



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

7/20/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 005-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Monday, August 03, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Anne Elvers, Washington County
Doug White, DLCD Community Services Specialist

<paa> N

Notice of Adoption

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

DATE STAMP

in person ☐ electronic ☐ mailed ☐

DEPT OF

JUL 13 2009

LAND CONSERVATION
AND DEVELOPMENTJurisdiction: **Washington County**Local file number: **09-114-PA**Date First Evidentiary Hearing: **06/17/2009**Date of Final Hearing: **7/7/2009**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **4/29/2009**☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

Casefile 09-114-PA changed the designation of one 26.66 acre parcel from Agriculture and Forest (AF-20) District to the Exclusive Forest and Conservation (EFC) District.

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

NoPlan map changed from: **AF-20**to: **EFC**Zone map changed from: **N/A**to: **N/A**Location: **East of NW Paradise Lane and north of NW David Hill Road**Specify density: Previous **1 D.U. / 80 ac.** New density: **1 D.U. / 80 ac.** Acres involved: **26.66**

Mark applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☒	☒	☒	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

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

Please list affected state or federal agencies, local governments or special districts: **Washington County Department of Land Use & Transportation, Washington County Sheriff, Newberg School District, Tualatin Valley Fire and Rescue District**

Local Contact: **Anne Elvers**E-mail: **anne_elvers@co.washington.or.us**Phone: **(503) 846-3583**Address: **155 N. First Ave., Suite 350-14**City: **Hillsboro**Zip: **97124**Fax: **(503) 846-4412**DLCD file No. 005-09 (17570) [15613]

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing - Land Use & Transportation (CPO 10)

Agenda Title: PLAN AMENDMENT 09-114-PA - CONSIDER PLAN
AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM
AF-20 TO EFC FOR A 26.66 ACRE PARCEL

Presented by: Brent Curtis, Planning Manager

SUMMARY (Attach Supporting Documents if Necessary)

The applicant is requesting a plan amendment from Agriculture and Forestry - 20 Acres (AF-20) to Exclusive Forest & Conservation (EFC) for an approximately 26 acre parcel. The parcel is described as tax map and lot number 2S2 33 1000. The property is located east of the intersection of SW Neill Road and NE Mountain Top Road, as shown on the attached public notice.

Because this request involves lands designated under statewide planning goals addressing agriculture (Goal 3) and forest lands (Goal 4), a Planning Commission hearing was held for the purpose of making a recommendation to the Board on this matter. It is the Board's responsibility to make a final decision on this application.

On June 17, 2009, the Planning Commission conducted a public hearing on the plan amendment. The Commission voted 9-0 to forward a recommendation for approval to the Board of County Commissioners. The staff report for the July 7, 2009 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.

Attachment: Public Notice
Resolution and Order (cover sheet only)

DEPARTMENT'S REQUESTED ACTION:

Conduct public hearing. Approve the proposed plan amendment based on evidence and findings in the staff report and the applicant's submittal. Authorize the Chair to sign the Resolution and Order approving Plan Amendment 09-114-PA.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 09-61

Agenda Item No.	<u>4.a.</u>
Date:	<u>7/7/09</u>

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of a Proposed Plan
Amendment Casefile 09-114-PA
for Helen V. Avery Trust

) RESOLUTION AND ORDER

) No. 09-61

This matter having come before the Washington County Board of Commissioners (Board) at its
meeting of July 7, 2009; and

It appearing to the Board that the above-named applicants applied to Washington County for a
Plan Amendment to change the plan designation for certain real property described in the Notice of Public
Hearing (Exhibit "A"), attached hereto and by this reference made a part hereof, from Agriculture and
Forest (AF-20) to Exclusive Forest and Conservation (EFC); and

It appearing to the Board from evidence and findings in the Application (Exhibit "B") and in the
findings (Exhibit "C") attached hereto and by this reference made a part hereof, that the aforementioned
application does meet the requirements of the Rural/Natural Resource Plan for such a Plan Amendment;
and therefore, that the aforesaid application should be approved; and

It appearing to the Board that the findings described in Exhibit "C" constitute appropriate
legislative findings and should be adopted by this Board; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on
June 17, 2009, voted to recommend that the Board adopt 09-114-PA, it is therefore

RESOLVED AND ORDERED that Casefile No. 09-114-PA for a Plan Amendment for property
described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject to
the conditions of approval set forth in the Summary of Decision (Exhibit "D").

5 votes Aye, 0 votes Nay.

AYE NAY ABSENT

BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
ROGERS	✓	—	—
BUYCK	✓	—	—

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

APPROVED AS TO FORM:

Tom Bean
CHAIRMAN

[Signature]
Assistant County Counsel
for Washington County, Oregon

Barbara Heitmanek
RECORDING SECRETARY



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519 fax: (503) 846-4412
www.co.washington.or.us

NOTICE OF PUBLIC HEARING

PROCEDURE TYPE III

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource Plan

EXISTING LAND USE DISTRICT(S):
Agriculture and Forest – 20 Acre District (AF-20)

PROPOSED PLAN AMENDMENT:
Change existing AF-20 designation to Exclusive Forest
Conservation (EFC)

Notice is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on **June 17, 2009 at 7:30 PM** in the auditorium of the Washington County Public Services Building, 155 North First, Hillsboro, Oregon. After the hearing, the Planning Commission will decide on a recommendation to the Board of County Commissioners on this matter.

The Board of Commissioners will consider the request at a public hearing on **July 7, 2009 at 10:00 AM** in the auditorium of the Washington County Public Services Building, 155 North First, Hillsboro, Oregon. The decision of the Board is final unless appealed.

All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to a hearing). Only those making an appearance of record shall be entitled to appeal. The public hearings will be conducted in accordance with the rules of procedure as adopted by the Board of County Commissioners. Reasonable time limits will be imposed.

Assistive Listening Devices are available for persons with impaired hearing and can be scheduled for this meeting by calling 648-8611 (voice) or 693-4598 (TDD-Telecommunications Devices for the Deaf) no later than 5:00pm on the Monday prior to the meeting date(s). The County will also upon request endeavor to arrange for the following services to be provided: qualified sign language interpreters for persons with speech or hearing impairments and qualified bilingual interpreters. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the County of your need by 5:00pm on the Monday preceding the meeting date.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Anne Elvers, Associate Planner

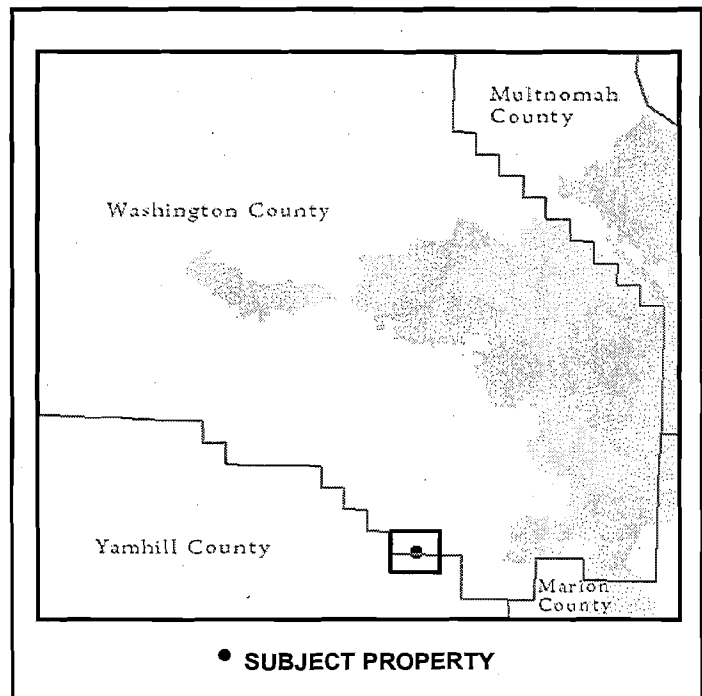
AT THE WASHINGTON COUNTY DEPARTMENT OF LAND USE
AND TRANSPORTATION. (503) 846-3519.

CASE FILE NO. 09-114-PA

APPLICANT:
Bruce Vincent
Bedsaul Vincent Consulting
416 Laurel Ave, #3
Tillamook, OR 97141

OWNER:
Joanne Corder, Personal Representative
Helen Vernon Avery Estate
11500 SW Lancaster Road
Portland, OR 97219

PROPERTY DESCRIPTION:
ASSESSOR MAP NO(S): 2S2 33
SITE SIZE: 26.66 acres
ADDRESS: None
LOCATION: East of SW Neill Road and northeast of the
intersection of NE Mountain Top Road and SW Neill Road



**NOTICE TO MORTGAGEE, LIENHOLDER,
VENDOR OR SELLER:**
ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE
THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO
THE PURCHASER.

All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to the hearing but not after the conclusion of the hearing). Only those making an appearance of record (those presenting oral or written testimony) shall be entitled to appeal. Failure to raise an issue in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority (Planning Commission and/or Board of County Commissioners) an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on the issue.

The public hearing will be conducted in accordance with the following rules of procedure as adopted by the Board of County Commissioners. Reasonable time limits may be imposed.

RULES OF PROCEDURE

1. The staff will summarize the applicable substantive review criteria
2. A summary of the staff report is presented.
3. The applicant's presentation is given.
4. Testimony of others in favor of the application is given.
5. Testimony of those opposed to the application is given.
6. Applicant's rebuttal testimony is given.

Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall be subject to the limitations of ORS 215.428 or 227.178.

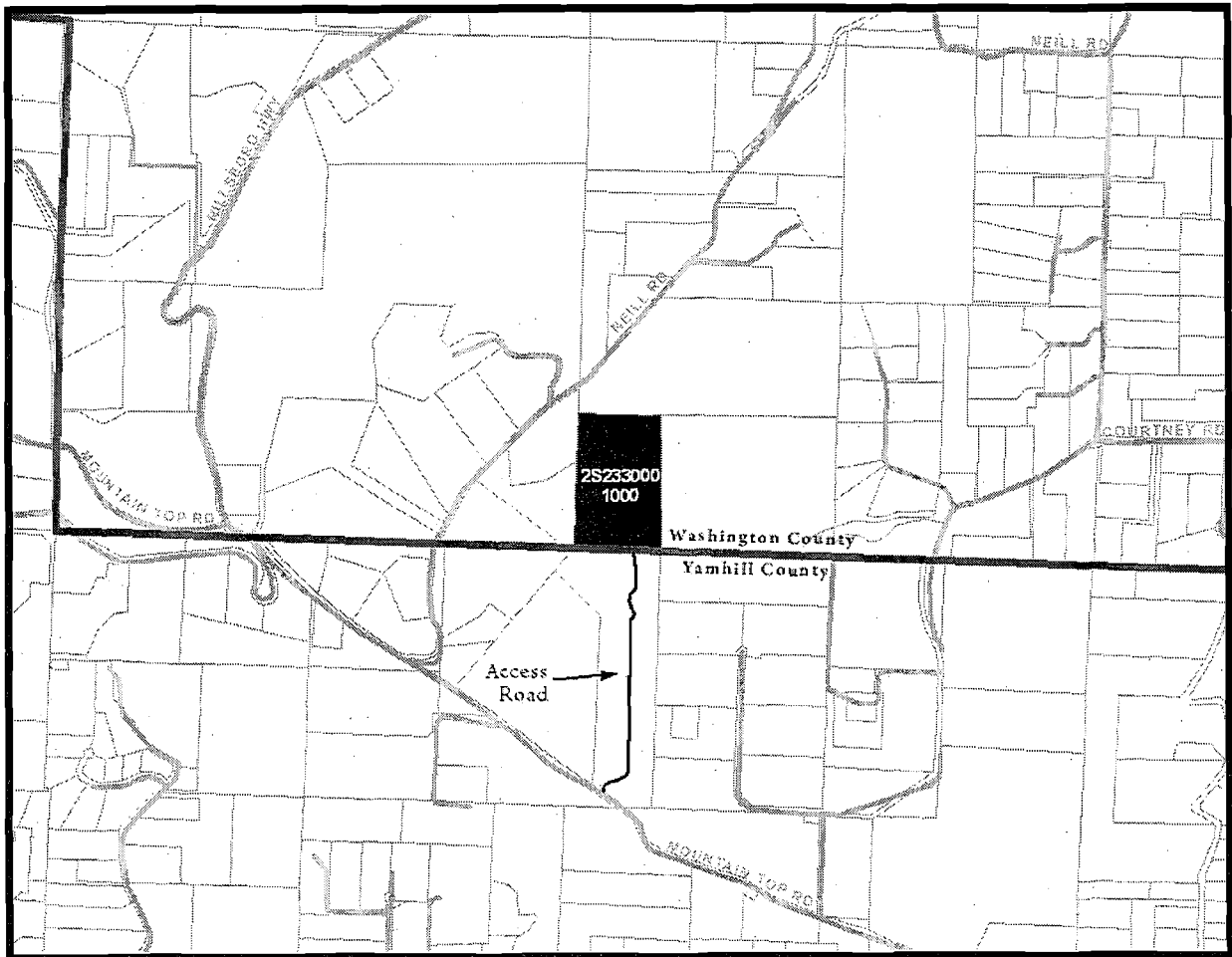
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.

A copy of the staff report will be available for inspection at no cost at the Department of Land Use and Transportation at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.

For further information, please contact **Anne Elvers, Associate Planner**, Department of Land Use and Transportation, at **503-846-3583**.

Tax Map/Lot Number: 2S2 33 1000
Case File Number: 09-114-PA



Legend: Area of Consideration is shaded

Scale = 1" = 1800'

Applicable Land Use Districts:

AF-20 EFC

Applicable Goals, Policies & Regulations:

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 5, 11 & 12
- B. Washington County Rural/Natural Resource Plan Policies 1.p.8, 2, 6, 8, 10, 14.a.1, 15, 16, 17, 22 & 23
- C. Washington County Community Development Code
Article II; Article III, Sections 342, 344; Article IV Sections 421, 422;
Article V
- E. OAR 660-012-0060, OAR 660-004
- F. Washington County Transportation Plan Policies 1, 2, 4, 5, 6, 10 & 19



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519

CASEFILE NO. _____

09-114-PA

PLAN AMENDMENT APPLICATION

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S): Ag/Forest-20
(AF-20)

PROPERTY DESCRIPTION

ASSESSOR MAP NO(S): 252-33

TAX LOT NO(S): 1000

SITE SIZE: 26.66 AC

ADDRESS:

LOCATION: East of SW Hill Rd + North
of Mountain Top Road

APPLICANT NAME AND ADDRESS:

Jo Ann Carter, Personal Rep
Helen Vernon Avery Estate
11501 SW Lancaster Rd
Portland, OR 97219

APPLICANT'S REPRESENTATIVE AND ADDRESS:

Bruce Vincent
Red Bull Vincent Consulting, LLC
PO Box 12569
Portland, OR 97212

OWNER'S NAME AND ADDRESS:

Jo Ann Carter, Personal Rep
Helen Vernon Avery Estate
11501 SW Lancaster Rd
Portland, OR 97219

APPLICANT PHONE: 503-487-1994 (Bruce Vincent)

OWNER PHONE: 503-977-9833

ALSO NOTIFY:

PROPOSED PLAN AMENDMENT: Change designation from AF-20 to EFC

DATE OF PRE-APPLICATION CONFERENCE:

(Attach copy of summary) 11/04/08

STAFF MEMBER: Anne Everett Jay Chang

EXISTING USE OF THE SITE: Timber, logged 2008

LIST ASSESSOR MAP AND TAX LOT NUMBERS OF ALL CONTIGUOUS LOTS OR PARCELS UNDER IDENTICAL OWNERSHIP:

LIST ALL PREVIOUS DEVELOPMENT REQUESTS, LAND USE ACTIONS AND DATES OR PREVIOUS ACTIONS RELATING TO THE SUBJECT PROPERTY:

N/A

WE, THE UNDERSIGNED HEREBY AUTHORIZE THE FILING OF THIS APPLICATION AND CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS COMPLETE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.

Jo Ann Carter 2-3-09
☒ OWNER ☐ CONTRACT PURCHASER DATE
Personal Representative

☐ OWNER ☐ CONTRACT PURCHASER DATE

☐ OWNER ☐ CONTRACT PURCHASER DATE

☐ OWNER ☐ CONTRACT PURCHASER DATE

NOTES:

♦ THIS APPLICATION MUST BE SIGNED BY ALL THE OWNERS OR ALL THE CONTRACT PURCHASERS OF THE SUBJECT PROPERTY, AS DEFINED BY THE COMMUNITY DEVELOPMENT CODE, SECTION 106-149.

♦ IF THIS APPLICATION IS SIGNED BY THE CONTRACT PURCHASER(S), THE CONTRACT PURCHASER(S) IS (ARE) CERTIFYING THAT THE CONTRACT VENDOR HAS BEEN NOTIFIED OF THE APPLICATION.

♦ THE APPLICANT OR A REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC HEARINGS.

♦ NO APPROVAL WILL BE EFFECTIVE UNTIL THE APPEAL PERIOD HAS EXPIRED.

♦ AN APPROVAL OR DENIAL OF THIS REQUEST MAY BE OVERTURNED ON APPEAL.

S:/shared/plng/wpshare/plan amendments/master/misc forms/app.doc



WASHINGTON COUNTY OREGON

Agreement for the Payment of Fees Quasi-Judicial Plan Amendment Application

The parties to this Agreement are Juan Carlos Helen Vazquez Estate (Applicant), who hereby certifies that said party is the ☒ owner of record, ☐ contract purchaser or ☒ duly authorized representative of the owner of the property listed below, and Washington County Department of Land Use and Transportation, Planning Division (County).

In 1987, the Board of County Commissioners adopted Resolution and Order No. 87-145, incorporated herein by reference, which established fees for all quasi-judicial plan amendment applications and mandated that the applicant pay the true cost of processing such an application. The Board subsequently revised the original resolution several times since 1987, most recently in 2004 by Resolution and Order No. 04-60, incorporated herein by reference.

Since the Applicant desires to submit an application for a quasi-judicial plan amendment and is required by Resolution and Order No. 87-145 to pay the true cost of processing such an application, this Agreement is needed to ensure that the Applicant makes full payment.

Now, therefore, the Parties agree as follows:

1. This agreement governs the proposed plan amendment for the property described as Assessor Map and Tax Lot Number(s) 252-33, TL 1000 (Property) to change the Property's Comprehensive Plan designation from AE-20 to EFC.
2. The Applicant certifies that if the Applicant is a corporation, the corporation is duly authorized to do business in Oregon and the Applicant's representative is duly authorized by the corporation to sign this Agreement.
3. The Applicant ☒ has or ☐ has not met with county staff for a pre-application conference.
4. The Applicant hereby deposits ~~\$2,100~~ ^{\$3,500} with the County as an initial deposit towards the payment of the true cost of processing the plan amendment application.
5. If the true cost of processing the application is more than the initial deposit, the Applicant shall pay the remaining cost within thirty (30) days of receipt of a statement from the County. If an application is withdrawn, the Applicant remains liable for all costs incurred and shall pay within thirty (30) days of receipt of a statement from the County.
6. If the true cost of processing the application is less than the initial deposit, the County hereby agrees to promptly refund without interest any remaining funds that may be due.
7. It is agreed that the County retains the following means to assure payment of any balance due to the County:
 - A. If the application is approved or conditionally approved by the review authority, a condition of approval may be imposed requiring payment in full of such balance before the approval becomes effective.

Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412

- B. If the application is conditionally approved or denied by the review authority, and the Applicant appeals the decision, the County shall require that the balance due for processing the application be paid in full before the appeal is processed.
- C. If the application is denied by the review authority and the Applicant does not appeal the decision, the County shall require that the balance due for processing the application be paid in full within thirty (30) days of receipt of the statement.
- D. If payment is not received, the County may file a legal action to collect amounts due and be entitled to attorney fees.
8. The parties further agree that true costs to be charged to the Applicant shall be determined as set forth in Resolution and Order No. 87-145 and any subsequent Resolution and Orders adopted by the Board. Any dispute concerning the amounts due shall be resolved as follows:
- A. The Applicant agrees to first contact the Planning Division's designated staff member in charge of processing the application should a dispute arise.
- B. If the staff member is unable to resolve the dispute, the Applicant may request a review of the matter by the Planning Division Manager, and the Manager shall notify the Applicant in writing of any determination.
- C. The Applicant may request a determination by the Department of Land Use and Transportation Director only after making initial contact with the designated staff member and Planning Division Manager. Requests to the Director shall be made in writing and shall set forth the specific basis of objection. The decision of the Director concerning the amount due shall be final and shall not be appealable.
9. The parties agree that adjustments to the amount of refund or payment due may be made only on the basis of a clerical error in recording or computing actual time, material or service costs. The Applicant agrees that the selection of staff members to process an application, the activities of those staff members, and the time and materials necessary to process such application shall be within the sole discretion of the County, in accordance with the direction given in Resolution and Order No. 87-145.
10. In the event legal action is instituted by either party for enforcement of any provision herein or for collection of any amounts owing under this agreement, the prevailing party shall recover, in addition to costs and disbursements, such attorney fees as the court may judge reasonable to be allowed.

Applicant
Name:

Title:

Company:

Address:

Signature:

Date:

Applicant
Name:

Title:

Company:

Address:

Signature:

Date:

F:\Shared\Plan\WPS\Share\Plan Amendments\Master\Payment Agreement.doc
Revised July 21, 2004

Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412



WASHINGTON COUNTY
DEPARTMENT OF LAND AND TRANSPORTATION
LONG RANGE PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519 fax: (503) 846-4412

PLAN AMENDMENT PRE-APPLICATION CONFERENCE SUMMARY

PROCEDURE TYPE III

CPO: 10

COMMUNITY PLAN: Rural Natural Resource

EXISTING LAND USE DISTRICT(S): Agriculture and Forest (AF-20)

PROPOSED PLAN AMENDMENT:

Change Designation from AF-20 to Exclusive Forest and Conservation District (EFC)

PRE-APPLICANT:
Bruce Vincent

PROPERTY OWNER:
Helen & Vernon Avery

Attn: Joanne Corder
11500 SW Lancaster Rd

Portland, OR 97219

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 2S2 33

TAX LOT NO(S): 1000

SITE SIZE: 26.66 acres

ADDRESS: None

LOCATION: East of the intersection of SW Glendora Lane and SW Neill Road

DATE OF PRE-APPLICATION CONFERENCE: 11/04/08

PRE-APPLICANT PHONE: _____

STAFF MEMBER: Anne Eivers, Associate Planner & Joy Chang,
Associate Planner

APPLICATION SUBMITTAL DEADLINE AND OTHER APPLICABLE REQUIREMENTS:

FEBRUARY 15 (generally) for SPRING/SUMMER HEARINGS - AUGUST 15 (generally) for FALL/WINTER HEARINGS

(NOTE: AN APPLICATION WILL NOT BE SCHEDULED FOR A PUBLIC HEARING UNTIL IT IS ACCEPTED AS COMPLETE. A COMPLETE APPLICATION ADDRESSES ALL APPLICABLE PROVISIONS OF THE VARIOUS COMPREHENSIVE PLAN ELEMENTS AND OTHER APPLICABLE REQUIREMENTS, AND HAS ALL NECESSARY FORMS FILLED OUT COMPLETELY AND CORRECTLY, AND INCLUDES THE SPECIFIED FEE DEPOSIT AND THE CONTRACT SIGNED BY THE OWNER AGREEING TO PAYMENT OF ALL COSTS ASSOCIATED WITH APPLICATION PROCESSING.)

APPLICABLE POLICIES AND REGULATIONS

~~URBAN COMPREHENSIVE FRAMEWORK PLAN OR RURAL/NATURAL RESOURCE PLAN CONSIDERATIONS:~~

DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1.p.8, 2, 6, 8, 10, 14.a.1, 16, 17, 22, 23

TRANSPORTATION PLAN CONSIDERATIONS:

DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1, 2, 4, 5, 6, 10, 19

~~COMMUNITY PLAN CONSIDERATIONS (URBAN AREA ONLY):~~

~~DEMONSTRATE CONFORMANCE WITH THE COMMUNITY PLAN OVERVIEW, GENERAL DESIGN ELEMENT NUMBER(S) _____, THE DESCRIPTION OF THE _____ SUBAREA,~~

~~SUBAREA DESIGN ELEMENT NUMBER(S) N/A, PRESCRIPTIONS FOR AREA OF SPECIAL CONCERN N/A, AND SIGNIFICANT NATURAL AND HISTORIC & CULTURAL RESOURCE(S) DESIGNATION(S) OF N/A ON THE PROPERTY.~~

COMMUNITY DEVELOPMENT CODE CONSIDERATIONS:

APPLICABLE LAND USE DISTRICT SECTIONS (PURPOSE AND PERMITTED USES): 342 (EFC) & 344 (AF-20)

PHYSICAL LIMITATIONS OF SITE (SECTIONS 421, 422): 421 (Flood Plain and Drainage Hazard Area Development), 422 (Significant Natural Resources)

On-site Public Notice Requirement (Rural Area Only): Section 204-1.4 requires the site to be posted with a public notice sign and an affidavit of posting filed within twenty-eight (28) days of application acceptance.

OTHER CONSIDERATIONS: Metro Urban Growth Management Functional Plan, Oregon Administrative Rules, including the St ransportation Planning Rule (OAR 660-012-0060): OARs 660-033-0030 (Identifying Agricultural Lands), 660-006-0015 (Plan Designation outside an Urban Growth Boundary), 660-012-0060 (Transportation Rule)

REVIEW AUTHORITY:

☐ Planning Commission

☒ Board of County Commissioners**

**For plan amendments involving the three resource districts (EFU, EFC and AF-20), the Planning Commission will hold an initial hearing to provide the Board of County Commissioners with a recommendation for approval or denial of the request.

GENERAL INFORMATION

PREVIOUS CASE FILES: 37CL0834

OUTSTANDING CONDITIONS AND VIOLATIONS: None

OTHER INTERESTED AGENCIES AND ORGANIZATIONS: Not applicable

HANDOUTS DISTRIBUTED

- ☒ PLAN AMENDMENT APPLICATION FORM
☒ PLAN AMENDMENT PROCEDURE SUMMARY
☒ AGREEMENT TO PAYMENT OF FEES FOR APPLICATION PROCESSING
☒ REQUEST FOR STATEMENT OF SERVICE AVAILABILITY FORMS
☐ TRAFFIC IMPACT STATEMENT FORM

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

NUMBER
OF COPIES

18 PRE-APPLICATION SUMMARY

18 PLAN AMENDMENT APPLICATION FORM

18 WRITTEN EXPLANATION, JUSTIFICATION (Submit one copy for initial completeness review)

1 FEE CONTRACT (SIGNED)

1 WASHINGTON COUNTY TAX MAP(S) (must be obtained from Assessment & Taxation Department) 2S2 33

N/A WELL REPORTS (LOGS) FOR ALL SECTIONS WITHIN ONE HALF-MILE OF THE SUBJECT PROPERTY _____

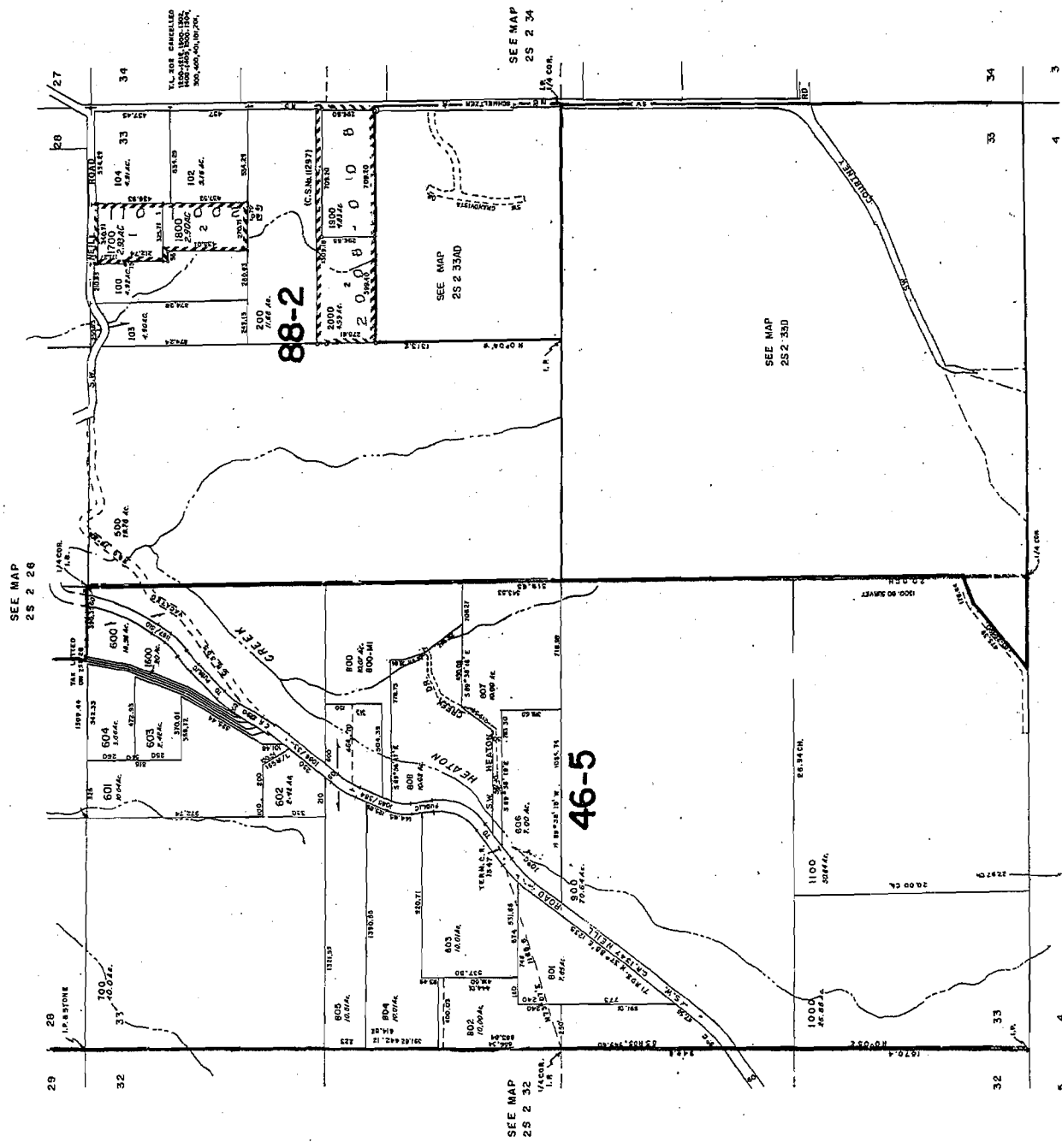
SERVICE PROVIDER LETTERS

18	SHERIFF	N/A	PARK
18	FIRE	N/A	TRANSPORTATION: Traffic Impact Statement (TIS) and/or Traffic Analysis (Contact the Current Planning Division to determine whether a TIS is necessary - 503-846-8761)
18	SCHOOL	N/A	TRI-MET
18	SEWER	N/A	ODOT - CONTACT _____
18	PUBLIC WATER	N/A	CITY OF _____
18	SURFACE WATER	N/A	OTHER _____

☒ FEE DEPOSIT OF \$3,500 (this is an initial deposit towards payment of the true cost of processing the application)

☒ MAILING LIST AND MAP FOR PROPERTIES IN AN ADJACENT COUNTY Yamhill

THESE NOTES ARE GENERAL IN NATURE AND ARE NOT INTENDED TO COVER ALL OF THE ISSUES THAT MAY SURFACE IN THE REVIEW OF AN APPLICATION. ADDITIONAL INFORMATION MAY BE REQUIRED AND IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE THE NECESSARY INFORMATION TO PROCESS AN APPLICATION AS REQUIRED BY OREGON LAW AND WASHINGTON COUNTY ORDINANCES AND REGULATIONS.



FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE

YAMHILL COUNTY

BEDSAUL/VINCENT CONSULTING, LLC

416 Laurel Ave. #3

Tillamook, OR 97141

OFFICE: 503.842.5391

att41314@attglobal.net

DATE: February 15th, 2009, *revised April, 2009*

REQUEST: Comprehensive Plan Map Amendment from AF-20 to EFC

APPLICANTS: Helen V. Avery Estate, Joanne Corder, Personal Rep.
11500 SW Lancaster Road
Portland, OR 97219

OWNERS: Helen V. Avery Estate, Joanne Corder, Personal Rep.
11500 SW Lancaster Road
Portland, OR 97219

LEGAL DESCRIPTION: Tax Lot 1000, Map 2S2-33

SIZE: 26.66 Acres

ZONING: AF-20

LOCATION: East of SW Neill Road and NE of the intersection of SW Neill & Mountain Top Roads

I. APPLICABLE REGULATIONS

- A. *LCDC Statewide Planning Goals 1, 2, 3, 4, 5, 6, 11, and 12.*
- B. *Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)*

- Policy 1 - Land Use Planning*
- Policy 2 - Citizen Involvement*
- Policy 6 - Water Resources*
- Policy 8 - Natural Hazards*
- Policy 10 - Fish and Wildlife Habitat*
- Policy 14 - Plan Designations*
- Policy 15 - Exclusive Farm Use*
- Policy 16 - Exclusive Forest Lands*
- Policy 17 - Agriculture and Forest Lands*
- Policy 22 - Public Facilities and Services*
- Policy 23 - Exclusive Forest Lands*

- C. *2020 Washington County Transportation Plan*

- Policy 1 - Travel Needs Policy*
- Policy 2 - System Safety Policy*
- Policy 4 - System Funding Policy*
- Policy 5 - System Implementation and Plan Management Policy*

Transportation Planning Rule OAR Section 660 Division 12

D. Washington County Community Development Code

1. *Article II, Procedures*
Section 202-3 (Type III Procedures)
2. *Article III, Land Use District*
Section 342 (EFC District Standards)
Section 344 (AF -20 District Standards)

II. AFFECTED JURISDICTIONS

1. Washington County:
 - Department of Public Safety
 - Department of Land Use and Transportation
 - Department of Health and Human Services
2. TVFR & WA County Fire District #2
3. Newberg School District

III. FINDINGS

A. General information

1. The subject 26.66-acre site is located adjacent to other properties that are in forest use and zoned EFC. (See Exhibit "A") Adjacent parcel range in size from approximately 10 acres to 70 acres. In 2007, three adjacent parcels, (TL 206& 211, Map 2S2-32 & TL 903, Map 2S2-33), received County Board of Commissioners Plan Amendment approval from AF-20 to EFC. (Case File 07-550-PA)
2. The applicant has submitted copies of aerial photos from 1982 and 1994 showing that the subject site has been in timber since at least 1982. Therefore, the subject site was primarily in timber in 1983 when the Rural Natural Resource Plan assigned an AF-20 designation to the subject site. (See Attachments "A" & "B")
3. According to the owner, the subject site has never been farmed because the majority of the site has slopes in the 25% to 40% slope range, which in the owner's view is too steep to effectively farm. A review of Assessment and Taxation records demonstrates that the site is in forest deferral. (Attachment "C") According to the owner, TL 1000 was logged in 2008. In January 2009 the site was replanted with Douglas fir seedlings.
4. The subject site is vacant and there is no dwelling on the subject lots. No public or community water system services the site.
5. The subject site's access consists of an existing driveway that is shared with two other adjacent lots owned by Joann Corder and/or the Helen V. Avery Estate. The said adjacent lots are directly south of the subject site and across the County line into Yamhill County. (Parcels 1 & 2 of a 2009 partition

plat-See Attachments "D" & "I") The driveway intersects with Mountaintop Road on the southern end of the Yamhill County ownership.

6. According to the Washington County Soil Survey, the subject site consists of Laurelwood Silt Loam, 28D, (12% to 20% slope), 28E,(20% to 30% slope),and 29F,(30% to 60% slope) (See Attachment "E") The site's acreage is roughly split between the three soil groups. According to the Woodland Management Table 3, all of the above-mentioned soil types have a timber site class index of 157. Therefore, all of the site soils are productive forest soils.(See Attachment "F")

B. Plan Policies and Strategies

IMPLEMENTING STRATEGIES Policy 1 - The Planning Process

IMPLEMENTING STRATEGIES (portion)

o. Requires that all plan amendments:

- 1. Be in conformance with LCDC Goals, State Statutes, and Administrative Rules; and***
- 2. Be in conformance with the policies and strategies of the Rural/Natural Resource Plan Element.***

APPLICANT COMMENT:

The applicant assumes that the Washington County Framework Plan Policies applicable to this request are in conformance with LCDC Goals, State Statutes, and Administrative Rules, therefore if the applicant addresses the applicable Plan policies the State requirements will be concurrently addressed. The applicant will address the applicable Rural/Natural Resource Plan Elements in subsequent sections of this report.

p. Require that plan map amendments meet the following criteria:

8) Amendments from Mixed Agriculture and Forestry-20 to Exclusive Farm Use or Exclusive Forest and Conservation shall be based upon:

B. Findings that the subject site is:

- I. in farm or forest use;***
- II. on farm or forest deferral;***
- III. Agricultural or forest land as defined by LCDC Goal 3 or Goal 4;or***
- IV. compatible with surrounding land uses.***

APPLICANT COMMENT:

According to Assessment and Taxation records, the subject site is in forest deferral. (See Attachment "C") According to the owner, TL 1000 was logged in Fall of 2008 and replanted with Douglas fir seedlings in January, 2009.

The enclosed aerial photos demonstrates that the subject site has been primarily forested for many years. (See Attachments "A"&"B") The subject site meets the definition of Goal 4 forestland, because Goal 4 broadly defines forestland as lands having high potential productivity with no serious management limitations.

According to the Soil Survey for Washington County, USDA, SCS 1982, the Laurelwood soils on the subject site are capable of producing Douglas fir with no serious limitations on forest management.

As evidenced by the enclosed aerial photo, (See Exhibit "A"), all of the parcels surrounding the subject site are forested, in mature timber, replanted timber, or have been recently logged, therefore the subject forest uses are or will be compatible with the surrounding forest uses. A review of WA County Assessment and Taxation data also demonstrated that lots adjacent or nearby the subject site are in forest use and contain existing dwellings on land zoned EFC. Generally, the above-mentioned lots are along the west side of SW Neill Road, and are listed here:

TL 1000, Map 2S232, dwelling built in 1995
TL 801, Map 2S233, dwelling built in 1971
TL 802, Map 2S233, dwelling built in 1977
TL 207, Map 2S232, dwelling built in 1979
TL 205, Map 2S232, dwelling built in 1977
TL 212, Map 2S232, dwelling built in 1979
TL 210, Map 2S232, dwelling built in 1992

Based on the above, adjacent and nearby EFC lots are in forest use and they contain forest dwellings that have been in existence since 1971. Therefore, the impact of dwellings adjacent to forest uses has already been established. Based on the preceding evidence, the proposal complies with criterion I-IV of this Policy.

C. Require that the parcel be contiguous to land with the same plan map designation being requested or be 76 acres or more in area.

APPLICANT COMMENT:

The subject site is contiguous with acreage already in the EFC District. (i.e. TL 206, 211 Map 2S2 and TL 900, Map 2S2-33) Based on that fact, the proposal complies with this criterion.

POLICY 2, CITIZEN INVOLVEMENT:

It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.

APPLICANT COMMENT:

As required by the County, the requested amendment must be processed via a Type III procedure. A Type III plan amendment requires that all neighbors within 1000 feet of the subject site must be sent a notice of the Planning Commission and Board of Commissioners public hearings on this matter. Generally, the County placed an ad in the Hillsboro Argus notifying interested parties of the scheduled hearings on this matter. The applicant's representative will post a sign on the subject site in accordance with the regulation that requires that a site must be posted within 28 days of acceptance of the application. The County will mail a copy of the plan amendment application to the CPO 10 representative. By County procedures and state law, staff will have their report available to all the "parties of interest", (e.g. neighbors and the applicant), seven days prior to the hearing. Based on the facts presented above, the proposal complies with Policy 2.

