



# 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

March 31, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 011-07



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 11, 2008**

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

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

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

Cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Joy L. Chang, Washington County

<paa> ya/

# 2 DLCD Notice of Adoption

DATE STAMP

in person  electronic  mailed

**DEPT OF**

**MAR 24 2008**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

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

Jurisdiction: **Washington County**

Local file number: **07-550-PA**

Date First Evidentiary Hearing: **1-16-08**

Date of Final Hearing: **3/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **11-30-07**

- 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):  
**Comprehensive Plan map amendment from Agriculture & Forestry 20 Acre District (AF-20) to Exclusive Forest Conservation District (EFC) for three parcels totaling approximately 91 acres.**

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

Plan map changed from: **AF-20** to: **EFC**

Zone map changed from: **N/A** to: **N/A**

Location: **On the east side of SW Neill Road, south of Heaton Creek Dr.**

Specify density: Previous **1 D.U. / 80 ac.** New density: **1 D.U. / 80 ac.** Acres involved: **91**

Mark applicable statewide planning goals:

- |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                                   | 4                                   | 5                        | 6                        | 7                        | 8                        | 9                        | 10                       | 11                                  | 12                                  | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 011-07 (16558)

Please list affected state or federal agencies, local governments or special districts: **Washington County Department of Land Use & Transportation, Washington County Sheriff's Office, Hillsboro School District, Washington County Fire District #2**

Local Contact: **Joy L. Chang**  
E-mail: [joy\\_chang@co.washington.or.us](mailto:joy_chang@co.washington.or.us)  
Phone: (503) 846-3873

Address: **155 N. First Ave., Suite 350-14**  
City: **Hillsboro** Zip: **97124**  
Fax: **(503) 846-4412**

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## ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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**AGENDA**

**DEPT OF**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**MAR 24 2008**

**Agenda Category:** Public Hearing - Land Use & Transportation

LAND CONSERVATION  
AND DEVELOPMENT  
(CPQ 10)

**Agenda Title:** **CONSIDER A QUASI-JUDICIAL PLAN AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM AF-20 TO EFC ON 3 PARCELS CONSISTING OF 91.08 ACRES (CASEFILE 07-550-PA)**

**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 a total of 91.08 acres on three tax lots. The property is described as Tax Lots 206 & 211 on Tax Map 2S2, Section 32, and Tax Lot 900 on Tax Map 2S2, Section 33. The property is generally located east of SW Neill Road, north of its intersection with SW Mountain Top Road.

On February 19, 2008, the Board of County Commissioners granted the applicant a continuance of the hearing to March 18, 2008. The applicant requested the extension to address concerns raised by neighbors at the Planning Commission hearing on January 16, 2008. An adjacent property owner asked the Planning Commission to recommend denial of the request because its purpose is to allow dwellings on each parcel and due to the extensive site grading by the applicant, particularly along their property line. The Planning Commission had concerns with excessive grading on-site. With deliberation, the Commission voted 8-0 to forward a recommendation for approval to the Board of County Commissioners because the enforcement processes will address grading issues.

(continued)

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

The staff report for the March 18, 2008 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.

**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 for Plan Amendment 07-550-PA.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

100-601000

RO 08-35

Agenda Item No.	<u>5.a.</u>
Date:	<u>3/18/08</u>

**PROPOSED PLAN AMENDMENT FROM AF-20 TO EFC, CASEFILE 07-550-PA**

March 5, 2008

Page 2

Because this request involves lands designated under statewide planning goals addressing resource agriculture (Goal 3) and forest lands (Goal 4), the Planning Commission's hearing was 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.

Copies of the staff report will be provided to the Board prior to the March 18, 2008 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

Since this hearing is not an appeal hearing, the time limits specified in Community Development Code Section 209-5.6 do not apply. However, this hearing is similar to a de novo hearing, so the Board may want to use the same time limits - 30 minutes per side and 5 minutes for the applicant's rebuttal.

IN THE BOARD OF COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of a Proposed Plan ) RESOLUTION AND ORDER  
Amendment Casefile 07-550-PA )  
for Eric Kuehne and Susan Gerlach ) No. 08-35  
)

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of March 18, 2008; 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 consisting of three parcels described more fully in the Notice of Public Hearing, (Exhibit "A"), attached hereto and by this reference made a part hereof, from AF-20 (Agriculture and Forestry – 20 Acre District) to EFC (Exclusive Forest and Conservation); and

It appearing to the Board from evidence and findings in the Application (Exhibit "B"), and in the findings (Exhibits "C", "D", "E", and "F"), attached hereto and by this reference made a part hereof, that all of the real property of 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 Exhibits "C", "D", "E", and "F" constitute appropriate 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 January 16, 2008, voted to recommend that the Board adopt Casefile No. 07-550-PA, it is therefore

RESOLVED AND ORDERED that Casefile No. 07-550-PA for a Plan Amendment for property described in Exhibit "A" is hereby approved, based on the findings in Exhibits "C", "D", "E", and "F", and is subject to the conditions of approval set forth in the Summary of Decision, (Exhibit "G").

5 votes Aye, 0 votes Nay.  
AYE NAY ABSENT

BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Bui  
CHAIRMAN

[Signature]  
County Counsel  
for Washington County, Oregon

Barbara Hejmanek  
RECORDING SECRETARY

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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

CASE FILE NO.: 07-550-PA

**APPLICANTS:**

Eric Kuehne / Susan Gerlach  
13140 NE Kuehne Road / 20877 SW Kruger Road  
Carlton, OR 97111 / Sherwood, OR 97140

**APPLICANT'S REPRESENTATIVE:**

Bedsaul / Vincent Consulting, LLC  
825 NE 20<sup>th</sup> Ave., Suite 300  
Portland OR 97232

**CONTACT PERSON: Bruce Vincent**

**OWNERS:**

Eric Kuehne and Ethel Gerlach

**PROPERTY DESCRIPTION:**

ASSESSOR MAP NO(S): 2S2 32 & 2S2 33  
TAX LOT NO(S): 206 & 211, 900  
SITE SIZE: Total 91.08 Acres  
ADDRESS: None

**LOCATION:** East of SW Neill Road, north of its intersection with SW Mountain Top Road

# NOTICE OF PUBLIC HEARING

**PROCEDURE TYPE III**

CPO: 10

**COMMUNITY PLAN:** Rural/Natural Resources

**EXISTING LAND USE DISTRICT:**

AF-20 (Agriculture & Forestry – 20 Acre District)

**PROPOSED PLAN AMENDMENT:**

Comprehensive plan amendment from AF-20 (Agriculture & Forestry – 20 Acre District) to EFC (Exclusive Forest Conservation)

Notice is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on: **January 16, 2008 at 7:30 PM** in the auditorium of Washington County Public Services Building, 155 North First, Hillsboro, Oregon. After the hearing the Planning Commission will decide on a recommendation to the to the Board of County Commissioners on this matter.

The Board of Commissioners will consider the request at a public hearing on: **February 19, 2008 at 10:00 AM** in the auditorium of Washington County Public Services Building, 155 North First, Hillsboro, Oregon. The decision of the Board is final unless appealed.

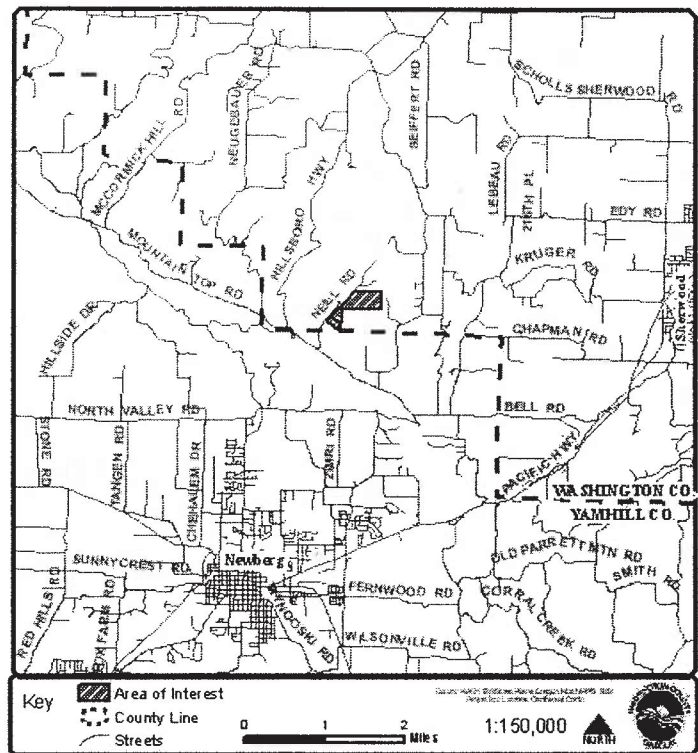
All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to a hearing). Only those making an appearance of record shall be entitled to appeal. The public hearings will be conducted in accordance with the rules of procedure as adopted by the Board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

**Joy L. Chang, Associate Planner**

AT THE WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION. (503) 846-3873.



