreational use. Criteria 5, 6, and 7 are satisfied.

35 Based on the above findings, the applicant concludes that the proposed PCCP amendment is
36 consistent with these policies.

37 ***Policy 1.2; Polk County shall designate forest lands on the Comprehensive Plan Map consistent***
38 ***with Goal 4 and OAR 660 Division 6.***

39 Applicant Findings: Goal 4 defines forest lands as follows: Forest lands are those lands
40 acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is
41 not acknowledged or a plan amendment involving forest lands is proposed, forest land shall
42 include lands which are suitable for commercial forest uses including adjacent or nearby lands
43 which are necessary to permit forest operations or practices and other forested lands that maintain
44 soil, air, water and fish and wildlife resources.

45 Since a plan amendment is requested, the lands must be suitable for commercial forest uses. The
46 applicant has provided a professional assessment that concludes that the parcel is 85% suitable for
47 commercial forest uses for species identified as commercial species under the Oregon Forest
48 Practices Act (ORS 527). The subject property meets the definition of Forest Lands in Goal 4.

49 Goal 4 further provides uses, implementation standards and guidelines for comprehensive plans to
50 be consistent with Goal 4. The PCCP forest element has been acknowledged as consistent with
51 Goal 4. Further, the standards and uses in the PCCP mirror the standards indicated in Goal 4. If

1 this application is found to be consistent with the Forest Element of the PCCP, it has been
2 acknowledged as consistent with Statewide Planning Goal 4.

3 OAR 660 Division 6 establishes the following purpose and implementation guidance. “(1) the
4 purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative policy
5 of ORS 215.700. (2) To accomplish the purpose of conserving forest lands, the governing body
6 shall: (a) Designate forest lands on the comprehensive plan map as forest lands consistent with
7 Goal 4 and OAR Chapter 660, Division 6; (b) Zone forest lands for uses allowed pursuant to OAR
8 Chapter 660, Division 6 on designated forest lands; and (c) Adopt plan policies consistent with
9 OAR Chapter 660, Division 6.”

10 ORS 215.700 permits the establishment of dwellings on forest and farm lands under certain
11 circumstances of ownership. There is no application for a dwelling, here.

12 The County PCCP policies have been acknowledged as consistent with OAR 660. Uses specified
13 in the PCCP and its implementing ordinances mirror the uses specified in Division 6.

14 The County Plan and policies provide criteria to assess the validity of amendments to the plan. If
15 the amendment is found to be consistent with County Plan Policies, the application can be
16 assumed to be consistent with Division 6.

17 OAR 660-006-015 establishes the criteria for designation of forest lands outside urban boundaries,
18 as is the case here.

19 OAR 660.006.15(1) requires that, “... The plan shall describe the zoning designation(s) applied to
20 forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will
21 be applied.”

22
23 The PCCP, in its forest element resource preservation policies, cited above, clearly describes the
24 purposes and criteria for the Forest designation and zone and provides clear criteria for application
25 of the designation and zone. The applicant contends that the evidence provided meets the criteria
26 of being predominantly commercial forest land, that the proposed amendment is consistent with
27 OAR 660.006.015(1) and does not require an exception.

28 OAR 660.006.15 (2) states, “When lands satisfy the definition requirements of both agricultural
29 land and forest land, an exception is not required to show why one resource designation is chosen
30 over another. The plan need only document the factors that were used to select an agricultural,
31 forest, agricultural/forest, or other appropriate designation.” The PCCP indicates the factors used
32 in determining that a parcel is forest land under the Forest designation, as cited above. The primary
33 indicator is that it is comprised predominantly of forest lands in Cubic Foot Site Class I, II, and III.
34 As found above, 77% of this parcel meets that criteria, and 85% of the parcel meets the definition
35 of “suitable for commercial forest uses” as defined by Goal 4. Therefore, the application of the
36 Forest designation to this parcel is consistent with OAR 660.006.015(2).

37 ***Policies 1.3 through 1.7***

38 Applicant Findings: These policies apply to action to be taken and use to be permitted on lands
39 that have been designated as forest lands under Statewide Planning Goal 4 and the implementing
40 administrative rules. The application here is to designate lands as Forest lands and there are no
41 specific uses requested with this application. PCCP forest policies 1.3 through 1.7 and the
42 attendant uses described will become applicable to these lands upon designation, but are not
43 specifically applicable to the decision to designate resource lands for forest uses.

44 ***Policy 1.8; Polk county will encourage the conservation and protection of watersheds and fish
45 and wildlife habitats on forest lands in Polk County in accordance with the Oregon Forest
46 Practices Act.***

47 ***Policy 1.9; Polk County will discourage the construction of new roads within areas designated
48 as forest lands, with the exception of secondary roads necessary for harvesting purposes.***

49 Staff Findings: These policies were not addressed in the applicant’s findings but appear to be applicable
50 to the proposed amendment. The PCCP policies for the Forest designation (Goal 4) appear to be more

1 this application is found to be consistent with the Forest Element of the PCCP, it has been
2 acknowledged as consistent with Statewide Planning Goal 4.

3 OAR 660 Division 6 establishes the following purpose and implementation guidance. “(1) the
4 purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative policy
5 of ORS 215.700. (2) To accomplish the purpose of conserving forest lands, the governing body
6 shall: (a) Designate forest lands on the comprehensive plan map as forest lands consistent with
7 Goal 4 and OAR Chapter 660, Division 6; (b) Zone forest lands for uses allowed pursuant to OAR
8 Chapter 660, Division 6 on designated forest lands; and (c) Adopt plan policies consistent with
9 OAR Chapter 660, Division 6.”

10 ORS 215.700 permits the establishment of dwellings on forest and farm lands under certain
11 circumstances of ownership. There is no application for a dwelling, here.

12 The County PCCP policies have been acknowledged as consistent with OAR 660. Uses specified
13 in the PCCP and its implementing ordinances mirror the uses specified in Division 6.

14 The County Plan and policies provide criteria to assess the validity of amendments to the plan. If
15 the amendment is found to be consistent with County Plan Policies, the application can be
16 assumed to be consistent with Division 6.

17 OAR 660-006-015 establishes the criteria for designation of forest lands outside urban boundaries,
18 as is the case here.

19 OAR 660.006.15(1) requires that, “... The plan shall describe the zoning designation(s) applied to
20 forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will
21 be applied.”

22
23 The PCCP, in its forest element resource preservation policies, cited above, clearly describes the
24 purposes and criteria for the Forest designation and zone and provides clear criteria for application
25 of the designation and zone. The applicant contends that the evidence provided meets the criteria
26 of being predominantly commercial forest land, that the proposed amendment is consistent with
27 OAR 660.006.015(1) and does not require an exception.

28 OAR 660.006.15 (2) states, “When lands satisfy the definition requirements of both agricultural
29 land and forest land, an exception is not required to show why one resource designation is chosen
30 over another. The plan need only document the factors that were used to select an agricultural,
31 forest, agricultural/forest, or other appropriate designation.” The PCCP indicates the factors used
32 in determining that a parcel is forest land under the Forest designation, as cited above. The primary
33 indicator is that it is comprised predominantly of forest lands in Cubic Foot Site Class I, II, and III.
34 As found above, 77% of this parcel meets that criteria, and 85% of the parcel meets the definition
35 of “suitable for commercial forest uses” as defined by Goal 4. Therefore, the application of the
36 Forest designation to this parcel is consistent with OAR 660.006.015(2).

37 ***Policies 1.3 through 1.7***

38 ***Applicant Findings:*** These policies apply to action to be taken and use to be permitted on lands
39 that have been designated as forest lands under Statewide Planning Goal 4 and the implementing
40 administrative rules. The application here is to designate lands as Forest lands and there are no
41 specific uses requested with this application. PCCP forest policies 1.3 through 1.7 and the
42 attendant uses described will become applicable to these lands upon designation, but are not
43 specifically applicable to the decision to designate resource lands for forest uses.

44 ***Policy 1.8; Polk county will encourage the conservation and protection of watersheds and fish***
45 ***and wildlife habitats on forest lands in Polk County in accordance with the Oregon Forest***
46 ***Practices Act.***

47 ***Policy 1.9; Polk County will discourage the construction of new roads within areas designated***
48 ***as forest lands, with the exception of secondary roads necessary for harvesting purposes.***

49 ***Staff Findings:*** These policies were not addressed in the applicant’s findings but appear to be applicable
50 to the proposed amendment. The PCCP policies for the Forest designation (Goal 4) appear to be more

1 conservation oriented than the Agriculture designation (Goal 3). Although Policies 1.8 and 1.9 were not
2 specifically addressed in the applicant's findings, they were addressed indirectly in applicant's responses
3 to other conservation related policies below in the Resource Management policy section 2.

4 The applicant states that in the process of continued forestation of the property, more trees would be
5 planted in the riparian areas. In addition, the applicant plans to enhance fisheries habitat by providing
6 greater shade in riparian areas thereby decreasing water temperatures. No new roads are proposed by this
7 application. This policy is implemented by the PCZO through the Timber Conservation zoning,
8 Significant Resources Overlay and their corresponding development standards. This application could
9 comply with these stated policies.

10 **PCCP Section 2-C; Forest Lands - Resource Management Policies:**

11 ***Policy 2.1; Polk County will promote the efficient management of its timber resources to ensure***
12 ***a sustained yield of forest products, adequate grazing areas for domestic livestock, wildlife***
13 ***habitat, protection of watershed areas, and the provision of recreational activities.***

14 Applicant Findings: The applicant has provided a professional analysis of soils that shows 85% of
15 this parcel to be commercial forest lands. Under the current land use laws, any farm use as defined
16 by ORS 215.203 is also permitted in forest lands. The applicant intends to continue with the
17 forestation of lands that are commercially productive. He also intends to continue planting trees in
18 the riparian areas. He further intends to provide some small scale grain, or hay harvest on certain
19 areas where these activities are commercially viable. In the process of doing this, the applicant
20 plans to enhance fisheries habitat by providing greater shade in riparian areas. He also will create
21 more edge habitat in the currently farmed areas by planting forest species where appropriate. He
22 intends to utilize this habitat improvement through recreational hunting and fishing uses. He also
23 intends to continue grass seed production where that is viable. Changing the subject property
24 designation to Forest will meet the purpose of the forest resource management policy. The
25 application is consistent with Forest Policy 2.1.

26 ***Policies 2.2 through 2.7***

27 Applicant Findings: Forest resource management policies 2.2 through 2.7 generally require the
28 County to promote and encourage multiple uses and reforestation under the Forest Practices Act as
29 well as maintaining data for economic, taxation and planning purposes. The application proposes
30 to change the designation to Forest and zoning to TC, thus subjecting these lands to the Forest
31 Practices Act. Management as proposed in the application will be consistent with the uses
32 permitted in the TC Zone. Such management practices are consistent with policies 2.2 through
33 2.7. The application is consistent with Forest Policies 2.2 through 2.7.

34 **PCCP Section 2-C; Forest Lands - Recreational Use policies:**

35 ***Policy 3.1; Polk County will encourage access to forest lands having a high potential for***
36 ***recreational use.***

37 ***Policy 3.2; Polk County will coordinate with land owners and governmental agencies to identify***
38 ***and designate areas for recreational vehicle use which minimize adverse impacts upon***
39 ***productive forest lands and domestic water sources***

40 Applicant Findings: Forest Recreation policies 3.1 and 3.2 generally encourage recreation in forest
41 lands while minimizing recreational vehicle impacts on productive forest lands and domestic water
42 sources.

43 This application will have the effect of permitting uses that are listed within forest zones. Some of
44 these permitted uses are recreational in nature, such as hunting, fishing, etc. Other recreational
45 uses, such as campgrounds are also conditionally permitted in these zones. These uses echo the
46 uses in OAR 660 Division 6.

47 This parcel has approximately one mile of frontage on the Luckiamute River. This river frontage
48 provides for significant hunting and fishing opportunities. The parcel lies adjacent to the rural
49 community of Pedee. Recreational development on this property, consistent with the protection of
50 forest lands could provide benefit to the Community and the County.

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There are no community domestic water sources on the parcel. To the best of our knowledge, the river is not currently a domestic source in the area. The proposed reforestation and preservation of the riparian areas have some potential to improve water temperature.

The subject property has a potential for recreational use that can benefit the rural community of Pedee and Polk County as a whole and not interfere with forest or domestic water uses. This application is consistent with the forest recreation policies of the PCCP.

Natural Resources Element

PCCP Section 2-D; Natural Resources Policies – Fish and Wildlife:

Policy 3.1; Polk County will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat.

Policy 3.2; Polk County will encourage the development of stocking programs for wildlife and fish in suitable habitats.

Policy 3.3; Polk County will continue to recognize the importance of riparian vegetation as fish and wildlife habitat as well as erosion, sediment and run-off control and shall protect it through implementing ordinances.

Policy 3.4; Polk County will recognize the value of fish and wildlife and protect identified significant (1-C) fish and wildlife resources through application of a significant resource areas overlay zone and implementing ordinances.

Policy 3.5; Polk County will protect identified significant (1-C) bird nesting and habitat sites in accordance with the provisions of Chapter 182 of the Zoning Ordinance and the Sensitive Bird Sites ESEE analysis.

Policy 3.6; If fish and wildlife resources, not identified on the County’s Comprehensive Plan Map, are identified by the ODFW, the County or member of the public, the County shall consider the site for inclusion in the inventory of significant resource areas. If the County determines the resource site/area is significant, it shall be analyzed pursuant to applicable provisions of OAR 660-16 and, where prudent, given protection under pertinent Goal, Policies and Ordinance provisions of Polk County.

Applicant’s Findings: To the above ends, the PCCP policies generally use the 1-C resource designation to protect special resources, and then generally encourage the protection of other natural resources. The owner is unaware of any Goal 5, 1-C designated resources on this parcel.

In addition to the 1-C designated resources the general policies and uses, both permitted and conditional of the TC zone reflect a protection of resource values in the zone. The Natural Resource policies for Open Space, Mineral Aggregate, Fish and Wildlife, Natural Areas, Scenic Resources, Water Resources and Reservoir Sites are generally echoed in the TC Zone. In general, resource use is balanced with resource protection through the application of this designation. For instance aggregate extraction is permitted, while balancing water quality concerns. Conservation of fish and wildlife habitat is encouraged. Restoration of Forested areas is required under the Forest practices act. Recreational hunting and fishing are permitted or conditionally permitted uses. Stream corridor protection is encouraged through the Forest practices act. Water resource protection is encouraged through management plans and water reservoirs are also permitted in the zone. The applicant is converting some previously cultivated are into riparian habitat along the Luckiamute River.

There are no known historical, archaeological or cultural resources on this property. Nor are there any designated recreational trail or specific energy resources. The requested designation will be at least as protective to the Natural Resources within and adjacent to this parcel as the current designation, if not more so.

Staff Findings: The PCCP Policies, under Natural Resource Section 2-D, were generally reviewed by the applicant. Policies 3.1 through 3.6, although not specifically addressed in the applicant’s findings,

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There are no community domestic water sources on the parcel. To the best of our knowledge, the river is not currently a domestic source in the area. The proposed reforestation and preservation of the riparian areas have some potential to improve water temperature.