Policy 6 - Water Resources

APPLICANT COMMENT:

Policy 6 of the WA County Rural/Natural Resource Plan was amended in 2004 via Ordinance #631. Policy 6 was amended to exempt certain plan amendments, (e.g. plan amendments from EFU to EFC, and/or plan amendments that will not increase residential density beyond one dwelling/lot of record), from submitting well log records. This plan amendment request is to change the land use designation from AF-20 to EFC, and, if approved, will not result in more than one dwelling on the subject site. Therefore, the subject tax lot, (TL 1000), is a "qualifying" lot with regard to the specific provisions of amended Policy 6. Based on the above-stated facts, no well logs will be provided as part of this application submittal. The former Implementing Strategy (h) was deleted as part of Ordinance 631, therefore the re-formatting of the following implementing strategies are reflected below.

IMPLEMENTING STRATEGIES:

- a) *Strive to insure adequate water supplies for uses by:.....*
- b) *Insure adequate quality of the ground water by:.....*
- c) *Protect and maintain natural stream channels wherever possible, with an emphasis on non-structured controls when modifications are necessary*
- d) *Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.*
- e) *Encourage property owners with lands which qualify as "Designated Riparian Land" as defined by the 1981 Riparian Habitat Act to apply for exception of the land from ad valor em taxation.*
- f) *Support viable water resource projects which are proposed in the County upon review of their cost benefit analysis, alternatives, and environmental and social impacts.*
- g) *Coordinate land use actions regarding water projects with agencies and jurisdictions which may be impacted by such projects.*
- h) *Support measures to conserve vegetation and drainage basin of watersheds as a means of controlling the release of water to downstream farmland and urban areas.*
- i) *Cooperated with the Division of State Lands, State of Oregon in their review and mitigation of projects that alter water areas and wetlands under their jurisdictions.*
- j) *Consistent with the recommendations of the Department of Environmental Quality, State of Oregon and the Unified Sewerage Agency, support the expansion of storm water sampling in the Tualatin basin and consideration of proper planning and management measures for non-point source problems.*

POLICY 6a Strive to ensure adequate water supplies for all uses by:

- 1. Encouraging water conservation programs by water users and purveyors;**
- 2. Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;**
- 3. Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies;**
- 4. Complying with the May 17, 1974, Order of the State Engineer establishing and setting forth control provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area; and**
- 5. Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy. Well logs are not required for quasi-judicial plan amendments, when the designation change will not result in an increase in density(i.e. EFU to EFC plan amendments).**

APPLICANT COMMENT:

This plan amendment request is to change the land use designation from AF-20 to EFC, and, if approved, will not result in more than one dwelling on the subject parcel. Therefore, the subject site is a "qualifying" lot with regard to the specific provisions of Implementing Strategy (a)(5). Based on the above-stated facts, no well logs are required, nor will they be provided as part of this application submittal. Additionally there is no required analysis of said well logs nor will any analysis be provided.

According to mapping on the Watermaster's website, the subject site is located in the Chehalem Mountain Ground Water Limited Area. As such, ground water in the basalt aquifers of the Chehalem Mountain Ground Water Limited Area is classified for exempt uses, irrigation, and rural fire protection systems only. Note that exempt uses include: stock watering, lawn watering for not more than 1/2 acre, and single domestic purposes, (e.g. a dwelling), for no more than 15,000 gallons per day. Therefore, if a new dwelling is approved for the subject site, the use of domestic well water is exempted from any restrictions that may be imposed on others. The owners of the property will be obligated to conserve water by recognizing that ground water levels may fluctuate depending on the intensity of use. Existing development regulations may limit new wells if significant lowering of the ground water table or other adverse effects on existing wells may occur. The filing of water right applications for private wells within the area will establish priority of use for ground waters.

The State of Oregon, Department of Water Resources monitors existing ground water supplies within the area and will have the authority to determine if critical ground water area designation may be necessary for the area. The area is not located in the Cooper-Bull Mountain critical ground area; therefore, conditions within that area do not apply.

FINDING FOR POLICY 6b**APPLICANT COMMENT:**

The owners of the property will comply with the Department of Environmental Quality water quality standards. To the applicant's knowledge, there have been no determined areas for non-point sources of water pollution within the property boundaries. In other similar Plan Amendment cases, the Washington Health Department has suggested that no direct impact on surface waters will occur since permitted residential or farm related activities occur on the property.

FINDING FOR POLICY 6c**APPLICANT COMMENT:**

The enclosed aerial photo exhibit included with this application includes topographic features such as slope and drainage patterns. (See Exhibit "A") The Washington County Rural/Natural Resource Plan shows existing Water Areas, Wetland, Fish, and Wildlife Habitat, (an unnamed tributary and main stem of Heaton Creek), that traverses northward across the western portion of the site. (See Attachment "G") No building permits for the future development will be issued until the applicant meets the development standards as set forth in the Community Development Code Section 422, (Significant Natural Resources), of the Community Development Code.

FINDING FOR POLICY 6d**APPLICANT COMMENT:**

The Washington County Rural/Natural Resource Plan shows that there is an existing Water Areas, Wetland, Fish, and Wildlife habitat that traverses the subject site. The main stem and an unnamed tributary of Heaton Creek traverse the western end of the subject site. As shown on Exhibit "A", the subject site contains land for future development that is east of and above the Heaton Creek riparian area. No building permit for the future development will be issued until the applicant meets the development standards as set forth in the Community Development Code Section 422, (Significant Natural Resources), of the Community Development Code. There may be no need to alter natural vegetation in the riparian area of Heaton Creek based on the presence of land area above the riparian area.

FINDING FOR POLICY 6e**APPLICANT COMMENT:**

Based on the presence of land area above the riparian area on the subject site, it is likely that the natural character of the riparian area of Heaton Creek and its tributary can be maintained.

FINDING FOR POLICY 6f**APPLICANT COMMENT:**

There is no water resource projects proposed within the boundaries of this property. Therefore, this requirement does not apply.

FINDING FOR POLICY 6g**APPLICANT COMMENT:**

There are no water projects proposed within this application. Therefore, this requirement does not apply.

FINDING FOR POLICY 6h

APPLICANT COMMENT:

As previously stated, the site was logged in the Fall of 2008, and was replanted with Douglas fir seedlings in January of 2009. The subject site was logged in substantial conformance with OR Dept. of Forestry, (ODF), rules, which prescribe maintenance of vegetative riparian buffer along year round streams. All vegetation removal was in substantial compliance with ODF regulations. Non-timber species, ground covers and shrubs remain on-site. No significant clearing or removal of existing vegetation beyond the above-mentioned logging is proposed within this application. Therefore, controlling the release of water to downstream farmland and urban areas has been complied with.

FINDING FOR POLICY 6i

APPLICANT COMMENT:

As stated previously, the Washington County Rural/Natural Resource Plan shows the main stem and an unnamed tributary of Heaton Creek that traverses the western end of the subject site. When development occurs on-site, Washington County will advise the applicant if any combined Corp of Engineers/Division of State Lands permitting process is required. All regulations guiding that permit process, and any mitigation required by the Corps and DSL will be installed.

FINDING FOR POLICY 6j

APPLICANT COMMENT:

The property owners will support expansion of storm water sampling in the Tualatin basin and work within the consideration of proper planning and management measures for non-point source problems.

Policy 8 - Natural Hazards

It is the policy of Washington County to protect life and property from natural disasters and hazards.

APPLICANT COMMENT:

According to Washington GIS flood plain information, the 100-year flood plain of Heaton Creek traverses the western end of the subject site. As shown on Exhibit "A", any likely dwelling location on the southern end of the subject site will be at least 30' to 50' higher in elevation than the 100-year flood plain elevation. Therefore, based on the above-mentioned facts, the proposal complies with this policy.

(NOTE: The applicant assumes that the above-mentioned evidence presented for Policy 8 also pertains to, and complies with, the applicable standards of Statewide Planning Goal 7)

Policy 10 - Fish and Wildlife Habitat

It is the policy of Washington County to protect and enhance significant fish and wildlife habitat.

IMPLEMENTING STRATEGIES:

The County will;

a. Establish standards with which development in areas defined as significant Fish and Wildlife Habitat must comply; so as to assure the conservation of this habitat.

b. Allow activities customarily conducted in conjunction with commercial farm and forest practices in areas designated as Fish and Wildlife Areas.

c. Rely upon the Oregon Department of Forestry, through its administration of the Oregon Forest Practice Rules, to mitigate adverse impact of commercial forestry upon fish and wildlife habitat.

d. Limit the alteration of natural vegetation in riparian zones, and in locations identified as significant water areas and wetland, thereby preserving fish and wildlife habitat.

e. Implement the recommendations of the Oregon department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use.

APPLICANT COMMENT:

Implementing Strategy "d" requires the limiting of alteration of natural vegetation in the riparian zones. As previously stated, the Washington County Rural/Natural Resource Plan shows that Heaton Creek traverses the western end of the subject site. There will be minimal impact on the riparian area of the creek because there is sufficient land area outside of the riparian zone for a dwelling, and a dwelling will most likely avoid encroachment into the riparian zone. Therefore, the proposal complies with this criterion because it is likely that there will be no significant impacts on the Heaton Creek riparian area that may result from the likely location of a dwelling on the subject site.

Policy 14 - Rural Lands

It is the policy of Washington County to maintain distinct Comprehensive Plan Map designations for the area outside the County's Urban Growth Boundaries and to provide land use regulations to implement the designations.

IMPLEMENTING STRATEGIES:

Designate Natural Resource lands in the following manner;

a. 1. Lands which meet the definitions and criteria for agricultural lands contained in LCDC Goal 3 and OAR Chapter 660, Division 05 shall be designated EFU, and lands which meet the LCDC Goal 4 definition of forest land shall be designated EFC. In determining which Plan designation shall apply, (EFU or EFC), when land meets criteria for both the EFU and EFC District, the following factors shall be utilized to determine the appropriate designation:

- A. Soil types as related to Goal 3 and forest classifications as related to Goal 4.*
- B. The predominant use of the property.*
- C. The predominant use of the surrounding properties. (must be contiguous or be a sufficient block of land).*
- D. What kind of crops or forest uses would be parcel given the size and conflicts with adjacent uses.*
- E. Physical characteristics of the site.*
- F. Whether or not the site is or has been in forest deferral.*

2. Lands which were zoned Agricultural and Forest 5 or 10 by the 1973 Comprehensive Framework Plan and for which an LCDC Goal 2 exception has not been provided shall be designated Agriculture and Forestry 20.

APPLICANT COMMENT:

According to the Soil Survey for Washington County, USDA, SCS 1982, the Laurelwood soils on the subject site are capable of producing Douglas fir with no serious limitations on forest management. The Laurelwood Silt Loam 28D, (12% to 20% slope), 28E, (20% to 30% slope), and 29F, (30% to 60% slope) have a SCS Capability Class of 2o2, which have a high potential productivity for growing Douglas fir and other native tree species. The Laurelwood soils do list farm crops that are suitable for production on those soils, but, according the owner, the majority of the site consists of Laurelwood Silt Loam 28D,E& 29F, (i.e. 20% to 60% sloped land), which in the owner's view is too steep to effectively farm.

A review of the above-mentioned soil mapping indicates that all adjacent lots surrounding the subject site are also a similar mix of Laurelwood soils, therefore the adjacent lots have a high potential productivity for growing Douglas fir and other native tree species. The enclosed aerial photos demonstrates that the subject site has been forested for many years. (See Attachments "A" and "B") According to the owner, TL 1000 was logged in the Fall of 2008 and replanted with Douglas fir seedlings in January of 2009. The subject site meets the definition of Goal 4 forestland, because Goal 4 broadly defines forestland as lands having high potential productivity with no serious management limitations.

The subject site is 26.66 acres in size and is contiguous with other forested parcels zoned EFC. As evidenced by the enclosed aerial photo, (See Exhibit "A"), all of the parcels surrounding the subject site are forested, in mature timber, replanted timber, or have been recently logged, therefore the subject forest uses are or will be compatible with the surrounding forest uses. A review of WA County Assessment and Taxation data also demonstrated that lots adjacent or nearby the subject site are in forest use and contain existing dwellings on land zoned EFC. Generally, the above-mentioned lots are along the west side of SW Neill Road, and are listed here:

TL 1000, Map 2S232, dwelling built in 1995
TL 801, Map 2S233, dwelling built in 1971
TL 802, Map 2S233, dwelling built in 1977
TL 207, Map 2S232, dwelling built in 1979
TL 205, Map 2S232, dwelling built in 1977
TL 212, Map 2S232, dwelling built in 1979
TL 210, Map 2S232, dwelling built in 1992

Based on the above, adjacent and nearby EFC lots are in forest use and they contain forest dwellings that have been in existence since 1971. Therefore, the impact of dwellings adjacent to forest uses has already been established. Based on the above-stated evidence, the proposal complies with criterion (a.1 A-F) and (2) of this Policy.

Policy 15- Exclusive Farm Lands

It is the policy of Washington County to designate those lands as Agricultural and Forest-20 that were zoned AF-5 and AF-10 by the 1973 Comprehensive Plan and for which a Goals 2 Exceptions has not been provided, and in doing so strive to retain small scale and part-time agriculture and forest production. Exceptions to this policy may be allowed pursuant to the provisions of LCLD Goal 2, OAR Chapter 660, Division 04, and the applicable Plan Amendment criteria in Policy 1.

APPLICANT COMMENT:

To the applicant's knowledge, the subject site was not zoned AF-5 and AF-10 by the 1973 Comprehensive Plan, therefore this Policy is not applicable to this request.

Policy 16 - Exclusive Forest Lands

It is the policy of Washington County to conserve and maintain forestland for forest uses consistent with the existing and future needs for agricultural products, forest management and open space. Exceptions to this policy may be allowed pursuant to the provisions of LCDC Goal 2, OAR Chapter 660, Division 04, and the applicable Plan Amendment criteria in Policy 1.

APPLICABLE IMPLEMENTING STRATEGIES:

The County will:

1. Maintain forestlands in blocks large enough to encourage and maintain commercial forest activities when considering Plan Amendments. This strategy will be used as one of the criteria in the designation of lands in the EFC District in the legislative process of adopting the plan.

APPLICANT COMMENT:

According to the Soil Survey for Washington County, USDA, SCS 1982, the Laurelwood soils on the subject site are capable of producing Douglas fir with no serious limitations on forest management. The Laurelwood Silt Loam 28D, (12% to 20% slope), 28E, (20% to 30% slope), and 29F, (30% to 60% slope) have a SCS Capability Class of 2e2, which have a high potential productivity for growing Douglas fir and other native tree species. The Laurelwood soils do list farm crops that are suitable for production on those soils, but, according the owner, the majority of the site consists of Laurelwood Silt Loam 28D, E& 29F, (i.e. 20% to 60% sloped land), which in the owner's view is too steep to effectively farm.

A review of the above-mentioned soil mapping indicates that all adjacent lots surrounding the subject site are also a similar mix of Laurelwood soils, therefore the adjacent lots have a high potential productivity for growing Douglas fir and other native tree species. The enclosed aerial photos demonstrates that the subject site has been forested for many years. (See Attachments "A" and "B") According to the owners, TL 1000 was logged in the Fall of 2008 and replanted with Douglas fir seedlings in January 2009. The subject site meets the definition of Goal 4 forestland, because Goal 4 broadly defines forestland as lands having high potential productivity with no serious management limitations.

The subject site is 26.66 acres in size and is contiguous with other forested parcels zoned EFC. Therefore, it will be a large block of forested land that will be large enough to continue forest uses on the subject site. As evidenced by the enclosed aerial photo, many of the surrounding parcels to the north and west are forested. Based on the preceding evidence, the proposal complies with criteria (1) of this Policy.

Policy 17- Agricultural and Forest Lands AF-20 Lands

It is the policy of Washington County to designate those lands as Agriculture and Forest 20 that were zoned AF-5 and AF-10 by the 1973 Comprehensive Framework Plan and for which a Goal Exception has not been provided, and in doing so strive to retain small scale and part-time agricultural and forest production. Exceptions to this policy may be allowed pursuant to the provisions of LCLD Goal 2, OAR Chapter 660, Division 04, and the applicable Plan Amendment criteria in Policy 1.

APPLICABLE IMPLEMENTING STRATEGIES:

- a. Adopt and implement an Agricultural and Forest-20 Land Use District, (AF-20), consistent with LCCD Goal 3, and Oregon Revised Statute Chapter 215.

APPLICANT COMMENT:

According to historical zoning information provided by County staff, a 1977 tax map indicated that the subject site was zoned AF-10. However, based on the site's current AF-20 designation, it apparently did not qualify for a Goal 2 exception in 1977. Based on that fact, the site was designated AF-20 in 1983, consistent with Policy 17 of the Comprehensive Plan. Based on the preceding evidence, the proposal complies with the above-referenced criterion contained of this Policy.

- a. **Require that the conversion of agricultural lands designated AF-20 to uses not allowed by ORS 215 be preceded by a Plan Amendment pursuant to the provisions of Policy 1.**

APPLICANT COMMENT:

As stated earlier in this application narrative, aerial photos from 1982 and 1994 showing that the majority of the subject site had been in timber, and thus not farmed, since at least 1982. Therefore, the subject site was primarily in timber and thus not farmed in 1983 when the Rural Natural Resource Plan assigned an AF-20 designation to the subject site. Based on the above, the case can be made that this Plan Amendment will not *"require the conversion of agricultural lands"*, because evidence in the case file demonstrates that it hasn't been employed for agricultural use. There is a practical reason as to why it had not been farmed: according to the owner the subject site has never been farmed, because the majority of the site is in the 20% to 60% slope range, which in the owner's view is too steep to effectively farm.

This application requests a Plan Amendment from AF-20 to EFC. This application narrative, exhibits and enclosures demonstrate that the proposed Plan Amendment is consistent with the provisions of Policy 1. Therefore, based on the evidence presented above the request complies with Policy 17.

Policy 22 - Public Facilities and Services

It is the policy of Washington County to provide public facilities and services in the Rural/Natural Resource area in a coordinate manner and at levels which support rural type development and are efficient and cost effective to help maintain public health and safety.

IMPLEMENTING STRATEGIES

The County will:

a. Review the adequacy of the following public services and facilities in conjunction with development.

- 1. Schools***
- 2. Fire and police protection***

APPLICANT COMMENT:

SCHOOL PROTECTION:

The Newberg School District currently serves the Plan Amendment properties with primary educational facilities, approximately three (3) miles from the subject site. (See Attachment "H") The school district schools serving the subject area consists of Mable Rush Elementary, Mountainview Middle School and Newberg High School. All school locations will provide adequate bus transportation services.

Newberg High School provides educational facilities for senior high students. The Plan Amendment area is located within the high school attendance area. The current enrollment is 1575 students, with a maximum capacity of 1800 students. The school district responded that the Plan Amendment would have no impact on current or future enrollment. Presumably this is because the addition of a single dwelling will have a minimal impact on the current enrollment. Mountainview Middle School has a current enrollment of 575 students, with a maximum capacity of 625 students. The school district responded that the Plan Amendment would have no impact on current enrollment, presumably for the same reason listed above. Mable Rush Elementary School has a current enrollment of 560 students, with a maximum capacity of 600 students. The school district responded that the Plan Amendment would have no impact on current enrollment, presumably for the same reason listed above.

FIRE PROTECTION:

TVFR provides the Plan Amendment site area with fire protection. The Deputy Fire Marshall was provided with a Service Provider Statement form asking what potential impacts would be imposed by a new dwelling on the subject site. (See Attachment "H") The attached Service Letter contains comments by Deputy Fire Marshall Drew DeBois indicating that adequate service would be available to the subject site. Specifically, Mr. DeBois states that the nearest fire station for the "initial attack" would be the WA County District #2 Fire Station approximately seven miles from the site. (Midway) The estimated response time to Tax Lot 1000 is 7-8 minutes. Six pieces of fire-fighting apparatus and 11-12 personnel would be available to respond. According to Mr. Debois, TVFR has a "first responder" agreement with WA County Fire District #2 in this particular portion of their taxing district.