**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.

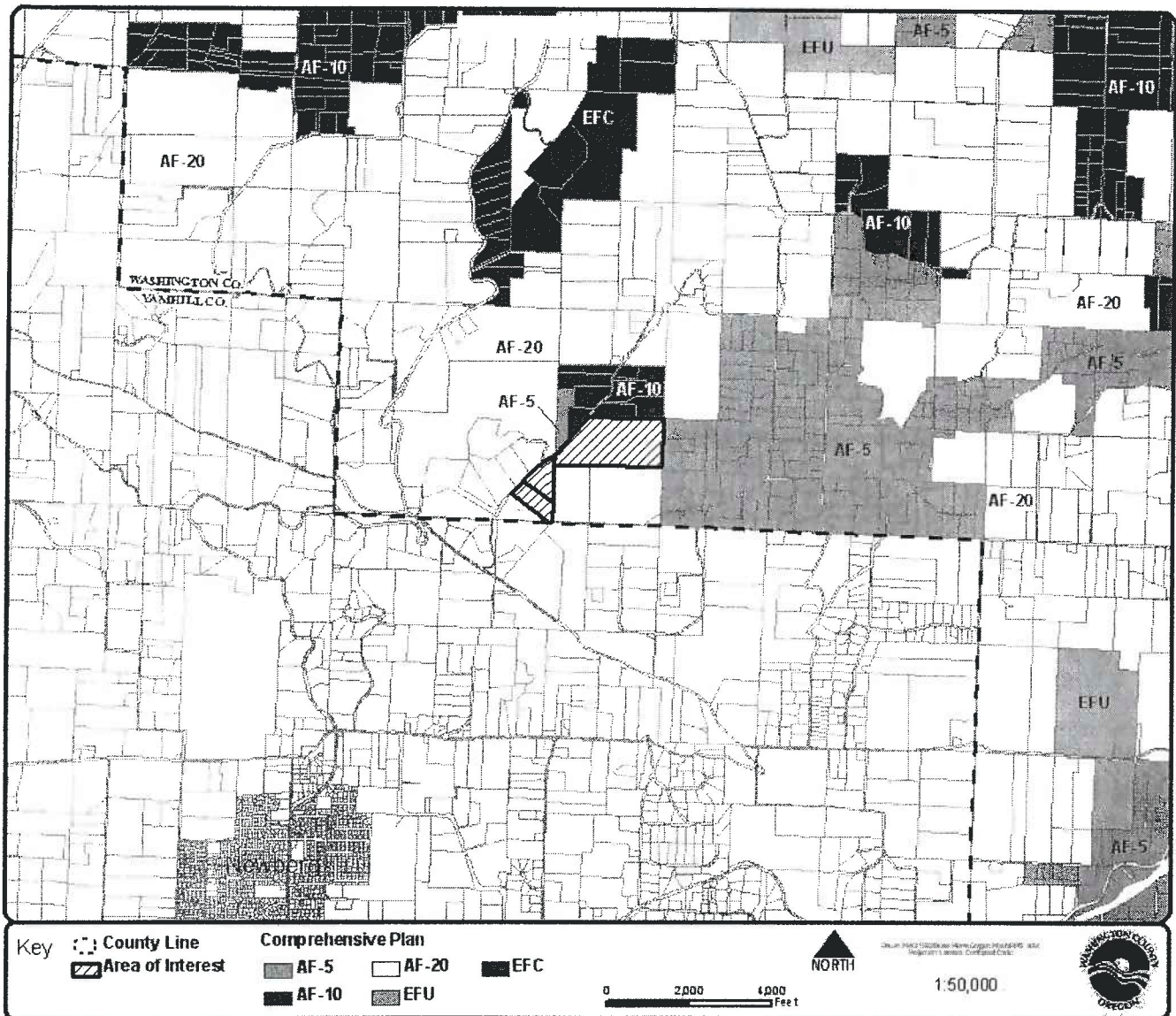
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

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 **Joy L. Chang, Associate Planner** Department of Land Use and Transportation, at 503-846-3873.

Tax Map/Lot Number: 2S2, Sections 32 and 33, Tax Lots 206 & 211, 900  
 Case File Number: 07-550-PA



Applicable Land Use Districts:

- AF-20 (Agriculture & Forestry – 20 Acres)
- EFC (Exclusive Forest Conservation)

Applicable Goals, Policies & Regulations:

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 11, 12
- B. Washington County Rural/Natural Resource Plan Policies 1, 2, 6, 8, 10, 14, 16, 17, 22, 23
- C. Washington County Community Development Code
  - Article II, Procedures
  - Article III, Sections 342 and 344
  - Article IV, Section 421
  - Article V
- E. Oregon Administrative Rules 660-012-0060, 660-006-0015(2), and 660-033-0030(4)
- 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

CASE FILE NO: 07-550-PA

Exhibit B

Page 1 of 113

AUG 11 2007

APPLICANT NAME AND ADDRESS:

Eric Kuehne  
13140 NE Kuehne Rd  
Carlin, OR 97111

PLANNING DIVISION

154th St & 9th Ave  
20877 Sukkriev Rd  
Shelburne, OR 97140

PLAN AMENDMENT APPLICATION

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 10

COMMUNITY PLAN: Rural / Natural Resource Plan

EXISTING LAND USE DISTRICT(S): AF-20

APPLICANT'S REPRESENTATIVE AND ADDRESS:

Bruce Vincent - Bedsant Vincent Consulting, LLC  
825 NE 20th St, C 371  
Portland, OR 97232

OWNER'S NAME AND ADDRESS:

Eric Kuehne  
13140 NE Kuehne Rd  
Carlin, OR 97111

Marion Ethel Gerlach  
20877 Sukkriev Rd  
Shelburne, OR 97140

APPLICANT PHONE: 503-230-2119 (Bruce Vincent)

OWNER PHONE: 503-852-7551 (Eric Kuehne)

ALSO NOTIFY:

PROPERTY DESCRIPTION

ASSESSOR MAP NO(S): 25232+33

TAX LOT NO(S): TL 206+211 TL 900

SITE SIZE: 9.08 Acres

ADDRESS: un-addressed

LOCATION: SW Neill Rd - north of Mt. Top Rd.

PROPOSED PLAN AMENDMENT: AF-20 to EFC

DATE OF PRE-APPLICATION CONFERENCE:

(Attach copy of summary) 3/27/07

STAFF MEMBER: Aisha Willits

EXISTING USE OF THE SITE: Timberland

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

N/A

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

TL 211 - #520-02 - incomplete MGL app - 2002 / 600-05 incomplete NFD app - 2005  
TL 206 - #599-05 - incomplete NFD LI 2005

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.

Susan E. Gerlach

Eric Kuehne 8-9-07

OWNER  CONTRACT PURCHASER DATE

Eric J Kuehne

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.

Susan E. Gerlach, Trustee 8/9/07

OWNER  CONTRACT PURCHASER DATE

Ethel E Gerlach, Trustee 8/9/07

OWNER  CONTRACT PURCHASER DATE

Ethel E. Gerlach

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.





# WASHINGTON COUNTY OREGON

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

The parties to this Agreement are Eric Koelme + Edith Gerlach (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) TL 206, 211 (Property) to change the Property's Comprehensive Plan designation from AF-20 to LPC.
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 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.

- 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: Eric Kuehne  
 Title: Owner  
 Company: \_\_\_\_\_  
 Address: 13140A NE Kuehne Rd  
Carlton OR 97111  
 Signature: [Signature]  
 Date: 7-29-07

Applicant Name: Ethel E Herlach  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: 20877 S.W. Kruger Rd.  
Sherwood, Ore. 97140  
Ethel E Herlach  
 Signature: [Signature]  
 Date: 7/23/07

**RECEIPT**

DATE 8/14/07 No. 005802

FROM Ethel Gerlach \$1,050.<sup>00</sup>

ck. 1012 - \$945.<sup>00</sup> & ck. 2889 - 105.<sup>00</sup> DOLLARS

FOR RENT  
 FOR plan amendment deposit

ACCT.		<input type="radio"/> CASH	FROM <u>AF-20</u> TO <u>EFU</u>
PAID	<u>1050.00</u>	<input checked="" type="radio"/> CHECK	
DUE		<input type="radio"/> MONEY ORDER	BY <u>Linda Schwach</u>


1152

Gerlach Family Credit Shelter Trust  
 Ethel E. Gerlach  
 Susan L. Gerlach  
 20877 SW Kruger Rd.  
 Sherwood, OR 97140-8625

1012

Date Aug. 9, 07 24-201/1230  
 367

Pay to the Order of Washington County \$945.<sup>00</sup>/<sub>100</sub>  
Nine Hundred Forty Five and <sup>00</sup>/<sub>100</sub> Dollars

 KeyBank National Association  
 Sherwood, Oregon 97140  
 1-800-KEY2YOU Key.com®

Key Privilege Select

For Ethel E. Gerlach MP

⑆ 2300 20 1 ⑆: [REDACTED] 1012 Truste

**ETHEL E. GERLACH REV. LIV TRUST**  
**ETHEL E. GERLACH, TRUSTEE**  
 20877 SW KRUGER RD.  
 SHERWOOD, OR 97140-8625

19-7076/3250  
 2313018960

2889

DATE Aug. 9, 07

PAY TO THE ORDER OF Washington County \$105.<sup>00</sup>/<sub>100</sub>  
One Hundred Five and <sup>00</sup>/<sub>100</sub> DOLLARS

 **Washington Mutual**  
 Washington Mutual Bank, FA  
 Tigard Towne Square 231  
 11354 SW Durham Road  
 Tigard, OR 97224

1-800-788-7000  
 24 hour Customer Service

MEMO Ethel E. Gerlach MP

⑆ 3250 70 760 ⑆: [REDACTED] 2889

RECEIPT

DATE	8/14/07	No.	005803
FROM	Eric Kuehne	\$ 1,050. <sup>00</sup>	
ch. # 2325		DOLLARS	
<input type="radio"/> FOR RENT	plan amendment deposit		
<input type="radio"/> FOR			
ACCT.		<input type="radio"/> CASH	FROM AF-20 TO EFC
PAID	1050 00	<input checked="" type="radio"/> CHECK	
DUE		<input type="radio"/> MONEY ORDER	BY Lenita Schwed
			1152