The subject property has a potential for recreational use that can benefit the rural community of Pedee and Polk County as a whole and not interfere with forest or domestic water uses. This application is consistent with the forest recreation policies of the PCCP.

Natural Resources Element

PCCP Section 2-D; Natural Resources Policies – Fish and Wildlife:

Policy 3.1; Polk County will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat.

Policy 3.2; Polk County will encourage the development of stocking programs for wildlife and fish in suitable habitats.

Policy 3.3; Polk County will continue to recognize the importance of riparian vegetation as fish and wildlife habitat as well as erosion, sediment and run-off control and shall protect it through implementing ordinances.

Policy 3.4; Polk County will recognize the value of fish and wildlife and protect identified significant (1-C) fish and wildlife resources through application of a significant resource areas overlay zone and implementing ordinances.

Policy 3.5; Polk County will protect identified significant (1-C) bird nesting and habitat sites in accordance with the provisions of Chapter 182 of the Zoning Ordinance and the Sensitive Bird Sites ESEE analysis.

Policy 3.6; If fish and wildlife resources, not identified on the County’s Comprehensive Plan Map, are identified by the ODFW, the County or member of the public, the County shall consider the site for inclusion in the inventory of significant resource areas. If the County determines the resource site/area is significant, it shall be analyzed pursuant to applicable provisions of OAR 660-16 and, where prudent, given protection under pertinent Goal, Policies and Ordinance provisions of Polk County.

Applicant’s Findings: To the above ends, the PCCP policies generally use the 1-C resource designation to protect special resources, and then generally encourage the protection of other natural resources. The owner is unaware of any Goal 5, 1-C designated resources on this parcel.

In addition to the 1-C designated resources the general policies and uses, both permitted and conditional of the TC zone reflect a protection of resource values in the zone. The Natural Resource policies for Open Space, Mineral Aggregate, Fish and Wildlife, Natural Areas, Scenic Resources, Water Resources and Reservoir Sites are generally echoed in the TC Zone. In general, resource use is balanced with resource protection through the application of this designation. For instance aggregate extraction is permitted, while balancing water quality concerns. Conservation of fish and wildlife habitat is encouraged. Restoration of Forested areas is required under the Forest practices act. Recreational hunting and fishing are permitted or conditionally permitted uses. Stream corridor protection is encouraged through the Forest practices act. Water resource protection is encouraged through management plans and water reservoirs are also permitted in the zone. The applicant is converting some previously cultivated are into riparian habitat along the Luckiamute River.

There are no known historical, archaeological or cultural resources on this property. Nor are there any designated recreational trail or specific energy resources. The requested designation will be at least as protective to the Natural Resources within and adjacent to this parcel as the current designation, if not more so.

Staff Findings: The PCCP Policies, under Natural Resource Section 2-D, were generally reviewed by the applicant. Policies 3.1 through 3.6, although not specifically addressed in the applicant’s findings,

1 appear to be applicable to the proposed amendment. Applicant's finding under Policy 1.1(7) above
2 indicates that there are no Goal 5 resources on the subject property. However, staff review of the Polk
3 County Geographic Information Systems zoning map identifies the subject property as being within the
4 Goal 5 Significant Resources Overlay Zone for deer and elk and the property contains a significant fish
5 bearing river, the Luckiamute River (Attachment G).

6 These policies currently apply to the subject property under the existing PCCP Agriculture designation
7 due to the identification of significant resources and application of the Significant Resources Overlay
8 Zone. These policies will continue to apply if the proposed amendment to change the property's
9 designation to Forest is approved. The application does not include an amendment to change the
10 Significant Resources Overlay Zone. Therefore, the implementation of these policies could continue to
11 be met under the proposed PCCP amendment.

12 **Recreational Needs Element**

13 **PCCP Section 2-G; Recreational Needs**

14 Applicant findings: Only policy 5.1 is generally applicable in that it encourages private
15 organizations to provide overnight camping facilities. The application of the TC Zone allows
16 private campgrounds as a conditional use.

17 Staff Findings: Applicant has provided evidence that the proposal conforms to the intent of relevant
18 goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use
19 designation. Staff concurs that the proposed PCCP amendment complies with this criteria. Staff
20 concludes that the Comprehensive Plan Designation is no longer appropriate due to changing conditions
21 in the surrounding area.

22 **(2) Compliance with Oregon Revised Statutes, statewide planning goals and related**
23 **administrative rules which applies to the particular property(s) or situations. If**
24 **an exception to one or more of the goals is necessary, the exception criteria in**
25 **Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO**
26 **115.050(A)(3)(b)]**

27 Applicant Findings: There are no specific state statutes that apply to this request that are not
28 otherwise addressed in the statewide planning goals or administrative rules. The proposal's
29 conformance with statewide planning goals is addressed below. No exception to statewide
30 planning goals is proposed or required.

31 The requested amendment of the Polk County Comprehensive Plan (PCCP) text is consistent with
32 the applicable statewide planning goals as follows:

33 Goal 1. Citizen Involvement. A Non Legislative Plan Amendment is a quasi-judicial
34 process. Public notice is required and public hearings will be held giving interested citizens
35 an opportunity to be involved in the process.

36 Goal 2. Land Use Planning. The PCCP was adopted by the County and acknowledged by
37 LCDC as being in compliance with the statewide planning goals, state statutes and state
38 administrative rules, on March 19, 1981. As outlined herein, the proposal complies with the
39 PCCP and all associated detail plans.

40 Goal 3. Agricultural Lands. This Goal currently applies to the Agriculture designation of
41 the subject property. The applicant states that although the subject property contains some
42 acreage that is suitable as agricultural lands, the property is predominantly in forest use. The
43 applicant has submitted findings demonstrating that the subject property is not
44 predominantly employed for farm use as defined in ORS 215.203(2)(a) and therefore this
45 Goal should not apply.

46 Goal 4. Forest Lands. This Goal would apply to the subject property if the proposed
47 amendment under this application is approved. This Goal defines Forest Lands as "...those
48 lands acknowledged as forest lands as of the date of adoption of this goal amendment.
49 Where a plan is not acknowledged or a plan amendment involving forest lands is proposed,
50 forest land shall include lands which are suitable for commercial forest uses including

1 adjacent or nearby lands which are necessary to permit forest operations or practices and
2 other forested lands that maintain soil, air, water and fish and wildlife resources.”

3 The applicant has provided a soils woodland suitability report prepared by a certified
4 forester. In summary, this report, using USDA, NRCS data, establishes that the 77% of the
5 soils on this parcel are Class II and Class III forest soils. In addition the Chehalis Soils are
6 noted as not listed in the NRCS data, but investigated and indicating 90% forest suitability.
7 This raises the total commercial forest suitability on the parcel to 85%. When one considers
8 that another 10.8 percent of the parcel is comprised of the water of the Luckiamute River and
9 the Xerofluvents soils immediately adjacent to that river, then the area of the parcel suitable
10 for any commercial use is 96% forest suitable. 205 acres or 65% the parcel are currently
11 employed in forest production.

12 The parcel meets the definition of forest lands under Goal 4 and is predominantly in forest
13 use. Designation of these lands as forest lands is appropriate under Goal 4. The requested
14 change is consistent with both Goal 3 and Goal 4 and their implementing regulations. We
15 have also concluded above, that the application complies with an acknowledged plan, which
16 was acknowledged and amended to maintain consistency with Goal 3 and Goal 4. As such,
17 we give deference to the acknowledged plan and find the application consistent with Goal 3
18 and Goal 4.

19 Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known
20 scenic or historic areas on the subject property. There are however, natural resources
21 identified as being subject to this goal that are applicable to this application. These resources
22 have been described in Section 1 of these findings under Property Description. The proposed
23 amendment was shown to be in compliance with this Goal as addressed in Section II, 1 (C)
24 1, Natural Resources Element Policies.

25 Goal 6. Air, Water and Resources Quality. Development of the property will be required to
26 comply with the Federal, State of Oregon, and County requirements for air and water
27 pollution.

28 Goal 7. Area Subject to Natural Disasters and Hazards. A large portion of Tax Lot 100 is
29 located within an identified 100-year floodplain (Luckiamute River), pursuant to Federal
30 Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number
31 41053C0375F dated December 19, 2006. The areas of special flood hazard identified on the
32 FIRM are subject to the PCZO Flood Hazard Overlay Zone.

33 The Polk County GIS identifies an area along the southeastern property line that contains
34 steep slopes greater than 35% and where landslides might occur.

35 Development of the subject property to forest uses is consistent with Goal 7 as subject to
36 standards established in the PCZO.

37 Goal 8. Recreational Needs. The proposed amendment could affect the inventory of
38 recreational uses. To the extent that the permitted uses in the forest zone allow recreational
39 activities not permitted in the agricultural zone, the degree of recreation will be increased.

40 Goal 9. Economic Development. This Goal requires jurisdictions to consider the economic
41 needs of the State and the local area by providing opportunities for a variety of economic
42 opportunities. Both the current PCCP designation of Agriculture and the proposed PCCP
43 designation of Forest are resource zones that provide an indirect economic service to the
44 citizens of the state and local area.

45 Goal 10. Housing. The subject property is not designated for residential development and
46 therefore there will be no impact to the residential lands inventory. This Goal is not
47 applicable to the subject property.

48 Goal 11. Public Facilities and Services. The subject property is not currently served by
49 public facilities nor does this request include the extension of public facilities to the subject
50 property.

1 adjacent or nearby lands which are necessary to permit forest operations or practices and
2 other forested lands that maintain soil, air, water and fish and wildlife resources.”

3 The applicant has provided a soils woodland suitability report prepared by a certified
4 forester. In summary, this report, using USDA, NRCS data, establishes that the 77% of the
5 soils on this parcel are Class II and Class III forest soils. In addition the Chehalis Soils are
6 noted as not listed in the NRCS data, but investigated and indicating 90% forest suitability.
7 This raises the total commercial forest suitability on the parcel to 85%. When one considers
8 that another 10.8 percent of the parcel is comprised of the water of the Luckiamute River and
9 the Xerofluvents soils immediately adjacent to that river, then the area of the parcel suitable
10 for any commercial use is 96% forest suitable. 205 acres or 65% the parcel are currently
11 employed in forest production.

12 The parcel meets the definition of forest lands under Goal 4 and is predominantly in forest
13 use. Designation of these lands as forest lands is appropriate under Goal 4. The requested
14 change is consistent with both Goal 3 and Goal 4 and their implementing regulations. We
15 have also concluded above, that the application complies with an acknowledged plan, which
16 was acknowledged and amended to maintain consistency with Goal 3 and Goal 4. As such,
17 we give deference to the acknowledged plan and find the application consistent with Goal 3
18 and Goal 4.

19 Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known
20 scenic or historic areas on the subject property. There are however, natural resources
21 identified as being subject to this goal that are applicable to this application. These resources
22 have been described in Section 1 of these findings under Property Description. The proposed
23 amendment was shown to be in compliance with this Goal as addressed in Section II, 1 (C)
24 1, Natural Resources Element Policies.

25 Goal 6. Air, Water and Resources Quality. Development of the property will be required to
26 comply with the Federal, State of Oregon, and County requirements for air and water
27 pollution.

28 Goal 7. Area Subject to Natural Disasters and Hazards. A large portion of Tax Lot 100 is
29 located within an identified 100-year floodplain (Luckiamute River), pursuant to Federal
30 Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number
31 41053C0375F dated December 19, 2006. The areas of special flood hazard identified on the
32 FIRM are subject to the PCZO Flood Hazard Overlay Zone.

33 The Polk County GIS identifies an area along the southeastern property line that contains
34 steep slopes greater than 35% and where landslides might occur.

35 Development of the subject property to forest uses is consistent with Goal 7 as subject to
36 standards established in the PCZO.

37 Goal 8. Recreational Needs. The proposed amendment could affect the inventory of
38 recreational uses. To the extent that the permitted uses in the forest zone allow recreational
39 activities not permitted in the agricultural zone, the degree of recreation will be increased.

40 Goal 9. Economic Development. This Goal requires jurisdictions to consider the economic
41 needs of the State and the local area by providing opportunities for a variety of economic
42 opportunities. Both the current PCCP designation of Agriculture and the proposed PCCP
43 designation of Forest are resource zones that provide an indirect economic service to the
44 citizens of the state and local area.

45 Goal 10. Housing. The subject property is not designated for residential development and
46 therefore there will be no impact to the residential lands inventory. This Goal is not
47 applicable to the subject property.

48 Goal 11. Public Facilities and Services. The subject property is not currently served by
49 public facilities nor does this request include the extension of public facilities to the subject
50 property.

1 Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-
2 012-0060(1), which states:

3 “Amendments to functional plan, acknowledged comprehensive plans and land use
4 regulations which significantly affect a transportation facility shall assure that allowed land
5 uses are consistent with the identified functions, capacity and performance standards (i.e.
6 level of service, volume to capacity ratio, etc.) of the facility.”

7 OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects
8 a transportation facility the following must be found:

- 9 “(a) Changes the functional classification of an existing or planned transportation facility;
10 (b) Changes standards implementing a functional classification system;
11 (c) Allows types or levels of land uses which would result in levels of travel or access
12 which are inconsistent with the functional classification of a transportation facility; or
13 (d) Would reduce the performance standards of the facility below the minimum acceptable
14 level identified in the TSP.”

15 The County has an adopted Transportation System Plan (PCTSP) and a Functional
16 Classification Map. The subject property has frontage on Depot Street and Pedee Street
17 which are located within the unincorporated community of Pedee. These streets provide the
18 property with access to State Hwy 223, Kings Valley Highway. Depot and Pedee streets are
19 local access roads not identified in the *Polk County Transportation Systems Plan*. Kings
20 Valley Highway is identified as a Minor Arterial as designated in the *Polk County*
21 *Transportation Systems Plan, Figure 3*.

22 The proposed PCCP amendment would maintain the same minimum parcel size as
23 established by the applied zoning. The uses allowed in the application of the TC Zoning
24 District are no more intense than uses allowed by the EFU Zoning District. As such, the
25 proposed PCCP amendment will not adversely impact the functional classification of the
26 surrounding transportation facilities.

27 Goal 13. Energy Conservation. This Goal requires that land and uses be managed to
28 maximize the conservation of all forms of energy. The proposed change from one resource
29 designation to another is not likely to adversely impact energy use.

30 Goal 14. Urbanization. The subject property is designated as resource land and will
31 continue to be designated as resource land. Resource land is not subject to Goal 14.
32 Therefore, this Goal is not applicable to this application.

33 Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the
34 Willamette River Greenway, or in an estuary or beach area.

35 Staff Findings: The applicant has addressed all applicable Oregon Statewide Planning Goals and
36 demonstrated that the proposal conforms to the intent of the PCCP relevant goals and policies. The
37 applicant is proposing to apply the Timber Conservation Zoning District to implement the proposed
38 Forest Comprehensive Plan Designation. Based on the evidence and facts reviewed, the application
39 meets this criterion.