POLICE PROTECTION:

Washington County's Sheriff Department currently provides police protection services to the Plan Amendment area. The Sheriff Department has reviewed the request and has determined that its service level is adequate for emergency calls only. Currently, the base level of police services in Washington County is .50 officer per 1,000 population.

Policy 23 – Transportation

It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an element of the Comprehensive Plan.

IMPLEMENTING STRATEGIES

The County will:

f. Amendments to the Rural Natural Resource Plan shall be consistent with the applicable policies and strategies of the Transportation Plan.

APPLICANT COMMENT:

If approved, this request will amend the Rural Natural Resource plan to change the current zoning from AF-20 to EFC. The applicant must demonstrate that by amending the zoning designation, there will be no significant or detrimental impacts to the current operating capacity and safe travel of vehicular traffic along SW Mountaintop Road, which provides direct access to the subject site. The following paragraphs provide responses to the relevant and applicable policies and strategies of the Transportation Plan, and demonstrate that the request complies with those relevant and applicable policies and strategies.

C. 2020 Washington County Transportation Plan

Policy 1 Travel Needs Policy

- 1.0 *It is the policy of Washington County to provide a multi-modal transportation system that accommodates the diverse travel needs of Washington County residents and businesses.***

APPLICANT COMMENT:

SW Mountain Top Road is a gravel road that is a local road. SW Mountain Top connects to Hwy 219, which is the arterial highway for all other secondary roads within the Chehalem Mt. area. Therefore, local residents and any future residents of the subject site will have a short distance to travel to a principal arterial that accommodate multi-modal means of transportation. Although the site is located on the southern reaches of the County's transportation network, it still offers a diverse range of transport from a rural local gravel road to major highways. Based on the above-mentioned facts, the proposal complies with this policy.

Policy 2 System Safety Policy

- 2.0 *It is the policy of Washington County to provide a transportation system that is safe.***

APPLICANT COMMENT:

The existing driveway on Tax Lot 1000 consists of an existing driveway that is shared with two other adjacent lots owned by Joann Corder and/or the Helen V. Avery Estate. The said adjacent lots are directly south of the subject site and across the County line into Yamhill County. The driveway intersects with Mountaintop Road on the southern end of the Yamhill County ownership along Mountaintop Road. The current driveway is located to maximize vehicle site distance. The segment of Mountaintop Road that traverses past the Yamhill County ownerships is straight, without large, vertical or horizontal curves that could obstruct sight distance. Vehicle sight distance from the existing access point to the north and south along SW Mountaintop Road currently is within or can be improved to meet Washington County standards. Therefore, any future dwelling on the subject site can have safe entering and exiting to and from the site in compliance with this policy.

Policy 4 System Funding Policy

- 4.0 *It is the policy of Washington County to aggressively seek adequate and reliable funding for transportation facilities and services, and to ensure that funding is equitably raised and allocated.***

APPLICANT COMMENT:

As part of any future development approval on the subject site, an owner may be asked to enter into a Waiver of Remonstrance against any future improvements of SW Mountaintop Road. (as applied to this case, Mountaintop Road within the jurisdiction of WA County) By so doing, the County will then be assured that they will not have to expend funds fighting for the right to improve Mountaintop Road. The less money spent on staff time and legal fees fighting landowners in court, the more County money will be available for funding of transportation facilities. The proposal complies with this policy, based on the likely request for a Waiver of Remonstrance against any future improvements of Mountaintop Road that is within the jurisdiction of WA County.

Policy 5 System Implementation and Plan Management Policy

- 5.0 *It is the policy of Washington County to efficiently implement the transportation plan and to efficiently manage the transportation system.***

APPLICANT COMMENT:

Mountaintop Road is classified as a Rural Local Road. To the applicant's knowledge, there is no implementation of the transportation plan that would result in scheduled improvements, additional ROW dedications, or re-classification of Mountaintop Road. Even if the transportation plan does proposes any particular changes to Mountaintop Road, there should be no significant impact on the transportation plan by the applicant's desire to change the current zoning from AF-20 to EFC. Based on the above-stated facts, the proposal complies with this policy.

Policy 6 Roadway System Policy

It is the policy of Washington County to ensure that the roadway system is designed in a manner that accommodates the diverse travel needs of all users of the transportation system.

APPLICANT COMMENT:

Mountaintop Road is a well-graded gravel road that provides local residents with a direct connection to Hwy 219. Therefore, local residents and any future residents of the subject site have the ability to access a principal arterial that provides a direct route to shopping in Newberg, Dundee, McMinnville, and weekend trips to the Oregon coast. Although the site is located on the southern reaches of the County's transportation network, it still can provide for the diverse travel needs of the local residents in compliance with this policy. Based on the above-mentioned facts, the proposal complies with this policy.

Strategies

- 6.1 *Provide a roadway system necessary to support travel demand associated with anticipated future development of land uses identified in the County Comprehensive Plan at or better than the standards identified in Table 5 and consistent with the policies identified in this plan.***

APPLICANT COMMENT:

According to Table 5, Mountaintop Road is not identified as a Deficiency Area. Table 5 indicates a Level of Service "D" and a volume/capacity ration of 0.9 for all rural areas. Based on current EFC dwelling-siting standards and current site conditions, the proposal would result in one dwelling, which is permitted if the subject site meets the requirements of CDC 430-37.2 (F), commonly referred to as the "template test" dwelling standards. Therefore, with a high volume/capacity ration of 0.9 for Mountaintop Road, the addition of a dwelling on the subject site will have minimal impact on road capacity.

Policy 10 - Functional Classification Policy

It is the policy of Washington County to ensure the roadway system is designed and operates efficiently through use of a roadway functional classification system.

- F) Local Street:**
network. Many rural local roadways are unpaved, (gravel), and serviceability can vary with rainfall and maintenance. Rural local roads provide direct access to a variety of rural land uses including agriculture, forestry, quarry activities, low density rural residential uses as well as rural commercial and industrial uses. An objective of this Transportation Plan is to minimize the impacts of urban travel on rural land uses.

APPLICANT COMMENT:

SW Mountaintop Road is designated as a rural local road and it is a well-graded gravel road. Mountaintop Road provides access to the subject site via an existing driveway that is shared with two other adjacent lots owned by Joann Corder and/or the Helen V. Avery Estate. The said adjacent lots are directly south of the subject site and across the County line into Yamhill County. The driveway intersects with Mountaintop Road on the southern end of the Yamhill County ownership along Mountaintop Road. Vehicle sight distance looking north and south from the existing access point along SW Mountaintop Road currently is within or can be improved to meet Washington County standards, and presumably, any new driveway to and from a dwelling site could be located to comply with WA County standards. There are arterial levels of travel along Hwy 219, which is approximately one mile to the west. However, it is likely that most travelers along Hwy 219 are heading to or from destinations other than Mountaintop Road.

A review of Policy 10 indicates that Mountaintop Road is not included in the recommended Study Areas where the function and alignment of particular roads has not been determined.

Policy 19 - Transportation Planning Coordination and Public Involvement Policy

It is the policy of Washington County to coordinate its transportation planning with local regional, state, and federal agencies and to provide opportunities for citizens to participate in planning processes.

Strategies

19.13

Transportation Planning Rule as set forth in OAR 660-12-060.

APPLICANT COMMENT:

The applicant will rely on an analysis of applicable provisions of the Transportation Planning Rule as set forth in OAR 660-12-060 that is consistent with the analysis conducted by WA County Transportation Planning staff.

Oregon Transportation Planning Rule OAR 660-012-0060

Essentially, the applicant is required to demonstrate whether or not the proposed Plan Amendment from AF-20 to EFC meets the "significantly affect the planned transportation system" test. As applied to this case, the most direct recipient of the impact would be SW Mountaintop Road. OAR 660-012-0060 lists the following outcomes when a Plan Amendment would "significantly affect the planned transportation system":

- change to the functional classification of an existing or planned transportation facility.
- change to the standards implementing a functional classification system.
- the Plan Amendment would allow types of land uses or levels of land use activities that would result in elevated levels of travel or access inconsistent with the functional classification of a transportation facility.
- the Plan Amendment would decrease the performance standards of the road below the minimum acceptable level identified in the County's Transportation System Plan.

A proposed Plan Amendment meets the "significantly affect the planned transportation system" test if the proposed Plan Amendment will demonstrably increase the intensity of land uses and the corresponding increase in trip generation. The proposed AF-20 to EFC Plan Amendment will change the zoning designation of one lot of record. As applied to this case, OAR 660-033-0030(4) and 660-006-0015(2) do not impose an exhaustive evidential burden on the applicant, because the proposed change is from one resource designation to another. (i.e., AF-20 to EFC)

Both zones effectively limit development to one dwelling per legal lot of record unless a landowner on an AF-20 zoned parcel can establish the need for additional dwellings for farm help, a labor camp or a Health Hardship dwelling. If this Plan Amendment to EFC is approved, CDC 430-37.2 limits the owner to a single, "template test" dwelling or a single, "lot of record" dwelling. Therefore, the impact on trip generation between an AF-20-zoned parcel, relative to an EFC zoned parcel is minimal. If the relative impact is minimal, (i.e. not "significant"), then the applicant has carried the burden of proof with respect to the "significantly affect the planned transportation system" test discussed above. Additionally, the proposed AF-20 to EFC Plan Amendment will not change the functional classification of SW Mountaintop Road because of the low trip generation discussed above. Based on the above-stated facts, the proposal is consistent with the applicable provisions of the Transportation Planning Rule as set forth in OAR 660-12-060.

D. Washington County Community Development Code:

1. Article II, Procedures
Section 202-3 Type III
Section 202-3.1

Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive plan.

APPLICANT COMMENT:

This application has been submitted as a Type III development request. The information included with the application is in compliance with standards and procedures outlined in the Code.

2. Article III, Land Use District

Section 342 (EFC District Standards)

The EFC District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses. Retain an area's rural character and conserve the natural resources while providing for rural residential use in the areas so designated by the Comprehensive Plan. The purpose of this district is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources, in order to minimize the potential for damage from fire, pollution, soils erosion and conflict caused by development....

APPLICANT COMMENT:

As stated under evidence for Policy 1 and 14, the site is consistent and supportive of Goal 3 and Goal 4. The EFC District implements Goal 4, and the AF-20 District implements Goal 3. According to Assessment and Taxation records, the subject site is in forest deferral. (See Attachment "C") According to the owner, TL 1000 was logged in the Fall of 2008 and replanted with Douglas fir seedlings in January 2009.

The enclosed aerial photos demonstrates that the subject site has been primarily forested for many years. (See Attachments "A"&"B") The subject site meets the definition of Goal 4 forestland, because Goal 4 broadly defines forestland as lands having high potential productivity with no serious management limitations. According to the Soil Survey for Washington County, USDA, SCS 1982, the Laurelwood soils on the subject site are capable of producing Douglas fir with no serious limitations on forest management.

As evidenced by the enclosed aerial photo, (See Exhibit "A"), all of the parcels surrounding the subject site are forested in mature timber, replanted timber, or have been recently logged, therefore the subject forest uses are or will be compatible with the surrounding forest uses. Based on the preceding evidence, the proposal complies with criterion I-IV of this Policy.

Section 344 (AF-20 District Standards)

The uses allowed in this Section is subject to applicable standards as set forth in Article IV, the specific standards as set forth in this section and the recording of a waiver of the right to remonstrate against accepted farm or forest practices.

APPLICANT COMMENT:

Based on all the evidence presented in this application, it is clear that historically the site has been devoted to forest uses, because the owners concluded that the site was more suited for the growing and harvesting of timber rather than growing of crops. According to the owner, the subject site has never been farmed because the majority of the site has slopes in the 25% to 40% slope range, which in the owner's view is too steep to effectively farm. The owners presumably weighed the costs and benefits of converting the steeply sloped lot from the historic timber use to agriculture and decided that on balance, it made better sense to continue timber use. Apparently many other adjacent landowners arrived at the same conclusion, based on the surrounding predominance of timbered lots. Therefore, based on all the evidence in this application filing, the applicant asserts that the subject site is better suited to continue a forest use under an Exclusive Forest and Conservation zone, because it is likely that an owner will never take advantage of the "agriculture" designation of the AF-20 zone.

To resolve potential future conflicts regarding adjacent land use activities, the property owner(s) will sign a Waiver of the Right to Remonstrate against Accepted Farm or Forest Practices.

IV. SUMMARY:

The subject site, (Tax Lot 1000, Map 22-33), was not located within an Exception Area and thus designated AF-20. However, evidence presented this application substantiates that it complies with the applicable standards for designation as EFC. More importantly, the Oregon Administrative Rules for Goal 3 and Goal 4 state:

"When inventoried land satisfies the definition requirements of both agricultural and forestland, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation."

Evidence presented under responses to Policy 1 and Policy 14, substantiate that this proposal complies with the Washington County Comprehensive Plan requirements for selection of this site as EFC. The 26.66 acre site is contiguous and/or near to land zoned EFC and land that is producing timber species, such as Douglas Fir, Alder, and Cedar.

The site has an access to SW Mountaintop Road via a shared access driveway that is under the control of the owner. Adequate water service will be available from a new drilled wells on the site. Additional services from WA Fire District #2, Washington County Sheriff's Office and Newberg School District are currently available to the site and any future dwelling.

The applicant has addressed all relevant and applicable General Plan Policies and Strategies. All findings relating to the policies and strategies comply with the Washington County requirements. The proposed plan amendment will not interfere with Water Resources, Natural Hazard Areas or Fish and Wildlife Habitats. Interference with adjacent farm and/or forest practices is not anticipated with the implementation of the proposed plan amendment. A Right to

Remonstrate Waiver will be signed by the property owner(s) upon application approval to deter potential complaints.

Future traffic generation from a Forest Template dwelling will be ten (10) trips per day. These travel trips will not impose significant impacts on SW Mountaintop Road, nor will the anticipated increase in trips per day surpass the capacity level of SW Mountaintop Road. The proposed Plan Amendment will meet the identified Plan Policies and Strategies, Washington County Transportation Plan, and the Washington County Community Development Code.

V. CONCLUSION:

The application has been submitted in accordance with requirements established in the Washington County Code, relating to a Plan Amendment from an AF-20 to EFC. Evidence has been provided to address all applicable sections of the code, responses from service providers demonstrate adequate service availability, and a Right to Remonstrate Against Farm Practices form will be signed by the owner(s). Therefore, the request for a Plan Amendment from an AF-20 to an EFC should be approved.

LIST OF ATTACHMENTS

EXHIBIT A – Air Photo of Site and Vicinity

ATTACHMENT A – 1982 Photo

ATTACHMENT B – 1994 Photo

ATTACHMENT C – Assessment & Taxation Data showing forest deferral

ATTACHMENT D - Yamhill County Partition Plat Map

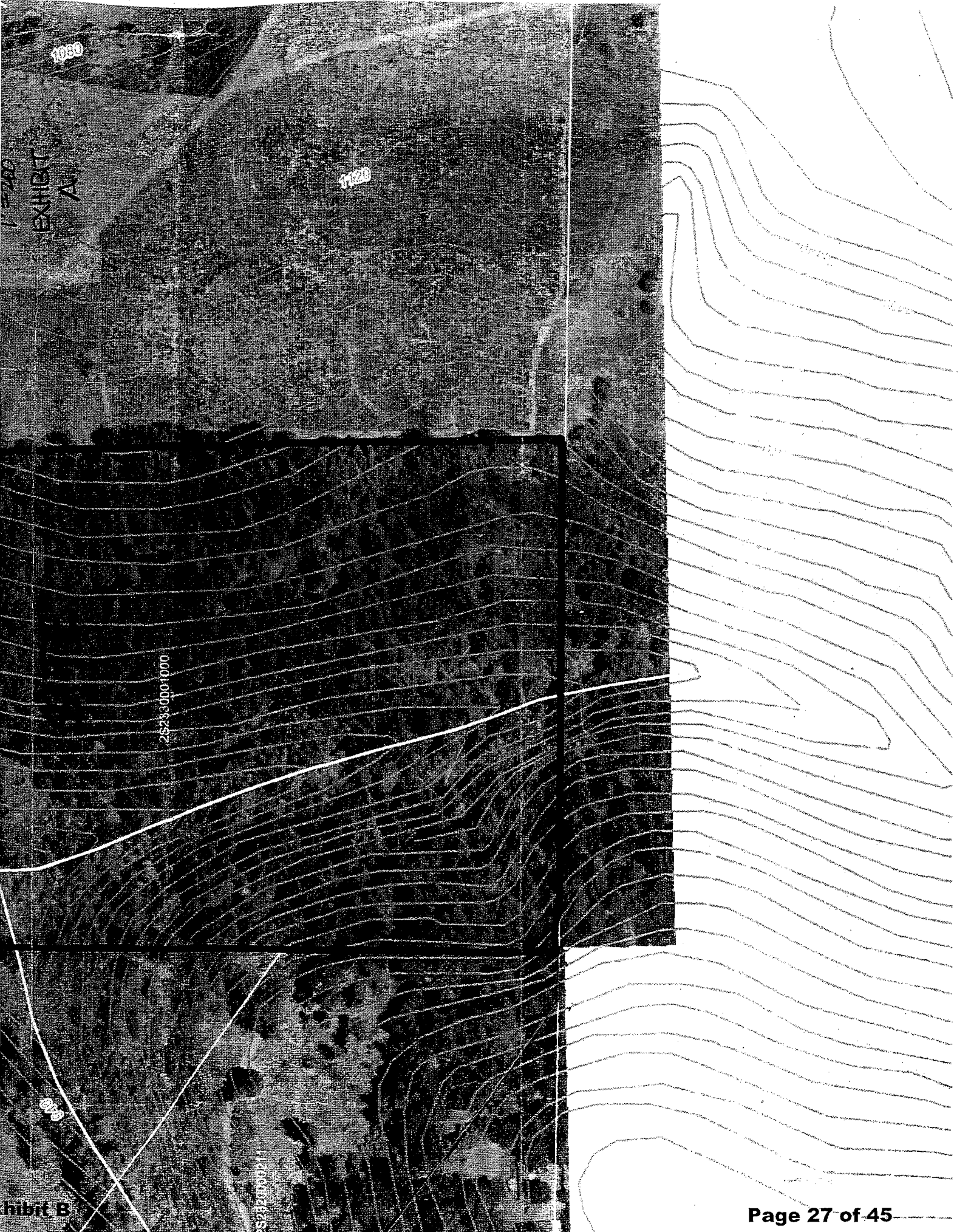
ATTACHMENT E – Soils Map

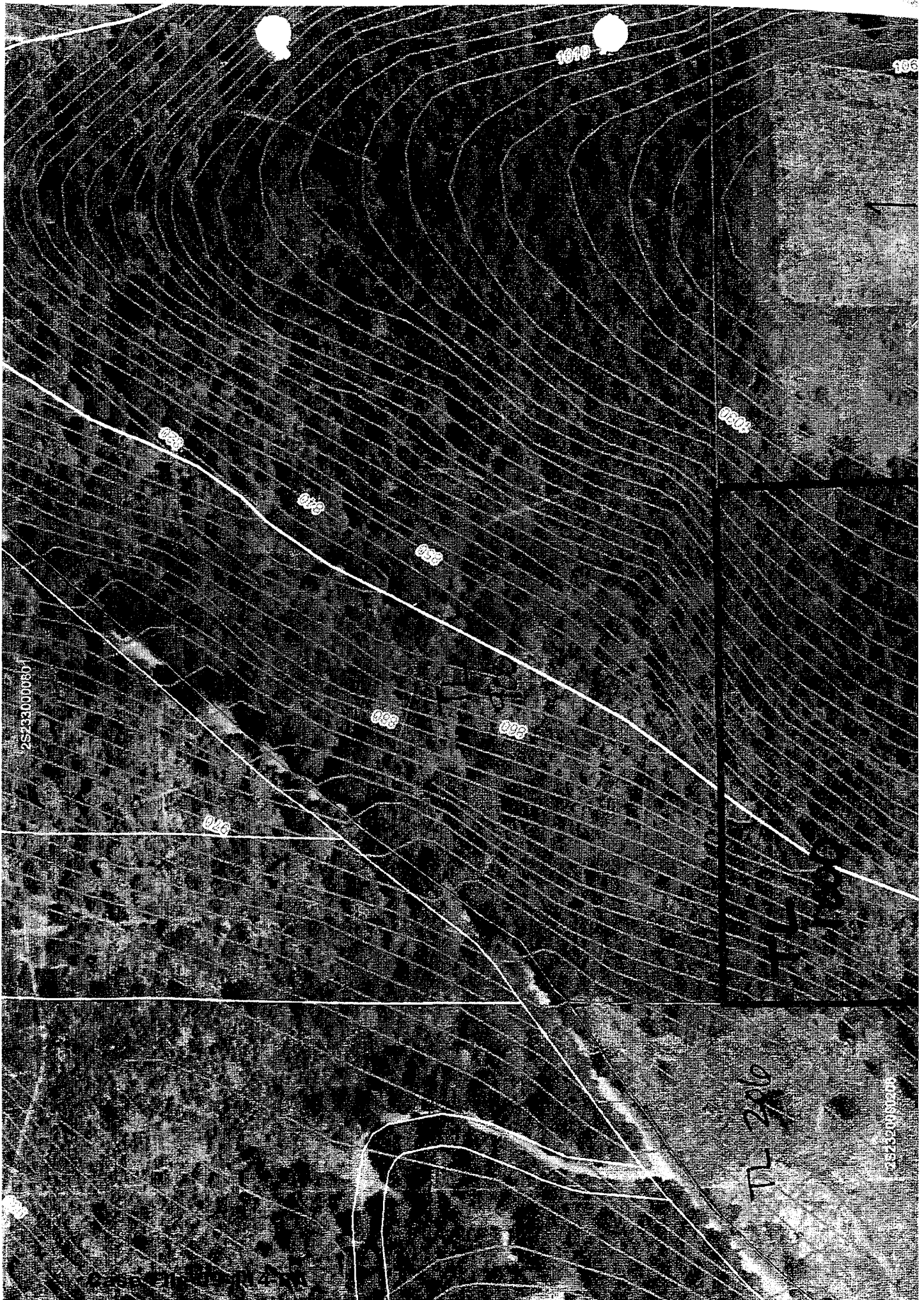
ATTACHMENT F – Table 3 from WA County Soils Survey