ERIC KUEHNE  
PH. 503-852-7551  
13140A NE KUEHNE RD.  
CARLTON, OR 97111

WELLS FARGO BANK, N.A.  
www.wellsfargo.com  
24-680/1230

2325

7/23/2007

PAY TO THE ORDER OF Washington County

\$ \*\*1,050.00

One Thousand Fifty and 00/100\*\*\*\*\*

DOLLARS

Washington County  
155 N First Avenue  
Suite 130, MS 9  
Hillsboro, OR 97124-3072

MEMO

  
AUTHORIZED SIGNATURE

⑈0000002325⑈ ⑆123006800⑆



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

# PLAN AMENDMENT PRE-APPLICATION CONFERENCE SUMMARY

**PRE-APPLICANT:**

Eric Kuehen

13140A NE Kuehen Road  
Caldwell Carlton OR 97111

**PROPERTY OWNER:**

Lewis & Caren Rees

20200 NE 68th Street  
Vancouver WA 98682

**PROPERTY DESCRIPTION:**

ASSESSOR MAP NO(S): 252 32

TAX LOT NO(S): 206/211

SITE SIZE: 10.26 acres + (211)

ADDRESS: none

LOCATION: East side of SW Neill Rd,  
opposite its intersection  
with Glendora Lane

**PROCEDURE TYPE III**

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

**EXISTING LAND USE DISTRICT(S):**

AF-20

**PROPOSED PLAN AMENDMENT:**

Change to Exclusive Forest Conservation (EFF)

DATE OF PRE-APPLICATION CONFERENCE: 3/27/07

PRE-APPLICANT PHONE: 503-849-5316

STAFF MEMBER: Aisha Willits - 503-846-3961

**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, 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) \_\_\_\_\_, PRESCRIPTIONS FOR AREA OF SPECIAL CONCERN \_\_\_\_\_, AND SIGNIFICANT NATURAL AND HISTORIC & CULTURAL RESOURCE(S) DESIGNATION(S) OF \_\_\_\_\_ ON THE PROPERTY.

**COMMUNITY DEVELOPMENT CODE CONSIDERATIONS:**

APPLICABLE LAND USE DISTRICT SECTIONS (PURPOSE AND PERMITTED USES): 342, 344

**PHYSICAL LIMITATIONS OF SITE (SECTIONS 421, 422):**

421 - Flood Plain and  
Drainage Hazard Development

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-one (21) days of application acceptance.

OTHER CONSIDERATIONS:  
State Transportation Planning Rule (OAR 660-12-060)

REVIEW AUTHORITY:  Planning Commission  Board of County Commissioners  
*makes recommendation to →*

GENERAL INFORMATION

PREVIOUS CASE FILES: *none - 2 PAs held (3-25-91, 9-6-06)*

OUTSTANDING CONDITIONS AND VIOLATIONS: *none*

OTHER INTERESTED AGENCIES AND ORGANIZATIONS: *—*

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 1 for initial completeness check - submit 18 once deemed complete)*
- 1 FEE CONTRACT (SIGNED)
- 1 WASHINGTON COUNTY TAX MAP(S) (must be obtained from Assessment & Taxation Department) *252 32*
- 1 WELL REPORTS (LOGS) FOR SECTIONS *252 32, 252 33, 352 04, 352 05*  
*well logs available online @ www.wrd.state.or.us*

SERVICE PROVIDER LETTERS

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC WATER                        | <input checked="" type="checkbox"/> PARK  |
| <input type="checkbox"/> 18 SCHOOL                           | <input checked="" type="checkbox"/> TRANSPORTATION: Traffic Impact Statement and /or Traffic Analysis |
| <input type="checkbox"/> 18 FIRE                             | <input type="checkbox"/> 18 SHERIFF   |
| <input checked="" type="checkbox"/> SEWER                    | <input checked="" type="checkbox"/> TRI-MET   |
| <input type="checkbox"/> ? SEPTIC SYSTEM <i>check w/ HHS</i> | <input checked="" type="checkbox"/> ODOT - CONTACT _____  |
| <input checked="" type="checkbox"/> SURFACE WATER            | <input type="checkbox"/> CITY OF _____  |
|  | <input type="checkbox"/> OTHER _____  |

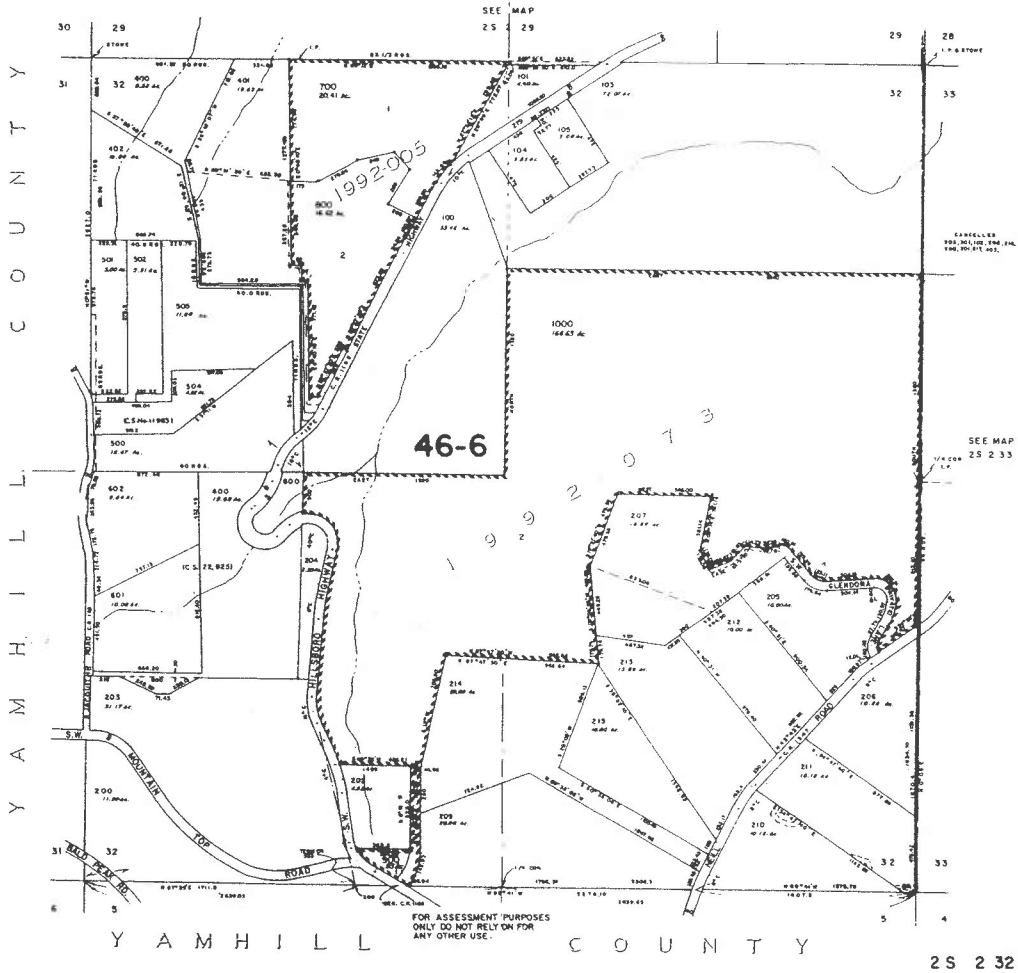
FEE DEPOSIT OF \$1600, EXCEPT FOR APPLICATIONS FOR PLAN AMENDMENTS FROM AF-10 AND AF-5, WHICH REQUIRE A DEPOSIT \$1000. (THE FINAL COST OF PROCESSING THIS APPLICATION IS ESTIMATED TO BE *2,100<sup>00</sup>*. THIS ESTIMATE IS NOT BINDING ON THE COUNTY, AND MAY NOT REFLECT THE FINAL COST OF PROCESSING THE APPLICATION.)

MAILING LIST AND MAP FOR PROPERTIES IN AN ADJACENT COUNTY *(Yamhill County)*

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.

SECTION 32 T2S R2W W.M.  
WASHINGTON COUNTY OREGON  
SCALE 1"=400'

2S 2 32



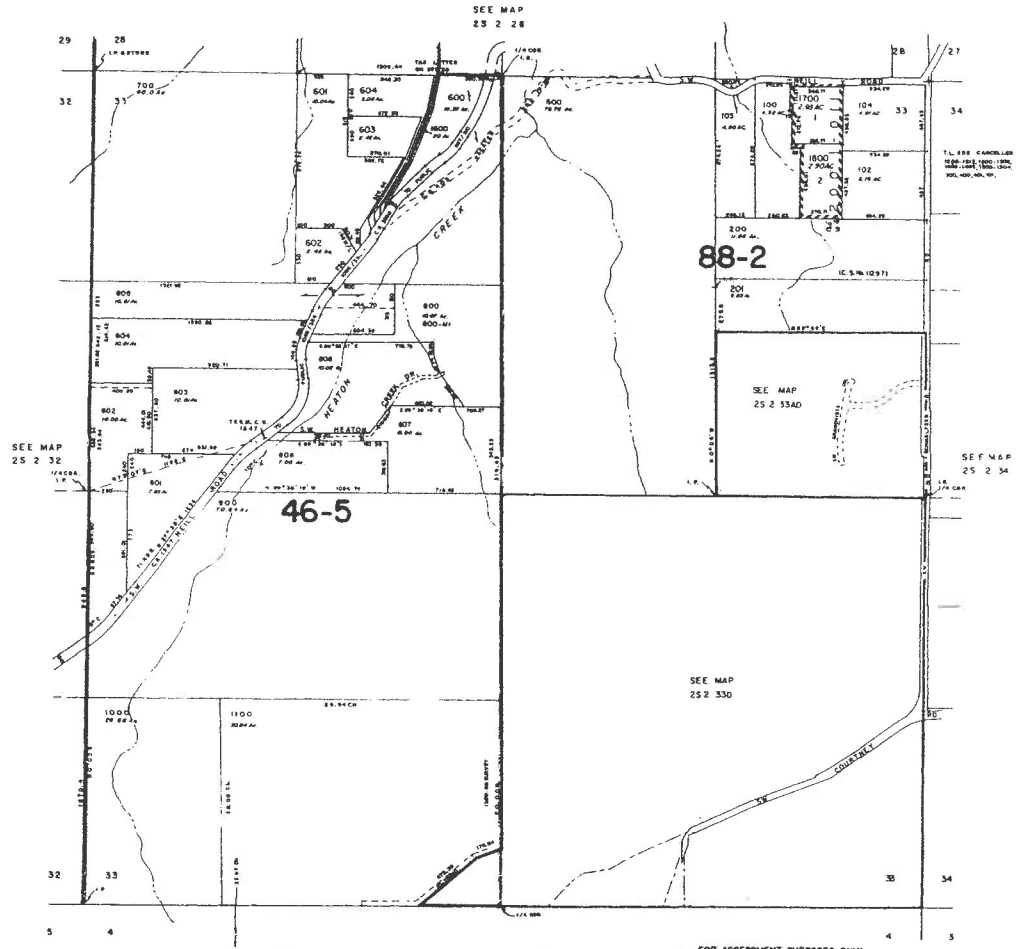
WASHINGTON COUNTY  
DEPARTMENT OF  
ASSESSMENT & TAXATION