40
41 **2. Findings for Zone Change from EFU to TC file ZC 06-01:**

42 (A) A zone change is a reclassification of any area from one zone or district to another,
43 after the proposed change has been reviewed and a recommendation made by the
44 Hearings Officer or the Planning Commission. Such change shall be an ordinance
45 enacted by the Board of Commissioners after proceedings have been accomplished in
46 accordance with the provisions of this chapter. [PCZO 111.140]

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Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-012-0060(1), which states:

“Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc.) of the facility.”

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

- “(a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.”

The County has an adopted Transportation System Plan (PCTSP) and a Functional Classification Map. The subject property has frontage on Depot Street and Pedee Street which are located within the unincorporated community of Pedee. These streets provide the property with access to State Hwy 223, Kings Valley Highway. Depot and Pedee streets are local access roads not identified in the *Polk County Transportation Systems Plan*. Kings Valley Highway is identified as a Minor Arterial as designated in the *Polk County Transportation Systems Plan, Figure 3*.

The proposed PCCP amendment would maintain the same minimum parcel size as established by the applied zoning. The uses allowed in the application of the TC Zoning District are no more intense than uses allowed by the EFU Zoning District. As such, the proposed PCCP amendment will not adversely impact the functional classification of the surrounding transportation facilities.

Goal 13. Energy Conservation. This Goal requires that land and uses be managed to maximize the conservation of all forms of energy. The proposed change from one resource designation to another is not likely to adversely impact energy use.

Goal 14. Urbanization. The subject property is designated as resource land and will continue to be designated as resource land. Resource land is not subject to Goal 14. Therefore, this Goal is not applicable to this application.

Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the Willamette River Greenway, or in an estuary or beach area.

Staff Findings: The applicant has addressed all applicable Oregon Statewide Planning Goals and demonstrated that the proposal conforms to the intent of the PCCP relevant goals and policies. The applicant is proposing to apply the Timber Conservation Zoning District to implement the proposed Forest Comprehensive Plan Designation. Based on the evidence and facts reviewed, the application meets this criterion.

2. Findings for Zone Change from EFU to TC file ZC 06-01:

- (A) A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Hearings Officer or the Planning Commission. Such change shall be an ordinance enacted by the Board of Commissioners after proceedings have been accomplished in accordance with the provisions of this chapter. [PCZO 111.140]

1 Staff Findings: The authorizations for a zone change and a Comprehensive Plan Map and text
2 amendment are under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050, subject to
3 recommendation by the Hearings Officer after holding a public hearing pursuant to PCZO 111.190, and
4 115.030, and decision by the Polk County Board of Commissioners after holding a public hearing
5 pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the proposed zone
6 change. Staff prepares a report and recommendation for the Hearings Officer and the Hearings Officer
7 makes a recommendation to the Polk County Board of Commissioners for a final local decision. The
8 application is following the proper review process and meets this criterion.

9 **(B) Pursuant to Section 111.160, a zone change may be approved, provided that the**
10 **request satisfies all applicable requirements of this ordinance, and provided that with**
11 **written findings, the applicant(s) clearly demonstrate compliance with the following**
12 **criteria:**

13 **(1) The proposed zone is appropriate for the comprehensive plan land use**
14 **designation on the property and is consistent with the purpose and policies for the**
15 **applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**

16 Staff Findings: The proposed application of the Timber Conservation (TC) Zoning District is appropriate
17 and will conform to the Comprehensive Plan text and map as amended.

18 **(2) The proposal conforms with the purpose statement of the proposed zone; [PCZO**
19 **111.275 (B)]**

20 Applicant Findings: Chapter 177 of the Polk County code states the purpose for the TC zone as follows:

21 "The Timber Conservation (TC) Zoning District is intended to: (A) Conserve, protect, and
22 encourage the management of forest lands for continued timber production, harvesting and
23 related uses; (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such
24 uses associated with forests; (C) Provide for orderly development through planned development
25 of both public and private recreational uses as appropriate and not in conflict with the primary
26 intent of the zone for timber management; (D) Recognize that the forest lands within the County
27 are necessary for the continuous production of renewable natural resources in the form of forest
28 crops and as such, are beneficial to the economy of the County and to the welfare of its people;
29 (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the
30 Polk County Comprehensive Plan; and (F) Implement the Goals and Policies of the Polk County
31 Comprehensive Plan."

32 The applicant proposes no use that is not listed as a permitted, administratively reviewed, or conditional use
33 in chapter 177 of the PCZO. It can be safely assumed that the uses listed are consistent with the purpose
34 statement in the same chapter, as well as the Comprehensive Plan Policies for Forest Lands, ORS 215,
35 OAR 660-006, ORS 527 and Goal 4 of the Statewide Planning Goals.

36 Staff Findings: The applicant concurrently filed an application for a Comprehensive Plan amendment.
37 The applicant is responsible for showing compliance with criteria for comprehensive plan changes and
38 in order for the zoning change to be approved.

39 The applicant proposes applying the TC Zoning District, if an approval of the proposed amendment to
40 the Comprehensive Plan designation to Forest is granted. The TC Zoning District is designated as an
41 implementing zone for the Forest designation and would be appropriate for a Comprehensive Plan land
42 use designation of Forest.

43 If approved, the subject property would be designated Forest in the Polk County Comprehensive Plan
44 and Plan Map. The TC Zoning District for the subject area would be consistent with a Forest
45 Comprehensive Plan designation.

46 The applicant has not identified a specific use planned for the property if the zone change is approved
47 but has stated the property would be used consistent with the uses permitted within the TC Zoning
48 District. The uses normally allowed by the TC zone, are regulated under Polk County Zoning Ordinance
49 (PCZO) Chapter 177. The minimum parcel size associated with the TC zone, 80-acres, is the same
50 minimum parcel size associated with the current EFU zoning. The subject property consists of

1 Staff Findings: The authorizations for a zone change and a Comprehensive Plan Map and text
2 amendment are under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050, subject to
3 recommendation by the Hearings Officer after holding a public hearing pursuant to PCZO 111.190, and
4 115.030, and decision by the Polk County Board of Commissioners after holding a public hearing
5 pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the proposed zone
6 change. Staff prepares a report and recommendation for the Hearings Officer and the Hearings Officer
7 makes a recommendation to the Polk County Board of Commissioners for a final local decision. The
8 application is following the proper review process and meets this criterion.

9 **(B) Pursuant to Section 111.160, a zone change may be approved, provided that the**
10 **request satisfies all applicable requirements of this ordinance, and provided that with**
11 **written findings, the applicant(s) clearly demonstrate compliance with the following**
12 **criteria:**

13 **(1) The proposed zone is appropriate for the comprehensive plan land use**
14 **designation on the property and is consistent with the purpose and policies for the**
15 **applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**

16 Staff Findings: The proposed application of the Timber Conservation (TC) Zoning District is appropriate
17 and will conform to the Comprehensive Plan text and map as amended.

18 **(2) The proposal conforms with the purpose statement of the proposed zone; [PCZO**
19 **111.275 (B)]**

20 Applicant Findings: Chapter 177 of the Polk County code states the purpose for the TC zone as follows:

21 "The Timber Conservation (TC) Zoning District is intended to: (A) Conserve, protect, and
22 encourage the management of forest lands for continued timber production, harvesting and
23 related uses; (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such
24 uses associated with forests; (C) Provide for orderly development through planned development
25 of both public and private recreational uses as appropriate and not in conflict with the primary
26 intent of the zone for timber management; (D) Recognize that the forest lands within the County
27 are necessary for the continuous production of renewable natural resources in the form of forest
28 crops and as such, are beneficial to the economy of the County and to the welfare of its people;
29 (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the
30 Polk County Comprehensive Plan; and (F) Implement the Goals and Policies of the Polk County
31 Comprehensive Plan."

32 The applicant proposes no use that is not listed as a permitted, administratively reviewed, or conditional use
33 in chapter 177 of the PCZO. It can be safely assumed that the uses listed are consistent with the purpose
34 statement in the same chapter, as well as the Comprehensive Plan Policies for Forest Lands, ORS 215,
35 OAR 660-006, ORS 527 and Goal 4 of the Statewide Planning Goals.

36 Staff Findings: The applicant concurrently filed an application for a Comprehensive Plan amendment.
37 The applicant is responsible for showing compliance with criteria for comprehensive plan changes and
38 in order for the zoning change to be approved.

39 The applicant proposes applying the TC Zoning District, if an approval of the proposed amendment to
40 the Comprehensive Plan designation to Forest is granted. The TC Zoning District is designated as an
41 implementing zone for the Forest designation and would be appropriate for a Comprehensive Plan land
42 use designation of Forest.

43 If approved, the subject property would be designated Forest in the Polk County Comprehensive Plan
44 and Plan Map. The TC Zoning District for the subject area would be consistent with a Forest
45 Comprehensive Plan designation.

46 The applicant has not identified a specific use planned for the property if the zone change is approved
47 but has stated the property would be used consistent with the uses permitted within the TC Zoning
48 District. The uses normally allowed by the TC zone, are regulated under Polk County Zoning Ordinance
49 (PCZO) Chapter 177. The minimum parcel size associated with the TC zone, 80-acres, is the same
50 minimum parcel size associated with the current EFU zoning. The subject property consists of

1 approximately 315 acres which is large enough to accommodate the proposed TC zone.

2 There have been no identified effects on local schools as a result of the proposed change. The subject
3 property is within a Fire Protection District and the Polk County Sheriff Department provides emergency
4 services. Staff concludes that there are adequate public facilities, services, and transportation networks
5 available at this time for the continued resource use of the property as provided by the PCZO for the TC
6 Zoning District.

7 The subject property is identified as containing significant resources for deer, elk, fish and riparian area on
8 the Polk County Significant Resource Areas Zoning Map and is therefore subject to the Significant
9 Resource Overlay Zone, PCZO Chapter 182. A large portion of Tax Lot 100 is located within an identified
10 floodplain (Luckiamute River), pursuant to Federal Emergency Management Agency (FEMA) Flood
11 Insurance Rate Map (FIRM) panel number 41053C0375F dated December 19, 2006. Based on a review of
12 the National Wetland Inventory map, Falls City quadrangle, staff finds identified wetlands on the subject
13 property associated with the Luckiamute River.

14 The applicant is not proposing development activity as part of this application. Prior to development on
15 the subject parcel, local, state and federal permits may be required.

16 Approval of this request would be consistent with the purpose and intent of the TC zone. As stated above,
17 the property shall be designated Forest in the Comprehensive Plan as is proposed as part of PA 06-01
18 and zoned Timber Conservation as part of ZC 06-01.

19 **(C) The uses allowed in the proposed designation will not significantly adversely affect**
20 **allowed uses on adjacent lands; [PCZO 111.275 (C)]**

21 Applicant Findings: Lands surrounding this parcel on the south and the east are currently designated as
22 Forest under the PCCP. These parcels are relatively large, or are comprised of several smaller parcels
23 under single ownership. Owners are Weyerhaeuser, Wakefield, LLC and Solakian. Parcels to the north
24 are designated as Agriculture. These parcels are 144 acres owned by Smith, and 107 acres owned by
25 Weyerhaeuser. For the majority of the frontage on the applicant's property, as indicated on aerial
26 photographs, these parcels are currently managed as forest lands. To the west is the rural community of
27 Pedee, and some smaller parcels that are zoned EFU, along the Luckiamute. The uses permitted in the
28 TC zone are fully compatible with the lands surrounding the parcel on the south, east and the majority of
29 the northern boundary. The EFU zone to the west and along the northern boundary is also a resource
30 zone. Resource zones are generally considered to be compatible across boundaries. The adjacent lands in
31 the rural community are zoned for residential purposes. For the past few years, the 10 acre (more or less)
32 area of the applicant's property adjacent to the residential area has been planted to forest species. The
33 remainder of the applicant's parcel lies east of the Luckiamute River. The effect of these two buffering
34 areas serves to isolate any uses from the residential area. In any case, the requested zone is at least as
35 compatible with residential uses as the existing zone. Therefore, the proposed change is compatible with
36 the adjacent uses and the permitted uses in those zones and cannot be expected to have a significant
37 adverse effect on the allowed uses on adjacent land.

38 Staff Findings: Properties in the vicinity of the subject property include other resource uses to the north,
39 east and south and unincorporated community uses; residential, commercial and industrial, to the west.
40 The properties with larger acreage interspersed to the north, east and south have historically been used
41 for agriculture and managed as forests, some of these larger acreage properties contain single-family
42 dwellings associated with the resource uses. Properties immediately to the west of the subject property,
43 within the Pedee Unincorporated Community are zoned Suburban Residential and are mostly developed.

44 The proposed zone change could be consistent with the surrounding land uses and pattern of
45 development in the area. Staff finds that the proposed zone change and Comprehensive Plan amendment
46 are appropriate when taking into account surrounding land uses. As a result, staff finds that the
47 application could meet this criterion.

48 **(D) Adequate public facilities, services, and transportation networks are in place, or are**
49 **planned to be provided concurrently with the development of the property; [PCZO**
50 **111.275 (D)]**

51 Applicant Findings: Adequate public facilities, services, and transportation networks are in place, or are
52 planned to be provided concurrently with development of the property.

1 Staff Findings: The proposed Forest Comprehensive Plan designation would be implemented by the
2 Timber Conservation (TC) Zoning District. The TC zoning would allow uses to occur on the subject
3 property that are similar to the resource uses currently allowed by the EFU zoning. Uses that would
4 require water and on-site sewer (septic tank and drainfield) services could also be similarly
5 accommodated. There have been no identified effects on local schools as a result of the proposed
6 change. Polk Rural Fire Protection District 1 and the Polk County Sheriff Department provide
7 emergency services at the subject property.

8 Approval of this proposed Comprehensive Plan amendment and zone change would not authorize the
9 applicant to establish a use that would exceed transportation, water and/or sewer services until such
10 services are planned or available. The application could meet this criterion.

11 **(E) The proposed change is appropriate taking into consideration the following:**

12 **(a) Surrounding land uses,**

13 **(b) The density and pattern of development in the area,**

14 **(c) Any changes which may have occurred in the vicinity to support the**
15 **proposed amendment. [PCZO 111.275 (E) (1-3)]**

16 Applicant Findings: As described previously, the surrounding land uses generally consist of resource
17 uses to the north, south and east. The uses on the subject property have been shifting toward forest uses
18 for the past 30 years, and farm uses are now confined to 69 acres. In addition, the subject property is
19 77% Class I, II and III forest soils and contains soils suitable for commercial forest species on 85% of
20 the property.

21 Staff Findings: As described in Table 1, the surrounding lands are designated resource lands to the north,
22 east and south of the subject property. To the west is the unincorporated community of Pedee. Properties
23 within this unincorporated community are small sized parcels, generally less than one acre, and zoned
24 for residential use. According to Polk County 2004 aerial photographs, these residential properties are
25 mostly developed with residential uses (Attachment B). The proposed TC zoning would allow for many
26 of the same types of uses that are now currently allowed with the EFU zoning.

27 Considering that the surrounding resource lands to the south and east are also zoned for forest use, the
28 uses allowed in both the EFU and TC zones are similar in nature and the minimum parcel sizes are the
29 same for both zones, the proposed zone change would appear to maintain the density and pattern of
30 development in the area.