ATTACHMENT G – Rural/Natural Resource Plan Map

ATTACHMENT H – Service Provider Letters

ATTACHMENT I – Air Photo of Subject Site and Yamhill Co. Ownership





25233000000

TL 206

25232000000

1982 Air Photo of Site



Attachment "A"

1 9 9 4 A i r P h o t o o f S i t e



Attachment "B"

*
-- Property Data Selection Menu --

Owner: AVERY, HELEN VERNON

Prop ID : R575238 (Real Estate) (110003) BY JOANNE A CORDER

Map Tax Lot: 2S233-01000 11500 SW LANCASTER RD

Legal : ACRES 26.66, FORESTLAND -POTENTIAL PORTLAND, OR 97219

ADDITIONAL TAX LIABILITY

Situs : Year Built :
Living Area:

Name(s) : 2007 Roll Values

Code Area : 046.05 RMV Land Non-LSU \$ 0 (+)

Sale Info : RMV Land LSU \$ 133,300 (+)

Deed Type : RMV Improvements \$ 0 (+)

Instrument: 02600689 RMV Total \$ 133,300 (=)

2007 Tax Status * No Taxes Due * Land LSU \$ 8,970

Current Levied Taxes : 128.45 Total Exemptions \$ 0

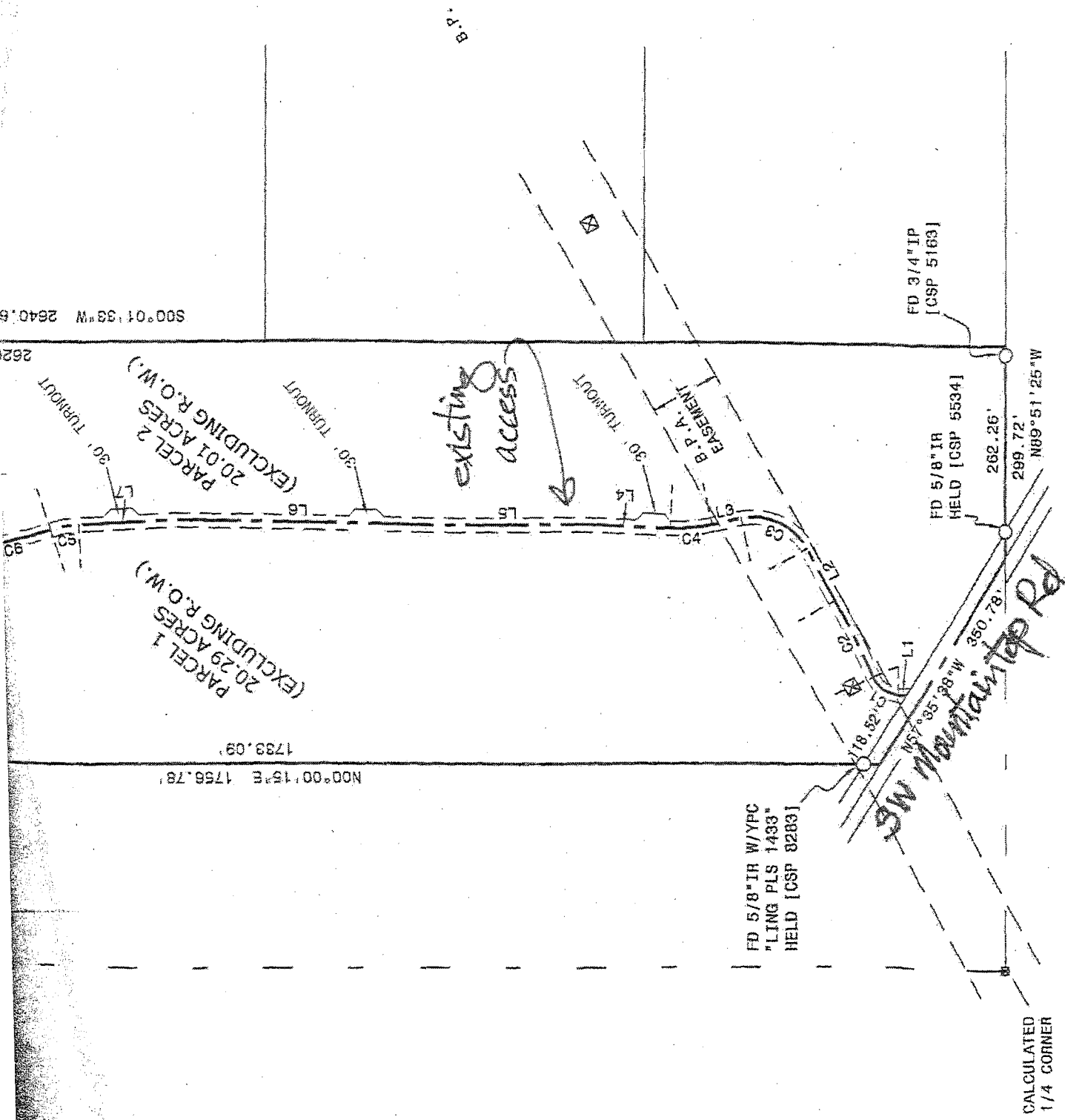
Special Assessments : M5 Net Value \$ 12,470

2008-09 SB125 Taxes : M50 Assd Value \$ 8,970

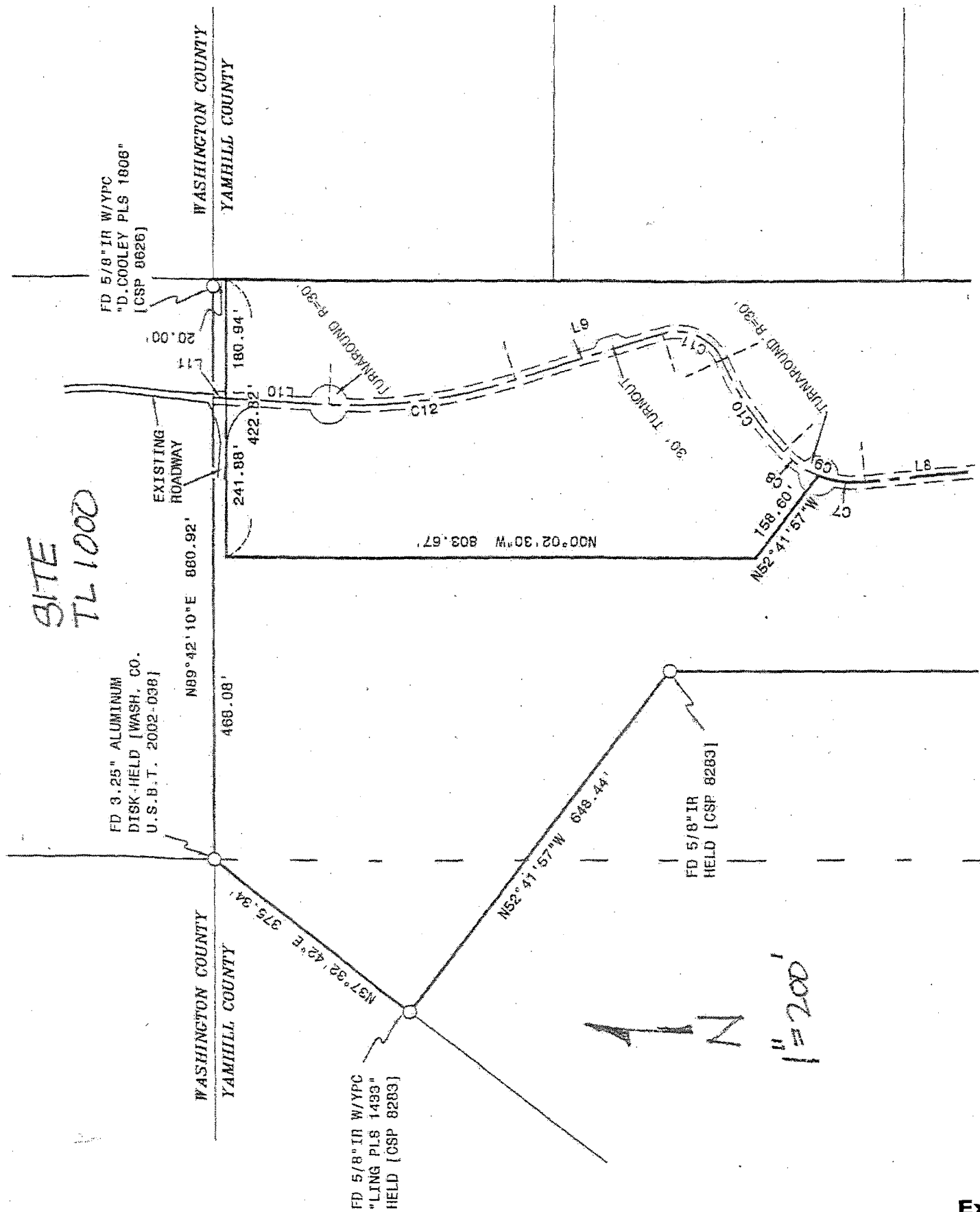
(1) Alt Disp	(2) Primary	(3) Secondary
(4) Land/Impr	(5) Gen Appr	(.) More

Enter Option from Above or <RET> to Exit:

S-18-46



ATTACHMENT D - Yamhill County Partition Plat Map



Soils Map



Attachment "E"

TABLE 3.—Woodland management and productivity—Continued

Soil name and map symbol	Ordination symbol	Management concerns				Potential productivity		T
		Erosion hazard	Equipment limitation	Seedling mortality	Windthrow hazard	Important trees	Site index	
¹ 11F: Cornelius part	2r2	Severe	Moderate	Slight	Moderate	Douglas-fir Bigleaf maple Western redcedar	165	De
Kinton part	2r2	Severe	Moderate	Moderate	Moderate	Douglas-fir	170	De
Goble: 17B	3o1	Slight	Slight	Slight	Moderate	Douglas-fir	143	D
17C, 17D, 18E	3o1	Moderate	Slight	Slight	Moderate	Douglas-fir	143	D
17E	3o1	Severe	Slight	Slight	Moderate	Douglas-fir	143	D
18F	3r1	Severe	Moderate	Slight	Moderate	Douglas-fir	143	D
Hembre: 20E	2o1	Slight	Slight	Slight	Slight	Douglas-fir Western hemlock	162	I
20F	2r1	Moderate	Moderate	Slight	Slight	Douglas-fir Western hemlock	173	I
20G	2r3	Severe	Severe	Slight	Slight	Douglas-fir Western hemlock	182	I
Jory: 23B	3o1	Slight	Slight	Moderate	Slight	Douglas-fir	155	I
23C, 23D	3o1	Moderate	Slight	Moderate	Slight	Douglas-fir	155	I
23E	3o1	Severe	Slight	Moderate	Slight	Douglas-fir	155	I
23F	3r1	Severe	Moderate	Moderate	Slight	Douglas-fir	155	I
Kilchis: ¹ 24G: Kilchis part	4r1	Severe	Severe	Severe	Severe	Douglas-fir Western hemlock	110	I
Klickitat part	3r3	Severe	Severe	Moderate	Slight	Douglas-fir Western hemlock	138	
Klickitat: 25E	3f1	Moderate	Slight	Slight	Slight	Douglas-fir Western hemlock	147	
25F	3r2	Severe	Moderate	Moderate	Slight	Douglas-fir Western hemlock	138	
25G	3r3	Severe	Severe	Moderate	Slight	Douglas-fir Western hemlock	138	
* Laurelwood: 28B	2o2	Slight	Slight	Slight	Slight	Douglas-fir	*157	
* 28C, 28D, 29E	2o2	Moderate	Slight	Slight	Slight	Douglas-fir	*157	

TABLE 3.—Woodland management and productivity—Continued

Soil name and map symbol	Ordination symbol	Management concerns				Potential productivity		Trees to plant
		Erosion hazard	Equipment limitation	Seedling mortality	Windthrow hazard	Important trees	Site index	
*28E	2o2	Severe	Slight	Slight	Slight	Douglas-fir	*157	Douglas-fir.
*29F	2r2	Severe	Moderate	Slight	Slight	Douglas-fir	*157	Douglas-fir.
Melbourne: 31B, 31C	2o2	Slight	Moderate	Slight	Slight	Douglas-fir Red alder Western redcedar	160	Douglas-fir.
31D, 31E	2o2	Moderate	Moderate	Slight	Slight	Douglas-fir Red alder Western redcedar	160	Douglas-fir.
31F	2r2	Severe	Severe	Slight	Slight	Douglas-fir Red alder Western redcedar	160	Douglas-fir.
Melby: 32C, 32D, 33E	2o1	Moderate	Slight	Slight	Moderate	Douglas-fir	161	Douglas-fir, western hemlock.
32E	2o1	Severe	Slight	Slight	Moderate	Douglas-fir	161	Douglas-fir, western hemlock.
33F	2r1	Severe	Moderate	Moderate	Moderate	Douglas-fir	161	Douglas-fir, western hemlock.
33G	2r1	Severe	Severe	Moderate	Moderate	Douglas-fir	161	Douglas-fir, western hemlock.
Olyic: 34C, 34D, 34E, 35E	2o1	Slight	Slight	Slight	Slight	Douglas-fir Bigleaf maple Red alder	160	Douglas-fir.
35F	2r1	Moderate	Moderate	Slight	Slight	Douglas-fir Bigleaf maple Red alder	160	Douglas-fir.
35G	2r1	Severe	Severe	Slight	Slight	Douglas-fir Bigleaf maple Red alder	160	Douglas-fir.
Pervina: 36C, 36D	2o1	Moderate	Moderate	Moderate	Slight	Douglas-fir	160	Douglas-fir.
36E	2o1	Severe	Moderate	Moderate	Slight	Douglas-fir	160	Douglas-fir.
36F	2r1	Severe	Severe	Moderate	Slight	Douglas-fir	160	Douglas-fir.
Saum: 38B	3o1	Slight	Slight	Moderate	Moderate	Douglas-fir	135	Douglas-fir.
38C, 38D	3o1	Moderate	Slight	Moderate	Moderate	Douglas-fir	135	Douglas-fir.
38E	3o1	Severe	Slight	Moderate	Moderate	Douglas-fir	135	Douglas-fir.
38F	3r1	Severe	Moderate	Moderate	Moderate	Douglas-fir	135	Douglas-fir.
olke: 39E	2o1	Slight	Slight	Slight	Slight	Douglas-fir	163	Douglas-fir.
39F	2r1	Moderate	Moderate	Slight	Slight	Douglas-fir	163	Douglas-fir.

¹ This mapping unit is made up of two or more dominant kinds of soil. See mapping unit description for the composition and behavior of the whole mapping unit.

TABLE 3.—Woodland management and productivity—Continued

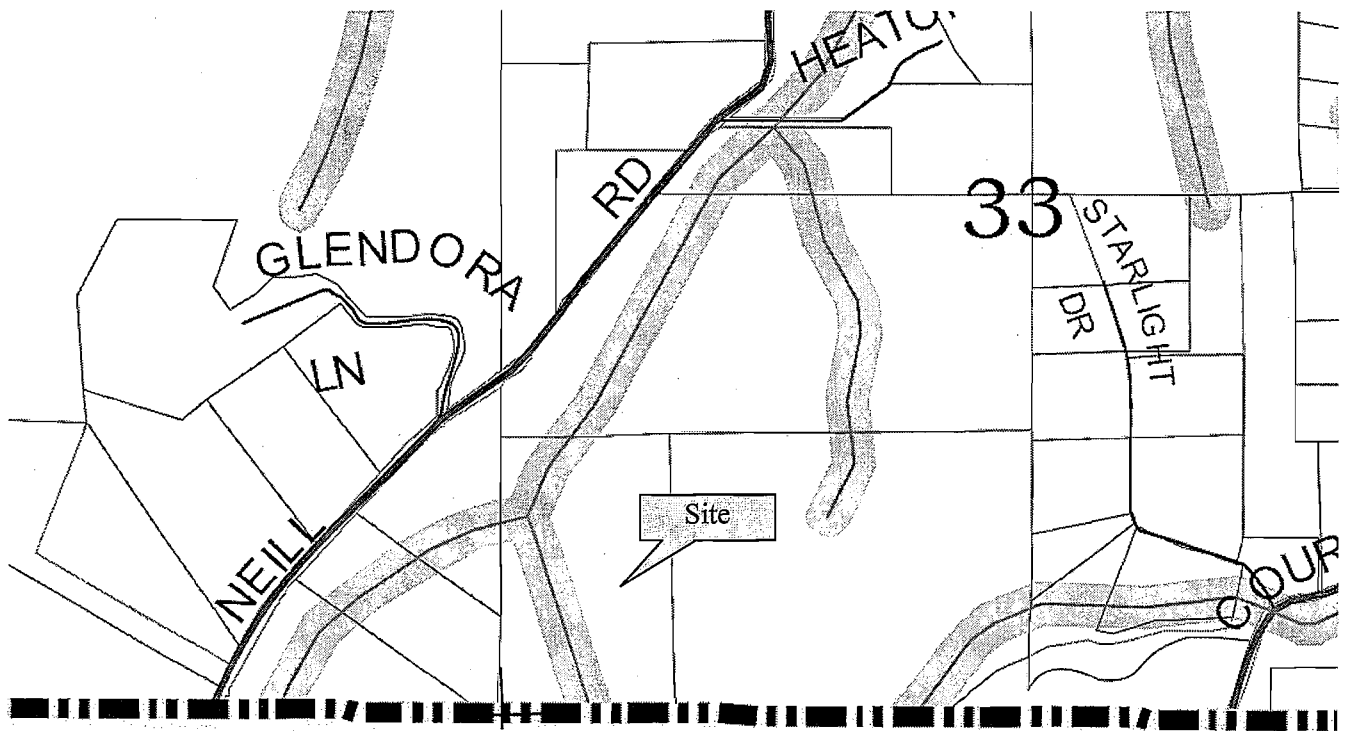
Soil name and map symbol	Ordination symbol	Management concerns				Potential productivity		Tree
		Erosion hazard	Equipment limitation	Seedling mortality	Windthrow hazard	Important trees	Site index	
¹ 11F: Cornelius part	2r2	Severe	Moderate	Slight	Moderate	Douglas-fir Bigleaf maple Western redcedar	165	Douglas-fir
Kinton part	2r2	Severe	Moderate	Moderate	Moderate	Douglas-fir	170	Douglas-fir
Goble: 17B	3o1	Slight	Slight	Slight	Moderate	Douglas-fir	143	Douglas-fir
17C, 17D, 18E	3o1	Moderate	Slight	Slight	Moderate	Douglas-fir	143	Douglas-fir
17E	3o1	Severe	Slight	Slight	Moderate	Douglas-fir	143	Douglas-fir
18F	3r1	Severe	Moderate	Slight	Moderate	Douglas-fir	143	Douglas-fir
Hembre: 20E	2o1	Slight	Slight	Slight	Slight	Douglas-fir Western hemlock	162	Douglas-fir
20F	2r1	Moderate	Moderate	Slight	Slight	Douglas-fir Western hemlock	173	Douglas-fir
20G	2r3	Severe	Severe	Slight	Slight	Douglas-fir Western hemlock	182	Douglas-fir
Jory: 23B	3o1	Slight	Slight	Moderate	Slight	Douglas-fir	155	Douglas-fir
23C, 23D	3o1	Moderate	Slight	Moderate	Slight	Douglas-fir	155	Douglas-fir
23E	3o1	Severe	Slight	Moderate	Slight	Douglas-fir	155	Douglas-fir
23F	3r1	Severe	Moderate	Moderate	Slight	Douglas-fir	155	Douglas-fir
Kilchis: ¹ 24G: Kilchis part	4r1	Severe	Severe	Severe	Severe	Douglas-fir Western hemlock	110	Douglas-fir
Klickitat part	3r3	Severe	Severe	Moderate	Slight	Douglas-fir Western hemlock	138	Douglas-fir
Klickitat: 25E	3f1	Moderate	Slight	Slight	Slight	Douglas-fir Western hemlock	147	Douglas-fir
25F	3r2	Severe	Moderate	Moderate	Slight	Douglas-fir Western hemlock	138	Douglas-fir
25G	3r3	Severe	Severe	Moderate	Slight	Douglas-fir Western hemlock	138	Douglas-fir
* Laurelwood: 28B	2o2	Slight	Slight	Slight	Slight	Douglas-fir	*157	Douglas-fir
* 28C, 28D, 29E	2o2	Moderate	Slight	Slight	Slight	Douglas-fir	*157	Douglas-fir