FEB 05 2008

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

SECTION 33 T2 S R2W W.M.  
WASHINGTON COUNTY OREGON  
SCALE 1"=400'

2 S 2 33



YAMHILL COUNTY

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

2 S 2 33

WASHINGTON COUNTY  
DEPARTMENT OF  
ASSESSMENT & TAXATION

FEB 09 2008

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

## BEDSAUL/VINCENT CONSULTING, LLC

825 NE 20<sup>TH</sup> AVE., SUITE 300  
PORTLAND, OR 97232  
OFFICE (503) 230.2119  
FAX (503) 230.2149

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**DATE:** August 15<sup>th</sup>, 2007, *Revised 11/07*

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

**APPLICANTS:** Eric Kuehne  
13140 NE Kuehne Road  
Carlton, OR 97111  
Susan Gerlach  
20877 SW Krueger Road  
Sherwood, OR 97140

**OWNERS:** Eric Kuehne  
13140 NE Kuehne Road  
Carlton, OR 97111 (TL 206 & 211)  
Ethel Gerlach  
20877 SW Krueger Road  
Sherwood, OR 97140 (TL 900)

**LEGAL DESCRIPTION:** Tax Lots 206 & 211, Map 2S2-32, TL 900, Map 2S2-33

**SIZE:** **Total=91.08 Acres** (TL 206-10.26 Acres, TL 211-10.18 Acres, TL 900-70.64 Acres)

**ZONING:** AF-20

**LOCATION:** East Side of SW Neill Road and north 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*

*Policy 6 - Roadway System Policy*

*Policy 10 - Highway Safety Policy*

*Policy 19 - Transportation Planning Coordination and Public Involvement 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 ownerships are a total of 91.08 acres and are located adjacent to other properties that are in forest use. (See Exhibit "A") Adjacent parcel range in size from approximately 10 acres to 20 acres.

2. The applicants have submitted copies of aerial photos from 1982 and 1994 showing that the majority of the subject ownerships have been in timber since at least 1982. Therefore, the subject ownerships were primarily in timber in 1983 when the Rural Natural Resource Plan assigned an AF-20 designation to the subject ownership. (See Attachments "A" & "B")
3. According to the owners the subject ownerships have never been farmed, because the majority of the ownerships are in the 20% to 60% slope range, which in their view is too steep to effectively farm. A review of Assessment and Taxation records demonstrates that the ownerships are in forest deferral. (Attachment "C") According to the owners, TL 206 and TL 211 were logged in 2002, and TL 900 was commercially thinned in 2006 and 2007.
4. The subject ownerships are vacant and there is no dwelling on the subject lots. No public or community water system services the site.
5. On TL 211 a private driveway intersects with SW Neill Road. (See Exhibit "A")
6. According to the Washington County Soil Survey, the subject ownerships consists of Laurelwood Silt Loam, 28C, (7% to 12% slope), 28D, (12% to 20% slope), 28E, (20% to 30% slope), and 29F, (30% to 60% slope) The majority of the ownerships consist of Laurelwood Silt Loam 28D, E & F. (i.e. 20% to 60% sloped land). 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 "D")

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 ownerships are in forest deferral. (See Attachment "C") According to the owners, TL 206 and TL 211 were logged in 2002, and TL 900 was commercially thinned in 2006 and 2007.

The enclosed aerial photos demonstrates that the subject ownerships have been primarily forested for many years. (See Attachments "A"&"B") The subject ownerships meet 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 ownerships 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 ownerships 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.

***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 ownerships combined are 91.08 acres in size, therefore they are 15 acres greater than the 76 acres minimum required for this type of Plan Amendment. 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 ownerships 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 owner will post a sign on the subject ownerships in accordance with the regulation

that requires that a site must be posted within 21 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 each of the three tax lots subject to this request. (i.e. A maximum of three new dwellings) Therefore, the subject tax lots, (TL 206, 211 and 900), are "qualifying" lots 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 valorem 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.***

- l) 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.**

Case File 07 - 550 - PA  
Exhibit B  
Page 16 of 113

**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 a dwelling on each of the three tax lots subject to this request. Therefore, the subject ownerships are "qualifying" lots 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 ownerships are 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 new dwellings are approved for each of the three lots, 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, (Heaton Creek), that parallel SW Neill Road on TL 206, 211 & 900. (See Attachment "E") 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 are existing Water Areas, Wetland, Fish, and Wildlife habitat that traverse the subject ownerships. The main stem and tributaries of Heaton Creek traverse the western end of TL 206, 211 and 900. On all lots, there is land adjacent to Neill Road and above the riparian area for future development if these lots qualify for dwellings. 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. 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 on the subject ownerships.

**FINDING FOR POLICY 6e**

**APPLICANT COMMENT:**

Based on the presence of land area above the riparian area on the subject ownerships, it is likely that the natural character of the riparian area of Heaton Creek 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:**

No significant clearing or removal of existing vegetation within the property boundaries 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 tributaries of Heaton Creek that traverses the western end of the subject ownerships. 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 ownerships. As shown on Exhibit "A", any dwelling proposed for the western end of the subject lots 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 lots. There will be minimal impact on the riparian area of the creek because there is sufficient land area outside of the riparian zone for dwellings, and those dwellings 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 dwellings on the subject ownerships.

***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 ownerships are capable of producing Douglas Fir with no serious limitations on forest management. The Laurelwood Silt Loam, 28C, (7% to 12% slope), 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 to the owners, the majority of the ownerships consist of Laurelwood Silt Loam 28D, E & F, (i.e. 20% to 60% sloped land), which in their view is too steep to effectively farm.

A review of the above-mentioned soil mapping indicates that all adjacent lots surrounding the subject ownerships 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 ownerships have been forested for many years. (See Attachments "A" and "B") In According to the owners, TL 206 and TL 211 were logged in 2002 and TL 900 was thinned in 2006 and 2007. 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 ownerships total 91.08 acres in size and are contiguous with other forested parcels. As evidenced by the enclosed aerial photo, many of the surrounding parcels to the north, east and south are forested. Based on the preceding 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 ownerships were 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 LCDL 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 ownerships are capable of producing Douglas Fir

with no serious limitations on forest management. The Laurelwood Silt Loam, 28C,(7% to 12% slope), 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 to the owners, the majority of the ownerships consist of Laurelwood Silt Loam 28D,E& F,(i.e. 20%- to 60% sloped land), which in their view is too steep to effectively farm.

A review of the above-mentioned soil mapping indicates that all adjacent lots surrounding the subject ownerships 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 ownerships have been forested for many years. (See Attachments "A" and "B") According to the owners, TL 206 and TL 211 were logged in 2002 and TL 900 was thinned in 2006 and 2007. The subject ownerships meet 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 ownerships total 91.08 acres in size and are contiguous with other forested parcels. Therefore, it will be a large block of forested land that will be large enough to continue forest uses on the subject ownerships. As evidenced by the enclosed aerial photo, many of the surrounding parcels to the north, east and south are forested. Based on the preceding evidence, the proposal complies with criteria (I) 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:**

Based on the site's current AF-20 designation, it did not qualify for a Goal 2 exception. Therefore, 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 ownerships have been in timber, and thus not farmed, since at least 1982. Therefore, the subject ownerships were primarily in timber and thus not farmed in 1983 when the Rural Natural Resource Plan assigned an AF-20 designation to the subject ownership. 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 are practical reasons as to why it has not been farmed: according to the owners the subject ownerships have never been farmed, because the majority of the ownerships are in the 20% to 60% slope range, which in their 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 six (6) miles from the subject ownerships. (See Attachment "F") 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 1600 students, with a maximum capacity of 2000 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 550 students, with a maximum capacity of 650 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 500 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:**

The TVFR & WA County Fire District #2 provides the Plan Amendment site area with fire protection. The Fire Chief was provided with a Service Provider Statement form asking potential impacts imposed by new dwellings on the subject ownerships. (See Attachment "F") The Fire Dept. indicated that adequate service would be available to the subject ownerships. The nearest WA County District #2 Fire Station is approximately seven miles from the site. (Midway) The estimate

response time to Tax Lot 600 is 7-8 minutes. Six pieces of fire-fighting apparatus and 11-12 personnel would be available to respond.