31 In Section II, 1(B) of this report, the applicant states that the resource management of the subject
32 property and surrounding properties in the area has changed from being agriculturally oriented to forestry
33 oriented. The applicant also demonstrated that the soils on the subject property are soils that are more
34 conducive to timber production than agricultural production. Staff finds that the proposed zone change
35 and Comprehensive Plan amendment are appropriate when taking into account surrounding land uses
36 and changes that have been occurring in the area as described above. The application meets this
37 criterion.

38 **(F) The proposal complies with any applicable intergovernmental agreement pertaining to**
39 **urban growth boundaries and urbanizable land; and [PCZO 111.275 (F)]**

40 Applicant Findings: The proposed project is not within an Urban Growth Boundary. Thus, this criterion
41 is not applicable to this request.

42 Staff Findings: The subject property is not located within an Urban Growth Boundary. This criterion is
43 therefore not applicable to this request.

44 **(G) The proposal complies with Oregon Revised Statutes, all applicable statewide planning**
45 **goals and associated administrative rules. If an exception to one or more of the goals is**
46 **necessary, the exception criteria in Oregon Administrative Rules, Chapter 660,**
47 **Division 4 shall apply. [PCZO 111.275 (G)]**

48 Applicant Findings: The Polk County Comprehensive Plan has been acknowledged as complying with
49 all applicable statutes, planning goals and associated administrative rules, Goal 4, ORS 215, and 660-006

1 Staff Findings: The proposed Forest Comprehensive Plan designation would be implemented by the
2 Timber Conservation (TC) Zoning District. The TC zoning would allow uses to occur on the subject
3 property that are similar to the resource uses currently allowed by the EFU zoning. Uses that would
4 require water and on-site sewer (septic tank and drainfield) services could also be similarly
5 accommodated. There have been no identified effects on local schools as a result of the proposed
6 change. Polk Rural Fire Protection District 1 and the Polk County Sheriff Department provide
7 emergency services at the subject property.

8 Approval of this proposed Comprehensive Plan amendment and zone change would not authorize the
9 applicant to establish a use that would exceed transportation, water and/or sewer services until such
10 services are planned or available. The application could meet this criterion.

11 **(E) The proposed change is appropriate taking into consideration the following:**

12 **(a) Surrounding land uses,**

13 **(b) The density and pattern of development in the area,**

14 **(c) Any changes which may have occurred in the vicinity to support the**
15 **proposed amendment. [PCZO 111.275 (E) (1-3)]**

16 Applicant Findings: As described previously, the surrounding land uses generally consist of resource
17 uses to the north, south and east. The uses on the subject property have been shifting toward forest uses
18 for the past 30 years, and farm uses are now confined to 69 acres. In addition, the subject property is
19 77% Class I, II and III forest soils and contains soils suitable for commercial forest species on 85% of
20 the property.

21 Staff Findings: As described in Table 1, the surrounding lands are designated resource lands to the north,
22 east and south of the subject property. To the west is the unincorporated community of Pedee. Properties
23 within this unincorporated community are small sized parcels, generally less than one acre, and zoned
24 for residential use. According to Polk County 2004 aerial photographs, these residential properties are
25 mostly developed with residential uses (Attachment B). The proposed TC zoning would allow for many
26 of the same types of uses that are now currently allowed with the EFU zoning.

27 Considering that the surrounding resource lands to the south and east are also zoned for forest use, the
28 uses allowed in both the EFU and TC zones are similar in nature and the minimum parcel sizes are the
29 same for both zones, the proposed zone change would appear to maintain the density and pattern of
30 development in the area.

31 In Section II, 1(B) of this report, the applicant states that the resource management of the subject
32 property and surrounding properties in the area has changed from being agriculturally oriented to forestry
33 oriented. The applicant also demonstrated that the soils on the subject property are soils that are more
34 conducive to timber production than agricultural production. Staff finds that the proposed zone change
35 and Comprehensive Plan amendment are appropriate when taking into account surrounding land uses
36 and changes that have been occurring in the area as described above. The application meets this
37 criterion.

38 **(F) The proposal complies with any applicable intergovernmental agreement pertaining to**
39 **urban growth boundaries and urbanizable land; and [PCZO 111.275 (F)]**

40 Applicant Findings: The proposed project is not within an Urban Growth Boundary. Thus, this criterion
41 is not applicable to this request.

42 Staff Findings: The subject property is not located within an Urban Growth Boundary. This criterion is
43 therefore not applicable to this request.

44 **(G) The proposal complies with Oregon Revised Statutes, all applicable statewide planning**
45 **goals and associated administrative rules. If an exception to one or more of the goals is**
46 **necessary, the exception criteria in Oregon Administrative Rules, Chapter 660,**
47 **Division 4 shall apply. [PCZO 111.275 (G)]**

48 Applicant Findings: The Polk County Comprehensive Plan has been acknowledged as complying with
49 all applicable statutes, planning goals and associated administrative rules, Goal 4, ORS 215, and 660-006

1 in particular. This application is being processed under procedures acknowledged as consistent. The
2 Polk County TZ zone uses mirror those of OAR 660-006. The applicant is not proposing any use other
3 than those listed in Goal 4, ORS 215 and OAR 660-006. OAR 660-006 specifically provides that no
4 exception is required when changing from one resource zone to another.

5 Staff Findings: The proposed zone change and review of applicable Oregon Administrative Rules and
6 Oregon Revised Statutes have been addressed in Section II, Number 2 of this staff report. Based on this
7 review, along with information and evidence submitted by the applicant, staff finds that the proposed
8 amendment is in compliance with these Rules and Statutes.

9 **H) The evidence submitted to support any committed exception shall, at a minimum,**
10 **include a current map, or aerial photograph which shows the exception area and**
11 **adjoining lands, and any other means needed to convey information about the factors**
12 **set forth in this rule. For example, a local government may use tables, charts,**
13 **summaries, or narratives to supplement the maps or photos. The applicable factors set**
14 **forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR**
15 **660-004-0028(7)]**

16 Staff Findings: The applicant has adequately identified the subject property. A location map, aerial
17 photographs and zoning maps are available and have been included in the record for the proceedings
18 (Attachments A, B, and C).

19 III. CONCLUSIONS

20 Based on the Review and Decision Criteria identified above, the applications submitted for the proposed
21 Comprehensive Plan amendment and zone change;

- 22 (a) are following the proper review process through a public hearing before the Polk County
- 23 Hearings Officer for a recommendation to the Polk County Board of Commissioners,
- 24 (b) have findings to support the proposed change to the comprehensive plan designation,
- 25 (c) are compatible with the proposed zoning designation as stated in PCZO.

26 The proposed Comprehensive Plan amendment and zone change applications could comply with the
27 provisions of law by the implementation of conditions. The Planning Division staff recommendation is
28 that the Hearings Officer conduct a public hearing to receive testimony and evidence regarding the
29 applications.

30 IV. RECOMMENDATIONS

31 Staff recommends that the Hearings Officer conduct a public hearing to receive testimony and evidence
32 regarding the applications to. Based on the evidence and information submitted into the record at the
33 time of completion of this Staff Report, staff recommends that the Hearings Officer recommend to the
34 Board of Commissioners that the applications be approved, based on findings in the staff report and
35 evidence in the record to support the applications, as follows:

- 36 1. Recommend that the Board of Commissioners adopt the findings in favor of the
37 Comprehensive Plan amendment application and change the Comprehensive Plan Map
38 designation from Agriculture to Forest subject to the following condition of approval:
39 (A) The Timber Conservation Zoning District shall be applied to the subject property.
- 40 2. Recommend that the Board of Commissioners adopt the findings in favor of the zone change
41 application and Change the zoning classification from Exclusive Farm Use (EFU) to Timber
42 Conservation (TC) subject to the following conditions of approval;
43 (A) Prior to development of the subject property, the property owner shall obtain all
44 necessary permits from the Building and Environmental Health Divisions, and Public
45 Works Department prior to release of building permits. These permits may include,
46 but are not limited to the following: building, electrical and plumbing permits from the
47 Polk County Building Division, septic installation permits from the Polk County

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2 Polk County TZ zone uses mirror those of OAR 660-006. The applicant is not proposing any use other
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47 Polk County Building Division, septic installation permits from the Polk County

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Environmental Health Division, and an access permit from the Public Works Department.

(B) Any development that occurs on the subject property must be established in accordance with the provisions for development within the TC Zone, as follows: [PCZO 177.170 and

Front Setback	Side and Rear Setback	Maximum Height
30	80	100

6

V. ATTACHMENTS

- 7 Attachment A Area Map
- 8 Attachment B Polk County 2004 Aerial Photo
- 9 Attachment C Current zoning map
- 10 Attachment D Polk County Assessor's print out
- 11 Attachment E Polk County Soil Analysis Detail
- 12 Attachment F Soils Woodland Suitability Report
- 13 Attachment G Polk County Significant Resource Overlay Zone map
- 14 Attachment H Applicant's PCCP amendment findings
- 15 Attachment I Applicant's Zone Change amendment findings

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Front Setback	Side and Rear Setback	Maximum Height
30	80	100

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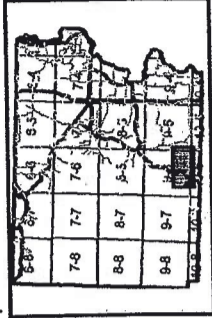
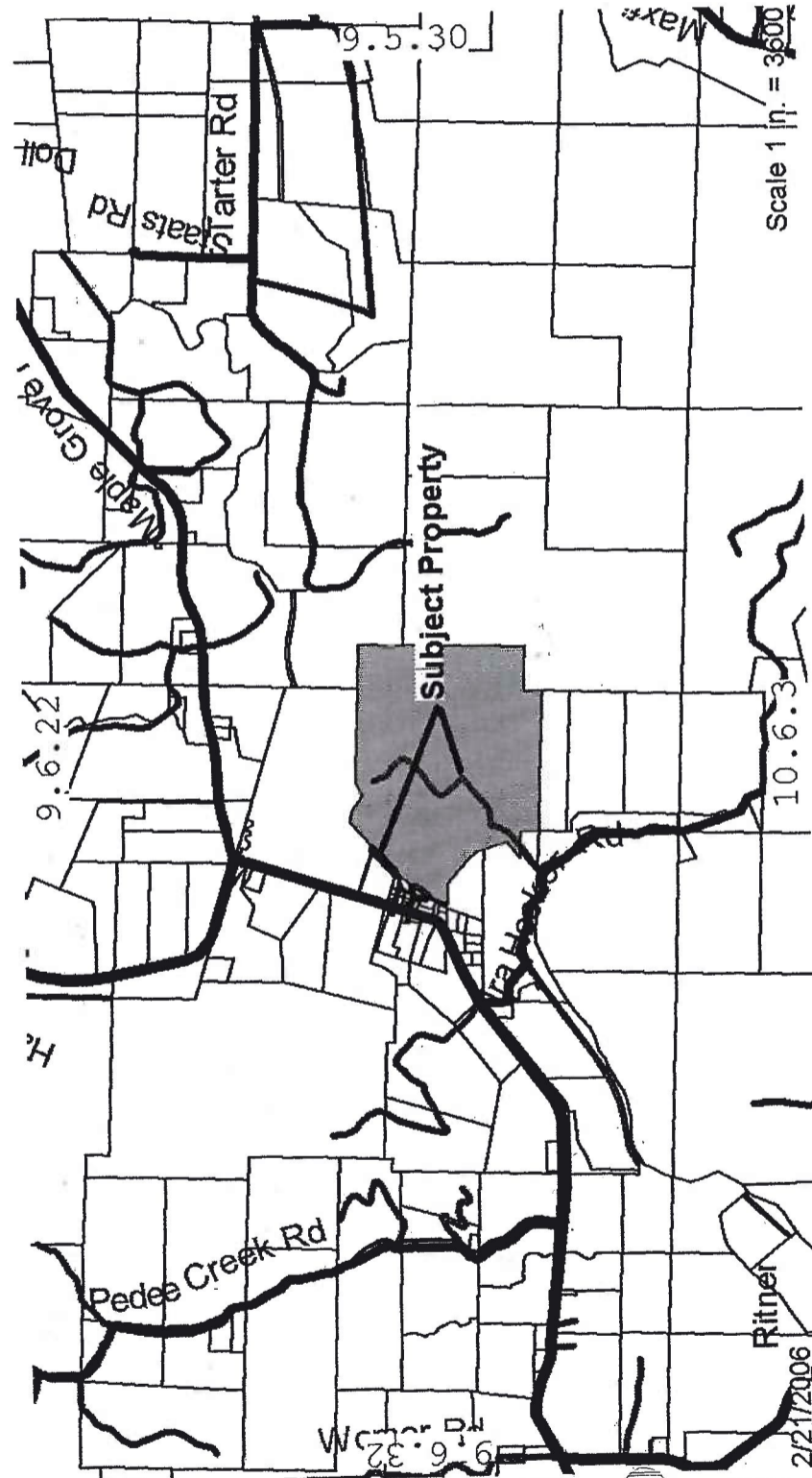
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Polk County Map

Community Development

- County
- Roads
 - OTHER
 - GRAVEL
 - STATEHWY
 - PAVED
- Taxlot06



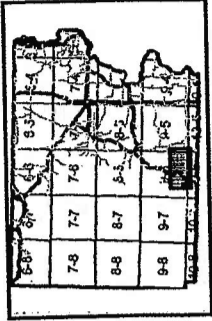
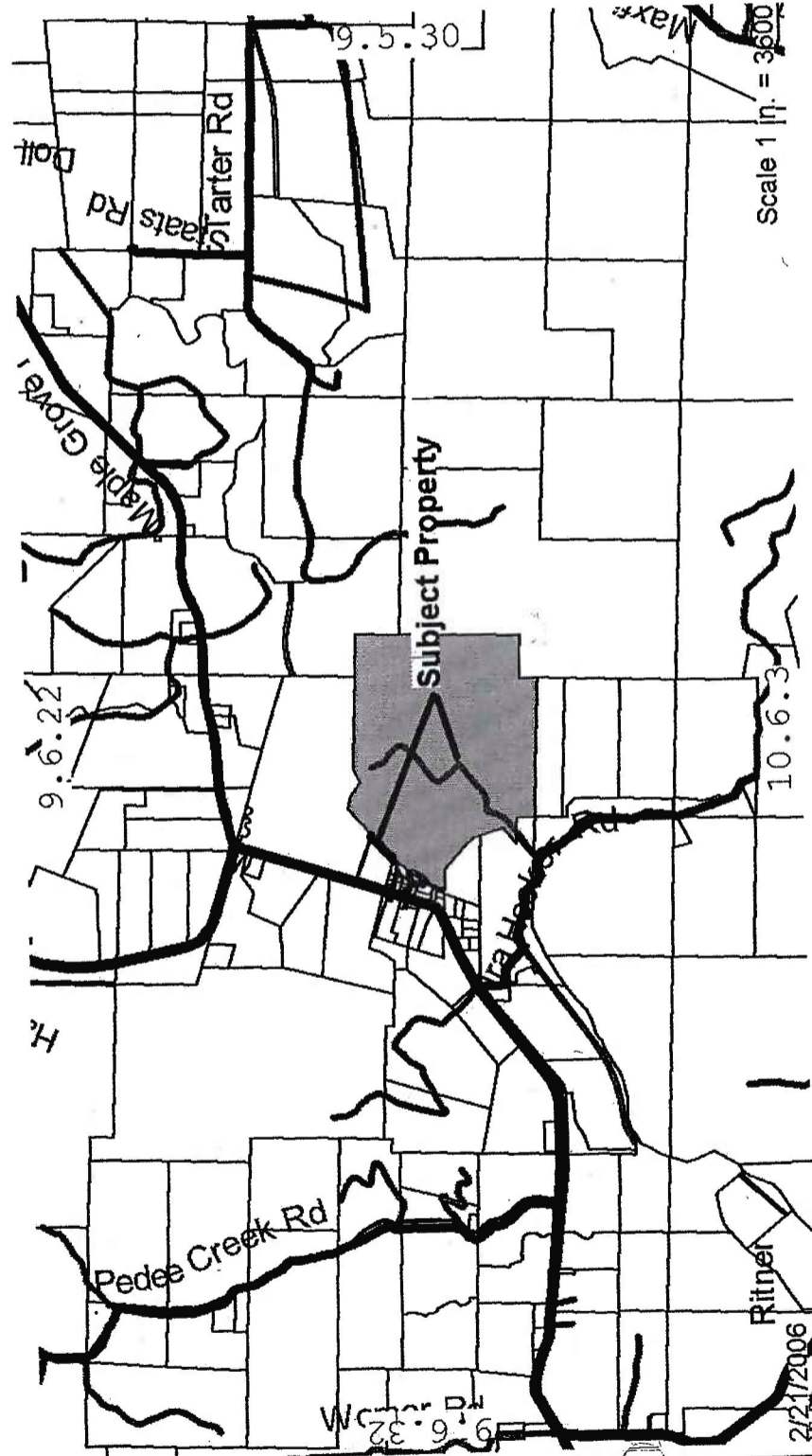
1 in. = 3241 ft.