TABLE 3.—Woodland management and productivity—Continued

Soil name and map symbol	Ordination symbol	Management concerns				Potential productivity		Trees to plant
		Erosion hazard	Equipment limitation	Seedling mortality	Windthrow hazard	Important trees	Site index	
*28E -----	2o2	Severe -----	Slight -----	Slight -----	Slight -----	Douglas-fir -----	* 157	Douglas-fir.
*29F -----	2r2	Severe -----	Moderate -----	Slight -----	Slight -----	Douglas-fir -----	* 157	Douglas-fir.
Melbourne: 31B, 31C -----	2o2	Slight -----	Moderate -----	Slight -----	Slight -----	Douglas-fir ----- Red alder ----- Western redcedar -----	160	Douglas-fir.
31D, 31E -----	2o2	Moderate -----	Moderate -----	Slight -----	Slight -----	Douglas-fir ----- Red alder ----- Western redcedar -----	160	Douglas-fir.
31F -----	2r2	Severe -----	Severe -----	Slight -----	Slight -----	Douglas-fir ----- Red alder ----- Western redcedar -----	160	Douglas-fir.
Melby: 32C, 32D, 33E -----	2o1	Moderate -----	Slight -----	Slight -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hemlock.
32E -----	2o1	Severe -----	Slight -----	Slight -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hemlock.
33F -----	2r1	Severe -----	Moderate -----	Moderate -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hemlock.
33G -----	2r1	Severe -----	Severe -----	Moderate -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hemlock.
Olyic: 34C, 34D, 34E, 35E -----	2o1	Slight -----	Slight -----	Slight -----	Slight -----	Douglas-fir ----- Bigleaf maple ----- Red alder -----	160	Douglas-fir.
35F -----	2r1	Moderate -----	Moderate -----	Slight -----	Slight -----	Douglas-fir ----- Bigleaf maple ----- Red alder -----	160	Douglas-fir.
35G -----	2r1	Severe -----	Severe -----	Slight -----	Slight -----	Douglas-fir ----- Bigleaf maple ----- Red alder -----	160	Douglas-fir.
Pervina: 36C, 36D -----	2o1	Moderate -----	Moderate -----	Moderate -----	Slight -----	Douglas-fir -----	160	Douglas-fir.
36E -----	2o1	Severe -----	Moderate -----	Moderate -----	Slight -----	Douglas-fir -----	160	Douglas-fir.
36F -----	2r1	Severe -----	Severe -----	Moderate -----	Slight -----	Douglas-fir -----	160	Douglas-fir.
Saum: 38B -----	3o1	Slight -----	Slight -----	Moderate -----	Moderate -----	Douglas-fir -----	135	Douglas-fir.
38C, 38D -----	3o1	Moderate -----	Slight -----	Moderate -----	Moderate -----	Douglas-fir -----	135	Douglas-fir.
38E -----	3o1	Severe -----	Slight -----	Moderate -----	Moderate -----	Douglas-fir -----	135	Douglas-fir.
38F -----	3r1	Severe -----	Moderate -----	Moderate -----	Moderate -----	Douglas-fir -----	135	Douglas-fir.
olke: 39E -----	2o1	Slight -----	Slight -----	Slight -----	Slight -----	Douglas-fir -----	163	Douglas-fir.
39F -----	2r1	Moderate -----	Moderate -----	Slight -----	Slight -----	Douglas-fir -----	163	Douglas-fir.

¹ This mapping unit is made up of two or more dominant kinds of soil. See mapping unit description for the composition and behavior of the whole mapping unit.

Rural Natural Resource Map



Attachment "G"



WASHINGTON COUNTY
Dept. of Land Use & Transp.
Land Development Services
155 N. First Ave., Suite 350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.co.washington.or.us

REQUEST FOR STATEMENT OF SERVICE AVAILABILITY FOR SHERIFF OR POLICE SERVICES

☒ WASHINGTON COUNTY SHERIFF

PRE-APPLICATION DATE: 11/04/08

Service Provider: PLEASE RETURN THIS FORM TO:

APPLICANT: JoAnn Corder, Personal Rep 910

COMPANY: Balsaul Vincent Consulting, LLC

CONTACT: Bruce Vincent

ADDRESS: 416 Laurel Ave #3

Tillamook, OR 97141

PHONE: 503-842-5391

OWNER(S): JoAnn Corder, Personal Rep

NAME: Helen Vernon Avery Estate

ADDRESS: 11507 SW Lancaster Rd.

Portland, OR 97219

PHONE: 503-977-9833

Property Desc.: Tax Map(s): 252-33 Lot Number(s): T2-1000

Site Size: 26.66 Ac

Site Address:

Nearest cross street (or directions to site):

SW Mountain Top Road

PROPOSED PROJECT NAME:

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Plan Amendment from AF-20 City Forest 20 Ac) to LFC (Exclusive Forest)

EXISTING USE: Timber, logged land

PROPOSED USE: Plan Amendment

IF RESIDENTIAL:

IF INDUSTRIAL/COMMERCIAL:

IF INSTITUTIONAL:

NO. OF DWELLING UNITS: 1

TYPE OF USE:

NO. SQ. FT.:

SINGLE FAM. ☒

MULTI-FAM. ☐

NO. OF SQ. FT. (GROSS FLOOR AREA)

NO. STUDENTS/EMPLOYEES/MEMBERS:

***** ATTENTION SERVICE PROVIDER *****

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

☒ SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)

Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: Gail MacBry POSITION: CLERK/RENT DATE: 012909

☐ SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.

If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Please also provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:

1. Contracting with private agency; 2. Contracting with other public agency; 3. Impact fees; 4. Any combination of these or other alternatives.

SIGNATURE: POSITION: DATE:



WASHINGTON COUNTY
Dept. of Land Use & Transp.
Land Development Services
155 N. First Ave., Suite 350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.co.washington.or.us

REQUEST FOR STATEMENT OF SERVICE AVAILABILITY FOR SCHOOLS

☒ SCHOOL DISTRICT NO.: Newburg

PRE-APPLICATION DATE: 11/14/08

Service Provider: PLEASE RETURN THIS FORM TO:

APPLICANT: Joanna Gordon 210

COMPANY: Budenz/Vincent Construction

CONTACT: Bruce Vincent

ADDRESS: 416 Laurel Ave # 3

Tillamook, OR 97141

PHONE: 503-512-5391

OWNER(S): Joanna Gordon, Riverside Ridge Farm

NAME: Belton Vernon Avenue Estate

ADDRESS: 11500 SW Lamont Road

Portland, OR 97219

PHONE: 503-977-4533

Property Desc: Tax Map(s): 252-23 Lot Number(s): T2 1000

Site Size: 24.66 Ac

Site Address: _____

Nearest cross street (or directions to site):

SW Mountain View Road

PROPOSED PROJECT NAME: _____

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Plan Amendment from AP-2014/Forest 2014 to EFC (Exclusive Forest)

EXISTING USE: timber, logged land PROPOSED USE: Plan Amendment

IF RESIDENTIAL:

IF INDUSTRIAL/COMMERCIAL:

IF INSTITUTIONAL:

NO. OF DWELLING UNITS: 1

TYPE OF USE: _____

NO. SQ. FT. _____

SINGLE FAM. X MULTI-FAM. _____

NO. OF SQ. FT. (GROSS FLOOR AREA) _____

NO. STUDENTS/EMPLOYEES/MEMBERS: _____

*****ATTENTION SERVICE PROVIDER*****

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

☒ SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)

Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: Joanna Gordon POSITION: Superintendent DATE: 02/04/09

☐ SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.

If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Additionally, provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:

1. Amount of bonded indebtedness; 2. Use of double shifting; 3. Extended school periods; 4. Bussing to underutilized facilities; 5. Year-around school; 6. Construction of new facilities; 7. Portable Classrooms; 8. Impact Fees; 9. Any combination of these or other alternatives

SIGNATURE: _____ POSITION: _____ DATE: _____

Service Pro Schools: 12/11/03



WASHINGTON COUNTY OREGON

Date: 1/24/09

Newberg Washington County School District Service Analysis

RE: Plan Amendment, changing from AF-20 to LFC, 252-33 Tax Lot 1000
(land use district) (map location)

Newberg
Dear Washington County School District,

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the nearest schools that would provide education services to future residents of the parcel(s) above?

3 miles

2. Is bus transportation provided for students that would be located on the parcel(s) listed above?

Yes.

3. What are the names of the existing school facilities in your district, current enrollment of those schools, and maximum student capacity for each school that would serve the parcel(s) listed above?

<u>Middle River Elementary School</u>	<u>560 CURRENT</u>	<u>600 CAPACITY</u>
<u>Mountain View Middle School</u>	<u>575 CURRENT</u>	<u>625 CAPACITY</u>
<u>Newberg High School</u>	<u>1575 CURRENT</u>	<u>1800 CAPACITY</u>

4. Will the addition of () future single family dwellings cause any serious impact on the current educational services provided? No

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: Janet K. Reid DATE: 02/04/09
POSITION: Superintendent

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Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412

**FAX***"Working" Smoke Alarms Save Lives!*

TRANSMITTAL

To: Bruce Vincent
Company: B/V Consulting
Fax #: (503) 842-5391
From: Drew DeBois
Date: March 17, 2009
Re: Fire District Service Analysis
Number of pages: 3 (including cover sheet)

Note: Bruce

I've transcribed the information provided by my records department on to the county form you provided us. We were able to answer questions 1, 2 and 4 but not 3. Even though TVF&R is the taxing fire agency, WCFD # 2's Midway Station is closest to this address and would be the first responders. As with all of our surrounding fire departments, we have a Closest Forces Automatic Aid agreement with WCFD # 2 and they would provide the initial compliment of equipment and personnel to this address. The balance of the first alarm would come from both TVF&R and Hillsboro Fire. I've checked WCFD # 2's web site and the Midway station is not fully staffed 24 hours a day so you'll need to contact them to see what they feel what a typical equipment and staffing compliment will be. The number I show for the administration office is: (503) 647-9900 Good luck.

Drew

Tualatin Valley Fire and Rescue
North Division Office • 14480 SW Jenkins Road • Beaverton, OR 97005
Phone: (503) 356-4700 • Fax: (503) 644-2214

22/13/2009 14:32

425391

BEDSAULVINCENT

PAGE 83



WASHINGTON COUNTY OREGON

Date: 2/15/09

Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-220 EF2 Tax Lot 252330001000
(land use district) (map location)

Fire District: TVFR

Dear Washington County Fire District,

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the fire station?

Approximately 7 Road Miles

2. What will be the average emergency response time to the parcel(s) referenced above?

Approximately 11 1/2 Minutes

3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?

First Due Fire Unit and Initial Attack provided by WLF0 #2. Please Contact WLF0 #2 (503) 647-9900 For Equipment and Staffing Levels.

4. Will the addition of 1 () single family dwellings cause any serious impact on the current services provided?

NO

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: [Signature]DATE: 03/17/09POSITION: DEPT. FIRE MARSHAL

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Department of Land Use & Transportation • Planning Division
 155 N. First Avenue, Suite 350-16, Hillsboro, OR 97214-3072
 phone (503) 846-3964 • fax (503) 846-4412

WASHINGTON COUNTY FIRE DISTRICT 2

31370 NW Commercial Street, North Plains, OR 97133 • 503.647.9900 • Fax 503.647.9351

April 7, 2009

Bruce Vincent
Bedsaul/Vincent Consulting, LLC
416 Laurel Ave. #3
Tillamook, OR 97141

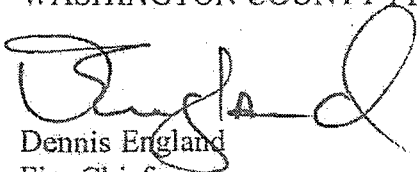
Re: Service Availability

Dear Bruce;

Pursuant to Question #3 of the Washington County Fire District Service Analysis, I am providing the following additional information as requested; Washington County Fire District #2 is staffed 24/7 with an average initial response of three (3) personnel and one attack pumper.

Respectfully,

WASHINGTON COUNTY FIRE DISTRICT #2



Dennis England
Fire Chief



WASHINGTON COUNTY OREGON

Date: 2/5/09

Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-22 to 5FE Tax Lot 252 33 000 1 000
(land use district) (map location)

Fire District: TVFR

Dear Washington County Fire District,

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the fire station?

Approximately 7 Road Miles

2. What will be the average emergency response time to the parcel(s) referenced above?

Approximately 11 1/2 Minutes

3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?

First Due Fire Unit and Initial Attack provided by WCFD #2. Please contact WCFD #2 (503) 647-9900 for equipment and staffing levels.

4. Will the addition of 1 ☐ single family dwellings cause any serious impact on the current services provided?

NO

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: [Signature]

DATE: 03/17/09

POSITION: Deputy Fire Marshal

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Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97214-3072
phone: (503) 846-3964 • fax: (503) 846-4417





WASHINGTON COUNTY
Department of Land Use and Transportation
PLANNING DIVISION, SUITE #350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124-3072
Tel. (503) 846-3519 fax (503) 846-4412

STAFF REPORT

PROCEDURE TYPE: III

COMPREHENSIVE PLAN ELEMENT:

Rural/Natural Resource

CPO: 10

ASSESSOR MAP NO(S) & TAX LOT NO(S): 2S2 33
1000

SITE SIZE: 26.66 acres

LOCATION: Northeast of the intersection of SW Neill
and NE Mountain Top Road

EXISTING LAND USE DISTRICT: Agriculture and
Forest District (AF-20)

REQUEST: Comprehensive Plan Amendment to change the current land use designation of Agriculture
and Forest (AF-20) District to Exclusive Forest Conservation (EFC) District.

CASEFILE NO.: 09-114-PA

APPLICANT:

Joanne Corder, Personal Representative
Helen Vernon Avery Estate
11500 SW Lancaster Road
Portland, OR 97219

APPLICANT'S REPRESENTATIVE:

Bruce Vincent
Bedsaul Vincent Consulting, LLC
416 Laurel Ave, #3
Tillamook, OR 97141

OWNER:

Joanne Corder, Personal Representative
Helen Vernon Avery Estate
11500 SW Lancaster Road
Portland, OR 97219

SITE ADDRESS

None

**Casefile No. 09-114-PA Staff Report for the
July 7, 2009 Board of County Commissioners' Hearing**

I. APPLICABLE REGULATIONS

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 5, 11, & 12
- B. OAR 660-033-0030(4) (relating to agricultural land) and OAR 660-006-0015(2) (relating to forest land),
660-012-0060 (Transportation Planning Rule)
- C. Rural / Natural Resource Plan Policies: 1.p.8, 2, 6, 8, 10, 14.a.1, 16, 17, 22, 23
- D. Washington County Transportation Plan Policies 1, 2, 4, 5, 6, 10 & 19
- E. Washington County Community Development Code:
 - 1. Article II, Procedures
 - 2. Article III, Land Use Districts
 - Section 342 EFC District (Intent and Purpose)
 - Section 344 AF-20 District (Intent and Purpose)
 - 3. Article IV, Development Standards

Section 421
Section 422

Flood Plain and Drainage Hazard Area Development
Significant Natural Resources

4. Article V, Public Facilities and Services

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Newberg School District
Tualatin Valley Fire & Rescue District
Washington County Fire District #2

III. FINDINGS

A. General

Applicant: See pages 2 - 3 of the application.

Staff: The current land use designation for the property is Agriculture and Forest 20 Acre (AF-20) District, and the applicant is requesting a plan amendment to change the designation to Exclusive Forest and Conservation (EFC) District. According to current tax assessment maps, the property encompasses a total of 26.66 acres. The property is located east of SW Neill Road and north of NE Mountain Top Road (see map on page 16 of this staff report).

The property is undeveloped and has a tributary of Heaton Creek which flows south to north and is located in the western half of the property. The tributary is classified as a drainage hazard area and *Water Areas, Wetlands and Fish and Wildlife Habitat* area. The site was logged in the fall of 2008 and replanted in January 2009. According to the Assessment and Taxation Department, it is currently in forest deferral.

The site is accessed by an existing unimproved private roadway which connects the property to NE Mountain Top Road in Yamhill County. The roadway is located on the two lots adjacent to the southern boundary of the subject property, which are also owned by the Helen Vernon Avery Estate.

No public comment or testimony has been received.

Planning Commission Recommendation: State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The Board is scheduled to review this plan amendment request at its meeting on July 7, 2009. The Planning Commission voted 9-0 in favor of approval of this plan amendment proposal.

B. Compliance with LCDC Statewide Planning Goals

Staff: The Rural/Natural Resource Plan Element of Washington County's Comprehensive Plan and related implementing ordinances have been found to be in conformance with the statewide planning goals. Goals applicable to this proposal are addressed under related policies from Washington County's Rural/Natural Resource Plan Element and in Attachment A, the Transportation Report. In addition, Oregon Administrative Rules (OAR) for Goals 3 and 4 are specifically addressed below.