**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 applicants 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 Neill Road, which provides direct access to the subject ownerships. 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 Neill Road is a gravel road that is a local road. SW Mountain Top, another local road, connects Neill Road 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 ownerships 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 211 intersects SW Neill Road and provides access to TL 211. The current driveway is located to maximize vehicle site distance. The segment of Neill Road that traverses past the subject ownerships is straight, without large, vertical or horizontal curves that could obstruct sight distance, therefore TL 206 and TL 900 could presumably have driveway access points similar to the driveway on TL 211. Vehicle sight

distance from the existing access point to the north and south along SW Neill Road currently is within or can be improved to meet Washington County standards and future driveways on TL 206 and 900 could presumably do the same. Therefore, any future use of the ownerships can provide 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 ownerships, the owners may be asked to enter into a Waiver of Remonstrance against any future improvements of SW Neill Road. By so doing, the County will then be assured that they will not have to expend funds fighting for the right to improve Neill 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 Neill Road.

#### **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:**

Neill 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 Neill Road. Even if the transportation plan does propose any particular changes to Neill Road, there should be no significant impact on the transportation plan by the applicants 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:**

Neill Road is a well-graded gravel road that provides local residents with a direct connection to Hwy 219, via Mountain Top Road, approximately one mile west of the site. Therefore, local residents and any future residents of the subject ownerships 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, Neill 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/lot, which is permitted if the subject ownerships meet 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 Neill Road, the addition of a dwelling on each of the subject lots 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.**  
**Strategies**

- F) **Local Street: Rural local roads may be miles long because of large parcels and a relatively sparse 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 Neill Road is designated as a rural local road and it is a well-graded gravel road. Neill Road provides direct access to the subject ownerships, and an existing driveway on Tax Lot 211 intersects with Neill Road. Vehicle sight distance looking north and south from the existing access point along SW Neill Road currently is within or can be improved to meet Washington County standards, and presumably, new driveways on TL 206 and TL 900 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 Neill Road.

A review of Policy 10 indicates that Neill 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 Review all plan amendment requests for consistency with the applicable provisions of the 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 Neill Road. OAR 660-012-0060 lists the following outcomes when a Plan Amendment would "significantly affect the planned transportation system":

- A change to the functional classification of an existing or planned transportation facility.
- A 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 three lots of record. OAR 660-033-0030(4) and 660-006-0015(2) does not require an exhaustive evidential burden of an applicant, because the proposed change is from one resource designation, (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 Neill 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 ownerships are in forest deferral. (See Attachment "C") According to the owner TL 206 and TL 211 were logged in 2002, and TL 900 was commercially thinned in 2006 and 2007.

The enclosed aerial photos demonstrates that the subject ownerships have been primarily forested for many years. (See Attachments "A"&"B") The subject ownerships meet 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 ownerships 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 ownerships 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:**

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 ownerships, (Tax Lot 206 & 211, Map 2S2-32 and TL 900, Map 22-33), were 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 91.08 ownership is contiguous or near to large blocks of land that are producing timber species, such as Douglas Fir, Alder, and Cedar.

The site has an access directly adjacent to SW Neill Road. Adequate water service will be available from existing wells or by new drilled wells on the site. Additional services from TVFR, WA Fire District #2, Washington County Sheriff's Office and Newberg School District are currently available to the site and any future dwelling.

The General Plan Policies and Strategies applying to subject ownerships have been addressed. 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.

Proposed traffic generation is ten (10) trips per day/lot. These travel trips will not impose significant impacts on SW Neill Road, nor will the increase of trips per day surpass the SW Neill Road capacity level. The Washington County Transportation Plan will be in compliance because of the proposed Plan Amendment. The proposed development on the subject ownerships will generate approximately 10 additional daily travel trips/lot onto SW Neill Road, which is presently not at full capacity. 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, service providers have shown 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 (two, 11"X17" maps)

ATTACHMENT A – 1982 Photo

ATTACHMENT B – 1994 Photo

ATTACHMENT C – Assessment & Taxation Data showing forest deferral

ATTACHMENT D - Table 3 from WA County Soils Survey

ATTACHMENT E – Rural/Natural Resource Plan Map

ATTACHMENT F – Service Provider Letters

ATTACHMENT G – Soils Map

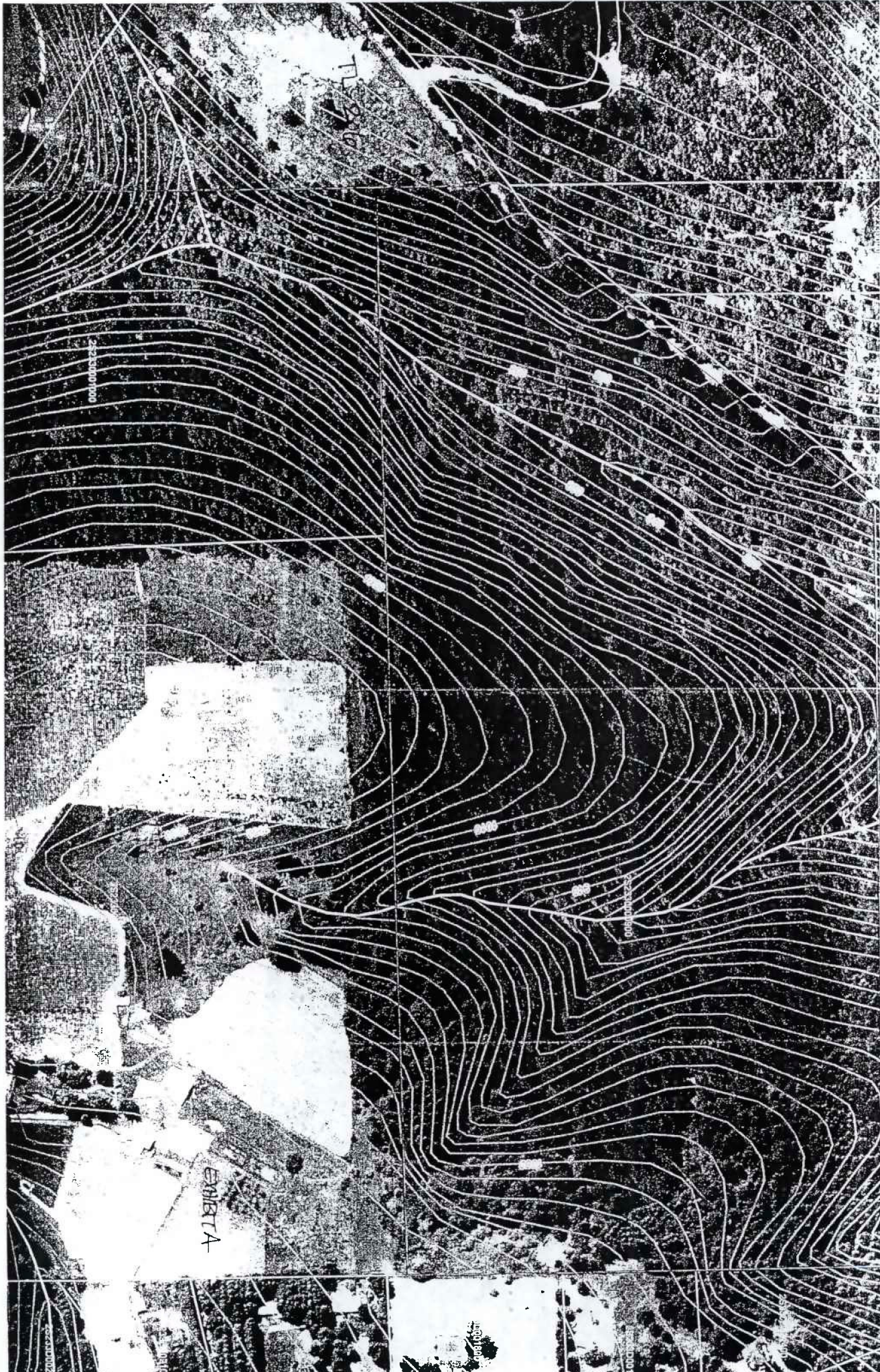
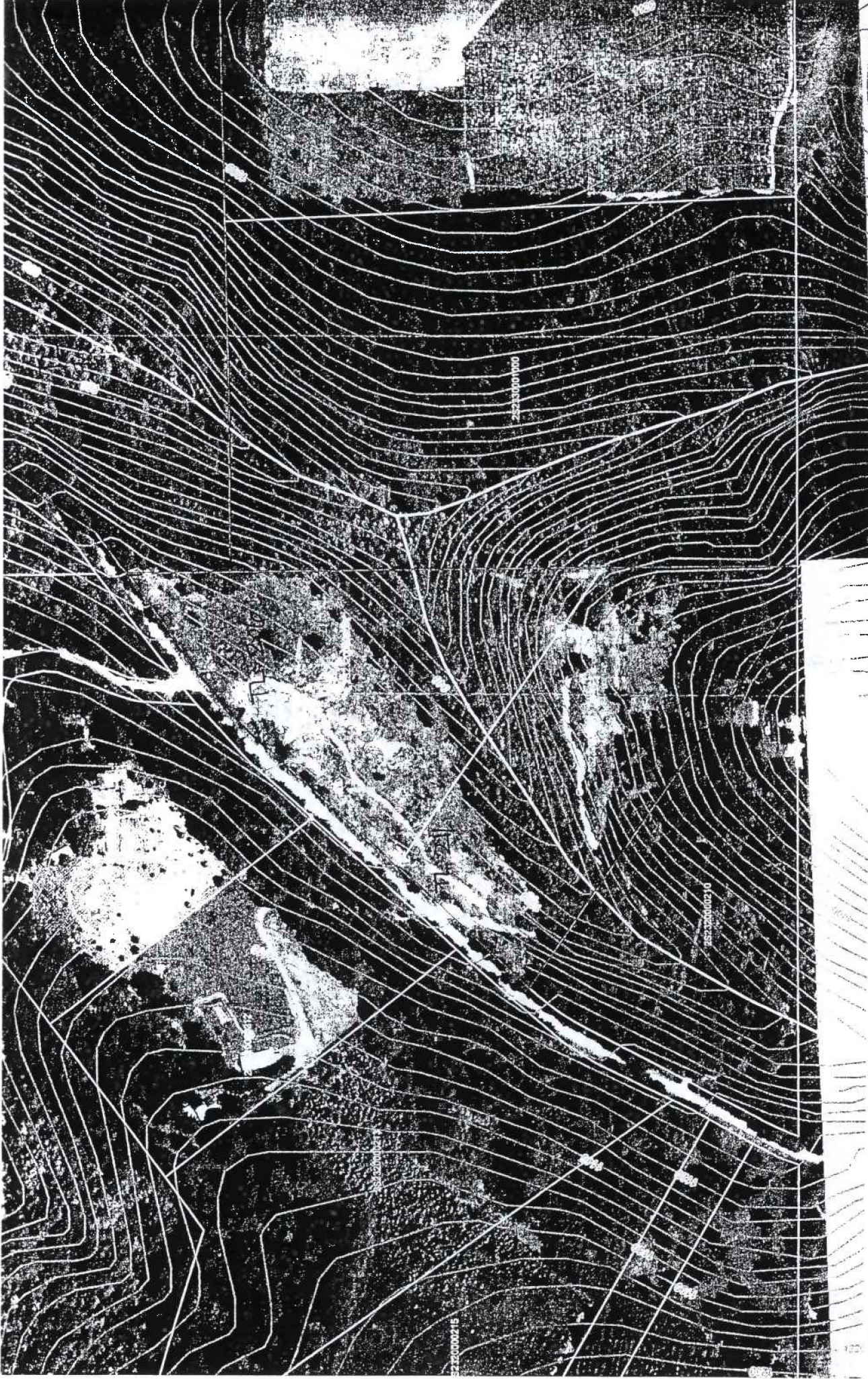