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Polk County Map

Community Development

- County
- Roads
- OTHER
- GRAVEL
- STATEHWY
- PAVED
- Taxlots



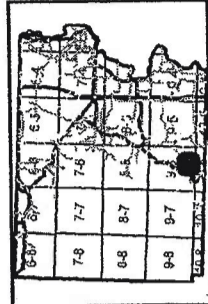
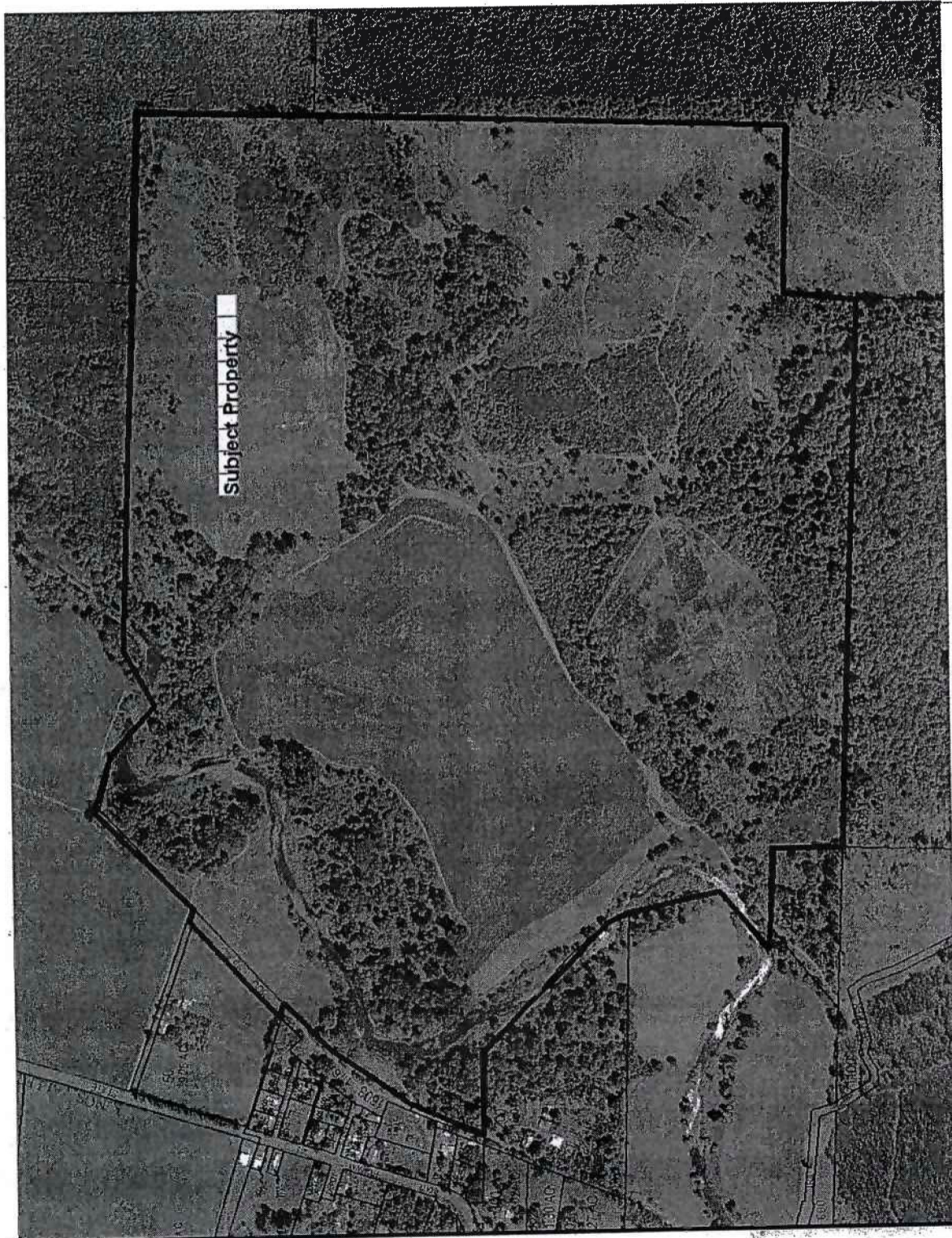
1 in. = 3241 ft.

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2004 Polk County Map

Community Development

Taxlot#07
Taxlot Arrows#07
Taxlot Boundary#3
taxlot#07



1/29/2007

1 in. = 696 ft.

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

2004 Polk County Map

Community Development

- Taxlot 07
- Taxlot Arrows 07
- Taxlot Boundary 3
- taxlot 07



1/29/2007

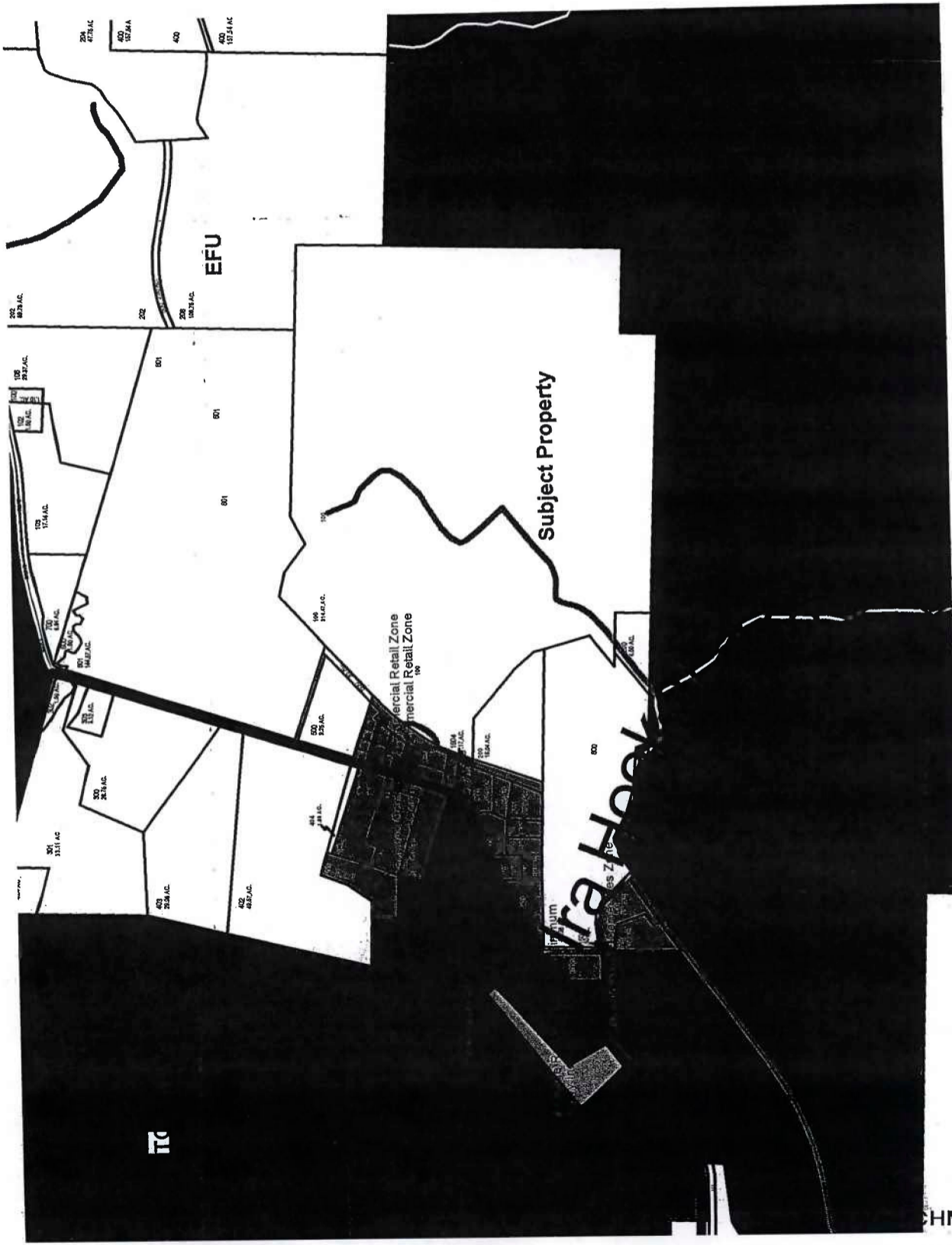
1 in. = 696 ft

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuses or misinterpretation.

Polk County Map

Community Development

- County Roads
- OTHER STATEHWY
- Taxlot Arrows05
- Taxlot Boundary2
- Taxlot006
- Taxlot007
- Taxlot Arrows07
- Taxlot Boundary3
- Taxlot007
- Zone
- AR-5
- EFU
- IH
- PC
- SR
- TC
- UC-CG
- UC-CR
- Overlay
- ZoneAll



1 in. = 1393 ft.

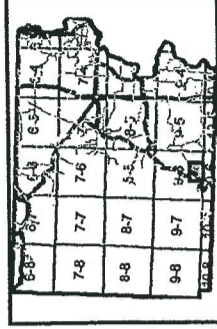
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CHMENT C

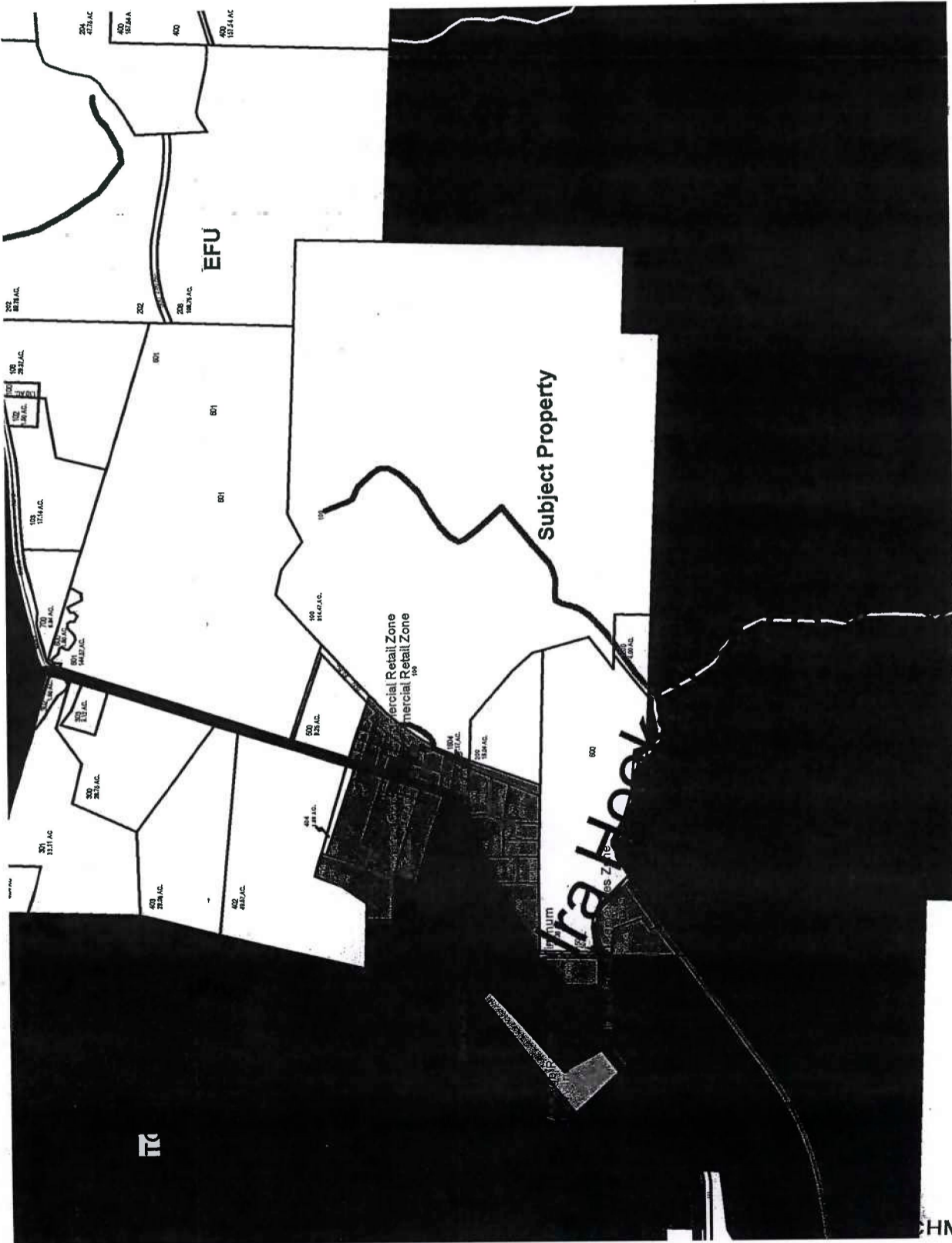
Polk County Map

Community Development

- County Roads
- OTHER STATEHWY
- Taxlot006
- Taxlot Arrows05
- Taxlot Boundary2
- Taxlot006
- Taxlot007
- Taxlot Arrows07
- Taxlot Boundary3
- taxlot007
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- AR-5
- EFU
- IH
- PC
- SR
- TC
- UC-OG
- UC-CR
- Overlay
- ZoneAll



1/19/2007



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ATTACHMENT C

POLK COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2005

9/28/2005 9:22:25 AM

Account # 419534
 Map # 09627-00-00800
 Code - Tax # 0228-419534
 Owner CATES P KENDALL
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # UNKNOWN
 Sales Date/Price UNKNOWN
 Legal Description UNKNOWN
 Appraiser SHOTWELL, GIL