LCDC Goal 3. Agricultural Lands

This goal requires agricultural lands be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and the state's agricultural land use policy. OAR Chapter 660, Division 33, sets forth the following requirement:

OAR 660-033-0030: Identifying Agricultural Land

(4) When inventoried land satisfies the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

LCDC Goal 4. Forest Lands

This goal requires forest lands be conserved by maintaining the forest land base, and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture. OAR Chapter 660, Division 6 sets forth the following requirement:

OAR 660-006-0015: Plan Designation Outside an Urban Growth Boundary

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

Staff: The subject property is currently designated AF-20, which is a resource designation for exclusive farm use. The applicant's narrative states that the property has been primarily forested for many years, and staff finds that assessment to be accurate based upon County aeriels from 1998 and 2006 and a site visit on June 4, 2009. According to county tax records, the property is also in timber deferral. As stated in the OAR, land that qualifies as both farm and forest land need not show why one designation is chosen over the other. The applicant's findings and the staff report document the factors used to select the requested designation.

C. Rural / Natural Resource Plan

1. Policy 1, the Planning Process, states:

It is the policy of Washington County to establish an on-going Planning Program which is a responsive legal framework for Comprehensive Planning, Community Development and Resource Conservation which accommodates changes and growth in the physical, economic and social environment, in response to the needs of the county's citizens. It is the policy of Washington County to provide the opportunity for a landowner or his/her agent to initiate quasi-judicial amendments to the Comprehensive Plan on a semi-annual basis. In addition, the Board of Commissioners, the Planning Director, or the Planning Commission may initiate the consideration of quasi-judicial map amendments at any time deemed necessary.

Applicable Implementing Strategies:

p. Require that plan map amendments meet the following criteria:

As used in the following sections a mistake means a clerical error, or a mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process.

8. Amendments from Mixed Agriculture and Forestry-20 (AF-20) to Exclusive Farm Use (EFU) or Exclusive Forest and Conservation (EFC) shall be based upon:

A. A mistake in this 1983 plan; or

B. Findings that the subject land is:

I. in farm or forest use;

II. on farm or forest deferral;

III. agricultural or forest land as defined by LCDC Goal 3 or Goal 4; or

IV. compatible with surrounding land uses.

C. Require that the parcel be contiguous to land with the same plan map designation being requested or be 76 acres or more in area.

Applicant: See pages 3 - 4 of the application.

Staff: Policy 1.p.8.B requires quasi-judicial plan amendments to meet at least one of the above criteria. Staff finds that the evidence provided by the applicant and in county records sufficiently addresses each of the four criteria.

Aerial photographs available to staff from 1998 and 2006 show the site as heavily forested. The applicant provided aerial photographs from 1982 and 1994 which also show the site as heavily forested. The application narrative states that the property was logged in late 2008 and replanted according to Oregon Department of Forestry standards in January 2009. Staff visited the site with the applicant's representative on June 4, 2009 and found that the site had been logged and seedlings were planted. Washington County Assessment and Taxation records indicate that the property has been in forest deferral since 1988.

LCDL Goal 4 broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations. High value agricultural soils comprise approximately 72% of the property; however, staff agrees with the applicant's assessment that much of the site is too steep to be farmed effectively and it would be most appropriately utilized as forestland. The applicant's summary of the soil types on the property coincide with the Soil Survey of Washington County, Oregon, July 1982. A more detailed analysis of the soils may be found in the staff findings for Policy 14 *Plan Designations*.

The property is bordered on its north and west sides by three parcels designated as EFC and on the east by one parcel designated as AF-20. To the south are two parcels in Yamhill County designated as AF-20 (a mixed agriculture and forest district) which are also owned by the Helen Vernon Avery Estate. The adjacent parcels range in size from 10.06 acres to 70.64 acres, and one is developed with a single-family residence. The remaining properties are undeveloped and in forest or farm deferral.

The subject property is approximately 26.66 acres, and it is adjacent to properties in Washington County designated as EFC which total approximately 91.19 acres.

2. Policy 2, Citizen Involvement, states:

It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.

Staff: A quasi-judicial plan amendment such as this must be considered via a Type III public hearing review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission and Board of Commissioners public hearings on this application was sent to all property owners within 1,000 feet of the subject property. This notice was sent at least 20 days prior to the first hearing (mailed May 28, 2009). Additionally, the county placed a legal notice of the hearing in *The Hillsboro Argus*, a newspaper of general circulation, at least ten days prior to the first hearing date (published June 5, 2009). As required by CDC Section 204-1.4, the applicant posted a sign on April 30, 2009, which was within 28 days of the April 20, 2009 acceptance date. A copy of the plan amendment application was mailed to Citizen Participation Organization (CPO) 10 on April 29, 2009. Finally, the staff report was available to interested parties seven days prior to the hearing as required by CDC Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

These findings for Policy 2 also pertain to Statewide Planning Goal 1, Citizen Involvement.

3. Policy 6, Water Resources, states:

It is the policy of Washington County to maintain or improve surface and ground water quality and quantity.

Applicant: See pages 5 - 8 of the application.

Staff: In the case of plan amendments, staff interprets Policy 6 to mean that, over time, development activities in Washington County should not negatively affect the quantity or quality of surface water or groundwater. The thrust of the policy is to assure that development will have a positive or neutral effect over an extended period of time, rather than being concerned with what quantity or quality of water is present at a particular point in time. Therefore, evidence of consistency with this policy should include, if possible, assessments of groundwater quantity and quality reflected over a period of time.

For resource to resource plan amendments such as this request, implementing strategy 6.a.5. does not require well log analysis because the designation change will not result in an increase in density. However, opposition testimony can be rebutted by an applicant by reviewing well logs and having an "expert" such as a professional geologist or hydrologist review well logs and opposition testimony and provide an opinion on the groundwater situation. Expert testimony that draws its findings primarily from evidence in the well reports, however, can be refuted by new evidence beyond that which is contained in the well reports. Recent measurements of water depth in existing wells are probably the best new evidence that can be used to determine what the present groundwater quantity trend is in a plan amendment area. The present well water depth can be compared to the measured depth at the time the well was drilled to determine how groundwater quantity trends are affecting existing wells.

Applicable Implementing Strategies:

The County will:

- a. **Strive to ensure adequate water supplies for all uses by:**
1. **Encouraging water conservation programs by water users and purveyors;**
 2. **Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;**
 3. **Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies; and**
 4. **Complying with the May 17, 1974 Order of the State Engineer establishing and setting forth provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.**
 5. **Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.**

Well logs are not required for quasi-judicial plan amendments when the designation change will not result in an increase in density (i.e. EFU to EFC plan amendments).

Applicant: See pages 5 - 8 in the application.

Staff: As indicated by Implementing Strategy 6.a.5., plan amendments between the three resource districts, AF-20, EFU and EFC, are not required to submit well logs. Because both the AF-20 and EFC Districts are resource districts and the allowed uses in these districts are similar, staff believes the worst-case scenario for the development impact on the subject site under either plan designation is similar. Therefore, the applicant's burden of proof is less than what would be required in other cases where the designation would allow an increase in the potential number of dwellings or new uses not permitted by the current designation.

The property is located within the Chehalem Mountain Ground Water Limited Area. The Chehalem Mountain Ground Water Limited Area is subject to certain restrictions which are enforced by the Washington County Watermaster. Restrictions include limiting single or group domestic purposes to no more than 15,000 gallons per day and a limit for lawn or non-commercial watering to not more than one-half of an acre. Permits for a greater irrigation allowance and rural fire protection may be issued by the Watermaster.

- b. **Ensure adequate quality of surface water and groundwater by:**
1. **Promoting compliance with Department of Environmental Quality water quality standards;**
 2. **Promoting compliance with Department of Environmental Quality water quality standards;**

3. **Cooperation with the Soil and Water Conservation District in the implementation of effective methods of controlling non-point sources of water pollution in agricultural areas;**
4. **Cooperating with the Oregon State Department of Forestry in the implementation of effective methods of controlling non-point sources of water pollution in forest areas; and**
5. **Ensuring that the establishment of subsurface sewage disposal systems (e.g., septic tanks) will not adversely affect ground water quality;**

Applicant: See page 7 of the application.

Staff: In the event that a dwelling is proposed on the property, the applicant would be required to obtain approval for an on-site septic system from the County Health Department prior to the issuance of a building permit for a new dwelling. A septic system permit will not be issued if soils are not adequate to filter and clean wastewater. The standards for such permits comply with DEQ requirements, which are designed to ensure adequate quality of groundwater. Any grading activities (e.g., construction of a dwelling) must comply with CDC Sections 410 (Grading and Drainage), 426 (Erosion Control) and Chapter 14.12 of the County Code (Grading). Compliance with these standards ensures adequate quality of surface water. Therefore, staff finds the criteria of Implementing Strategy 6.b. can be satisfied.

- c. **Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.**
- d. **Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.**
- e. **Encourage property owners with land which qualifies as "designated riparian land" and defined by the 1981 Riparian Habitat Act to apply for exemption of that land from *ad valorem* taxation.**

Applicant: See page 7 of the application.

Staff: An unnamed tributary of Heaton Creek is located on the property. Any timber harvesting activities near the riparian areas are required to follow best management practices (BMPs) compliant with the Oregon Department of Forestry requirements. The Oregon Department of Forestry is responsible for overseeing logging activities for compliance with BMPs. In the event that a dwelling is approved for the property, the applicant would be required to show compliance with Sections 421 (Flood Plain and Drainage Hazard Area Development) and 422 (Significant Natural Resources). Staff finds these strategies can be satisfied.

- f. **Support viable water resource projects which are proposed in the County upon review of their cost benefit analysis, alternatives, and environmental and social impacts.**

Applicant: See page 7 of the application.

Staff: There are no water resource projects proposed in the vicinity of this property.

- g. **Coordinate land use actions regarding water projects with agencies and jurisdictions which may be impacted by such projects.**

Applicant: See page 7 of the application.

Staff: There are no water resource projects proposed on this property.

- h. Support measures to conserve vegetation in drainage basin watersheds as a means of controlling the release of water to downstream farm lands and urban areas.**

Applicant: See page 8 of the application.

Staff: The property is located within the Heaton Creek drainage basin watershed. If development on the subject property occurs, it will be required to comply with standards relating to drainage hazard areas (Section 421) at the time of development review. The application states that the site was in conformance with Oregon Department of Forestry (ODF) regulations when it was logged in the fall of 2008 and replanted in January of this year. The ODF best management practices apply to timber harvesting and address the conservation of vegetation as a means of controlling the release of water downstream from logged areas; therefore, staff finds this strategy can be satisfied.

- i. Cooperate with the Division of State Lands, State of Oregon in their review and mitigation of projects that alter water areas and wetlands under their jurisdictions.**

Applicant: See page 8 of the application.

Staff: The subject property contains a *Water Areas and Wetlands and Fish and Wildlife Habitat* area recognized by the Division of State Lands. The unnamed tributary of Heaton Creek is designated as a seasonal forested deciduous stream. If development occurs, it will be required to comply with Section 422 (Significant Natural Resources) which addresses development in significant natural resource areas such as *Water Areas and Wetlands and Fish and Wildlife Habitat* areas; therefore, staff finds that this strategy can be satisfied.

- j. Consistent with the recommendations of the Department of Environmental Quality, State of Oregon, and Clean Water Services, support the expansion of stormwater sampling in the Tualatin Basin and consideration of proper planning and management measures for non-point source problems.**

Applicant: See page 8 of the application.

Staff: Any subsequent development of the subject property will have to comply with CDC sections that implement the above strategies, Sections 410 (Grading and Drainage) and 426 (Erosion Control) at the time of development review. Staff therefore finds this strategy can be satisfied.

These findings for Policy 6 also pertain to Statewide Planning Goals 5, Open Spaces, Scenic and Historic Areas and Natural Resources, and 6, Air, Water and Land Resources Quality.

4. Policy 8, Natural Hazards

It is the policy of Washington County to protect life and property from natural disasters and hazards.

Applicant: See page 8 of the application.

Staff: As previously mentioned, the unnamed tributary of Heaton Creek found on the property is a Significant Natural Resource Area. The tributary is designated as a *Water Areas and Wetlands, Fish and Wildlife Habitat* area. The tributary is also a drainage hazard area; therefore, future

development in the vicinity of the buffer area will require compliance with Sections 421 and 422 of the CDC. Staff finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

It is the policy of Washington County to protect and enhance significant fish and wildlife habitat.

Applicable Implementing Strategies:

The County will:

- a. **Establish standards with which development in areas defined as significant fish and wildlife habitat must comply, so as to assure the conservation of this habitat.**
- b. **Allow activities customarily conducted in conjunction with commercial farm and forest practices in areas designated as Fish and Wildlife Areas.**
- c. **Rely upon the Oregon Department of Forestry, through its administration of the Oregon Forest Practice Rules, to mitigate adverse impacts of commercial forestry upon fish and wildlife.**
- d. **Limit the alteration of natural vegetation in riparian zones, and in locations identified as significant water areas and wetlands thereby preserving fish and wildlife habitat.**

Applicant: See pages 8 & 9 of the application.

Staff: Each time the property is logged as a commercial forestry use, the Oregon Department of Forestry Best Management Practices (BMPs) must be employed when harvesting and conducting activities in areas designated as fish and wildlife habitats. As previously mentioned, the Oregon Department of Forestry is responsible for ensuring that BMPs are followed. Again, Section 422 (Significant Natural Resources) will apply if alterations are proposed in the *Water Areas and Wetlands, Fish and Wildlife Habitat* area of the property. Staff finds the criterion can be satisfied.

- e. **Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations.**

Applicant: See page 9 of the application.

Staff: The subject property is not located within the Big Game Range; therefore, the Habitat Protection Plan does not apply.

6. Policy 14, Plan Designations, states:

It is the policy of Washington County to maintain distinct comprehensive plan map designations for the area outside the County's urban growth boundaries, and to provide land use regulations to implement the designations.

Applicable Implementing Strategies:

a. Designate Natural Resource lands in the following manner:

- 1. Lands which meet the definitions and criteria for agricultural lands contained in LCDDC Goal 3 and OAR Chapter 660, Division 05 shall be designated Exclusive Farm Use (EFU) and lands which meet the LCDDC Goal 4 definition of forest land shall be designated Exclusive Forest and Conservation (EFC). In determining which Plan Designation shall apply (EFU or EFC) when land meets criteria for both the EFU and EFC District, the following factors shall be utilized to determine the appropriate designation:**
 - A. Soil types as related to Goal 3 and forest classification as related to Goal 4.**
 - B. The predominant use of the property.**
 - C. The predominant use of the surrounding properties (must be contiguous or be a sufficiently large block of land).**
 - D. What kinds of crops or forest uses would be possible on the parcel given the size and conflicts with adjacent uses.**
 - E. Physical characteristics of the site.**
 - F. Whether the site is or has been on a farm or forest deferral.**

Applicant: See pages 9 & 10 of the application.

Staff: Implementing Strategy 14.a.1. sets forth criteria to determine if a site should have an exclusive farm (EFU or AF-20) or forest (EFC) designation. Since the requested plan designation change is from AF-20 to EFC, the criteria of this implementing strategy, as they relate to the EFC District, are applicable.

The applicant provided a summary of the property's soil types as determined by the Soil Survey of Washington County prepared by the U.S. Department of Agriculture Soil Conservation Service. Staff finds that the soil inventory provided by the applicant is consistent with the Soil Survey of Washington County, Oregon, July 1982.

County records show the property consists of soils belonging to the Laurelwood series as defined in the Soil Survey of Washington County, Oregon, July 1982. Approximately 19 of the 26.66 acres are comprised of soils found on land with 12%-30% slope (map symbols 28D & 28E). These 19 acres also have medium to high run-off rates and moderate to severe erosion capabilities. The Soil Survey of Washington County, Oregon, July 1982 states these soils are best suited for Douglas Fir, have high productivity potential and no serious limitations for management. The approximately seven (7) remaining acres consist of soils described by the Soil Survey of Washington County, Oregon, July 1982 as those found on slopes ranging from 30%-60% with rapid run-off and severe erosion potential. These soils are described as well suited for intensive woodland management and have high productivity potential for Douglas Fir.

Although county records indicate that approximately 72% of the property is classified as high value farmland, the applicant's narrative states that the owner believes it is too steep to be effectively farmed. County records show the property to be approximately 860' in elevation at its lowest point (which follows the seasonal creek) and approximately 1070' in elevation at its highest point located in the southwest corner of the property. The eastern property line is approximately 1060' in elevation. Based upon the dramatic elevation changes on the property

and the soil information found in the Soil Survey of Washington County, Oregon, July 1982, staff agrees with the applicant and finds the soils to be most appropriate for an EFC designation.

As previously mentioned, the property was logged in the fall of 2008 and replanted in January 2009. Staff visited the site on June 4, 2009 and found that a large portion of the site has been logged. Replacement seedlings were present and appeared to be in good condition. The site is in forest deferral according to the Washington County Assessment and Taxation Department.

The adjacent properties located in Washington County are designated as resource lands. The property to the north (70.64 acres) and two properties to the west (20.55 acres total) are designated as EFC. The property adjacent to the east (50.84 acres) is designated AF-20. The two properties adjacent to the south (42.6 acres total) located in Yamhill County are designated as AF-20. Yamhill County describes AF-20 lands as those which are a mixture of agricultural and forest management operations, while Washington County's AF-20 District is applied to agricultural lands only. Of these six properties, one is developed with a residence, four have received land use approval for dwellings, but have not yet constructed homes, and one is undeveloped. Five of the properties are in forest deferral and the property adjacent to the east is used for Christmas tree propagation and is in farm deferral.

Based on the above facts, staff finds that the property meets the LCDC Goal 4 definition of forest land and that an EFC designation is appropriate and compatible with surrounding properties. Staff finds that each of the above criteria has been satisfied.

b. Designate Exclusive Agricultural and Forest lands in "large blocks" of 76 acres or more in the legislative process which adopts this plan.

Staff: The subject property is approximately 26.66 acres. Although it does not meet the "large block" requirement of 76 acres on its own, there are three adjacent properties in Washington County designated as EFC which total approximately 91.19 acres. The addition of the subject property's 26.66 acres to the 91.16 acres of land currently designated as EFC would exceed the 76 acre requirement for a "large block". As a result, the request is consistent with this implementing strategy.

These findings for Policy 14 also pertain to Statewide Planning Goals 3, Agricultural Lands; and 4, Forest Lands.

7. Policy 16, Exclusive Forest Lands, states:

It is the policy of Washington County to conserve and maintain forest lands for forest uses consistent with existing and future needs for agricultural products, forest management and open space. Exceptions to this policy may be allowed pursuant to the provisions of LCDC Goal 2, OAR Chapter 660 Division 04, and the applicable plan amendment criteria in Policy 1.

Applicable Implementing Strategies:

- i. Maintain forest lands in blocks large enough to encourage and maintain commercial forest activities when considering Plan Amendments. This strategy will be used as one of the criteria in the designation of lands in the EFC District in the legislative process of adopting this plan.**

Applicant: See page 11 of the application.

Staff: As stated previously, there is approximately 91.19 acres of EFC land adjacent to the subject property. All of this land is currently in forest deferral and county aerial photographs from the summer of 2006 show tax lot 900, which comprises 70.64 acres, as heavily forested. The request therefore meets the "large block" criteria by making the property part of a block of EFC land larger than 76 acres. Although Implementing Strategy 16.i. refers to the legislative process, "large block" criterion has been applied to both the legislative and quasi-judicial processes.

8. Policy 17, Agriculture and Forest-20 Land, states:

It is the policy of Washington County to designate those lands as Agriculture and Forest-20 that were zoned AF-5 and AF-10 by the 1973 Comprehensive Framework Plan and for which a Goal 2 Exception has not been provided, and in doing so strive to retain a small scale and part-time agriculture and forest production. Exceptions to this policy may be allowed pursuant to the provisions of LCDC Goal 2, OAR Chapter 660 Division 04, and the applicable plan amendment criteria in Policy 1.

Applicant: See pages 11 & 12 of the application.

Staff: The property was designated AF-10 by the 1973 Comprehensive Framework Plan, but did not qualify for a Goal 2 exception during the process to adopt the 1983 Rural/Natural Resource Plan. Consequently, the site was designated AF-20, consistent with Policies 14 and 17. Because the requested EFC designation is a resource plan designation like the AF-20 designation, it is not necessary to take an exception to Statewide Planning Goals 3 and 4. As a result, it is not necessary to address the exception provisions of Statewide Planning Goal 2 and OAR 660, Division 4.