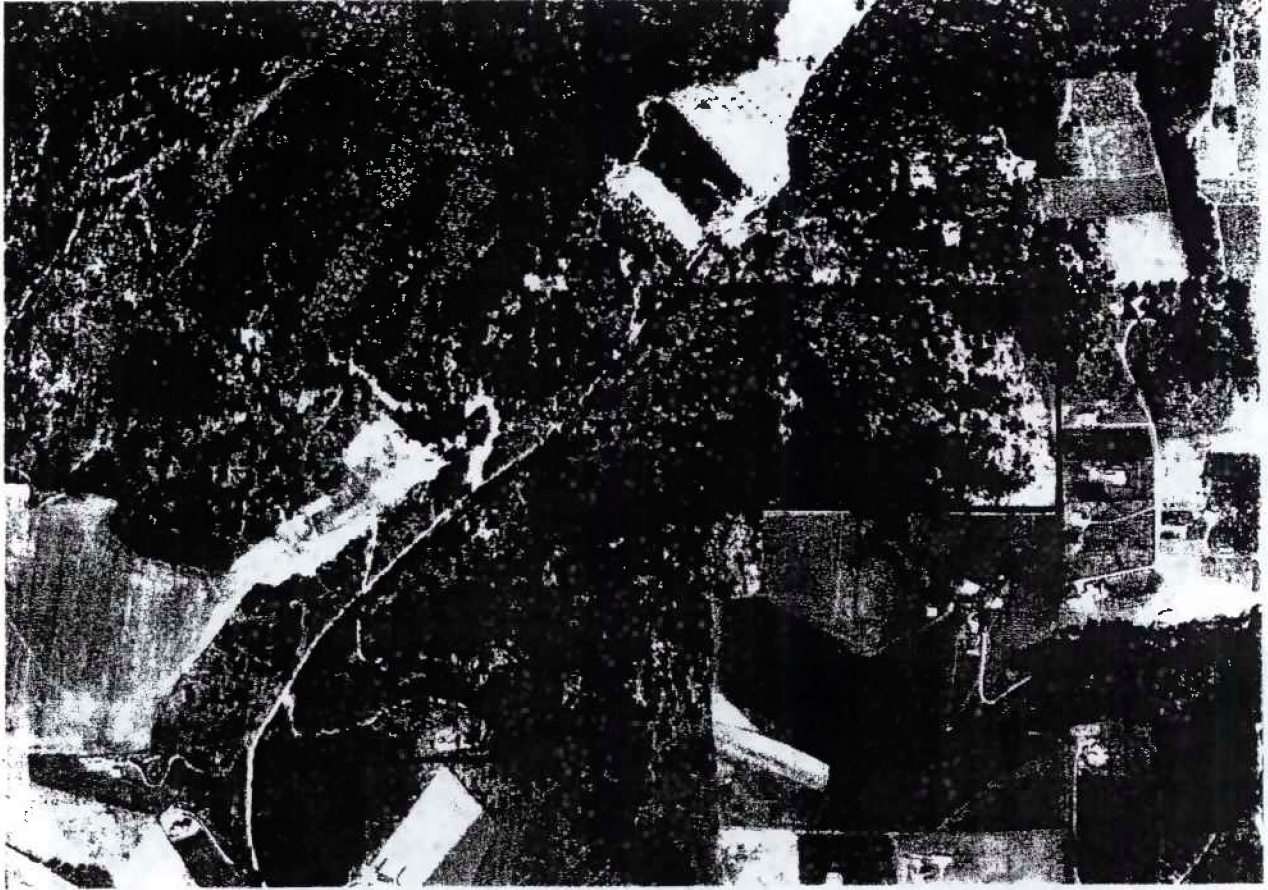
EXHIBIT A

1000

1100

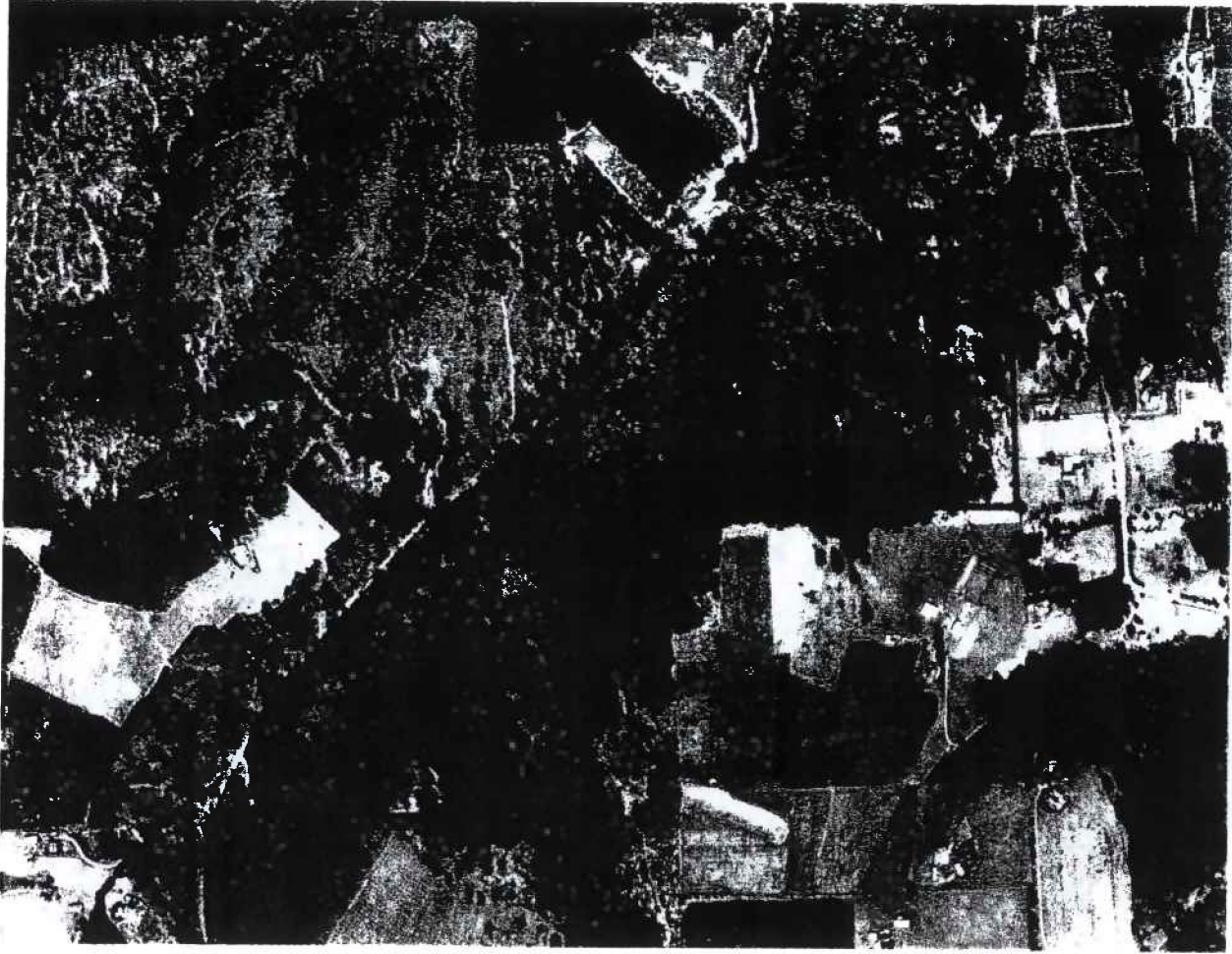


1 9 8 2   A i r   P h o t o   o f   S i t e



Attachment "A"

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



Attachment "B"

**Subject:** Aerial Photos from WAC  
**From:** "WAC Corp Sales" <sales@waccorp.com>  
**Date:** Thu, 9 Aug 2007 10:21:55 -0700  
**To:** <att41314@attglobal.net>

Thank you for your order.