529 JASPER ST NW
 DALLAS, OR 97338

MA SA NH Unit
 Prop Class 550 05 28 000 25095-3
 RMV Class 500

Situs Address(s)	Situs City
------------------	------------

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0228	Impr.	0	0	Impr.	0
	Land	890	890	Land	0
Code Area Total		890	890	0	
Grand Total		890	890	0	

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0228	0	F	EFU	Market	100	A	0.93	B5		
Code Area Total							0.93			0
Grand Total							0.93			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0228	SPECIAL ASSESSMENT:	FIRE PATROL Amount: 18.00 Acres: 0.93
0228	NOTATION(S):	100 YEAR FLOOD PLAIN
0228	NOTATION(S):	FP/RFPD OVERLAP ZONE - NO CODE SPLIT

POLK COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2005

9/28/2005 9:22:25 AM

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Deed Reference # UNKNOWN
Sales Date/Price UNKNOWN
Legal Description UNKNOWN
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Prop Class 550 MA SA NH Unit
 05 28 000 25095-3
RMV Class 500

Situs Address(s)	Situs City

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0228	Impr.	0	0	Impr.	0
	Land	890	890	Land	0
Code Area Total		890	890		0
Grand Total		890	890		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0228	0	F	EFU	Market	100	A	0.93	B5		
Code Area Total							0.93			0
Grand Total							0.93			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0228	SPECIAL ASSESSMENT:	FIRE PATROL Amount: 18.00 Acres: 0.93
0228	NOTATION(S):	100 YEAR FLOOD PLAIN
0228	NOTATION(S):	FP/RFPD OVERLAP ZONE - NO CODE SPLIT

POLK COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2005

9/28/2005 9:21:17 AM

Account # 454146
 Map # 09634-00-00100
 Code - Tax # 0228-454146
 Owner CATES PHILIP KENDALL
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # BOOK 2000 PAGE 6138
 Sales Date/Price 06-06-2000 / \$89,360.00
 Legal Description UNKNOWN
 Appraiser SHOTWELL, GIL

529 JASPER ST NW
 DALLAS, OR 97338

WOODLOT DEFERRAL # 270054-03

MA SA NH Unit
 Prop Class 501 05 28 000 25095-3
 RMV Class 501

Situs Address(s)	Situs City
------------------	------------

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0228	Impr.	1,930	1,930	Impr.	0
	Land	132,629	463,930	Land	0
Code Area Total		134,559	465,860		0
Grand Total		134,559	465,860		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0228	0	F	EFU	Designated Forest Land	100	A	76.00	OFB		
0228	0	F	EFU	Designated Forest Land	100	A	50.00	OFC		
0228	0	R	EFU	Farm Use Zoned	100	A	7.50	B3	CLASS B	4.40
0228	0	R	EFU	Farm Use Zoned	100	A	10.00	H3		
0228	0	R	EFU	Farm Use Zoned	100	A	21.20	H4		
0228	0	F	EFU	Farm Use Zoned	100	A	4.00	H5		
0228	0	F	EFU	Farm Use Zoned	100	A	76.27	H7		
0228	0	R	EFU	Farm Use Zoned	100	A	54.00	K1	CLASS B	54.00
0228	0	R	EFU	Farm Use Zoned	100	A	6.50	K2	CLASS B	6.50
0228	0	R	EFU	Farm Use Zoned	100	A	9.00	K3	CLASS B	9.00
Code Area Total							314.47			73.9
Grand Total							314.47			73.90

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
0228	1		300	Farm Bldg	100	2880	
Code Area Total						2,880	
Grand Total						2,880	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0228	SPECIAL ASSESSMENT:	FIRE PATROL Amount: 143.66 Acres: 206.27

POLK COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2005

9/28/2005 9:21:17 AM

Account # . 454146
 Map # 09634-00-00100
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 Acct Status ACTIVE
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 DALLAS, OR 97338

WOODLOT DEFERRAL # 270054-03

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 RMV Class 501

Situs Address(s)	Situs City
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Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
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	Land	132,629	463,930	Land	0
Code Area Total		134,559	465,860		0
Grand Total		134,559	465,860		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0228	0	F	EFU	Designated Forest Land	100	A	76.00	OFB		
0228	0	F	EFU	Designated Forest Land	100	A	50.00	OFC		
0228	0	R	EFU	Farm Use Zoned	100	A	7.50	B3	CLASS B	4.40
0228	0	R	EFU	Farm Use Zoned	100	A	10.00	H3		
0228	0	R	EFU	Farm Use Zoned	100	A	21.20	H4		
0228	0	F	EFU	Farm Use Zoned	100	A	4.00	H5		
0228	0	F	EFU	Farm Use Zoned	100	A	76.27	H7		
0228	0	R	EFU	Farm Use Zoned	100	A	54.00	K1	CLASS B	54.00
0228	0	R	EFU	Farm Use Zoned	100	A	6.50	K2	CLASS B	6.50
0228	0	R	EFU	Farm Use Zoned	100	A	9.00	K3	CLASS B	9.00
Code Area Total							314.47			73.9
Grand Total							314.47			73.90

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
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Grand Total						2,880	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0228	SPECIAL ASSESSMENT:	FIRE PATROL Amount: 143.66 Acres: 206.27

Polk County Soil Analysis Detail.txt

Time: 4:24:50 PM
Date: 1/19/2007

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

ID LAYER PERCENT KEY	SOIL TYPE	SOIL NAME	SOIL CLAS	PRM CLS	HI VA	MIN SLP	MAX SLP	FOR PRD	SOIL PERCENT	SOIL ACRES	SOIL ERROR
963400 100	14	Chehalis silty c	IIW	YES	YES	0	3	0	1.59%	4.98	0.31%
963400 100	W			NO	NO	0	0	0	1.52%	4.79	1.00%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.24%	0.76	0.09%
963400 100	36E	Jory silty clay	IVE	NO	YES	20	30	122	0.32%	0.99	0.15%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.08%	0.25	0.04%
963400 100	8C	Bellpine silty c	IIW	YES	YES	3	12	115	2.88%	9.04	0.26%
963400 100	27D	Dupee silt loam	IVE	NO	NO	12	20	0	1.72%	5.41	0.28%
963400 100	79	Xerofluvents - 1	VIW	NO	NO	0	0	0	1.31%	4.12	0.31%
963400 100	79	Xerofluvents - 1	VIW	NO	NO	0	0	0	6.72%	21.12	0.82%
963400 100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	16.97%	53.36	1.20%
963400 100	36E	Jory silty clay	IVE	NO	YES	20	30	122	6.73%	21.15	1.43%
963400 100	36C	Jory silty clay	IIW	YES	YES	2	12	122	0.95%	2.98	0.19%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.97%	3.06	0.26%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	1.05%	3.31	0.22%
963400 100	13	Camas gravelly s	IW	NO	NO	0	0	0	0.98%	3.07	0.23%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	2.20%	6.92	0.36%
963400 100	14	Chehalis silty c	IIW	YES	YES	0	3	0	8.41%	26.44	0.73%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.71%	2.23	0.20%
963400 100	37E	Jory silty clay	VIE	NO	NO	30	50	122	0.74%	2.31	0.19%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	2.91%	9.14	0.37%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	1.24%	3.91	0.21%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.80%	2.50	0.22%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	1.21%	3.80	0.24%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.34%	1.07	0.14%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	2.64%	8.31	0.59%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.71%	2.24	0.21%
963400 100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.09%	0.27	0.07%
963400 100	14	Chehalis silty c	IIW	YES	YES	0	3	0	1.70%	5.34	0.33%
963400 100	36E	Jory silty clay	IVE	NO	YES	20	30	122	11.12%	34.95	1.36%
963400 100	37E	Jory silty clay	VIE	NO	NO	30	50	122	9.53%	29.96	0.67%
963400 100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	6.71%	21.09	0.65%
963400 100	36E	Jory silty clay	IVE	NO	YES	20	30	122	0.35%	1.09	0.10%
963400 100	60C	Rickreall silty	VIE	NO	NO	3	12	0	0.44%	1.38	0.10%
963400 100	8G	Bellpine silty c	VIIE	NO	NO	50	75	115	0.06%	0.18	0.03%
963400 100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.01%	0.03	0.01%
963400 100	37D	Jory silty clay	VIE	NO	NO	2	30	122	2.98%	9.38	0.58%
963400 100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	0.57%	1.79	0.15%
									100.00%	314.38	

-----FOREST PRODUCTIVITY REPORT-----					
TAXLOT		RANGE	VALUE	ACRES	VALUE*ACRE
963400	100	0-168	0	126.09	0.00
963400	100	0-168	115	9.23	1060.95
963400	100	0-168	122	179.06	21845.66
				314.38	22906.61

GRAND TOTALS RANGE VALUE ACRES VALUE/ACRE

Polk County Soil Analysis Detail.txt

Time: 4:24:50 PM
Date: 1/19/2007

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

ID	LAYER	SOIL	SOIL	SOIL	PRM	HI	MIN	MAX	FOR	SOIL	SOIL	
PERCENT	KEY	TYPE	NAME	CLAS	CLS	VA	SLP	SLP	PRD	PERCENT	ACRES	ERROR
963400	100	14	Chehalis silty c	IIW	YES	YES	0	3	0	1.59%	4.98	0.31%
963400	100	W			NO	NO	0	0	0	1.52%	4.79	1.00%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.24%	0.76	0.09%
963400	100	36E	Jory silty clay	IVE	NO	YES	20	30	122	0.32%	0.99	0.15%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.08%	0.25	0.04%
963400	100	8C	Bellpine silty c	IIE	YES	YES	3	12	115	2.88%	9.04	0.26%
963400	100	27D	Dupee silt loam	IVE	NO	NO	12	20	0	1.72%	5.41	0.28%
963400	100	79	Xerofluvents - 1	VIW	NO	NO	0	0	0	1.31%	4.12	0.31%
963400	100	79	Xerofluvents - 1	VIW	NO	NO	0	0	0	6.72%	21.12	0.82%
963400	100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	16.97%	53.36	1.20%
963400	100	36E	Jory silty clay	IVE	NO	YES	20	30	122	6.73%	21.15	1.43%
963400	100	36C	Jory silty clay	IIE	YES	YES	2	12	122	0.95%	2.98	0.19%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.97%	3.06	0.26%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	1.05%	3.31	0.22%
963400	100	13	Camas gravelly s	IVW	NO	NO	0	0	0	0.98%	3.07	0.23%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	2.20%	6.92	0.36%
963400	100	14	Chehalis silty c	IIW	YES	YES	0	3	0	8.41%	26.44	0.73%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.71%	2.23	0.20%
963400	100	37E	Jory silty clay	VIE	NO	NO	30	50	122	0.74%	2.31	0.19%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	2.91%	9.14	0.37%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	1.24%	3.91	0.21%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.80%	2.50	0.22%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	1.21%	3.80	0.24%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.34%	1.07	0.14%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	2.64%	8.31	0.59%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.71%	2.24	0.21%
963400	100	17	Cloquato silt lo	IIW	YES	YES	0	3	0	0.09%	0.27	0.07%
963400	100	14	Chehalis silty c	IIW	YES	YES	0	3	0	1.70%	5.34	0.33%
963400	100	36E	Jory silty clay	IVE	NO	YES	20	30	122	11.12%	34.95	1.36%
963400	100	37E	Jory silty clay	VIE	NO	NO	30	50	122	9.53%	29.96	0.67%
963400	100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	6.71%	21.09	0.65%
963400	100	36E	Jory silty clay	IVE	NO	YES	20	30	122	0.35%	1.09	0.10%
963400	100	60C	Rickreall silty	VIE	NO	NO	3	12	0	0.44%	1.38	0.10%
963400	100	8G	Bellpine silty c	VIIE	NO	NO	50	75	115	0.06%	0.18	0.03%
963400	100	53	Newberg fine san	IIW	YES	YES	0	3	0	0.01%	0.03	0.01%
963400	100	37D	Jory silty clay	VIE	NO	NO	2	30	122	2.98%	9.38	0.58%
963400	100	36D	Jory silty clay	IIIE	NO	YES	12	20	122	0.57%	1.79	0.15%

										100.00%	314.38	

-----FOREST PRODUCTIVITY REPORT-----						
TAXLOT		RANGE	VALUE	ACRES	VALUE*ACRE	
963400	100	0-168	0	126.09	0.00	
963400	100	0-168	115	9.23	1060.95	
963400	100	0-168	122	179.06	21845.66	
				-----	-----	
				314.38	22906.61	

GRAND TOTALS RANGE VALUE ACRES VALUE/ACRE

Polk County Soil Analysis Detail.txt				
0-168	0	126.09	0.00	
0-168	115	9.23	12.47	
0-168	122	179.06	0.68	

		314.38		

Total: 22906.61
Average: 72.86
Percent Error (+/-): 1.00%

-----HIGH VALUE SOIL REPORT-----

GRAND TOTALS	VALUE	ACRES	PERCENT
	High Value Soils	231.03	73.49%
	Non High Value Soils	83.35	26.51%

		314.38	

Percent Error (+/-): 1.90%

Disclaimer: Information is based on NRCS soil information & Polk County Tax Assessment data. This information is provided for land use planning purposes only. Polk county is not responsible for map errors, omissions, misuse, or misinterpretation. Percent and total calculations are based on precise geometric calculations and may be rounded to the nearest significant digit.

Polk County Soil Analysis Detail.txt				
0-168	0		126.09	0.00
0-168	115		9.23	12.47
0-168	122		179.06	0.68

			314.38	

Total: 22906.61
Average: 72.86
Percent Error (+/-): 1.00%

-----HIGH VALUE SOIL REPORT-----

GRAND TOTALS	VALUE	ACRES	PERCENT
	High Value Soils	231.03	73.49%
	Non High Value Soils	83.35	26.51%

		314.38	

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Polk County Soil Analysis Detail.txt

Time: 3:19:07 PM

Date: 10/3/2006

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

ID	LAYER	SOIL	SOIL	SOIL	PRM	HI	MIN	MAX	FOR	SOIL	SOIL	
PERCENT	KEY	TYPE	NAME	CLAS	CLS	VA	SLP	SLP	PRD	PERCENT	ACRES	ERROR
962700	800	14	Chehalis silty c	IIW	YES	YES	0	3	0	100.00%	0.90	0.00%
										100.00%	0.90	

-----FOREST PRODUCTIVITY REPORT-----

TAXLOT	RANGE	VALUE	ACRES	VALUE*ACRE
962700 800	0-168	0	0.90	0.00
			0.90	0.00

GRAND TOTALS	RANGE	VALUE	ACRES	VALUE/ACRE
	0-168	0	0.90	0.00
			0.90	

Total: 0.00
 Average: 0.00
 Percent Error (+/-): 0.00%

-----HIGH VALUE SOIL REPORT-----

GRAND TOTALS	VALUE	ACRES	PERCENT
	High Value Soils	0.90	100.07%
	Non High Value Soils	0.00	0.00%
		0.90	

Percent Error (+/-): 0.00%

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Polk County Soil Analysis Detail.txt

Time: 3:19:07 PM

Date: 10/3/2006

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

ID LAYER PERCENT KEY	SOIL TYPE	SOIL NAME	SOIL PRM CLAS	HI CLS	MIN VA	MAX SLP	FOR SOIL PRD	SOIL PERCENT	SOIL ACRES	ERROR		
962700	800	14	Chehalis silty c	IIW	YES	YES	0	3	0	100.00%	0.90	0.00%
									100.00%	0.90		

-----FOREST PRODUCTIVITY REPORT-----

TAXLOT	RANGE	VALUE	ACRES	VALUE*ACRE
962700	800	0-168	0	0.00
				0.90
				0.00
GRAND TOTALS				0.90
				0.00
				0.90

Total: 0.00
Average: 0.00
Percent Error (+/-): 0.00%

-----HIGH VALUE SOIL REPORT-----

GRAND TOTALS	VALUE	ACRES	PERCENT
	High Value Soils	0.90	100.07%
	Non High Value Soils	0.00	0.00%
		0.90	

Percent Error (+/-): 0.00%

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SOILS WOODLAND SUITABILITY REPORT
(Two Parcels Located in Polk County, Oregon)

Prepared for:
CEC Services, LLC
485 Cross Creek Drive
Roseburg, OR 97470

February 9, 2006

Prepared by:
Rick N. Barnes, CF, ACF



Barnes & Associates, Inc.