9. Policy 22, Public Facilities and Services, states:

It is the policy of Washington County to provide public facilities and service in the Rural/Natural Resource Area in a coordinated manner, at levels which support rural type development, are efficient and cost effective, and help maintain public health and safety.

Applicable Implementing Strategy:

a. Review the adequacy of the following public services and facilities in conjunction with new development.

1. Schools

2. Fire and Police Protection

Applicant: See pages 12-13 of the application.

Staff: Copies of statements of service availability from four service providers to the site are included in the applicant's submittal. These statements are from the Newberg School District, Tualatin Valley Fire & Rescue, Washington County Fire District #2 and the Washington County Sheriff's Office. The application includes a service analysis for the school district, describing present enrollments and capacity of the district's schools that serve the site, an analysis for the fire district, describing station location, equipment availability and response times, and an analysis for the Sheriff's Office, describing adequacy of service levels. Staff again notes that no new development is proposed with this request.

The County is responsible under Implementing Strategy a. of Policy 22 for reviewing the adequacy of public facilities and services in conjunction with new development. The hearings officer for LCDC found in the 1988 Enforcement Order proceedings that "(T)he County must have evidence in the record showing that the service provider is accurate in its assessment." Staff interprets this to refer to a provider's assessment that an adequate or inadequate level of service can be provided. Without the above-described statements and analyses, staff could not conclude that all the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property under the EFC designation, should the proposed plan amendment be approved.

Information obtained from the Newberg School District shows the site is located within the following school attendance areas: Mabel Rush Elementary School, Mountain View Middle School and Newberg High School. The school district noted that the closest schools are approximately three miles from the subject property. The school district states there is sufficient enrollment capacity in each school.

The site is within the service area of Tualatin Valley Fire & Rescue (TVF&R). The applicant provided a fax from TVF&R dated March 17, 2009 which states that although TVF&R is the taxing fire agency, Washington County Fire District #2's Midway Station is the closest fire station to the property. TVF&R has a Closest Forces Automatic Aid agreement with Washington County Fire District #2, and this ensures that the Midway Station would be the first responder to the site in the event of a fire or emergency situation. Washington County Fire District #2 states that they are staffed 24 hours a day, seven days a week and the Midway Station has an average initial response of three personnel and one attack pumper. The station is located approximately seven road miles from the property and response time would be approximately eleven minutes.

The Washington County Sheriff's Office has reviewed the request and has determined that its service level is adequate for emergency calls only, which is consistent with the level of service provided to all rural areas.

Based on the service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to the subject property if the proposed plan amendment is approved. As a result, this request complies with Policy 22.

These findings for Policy 22 also pertain to Statewide Planning Goal 11.

D. Washington County Transportation Plan

Applicant: See pages 13 - 17 of the application.

Staff: Findings pertaining to the County Transportation Plan and the Oregon Transportation Planning Rule are in Attachment A to this staff report, the Transportation Report for Casefile No. 09-114-PA.

E. Washington County Community Development Code

1. Article III, Land Use Districts:

Section 342 Exclusive Forest and Conservation District (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource

production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the County and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Uses permitted by the Forest Practices Act are not subject to the requirements of this Section.

All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

Section 344 Agriculture and Forest District (AF-20)

344-1 Intent and Purpose

The intent of the Exclusive Agriculture and Forest AF-20 District is to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal.

The purpose of the District is to allow EFU uses and parcels, and through the provisions of Section 425, to provide a process and criteria for identifying marginal lands within the District. In addition, Section 344-8 provides for special uses for lands so identified.

This AF-20 District is provided to meet Oregon statutory and administrative rule requirements.

Applicant: See pages 17 & 18 of the application.

Staff: The property is in forest use and is in forest deferral. The property meets the criteria for a change from AF-20 to EFC. Placing an EFC designation on the property would be consistent with the EFC District's purpose of preserving forest uses. The EFC District implements Goal 4, and the AF-20 and EFU Districts implement Goal 3. The findings under Policies 1 and 14 prove that the request complies with the applicable criteria for designation as EFC land.

These findings for the Community Development Code also pertain to Statewide Planning Goals 3 and 4.

Section 421 Flood Plain and Drainage Hazard Area Development

Staff: As previously mentioned, an unnamed tributary of Heaton Creek traverses the property. The applicant's narrative has stated that Best Management Practices set forth by the Oregon Department of Forestry, which include managing forestry activities in and near drainageways, will be followed if timber harvesting occurs again on the site. Future development within the drainage hazard area may require land use approval pursuant to the requirements set forth in Section 421.

Staff finds that the criteria set forth in Section 421 can likely be satisfied through the development review process in the future.

Section 422 Significant Natural Resources

Staff: The Rural/Natural Resource Plan designates the unnamed tributary of Heaton Creek as *Water Areas, Wetlands and Fish and Wildlife Habitat* areas. Any disturbances within the significant natural resource area must adhere to the requirements of Section 422, and staff finds that the requirements can likely be satisfied through the development review process in the future.

IV. SUMMARY AND CONCLUSIONS

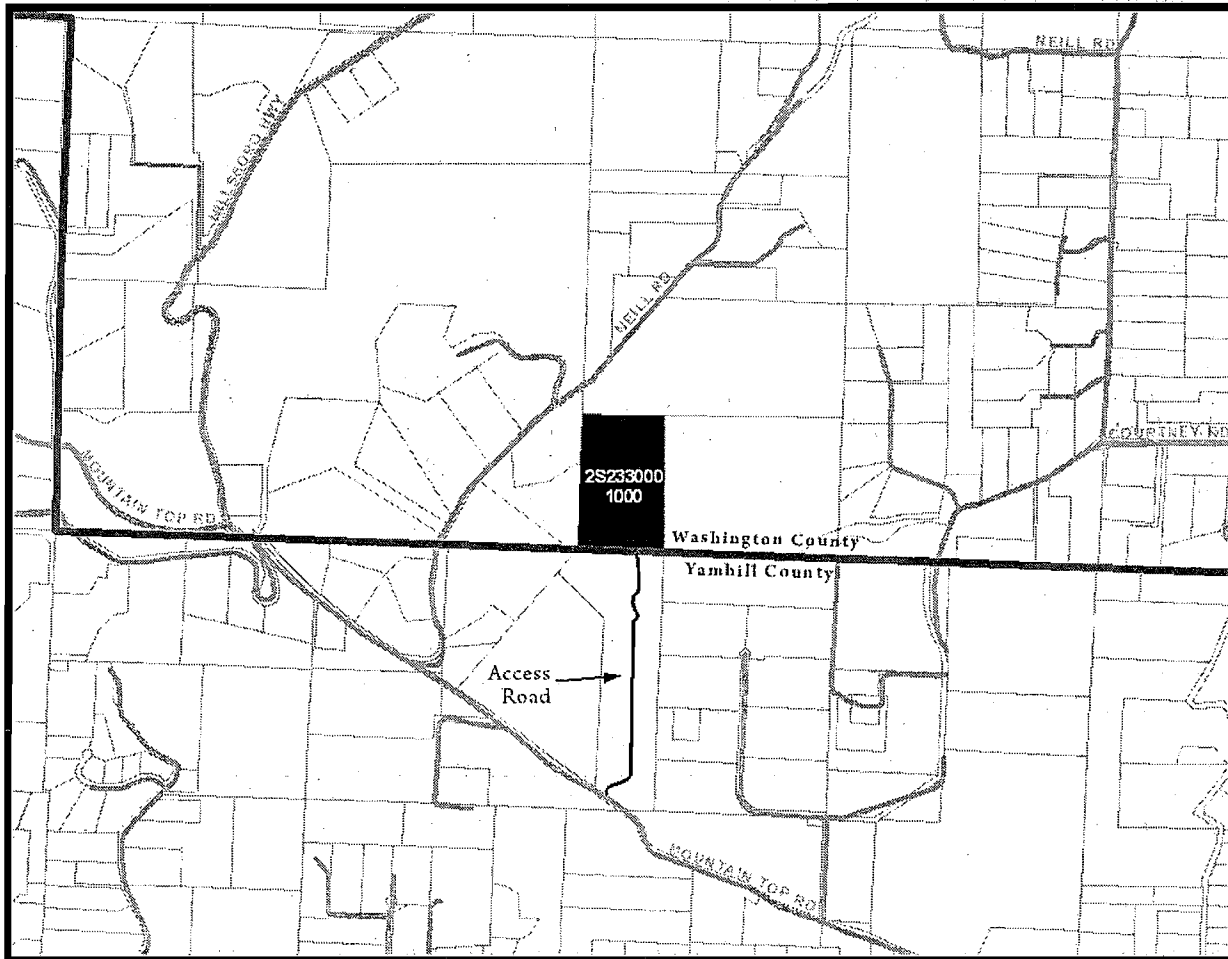
Staff considered the evidence provided by the applicant and all of the factors relevant to a plan amendment from AF-20 to EFC. The factors were listed under Implementing Strategy p.8. for Policy 1 of the Rural/Natural Resource Plan. This consideration included the review of soils, the present and past use of the property, the use of the surrounding properties, possible agricultural or forest uses, the physical characteristics of the site, the property's tax deferral status and the availability of public services and facilities. Pursuant to Plan Policies 14, 16 and 17, staff also considered the intent and purpose of the existing and proposed land use designations. The subject property described in this plan amendment request meets the applicable criteria for a plan amendment from AF-20 to EFC.

V. RECOMMENDATION

Based on staff's findings in Section III of this report and Attachment A, and as summarized above under Section IV, staff recommends **APPROVAL** of the plan amendment from AF-20 to EFC by the Board of County Commissioners subject to the following conditions:

1. Any additional amount over and above the fee deposit submitted with this application which is determined to be owed to the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.
2. The requirements of the Community Development Code will apply to specific development applications on each parcel. Other applicable regulations will also apply, including requirements for wells and septic systems.

Property Location



May 26, 2009

**TRANSPORTATION REPORT
CASEFILE NO. 09-114-PA**

Applicant: Helen V. Avery Estate, Joanne Corder, Personal Representative
Location: East of SW Neill Road and north of its intersection with SW Mountain Top Road
Tax Map/Lot: 2S2 33 Tax Lot 1000
Site Size: 26.66 acres

Staff has reviewed this request for compliance with the applicable transportation planning policies and rules and submits the following findings and recommendations.

FINDINGS

A. General:

1. The proposed plan amendment would change the plan designation on the subject parcel from AF-20 (Agriculture/Forest) to Exclusive Forest and Conservation (EFC). The AF-20 land use district is an Exclusive Farm Use designation that is regulated pursuant to ORS 215.213. The EFC land use district is also a resource district that is regulated by the provisions of OAR 660, Division 6.
2. The subject property is located east of SW Neill Road, north of its intersection with SW Mountain Top Road. The subject property is accessed via SW Mountain Top Road that is located partially in Washington County and partially in Yamhill County; access is from the portion of Mountain Top Road that is located in Yamhill County.
3. The following standards are applicable to this request and are addressed in this staff report:
 - a. OAR 660, Division 12, Oregon Transportation Planning Rule:
Section 060 - Plan and Land Use Regulation Amendments
 - b. Washington County 2020 Transportation Plan Policies:
 - 1.0 Travel Needs Policy
 - 2.0 System Safety Policy
 - 4.0 System Funding Policy
 - 5.0 System Implementation and Management Policy
 - 6.0 Roadway System Policy
 - 10.0 Functional Classification Policy
 - 19.0 Transportation Planning Coordination and Public Involvement Policy

B. Oregon Transportation Planning Rule

1. The Oregon Transportation Planning Rule, OAR 660-012-0060, requires an analysis of the impact of a proposed plan amendment on the planned transportation system to determine whether the proposal will 'significantly affect' the planned transportation system in the area.

2. Pursuant to the OAR, the proposed plan amendment would 'significantly affect' SW Neill Road and/or the surrounding transportation network if it does any of the following:
 - Changes the functional classification of an existing or planned transportation facility;
 - Changes the standards implementing a functional classification system; as measured at the end of the planning period identified in the adopted TSP (year-2020);
 - 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
 - Would reduce the performance standards of the facility below the minimum acceptable performance standard identified in the Transportation System Plan; or
 - Would worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan. Changes the functional classification of an existing or planned transportation facility;
3. Considering the criteria above, in order to determine if a plan amendment will result in a 'significant impact' on transportation facilities, the County generally requires a comparative analysis of a 'reasonable worst-case development' of a site under current and proposed land use designations. (Note: When a state highway is affected, the county generally relies on comments that are prepared by ODOT.) Plan amendment requests may be for designations that permit more intensive land uses with greater trip generation potential. In such cases, applicants are typically required to submit traffic analyses that have been prepared by licensed traffic engineers in order to help evaluate the potential affects of proposed plan amendments on transportation facilities.
4. In this case, the proposed plan amendment is to re-designate the subject parcel from AF-20 to EFC. Applicable Oregon Administrative Rule provisions (OAR 660-033-0030(4) and 660-006-0015(2)) establish a relatively low burden of proof for plan amendments from one resource designation to another. In this instance, both the existing plan designation of AF-20 and the proposed plan designation of EFC are resource designations. LUBA has also clarified the relatively low burden required to amend one exclusive resource designation for another (see *KO-AM Realty, 20 Or LUBA 127 (1990)*). The relevant rule provisions establish that when land satisfies the definition requirements of both agricultural and forest land, an exception is not required and the local plan need only document the factors that were used to select one designation (agricultural or forest) over another.

Regardless of which exclusive resource land use designation is applied, land uses are highly restricted by Oregon Statutes and Administrative Rules. The County is limited to permitting only those land uses that are authorized in ORS 215.213 and OAR Chapter 660, Division 33 on designated Exclusive Farm Use lands (which includes the AF-20 land use designation) and those uses listed in Chapter 660, Division 6 for lands within Exclusive Forest and Conservation districts.

Under the existing AF-20 designation, a farm-related dwelling (or even multiple farm dwellings) may be permitted if the relevant approval criteria are satisfied.

Establishment of a dwelling on a lawfully created lot, parcel or tract of land under the proposed EFC land use designation is also permitted subject to satisfaction of relevant approval criteria. Since both designations provide for the same use, albeit subject to different review standards, there is no significant difference in potential trip generation as a result of possible use of the eligible subject properties for dwellings.

No matter which exclusive resource designation is applied, the intensity of potential land uses is not substantially different. Impacts on the transportation system from this 'resource' to 'resource' plan amendment are therefore not significant.

5. Considering the finding above, the proposed plan amendment from AF-20 to EFC is not anticipated to significantly increase trip generation from the subject property. Staff therefore concludes that the proposed amendment will not significantly affect the capacity or levels of travel on the nearby transportation network.
6. No changes in functional classification are proposed or required in order to accommodate the proposed plan amendment. Furthermore, the plan amendment will not affect the standards implementing the functional classification system as set forth in Policy 10.0 of the County's 2020 Transportation Plan nor will it significantly affect the capacity of the surrounding transportation network. Based upon these facts, staff concludes that the proposal is consistent with the identified function, capacity, and level-of-service for affected transportation facilities, consistent with Section 060 of the Oregon Transportation Planning Rule.

C. Washington County 2020 Transportation Plan

The proposed plan amendment is subject to seven policies from the County's 2020 Transportation Plan, which are listed and addressed below.

1.0 TRAVEL NEEDS POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A MULTI-MODAL TRANSPORTATION SYSTEM THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF WASHINGTON COUNTY RESIDENTS AND BUSINESSES.

STAFF: As explained above in this report, the proposed plan amendment is not expected to have a detrimental impact on the capacity or level of service on any of the transportation facilities in the impact area since there is no anticipated significant increase in potential trip generation. The proposal therefore does not conflict with Policy 1.0.

2.0 SYSTEM SAFETY POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A TRANSPORTATION SYSTEM THAT IS SAFE.

STAFF: Any traffic safety impacts associated with potential future development on the subject property will be subject to the traffic safety regulations set forth in the Community Development Code as they apply to any proposed development; since access will be from Yamhill County, the applicant will be required to comply with that county's access permitting standards.

4.0 SYSTEM FUNDING POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO AGGRESSIVELY SEEK ADEQUATE AND RELIABLE FUNDING FOR TRANSPORTATION FACILITIES AND SERVICES, AND TO ENSURE THAT FUNDING IS EQUITABLY RAISED AND ALLOCATED.

STAFF: If development occurs on the affected property, it will be subject to payment of the appropriate Transportation Development Tax toward future capacity improvements. Payment of the Transportation Development Tax is consistent with the strategies included under Policy 4.0.

5.0 SYSTEM IMPLEMENTATION AND MANAGEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO EFFICIENTLY IMPLEMENT THE TRANSPORTATION PLAN AND TO EFFICIENTLY MANAGE THE TRANSPORTATION SYSTEM

STAFF: Significant impacts on capacity or roadway safety are not anticipated due to the absence of significant increases in trip generation under the proposed plan designation. The proposal is therefore consistent with Policy 5.0 since there will be no appreciable change in travel demand as a result of the plan amendment.

6.0 ROADWAY SYSTEM POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THAT THE ROADWAY SYSTEM IS DESIGNED IN A MANNER THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF ALL USERS OF THE TRANSPORTATION SYSTEM.

STAFF: Since the proposed plan amendment will not result in significant increases in trips or travel demand, it will not degrade the planned motor vehicle performance measures set forth in the strategies for implementation of Policy 6.0. The proposal is therefore consistent with Policy 6.0.

10.0 FUNCTIONAL CLASSIFICATION POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THE ROADWAY SYSTEM IS DESIGNED AND OPERATES EFFICIENTLY THROUGH USE OF A ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM.

STAFF: The proposed plan amendment will not affect the Functional Classification of any nearby street or highway, nor will it result in land uses that are inconsistent with those identified in the Transportation Plan.

19.0 TRANSPORTATION PLANNING COORDINATION AND PUBLIC INVOLVEMENT POLICY

IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE ITS TRANSPORTATION PLANNING WITH LOCAL, REGIONAL, STATE AND FEDERAL AGENCIES AND TO PROVIDE OPPORTUNITIES FOR CITIZENS TO PARTICIPATE IN PLANNING PROCESSES.

STAFF: Policy 19 provides that all plan amendments be reviewed for consistency with the applicable provisions of the Transportation Planning Rule (OAR 660-012-0060). This request has been reviewed and determined to be consistent with the applicable provisions of the Transportation Planning Rule (see findings in Section B., above). It is therefore consistent with Policy 19.0.

CONCLUSION

Based on the findings in this report, staff concludes that this proposed plan amendment (AF-20 to EFC) will not "significantly affect" a transportation facility as defined in OAR 660, Division 12. Under the proposed Exclusive Forest and Conservation plan designation, there will not be an increase in potential trip generation from future development when compared to the potential for trip generation under the existing AF-20 land use designation. The proposal is also consistent with all of the applicable Washington County's 2020 Transportation Plan policies as discussed in Section C. of this report. The applicant will need to meet the applicable access permitting requirements of Yamhill County since access will be from that jurisdiction.

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SUMMARY OF DECISION

Joanne Corder, on behalf of the Helen V. Avery trust, applied to Washington County for a plan amendment to change the plan designation for a 26.66 acre property from Agriculture and Forest (AF-20) to Exclusive Forest and Conservation (EFC). The property is more specifically described as tax lot 1000 of tax map 2S2 33.

At its hearing on June 17, 2009, the Washington County Planning Commission voted unanimously to recommend approval of the plan amendment application to the Board of County Commissioners. At its hearing on July 7, 2009, the Board approved the plan amendment request, subject to the following conditions:

1. Any additional amount over and above the fee deposit submitted with this application which is determined to be owed to the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner. This fee shall be paid in full before the submission of a development application on any of the three parcels.
2. The requirements of the Community Development Code will apply to specific development applications on each parcel. Other applicable regulations will also apply, including requirements for wells and septic systems.

Washington County - DLUT
Long Range Planning
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SHUTTLE

FIRST CLASS MAIL

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DLCD
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