-----THIS EMAIL IS YOUR RECEIPT-----  
YOUR CREDIT CARD HAS BEEN CHARGED \$100.00 FOR THIS ORDER  
-----

Photo information:

File: wac-1982.jpg  
Photo Date: 4/22/1982  
Project Symbol: WAC-82H  
Exposure: 4-70

File: wac-1994.jpg  
Photo Date: 3/26/1994  
Project Symbol: WAC-94OR  
Exposure: 4-198

For information on other aerial photo products we have to offer, please visit our IN-STOCK products page at [www.waccorp.com/inproducts.shtml](http://www.waccorp.com/inproducts.shtml) .

Your comments and/or suggestions are always welcome. Contact us at [sales@waccorp.com](mailto:sales@waccorp.com).

Thanks again,

WAC Corporation  
800.845.8088 voice  
541-485-1258 FAX

**wac-1994.jpg**      **Content-Type:**      application/octet-stream  
                         **Content-Encoding:** base64

**wac-1982.jpg**      **Content-Type:**      application/octet-stream  
                         **Content-Encoding:** base64

\* - - Property Data Selection Menu - -

Prop ID : R574925 (Real Estate) (553330) Owner: ERIC KUEHNE FARMS LLC  
 Map Tax Lot : 2S232-00206 26800 SW NEILL RD  
 Legal : ACRES 10.26, FORESTLAND-POTENTIAL NEWBERG, OR 97132  
 ADDITIONAL TAX LIABILITY

---

Situs : Year Built :  
 Name(s) : Living Area:  
 Code Area : 046\_06 2006 Roll Values  
 Sale Info : 06/28/07 \$75,000 RMV Land Non-LSU \$ 0 (+)  
 Deed Type : DW RMV Land LSU \$ 51,300 (+)  
 Instrument: 2007074018 RMV Improvements \$ 0 (+)  
 2006 Tax Status \* No Taxes Due \* RMV Total \$ 51,300 (=)  
 Current Levied Taxes : 42.54 Land LSU \$ 3,350  
 Special Assessments : Total Exemptions \$ 0  
 2007-08 SB125 Taxes : M5 Net Value \$ 4,570  
 M50 Assd Value \$ 3,350

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

Enter Option from Above or <RET> to Exit: \_\_

\* - - Property Data Selection Menu - -

Owner: ERIC KUEHNE FARMS LLC  
 Prop ID : R990306 (Real Estate) (553330) 26800 SW NEILL RD  
 Map Tax Lot: 2S232-00211 NEWBERG, OR 97132  
 Legal : ACRES 10.18, FORESTLAND-POTENTIAL  
 ADDITIONAL TAX LIABILITY

Situs : 26800 SW NEILL RD, UNINCORPORATED, OR	Year Built :
Name(s) :	Living Area:
Code Area : 046.06	2006 Roll Values
Sale Info : 06/28/07 \$75,000	RMV Land Non-LSU \$ 0 (+)
Deed Type : DW	RMV Land LSU \$ 50,900 (+)
Instrument: 2007074021	RMV Improvements \$ 0 (+)
2006 Tax Status * No Taxes Due *	RMV Total \$ 50,900 (=)
Current Levied Taxes : 42.16	Land LSU \$ 3,320
Special Assessments :	Total Exemptions \$ 0
2007-08 SB125 Taxes :	M5 Net Value \$ 4,540
	M50 Assd Value \$ 3,320

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

Enter Option from Above or <RET> to Exit: \_\_

\* - Property Data Selection Menu - -

Prop ID : R575229 (Real Estate) (230140) Owner: GERLACH, NORMAN W & ETHEL E  
 Map Tax Lot: 2S233-00900 20877 SW KRUGER RD  
 Legal : ACRES 70.64, FORESTLAND-POTENTIAL SHERWOOD, OR 97140  
 ADDITIONAL TAX LIABILITY

Situs :	Year Built :
Name(s) :	Living Area:
Code Area : 046.05	2006 Roll Values
Sale Info : 04/27/93	RMV Land Non-LSU \$ 25,000 (+)
Deed Type : DBS	RMV Land LSU \$ 328,200 (+)
Instrument: 93032428	RMV Improvements \$ 0 (+)
2006 Tax Status * No Taxes Due *	RMV Total \$ 353,200 (=)
Current Levied Taxes : 622.21	Land LSU \$ 21,440
Special Assessments :	Total Exemptions \$ 0
2007-08 SB125 Taxes :	M5 Net Value \$ 54,270
	M50 Assd Value \$ 46,440

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

Enter Option from Above or <RET> to Exit: \_\_\_

SOIL SURVEY

TABLE 3.—Woodland management and productivity—Continued

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

SOIL SURVEY

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	
<sup>1</sup> 11F: Cornelius part	2r2	Severe -----	Moderate --	Slight -----	Moderate --	Douglas-fir ----- Bigleaf maple ----- Western redcedar -----	165	Do
Kinton part	2r2	Severe -----	Moderate --	Moderate --	Moderate --	Douglas-fir -----	170	Do
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	J
23C, 23D -----	3o1	Moderate --	Slight -----	Moderate --	Slight -----	Douglas-fir -----	155	
23E -----	3o1	Severe -----	Slight -----	Moderate --	Slight -----	Douglas-fir -----	155	
23F -----	3r1	Severe -----	Moderate --	Moderate --	Slight -----	Douglas-fir -----	155	
Kilchis: <sup>1</sup> 24G: Kilchis part	4r1	Severe -----	Severe -----	Severe -----	Severe -----	Douglas-fir ----- Western hemlock -----	110	
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	

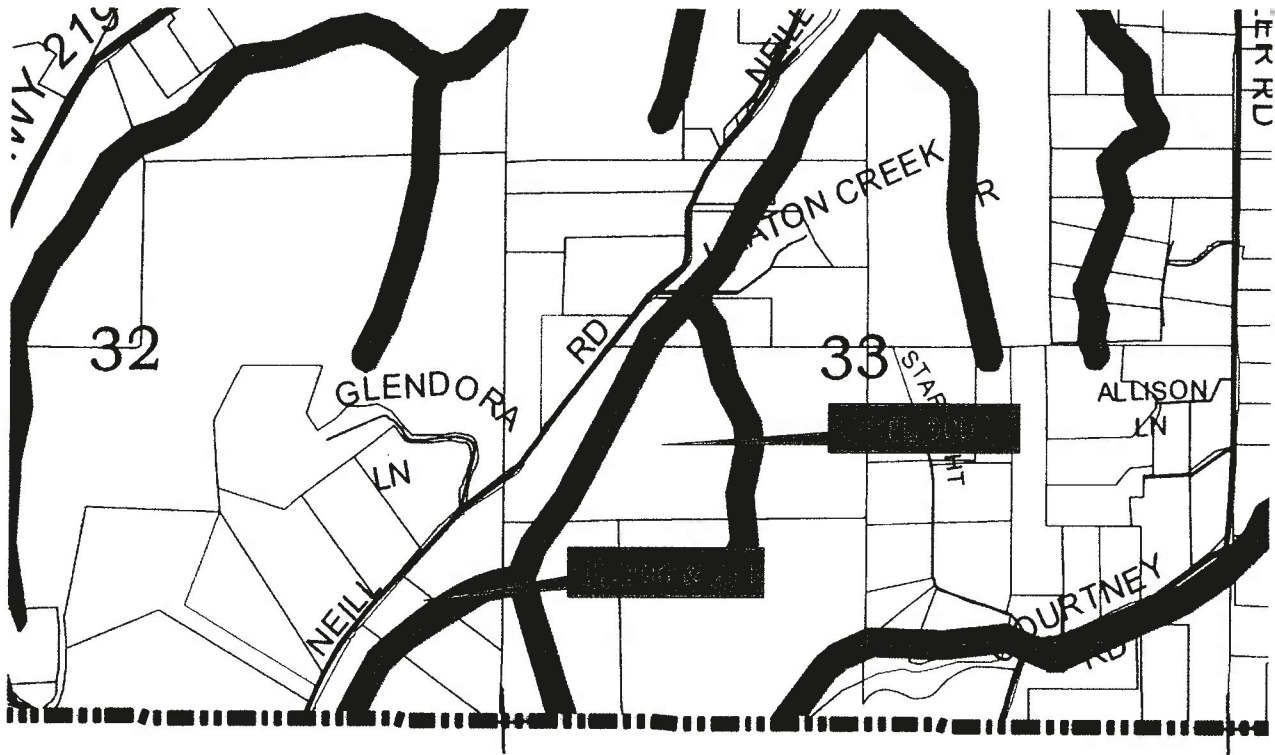
WASHINGTON COUNTY, OREGON

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 hem- lock.
32E -----	2o1	Severe -----	Slight -----	Slight -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hem- lock.
33F -----	2r1	Severe -----	Moderate -----	Moderate -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hem- lock.
33G -----	2r1	Severe -----	Severe -----	Moderate -----	Moderate -----	Douglas-fir -----	161	Douglas-fir, western hem- lock.
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.
Volke: 39E -----	2o1	Slight -----	Slight -----	Slight -----	Slight -----	Douglas-fir -----	163	Douglas-fir.
39F -----	2r1	Moderate -----	Moderate -----	Slight -----	Slight -----	Douglas-fir -----	163	Douglas-fir.