3000 Stewart Parkway, Suite 204, Roseburg, OR 97470
Ph: 541/673-1208 Fax: 541/673-9789 www.barnesinc.com

ATTACHMENT F

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ATTACHMENT F

INTRODUCTION

The purpose of this report is to document the findings of the evaluation of soils on two separate parcels in Polk County, Oregon for woodland suitability.

The parcels were inspected by Rick Barnes on January 21, 2006 with Chuck and Philip Cates. Rick Barnes founded, owns, and manages Barnes & Associates, Inc., a natural resource consulting firm specializing in the analysis and management of natural resources since 1992. Rick Barnes is a professional forester and is a Certified Forester by the Society of American Foresters. He has a Bachelor of Science degree in Forest Management from Oregon State University and a Master's degree in Business Administration from Southern Oregon State College. Rick has over 25 years of forestry experience in western Oregon. A copy of his resume follows this report.

Mr. Barnes dug test holes to look at the characteristics of the various soils on the property. He followed up the field survey with a review of the Natural Resource Conservation Service Soil Survey of Polk County, Oregon (issued October 1982) (NRCS Soil Survey).

The NRCS Soil Survey utilized a 100 year site index for determination of woodland suitability. The United States Department of Agriculture, Technical Bulletin No. 201, "The Yield of Douglas Fir in the Pacific Northwest" by Richard E. McArdle, et al., was used to determine the Site Class and the annual cubic foot yield potential from the various woodland soils on the subject parcels. Table 3 of this report displays the calculation of the annual cubic foot potential for the various site classes present on the subject property utilizing Technical Bulletin No. 201 yield information.

Following are the findings of the separate parcels evaluated for woodland suitability.

Parcel 1 – Pedee

Location: This parcel is located in Polk County, Oregon, approximately 11 miles southwest of the city of Monmouth and consists of Tax Lot 100, Section 34, T.9S., R.6W., W.M. Based on the Polk County Assessor data, this parcel is 314.47 acres in size.

Soils Information: Soils maps were prepared utilizing Natural Resource Conservation Service data. The Soils Map for the Pedee parcel is shown on the following page. Based on the Natural Resource Conservation Service soils data from the Soil Survey of Polk County, Oregon (Issued October 1982) the soils on the subject property, their woodland suitability, and site index are shown in Table 1. The method for determining cubic productivity utilized in Table 1 is described in detail later in this report.

INTRODUCTION

The purpose of this report is to document the findings of the evaluation of soils on two separate parcels in Polk County, Oregon for woodland suitability.

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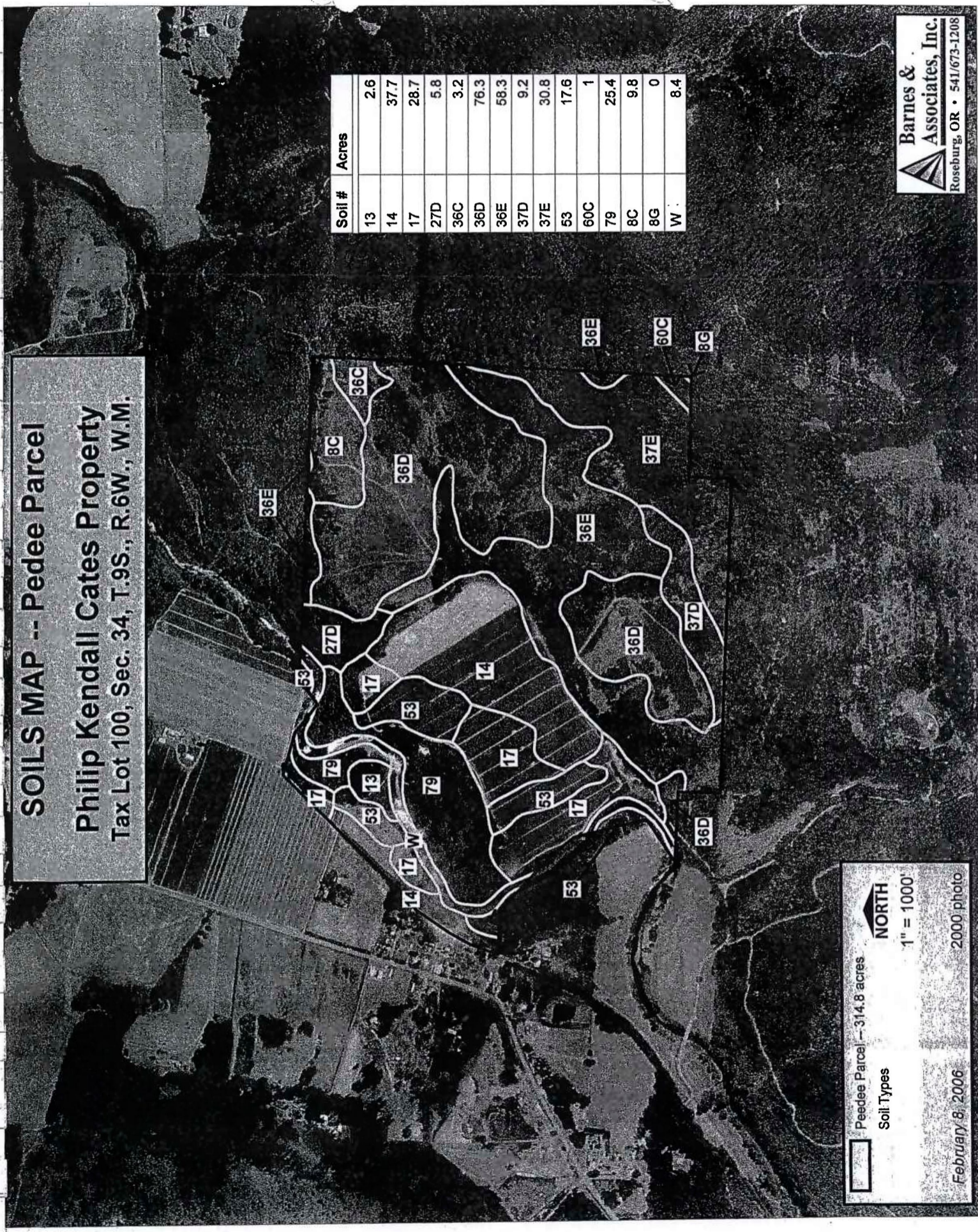
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SOILS MAP -- Pedee Parcel
Philip Kendall Cates Property
 Tax Lot 100, Sec. 34, T.9S., R.6W., W.M.



Soil #	Acres
13	2.6
14	37.7
17	28.7
27D	5.8
36C	3.2
36D	76.3
36E	58.3
37D	9.2
37E	30.8
53	17.6
60C	1
79	25.4
8C	9.8
8G	0
W	8.4

 Pedee Parcel -- 314.8 acres
 Soil Types
 NORTH
 1" = 1000'
 February 8, 2006
 2000 photo


Barnes & Associates, Inc.
 Roseburg, OR • 541/673-1208

SOILS MAP -- Pedee Parcel
Philip Kendall Cates Property
 Tax Lot 100, Sec. 34, T.9S., R.6W., W.M.



Soil #	Acres
13	2.6
14	37.7
17	28.7
27D	5.8
36C	3.2
36D	76.3
36E	58.3
37D	9.2
37E	30.8
53	17.6
60C	1
79	25.4
8C	9.8
8G	0
W	8.4

Barnes & Associates, Inc.
 Roseburg, OR • 541/673-1208

 Pedee Parcel -- 314.8 acres
 Soil Types
 NORTH
 1" = 1000'
 February 8, 2006
 2000 photo

Table 1: Pedee Soil Summary

Map Symbol	Soil name	Woodland Suitable	100 Year Site Index	Productivity CF/Ac/Yr	Acres	% of Area
13	Camas gravelly sandy loam	No	No rating		2.6	.8
14	Chehalis silty clay loam	No rating	Not available		37.7	12.0
17	Cloquato silt loam	Yes	SI 179 Mid Site II	181	28.7	9.1
27D	Dupee silt loam	No			5.8	1.8
36C,D,E 37D,E	Jory silty clay loam	Yes	SI 155 High Site III	157	177.8	56.5
53	Newberg fine sandy loam	Yes	SI 147 Mid Site III	143	17.6	5.6
60C	Rickreall silty clay loam	No	No rating		1.0	.3
79	Xerofluvents, loamy	No	No rating		25.4	8.1
8C,G	Bellpine silty clay loam	Yes	SI 157 High Site III	157	9.8	3.1
W	Water	No			8.4	2.7
Total	ALL				314.8	100.0

Based on the NRCS data, the area that is woodland suitable on this parcel is 233.9 acres or 74% of the parcel. It is clear from the NRCS data that this parcel is predominately woodland suitable.

Soil #14, Chehalis silty clay loam, is not rated for commercial timber, however, the majority of this soil type is suitable for commercial timber production. According to the NRCS Soils Survey, this soil is well drained on gently undulating alluvial bottoms and is subject to overflow several times in some years and experiences flooding about once every three to four years. The soil was inspected on January 21, 2006 immediately following a series of heavy storms which greatly exceeded typical precipitation events for this area. At the time of the inspection, approximately 90% of these soils had already drained off and were suitable for merchantable tree species that can survive short periods of flooding conditions, especially ponderosa pine and red alder. It is reasonable to add 90% of the Chehalis silty clay loam (an additional 34 acres) as woodland suitable to those soils already shown as woodland suitable by the NRCS data. This would bring the total woodland suitable acres to 267.9 acres or 85% of the parcel.

Table 1: Pedee Soil Summary

Map Symbol	Soil name	Woodland Suitable	100 Year Site Index	Productivity CF/Ac/Yr	Acres	% of Area
13	Camas gravelly sandy loam	No	No rating		2.6	.8
14	Chehalis silty clay loam	No rating	Not available		37.7	12.0
17	Cloquato silt loam	Yes	SI 179 Mid Site II	181	28.7	9.1
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36C,D,E 37D,E	Jory silty clay loam	Yes	SI 155 High Site III	157	177.8	56.5
53	Newberg fine sandy loam	Yes	SI 147 Mid Site III	143	17.6	5.6
60C	Rickreall silty clay loam	No	No rating		1.0	.3
79	Xerofluvents, loamy	No	No rating		25.4	8.1
8C,G	Bellpine silty clay loam	Yes	SI 157 High Site III	157	9.8	3.1
W	Water	No			8.4	2.7
Total	ALL				314.8	100.0

Based on the NRCS data, the area that is woodland suitable on this parcel is 233.9 acres or 74% of the parcel. It is clear from the NRCS data that this parcel is predominately woodland suitable.

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PARCEL 2 – AIRLIE

Location: This parcel is located in Polk County, Oregon, approximately 10 miles SW of the city of Monmouth and consists of seven tax lots in T.9S., R.6W., W.M. Based on the Polk County Assessor data, the total area of these tax lots is 384.23 acres. The tax lots are as follows:

Section 23, Tax Lot 200	–124.80 acres
Section 24, Tax Lot 500	– 23.7 acres
Section 25, Tax Lot 500	– 82.20 acres
Section 26, Tax Lot 100	–107.19 acres
Section 26, Tax Lot 102	– 14.84 acres
Section 26, Tax Lot 300	– 21.42 acres
<u>Section 26, Tax Lot 301</u>	<u>– 10.08 acres</u>
Total area	384.23 acres

Field Inspection: This parcel was inspected by Rick Barnes on January 21, 2006 with Chuck and Philip Cates. Mr. Barnes dug test holes to look at the characteristics of the various soils on the parcel. The field survey was followed up with a review of the Natural Resource Conservation Service Soil Survey of Polk County, Oregon (issued October 1982).

Soils Information: A soils map for the Airlie parcel is shown on page 6. Based on the Natural Resource Conservation Service soils data from the Soil Survey of Polk County, Oregon (Issued October 1982), the soils on the subject property, their woodland suitability and site index are shown in Table 2. The method for determining the cubic foot productivity shown in Table 2 is described in detail later in this report.

PARCEL 2 – AIRLIE

Location: This parcel is located in Polk County, Oregon, approximately 10 miles SW of the city of Monmouth and consists of seven tax lots in T.9S., R.6W., W.M. Based on the Polk County Assessor data, the total area of these tax lots is 384.23 acres. The tax lots are as follows:

Section 23, Tax Lot 200	–124.80 acres
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Total area	384.23 acres

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Soils Information: A soils map for the Airlie parcel is shown on page 6. Based on the Natural Resource Conservation Service soils data from the Soil Survey of Polk County, Oregon (Issued October 1982), the soils on the subject property, their woodland suitability and site index are shown in Table 2. The method for determining the cubic foot productivity shown in Table 2 is described in detail later in this report.

Table 2: Airlie Soil Summary

Map Symbol	Soil name	Woodland Suitable	100 Year Site Index	Productivity CF/Ac/Yr	Acres	% of Area
8C,E	Bellpine silty clay loam	Yes	SI 157 High Site III	157	37.9	9.9
14	Chehalis silty clay loam	No rating	No rating		36.7	9.5
15E	Chehulpin silt loam	No rating	No rating		7.1	1.8
17	Cloquato silt loam	Yes	SI 179 Mid Site II	181	65.0	16.9
35D,E, 36 C,D,E 37E	Jory silty clay loam	Yes	SI 155 High Site III	157	124.5	32.4
46	Malabon silty clay loam	Yes	SI 166 Low Site II	170	15.7	4.1
49	McBee silty clay loam	Yes	SI 150 High Site III	157	4.6	1.2
53	Newberg fine sandy loam	Yes	SI 147 Mid Site III	143	.6	.2
60C,F	Rickreall silty clay loam	No	No rating		8.0	2.1
68C,E	Suver silty clay loam	No	No rating		25.2	6.6
72	Waldo silty clay loam	No	No rating		2.0	.5
74C,D,E,F	Willakenzie silty clay loam	Yes	SI 160 Low Site II	170	49.1	12.8
75A	Willamette silt loam	No	No rating		.7	.2
W	Water	No	No rating		7.1	1.8
Total	ALL				384.2	100

Based on the NRCS data, the area that is woodland suitable on this parcel is 297.4 acres or 77% of the parcel. This parcel is clearly predominately woodland suitable.

Soil #14, Chehalis silty clay loam, is not rated for commercial timber, however, the majority of this soil type is suitable for commercial timber production. According to the NRCS Soils Survey, this soil is well drained on gently undulating alluvial bottoms and is subject to overflow several times in some years and experiences flooding about once every three to four years. The soil was inspected on January 21, 2006 immediately following a series of heavy storms which greatly exceeded typical precipitation events for this area. At the time of the inspection, approximately 90% of these soils had already drained off and were suitable for merchantable tree species that can survive short periods of flooding conditions, especially ponderosa pine and red alder. It is reasonable to add 90% of the Chehalis silty clay loam (an additional 33 acres) as woodland suitable to those soils already shown as woodland suitable by the NRCS data. This would bring the total woodland suitable acres to 330.4 acres or 86% of the parcel.

Table 2: Airlie Soil Summary

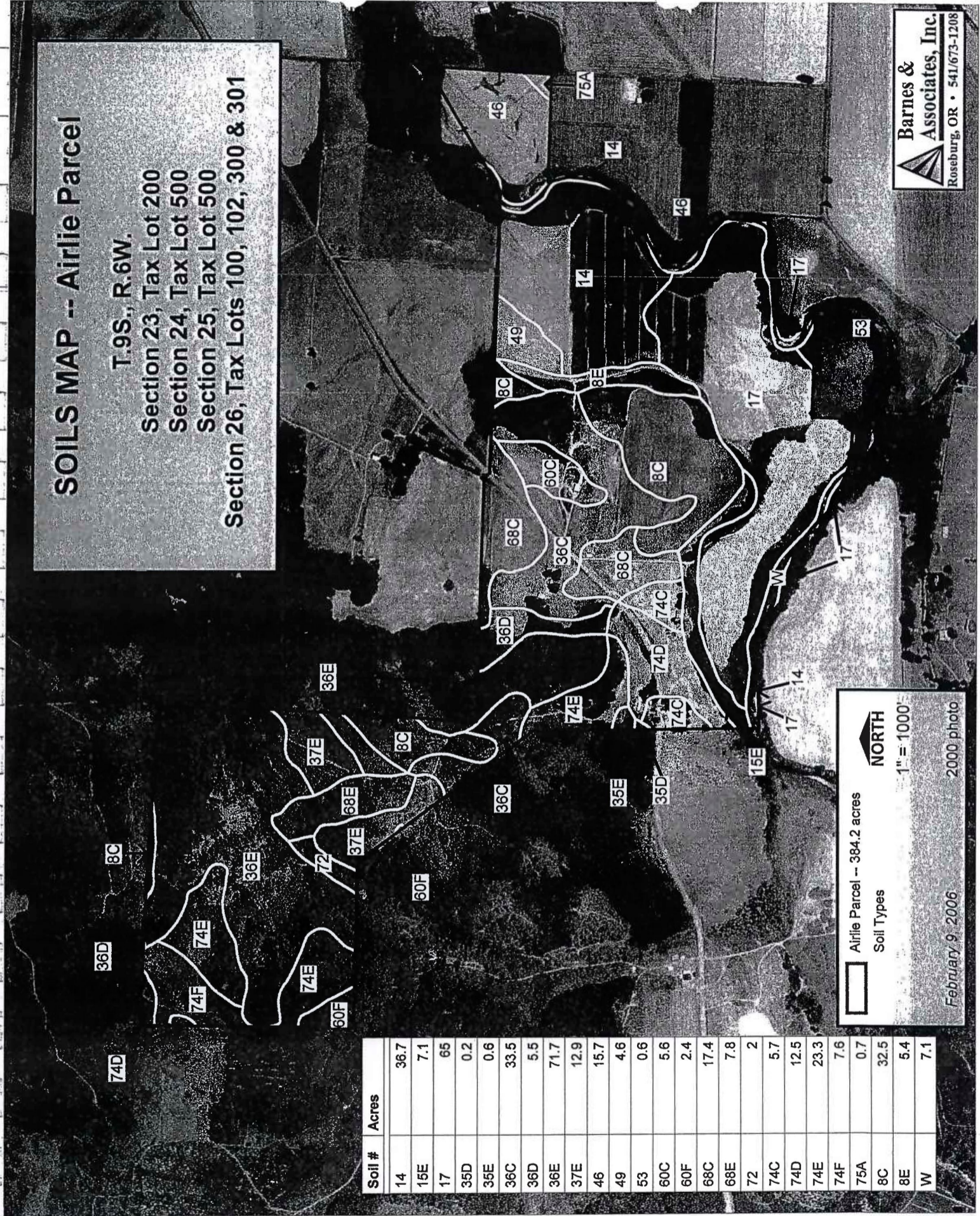
Map Symbol	Soil name	Woodland Suitable	100 Year Site Index	Productivity CF/Ac/Yr	Acres	% of Area
8C,E	Bellpine silty clay loam	Yes	SI 157 High Site III	157	37.9	9.9
14	Chehalis silty clay loam	No rating	No rating		36.7	9.5
15E	Chehulpin silt loam	No rating	No rating		7.1	1.8
17	Cloquato silt loam	Yes	SI 179 Mid Site II	181	65.0	16.9
35D,E, 36 C,D,E 37E	Jory silty clay loam	Yes	SI 155 High Site III	157	124.5	32.4
46	Malabon silty clay loam	Yes	SI 166 Low Site II	170	15.7	4.1
49	McBee silty clay loam	Yes	SI 150 High Site III	157	4.6	1.2
53	Newberg fine sandy loam	Yes	SI 147 Mid Site III	143	.6	.2
60C,F	Rickreall silty clay loam	No	No rating		8.0	2.1
68C,E	Suver silty clay loam	No	No rating		25.2	6.6
72	Waldo silty clay loam	No	No rating		2.0	.5
74C,D,E,F	Willakenzie silty clay loam	Yes	SI 160 Low Site II	170	49.1	12.8
75A	Willamette silt loam	No	No rating		.7	.2
W	Water	No	No rating		7.1	1.8
Total	ALL				384.2	100

Based on the NRCS data, the area that is woodland suitable on this parcel is 297.4 acres or 77% of the parcel. This parcel is clearly predominately woodland suitable.


Soil #14, Chehalis silty clay loam, is not rated for commercial timber, however, the majority of this soil type is suitable for commercial timber production. According to the NRCS Soils Survey, this soil is well drained on gently undulating alluvial bottoms and is subject to overflow several times in some years and experiences flooding about once every three to four years. The soil was inspected on January 21, 2006 immediately following a series of heavy storms which greatly exceeded typical precipitation events for this area. At the time of the inspection, approximately 90% of these soils had already drained off and were suitable for merchantable tree species that can survive short periods of flooding conditions, especially ponderosa pine and red alder. It is reasonable to add 90% of the Chehalis silty clay loam (an additional 33 acres) as woodland suitable to those soils already shown as woodland suitable by the NRCS data. This would bring the total woodland suitable acres to 330.4 acres or 86% of the parcel.


SOILS MAP -- Airlie Parcel

T.9S., R.6W.
 Section 23, Tax Lot 200
 Section 24, Tax Lot 500
 Section 25, Tax Lot 500
 Section 26, Tax Lots 100, 102, 300 & 301



Soil #	Acres
14	36.7
15E	7.1
17	65
35D	0.2
35E	0.6
36C	33.5
36D	5.5
36E	71.7
37E	12.9
46	15.7
49	4.6
53	0.6
60C	5.6
60F	2.4
68C	17.4
68E	7.8
72	2
74C	5.7
74D	12.5
74E	23.3
74F	7.6
75A	0.7
8C	32.5
8E	5.4
W	7.1

 Airlie Parcel -- 384.2 acres
 Soil Types
 NORTH
 1" = 1000'
 February 9, 2006
 2000 photo


Barnes & Associates, Inc.
 Roseburg, OR • 541/673-1208

Cubic Foot Growth Potential

The Soil Survey of Polk County, Oregon did not show the cubic foot growth potential in the woodland suitable tables. Table 3 displays the detail of how the cubic foot capability of the various soils by site class was determined.

TABLE 3 -- CUBIC FOOT YIELDS
From
Technical Bulletin 201
The Yield of Douglas fir in the Pacific Northwest by Richard E. McArdle, et al.

Site class Site Index.	Age	Mid III 140 CF yield	Mid III 140 MAI	High III 150 CF yield	High III 150 MAI	Low II 160 CF yield	Low II 160 MAI	Mid II 170 CF yield	Mid II 170 MAI
	50	6550	131	7400	148	8090	162	8720	174
	60	8500	142	9380	156	10150	169	10840	181
	70	10040	143	11020	157	11900	170	12660	181
	80	11340	142	12400	155	13360	167	14220	178
	90	12390	138	13500	150	14600	162	15540	173
	100	13270	133	14460	145	15600	156	16610	166
	110	14000	127	15290	139	16500	150	17560	160
	120	14600	122	15990	133	17240	144	18340	153
	130	15140	116	16560	127	17870*	137	19000	146
	140	15610	112	17090	122	18410	132	19590	140
	150	16080	107	17560	117	18910	126	20130	134
	160	16490	103	18010	113	19380	121	20650	129

CF yield is the cubic foot yield estimated for the given age of the stand.
Yields were taken from Technical Bulletin No. 201, The Yield of Douglas fir in the Pacific Northwest. Table 3 on page 23.

MAI is the mean annual growth for the stand. It is calculated by dividing yield by the age.

The bold numbers are the culmination of the mean annual increment.
This is the age at which mean annual increment is maximized.

SUMMARY

Both the field inspections and the Natural Resource Conservation Service data indicate that both the Pedee and Airlie parcels are predominately woodland suitable. Eighty-five percent (85%) of the Pedee parcel and eighty-six percent (86%) of the Airlie parcel are woodland suitable.

Submitted by Rick Barnes this 9th day of February, 2006.



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Resume of:
Rick N. Barnes

Qualified By

Rick has an excellent background of experience and education in natural resource management in Oregon. He has practiced forestry in western Oregon for over 25 years providing a wide variety of services for both large and small forest land owners. He has developed numerous forest stewardship plans for private land owners and has extensive experience implementing management activities to meet landowner objectives.

Education & Certifications

- 1981 Master of Science, Business Administration, Southern Oregon State College - 3.82 GPA
- 1978 Bachelor of Science, Forest Management, Oregon State University - Graduated with High Scholarship.
- 1999 Certified Forester by the Society of American Foresters

Professional Experience

1992 - Pres. President, Barnes & Associates, Inc.

- ▶ Written forest stewardship plans using the template utilized by the Oregon Department of Forestry.
- ▶ Completed forest management planning and implementation for private woodland owners and the City of Glendale based on land owners objectives and Oregon Forest Practices Act regulations.
- ▶ Owner and manager of company. Manages company's day-to-day operations and responsible for all management decisions.
- ▶ Member of audit teams for Sustainable Forestry Initiative certifications in Oregon, Washington, northern California and British Columbia.
- ▶ Inspected numerous small woodland owners for certification utilizing the American Tree Farm System standards.
- ▶ Project Manager for the development of a management plan for the John Day Subbasin. This management plan covered over five million acres and will guide the Fish and Wildlife Program for the Northwest Power and Conservation Council for the next 10 to 15 years.
- ▶ Highly successful at assembling teams of specialists with interdisciplinary skills to complete professional studies requiring a wide range of expertise.
- ▶ Timber cruising, appraisals and analysis for a multitude of purposes including timberland acquisition, timberland sales, estate planning, estate valuations, valuation for collateral, etc.
- ▶ Marketing services including timber sales, delivered log sales, and preparation of marketing packets for land and timber sales.
- ▶ Client base includes small woodland owners with 5 acres to 1,000+ acres, industrial landowners, public agencies, forest products manufacturers, and private parties looking for forest investments.
- ▶ Large forest inventory projects for Boise Cascade, Roseburg Resources, and Seneca Jones Timber Co.
- ▶ Research project for Oregon State University for Swiss Needle Cast disease.
- ▶ Watershed Analysis on 88,000 acre watershed for natural gas pipeline.
- ▶ Watershed Analysis projects for watersheds in Oregon and Washington.
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- ▶ Manages 1,262 acres owned by himself and his wife Audrey
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- ▶ Performed acquisition analysis for several forests and manufacturing facilities in New Zealand. Analysis included study of the political environment, tax implications, legal requirements, market analysis, raw material availability, and cash flow projections.
- ▶ Conducted relationship analysis of cubic meters and Scribner log scale systems.
- ▶ Involved in the Department of Agriculture Pest Risk Analysis for importing radiata pine from New Zealand.

1982 – 1992 Timber Manager, C&D Lumber Co.

- ▶ Responsible for all activities required to provide raw materials to the sawmill.
- ▶ Responsible for management of the Companies' 17,000 acres of timberlands.
- ▶ Member of the Management team and participated in all major company decisions.
- ▶ Analysis of financial statements to determine profit margins, problem areas, and recognize opportunities for improvement.
- ▶ Initiated the development of short and long term management plans for the company's 17,000 acres of timberlands.
- ▶ Negotiated timber deeds, right-of-way agreements, log purchase agreements, logging contracts, etc. to meet company's objectives.
- ▶ Coordinated the physical inventory of the company's timberlands.
- ▶ Developed a well trained forestry staff that resulted in excellent managed private lands, accurate appraisals, low road construction and logging costs, and raw materials supplied to the mill with excellent profit opportunities.
- ▶ Coordinated log purchasing and merchandising to best meet the company's needs and maximize profit opportunities.
- ▶ Responsible for fire management and protection of private lands.

1978 – 1982 Forester, Eugene F. Burrill Lumber Co.

- ▶ Managed the company's logging and road building activities in Northern California.
- ▶ Conducted log length study which resulted in adjustments of log lengths with a realized seven percent drop in raw material costs.
- ▶ Conducted statistical study on sample log scaling resulting in more accurate, cost efficient scaling practices.
- ▶ Cruised timber and purchased logs.
- ▶ Assisted with developing computer programs for timber accounting.

1974 – 1977 Smokejumper, U.S.F.S., Willowa-Whitman National Forest: (Summer employment while attending college)

- ▶ Forest fire suppression in Oregon, Washington, and Alaska.
- ▶ Completed 74 parachute jumps suppressing forest fires.
- ▶ Maintained and rigged parachutes.

Organizations and Associations

Association of Consulting Foresters of America

Society of American Foresters - Current – District 2 Council Representative
2001-present, Oregon SAF Foundation Board of Trustees
2000 Chair, Oregon State Chapter
1998 Chair, the Umpqua Chapter

Serves on the Douglas County Planning Commission

Serves on the Douglas County Woodland Advisory Committee

Oregon Small Woodlands Association, member

Douglas Forest Protective Association, current board member and past president. The organization is responsible for fire protection on 1.2 million acres of timber and range land.

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