<sup>1</sup> 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 "E"



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
188 N. 1<sup>st</sup> Avenue, #350-13,  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2806  
http://www.co.washington.or.us

**Request For Statement Of Service  
Availability For Sheriff / Police Services**

PRE-APPLICATION DATE: 3/27/07

**Service Provider: PLEASE RETURN THIS FORM TO:**  
**APPLICANT:** ERIC KUEHNE & Susan Gerlach c/o  
**COMPANY:** Bed Saul Vincent Consulting LLC  
**CONTACT:** Bruce Vincent  
**ADDRESS:** 825 NE 20<sup>th</sup> Suite 300  
Portland, OR 97232  
**PHONE:** 503-230-2149

WASHINGTON COUNTY SHERIFF

**OWNER(S):**  
**NAME:** Eric Kuehne (Ethel Gerlach)  
**ADDRESS:** 13145 NE Kuehne 70877 Subgroup Rd  
Carter, OR 97111 Starwood, OR 97140  
**PHONE:** 503-852-7551  
**Property Desc: Tax Map(s):** 252-32 **Lot Number(s):** TL 2001-24  
252-33 TL 900  
**Site Size:** 91.05 Ac.  
**Site Address:** you address 300 Hill Pl.  
**Nearest cross street (for directions to site):**

PROPOSED PROJECT NAME: \_\_\_\_\_

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)  
Zone Map Amendment from AF-20 to EFC

EXISTING USE: Timber PROPOSED USE: Timber

IF RESIDENTIAL: NO. OF DWELLING UNITS: 3 IF INDUSTRIAL/COMMERCIAL: TYPE OF USE: \_\_\_\_\_ NO. OF SQ. FT. (GROSS FLOOR AREA) \_\_\_\_\_ IF INSTITUTIONAL: NO. SQ. FT. \_\_\_\_\_ NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_  
SINGLE FAM.  MULTI-FAM. \_\_\_\_\_

**\*\*\*\*\*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 submital).**

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.  
  
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. The Enhanced Sheriff's Patrol District (ESPD) has increased the level to 1.0 officer per 1,000 population in specified areas.

SIGNATURE: [Signature] POSITION: Admin Spec DATE: 8-8-07

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. 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: \_\_\_\_\_  
Service Provider # 63006



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
105 N. 1<sup>st</sup> Avenue, #850-10,  
Hillsboro, OR 97124  
Ph. (503) 846-8781 Fax (503) 846-2908  
http://www.co.washington.or.us

**Request For Statement Of Service  
Availability For Schools**

PRE-APPLICATION DATE: 3/27/07

**Service Provider: PLEASE RETURN THIS FORM TO:**  
APPLICANT: Eric Kiehl & Susan Gerlach c/o  
COMPANY: Bedraul/Vincent Consulting, LLC  
CONTACT: Bruce Vincent  
ADDRESS: 875 NE 20th, Suite 200  
Portland, OR 97232  
PHONE: 503-230-2149

SCHOOL DISTRICT NO.: Newberg

**OWNER(S):**  
NAME: Eric Kiehl / Susan Gerlach  
ADDRESS: 13149 NE Kiehl, 20877 S. Knicker  
Carlson, OR 97111 / Sherwood, OR 97140  
PHONE: 503-852-7551

Property Desc.: Tax Map(s): 252-32 Lot Number(s): TL 2010 + 211  
252-33 TL 900

Site Size: 9.055 Acres total  
Site Address: Same address as Sw Neill Rd.  
Nearest cross street (or directions to site):

PROPOSED PROJECT NAME: \_\_\_\_\_

PROPOSED DEVELOPMENT ACTION: DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE  
Zone Map Amendment from AF-20 to EPC

EXISTING USE: Timber PROPOSED USE: Timber

IF RESIDENTIAL: NO. OF DWELLING UNITS: 3 IF INDUSTRIAL/COMMERCIAL: TYPE OF USE: \_\_\_\_\_ IF INSTITUTIONAL: 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 submital).

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: [Signature] POSITION: Submittant DATE: 08/08/07

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. 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 undersized 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: \_\_\_\_\_



# WASHINGTON COUNTY OREGON

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- Exhibit B  
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Date: 8/7/07

## Washington County School District Service Analysis

RE: Plan Amendment, changing from AF-20 to UPC <sup>252-32</sup> <sub>(land use district)</sub> <sup>262-33</sup> <sub>(map location)</sub> Tax Lot TL 206,211+900

Dear Washington County School District No. 295, (Newberg School District 295)  
Yanther

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?  
UNSURE - POSSIBLY 4-5 miles (SITE ADDRESS W NOT CLEAR)
2. Is bus transportation provided for students that would be located on the parcel(s) listed above?  
POSSIBLY - SITE ADDRESS W NOT CLEAR  
CURRENT BUS TRAVEL NEW ROAD
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?  
MAGEE RIVER elementary school 530 CURRENT 600 capacity  
MOUNTAIN VIEW middle school 550 CURRENT 600 capacity  
Newberg High school 1600 CURRENT 1800 capacity
4. Will the addition of (3) 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: [Signature] DATE: 08/06/07  
POSITION: Superintendent

F:\SHAREDPing\WPSHARE\Plan Amendments\Master\Info forms\school question.doc

Department of Land Use & Transportation • Planning Division  
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97214-3072  
phone: (503) 846-3964 • fax: (503) 846-4412

AUG-13-2007 16:25

BEDSAUL VINCENT CONSLT LL

503 230 2149 P.02

Case File 07 - 550 - PA

Exhibit B

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**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> AVENUE, #250-13,  
Hillsboro, OR 97124  
Ph. (503) 846-5761 Fax (503) 846-2808  
http://www.co.washington.or.us

**Request For Statement Of Service Availability (Service Provider Letter)**

- WATER DISTRICT:
- FIRE DISTRICT: WV. County #2
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF:
- CLEAN WATER SERVICES (Sanitary Sewer)

Additionally, you'll need our separate, individual request forms titled:

- ◆ Clean Water Services (Surface Water Mgmt.)
- ◆ Tri-Met
- ◆ School
- ◆ Sheriff / Police

PROPOSED PROJECT NAME: \_\_\_\_\_

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)  
Zone Map Amendment from AF-20 to EFC

EXISTING USE: timber

PROPOSED USE: timber

IF RESIDENTIAL:  
NO. OF DWELLING UNITS: 2

IF INDUSTRIAL/COMMERCIAL:  
TYPE OF USE: \_\_\_\_\_

IF INSTITUTIONAL:  
NO. SQ. FT. \_\_\_\_\_

PRE-APPLICATION DATE: 3/27/07

Service Provider: PLEASE RETURN THIS FORM TO:  
APPLICANT: ERIC KOCHNE + Susan Berloach

COMPANY: Bedsaul Vincent Consulting LLC

CONTACT: BRUCE VINCENT

ADDRESS: 525 NE 20<sup>th</sup> SITE 300  
Portland, OR 97232

PHONE: 503 230-2119

**OWNER(S):**

NAME: ERIC KOCHNE / Susan Berloach

ADDRESS: 13140 NE KOCHNE / 20817 Sulfur Pt  
WV, OR 97141 / Sherwood, OR 97140

PHONE: 503-852-7551

Property Desc.: Tax Map(s):

252-32  
252-33

Lot Number(s):

TL 2016 + 211  
TL 902

Site Size: 91.08 Ac total

Site Address: un-addressed - SW Next Pl

Nearest cross street (or directions to site): \_\_\_\_\_

THIS IS NOT AN APPROVAL.

The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations.

For planning purposes, access and fire fighting water supply complying with fire code requirements shall be included on plans submitted to Washington County for their approval.

See approved (stamped) plan for additional information.

Jerry Renfro

Date 8-15-07

Jerry Renfro  
Deputy Fire Marshal II  
Tualatin Valley Fire & Rescue



# WASHINGTON COUNTY OREGON

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Date: 8/21/07

## Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-220 HP 252-82 Tax Lot CG 206, 24 & 402  
(land use district) (map location)

Fire District Washington County #2

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?  
10 miles
2. What will be the average emergency response time to the parcel(s) referenced above?  
15 min
3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?  
14 people 6 pieces of apparatus
4. Will the addition of  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: Bruce Utter DATE: 8/23/07

POSITION: Bus. Mgr

\\UTY\DATA\SHARE\DP\WP\SHARE\Plan Amendments\Master\file format\fire questions.doc

Department of Land Use & Transportation • Planning Division  
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97114-3072  
phone: (503) 846-3964 • fax: (503) 846-4412

# Soils Map



Attachment "G"

HERE ARE MY REVIEW COMMENTS ON  
YOUR WRITTEN PLAN



OREGON DEPARTMENT OF FORESTRY

Operator : Eric Kuehne Landowner: Eric Kuehne

Notification #: 07-21159 Operation Name or Vicinity: Heaton Creek

This information and advice is intended to assist you in achieving compliance with forest resource protection rules and laws.

This is regarding your Statutory Written Plan required by :

- ORS 527. 670(3)(a) and OAR 629-605-0170(1)(a) for an operation within 100 feet of a Type F or Type D stream.

After reviewing your written plan, I offer you the following comments.

Fully implementing this written plan is likely to achieve the resource protection standards. This operation will be evaluated on the basis of how well required practices are applied and how well required resource protection is achieved.

I have some additional comments and recommendations as follows. As you stated in your written plan, the dirt road system needs to be winterized prior to the Fall wet season. Any exposed fill slopes should be seeded and mulched as soon as feasible. Keep all site preparation activities atleast 50 feet from the Average High Water Level of Heaton Creek. Keep in mind the site preparation activities has exposed a lot of soil and it is your responsibility to ensure sediment does not enter Waters of The State.

Plan receipt date: 9/27/07 Reviewing Stewardship Forester Eric Perkins

Review / Comments Date: 10/11/07 Office Phone: (503) 359-7437 Cell Phone: (503) 784-2867

RECEIVED  
DEC 20 2007  
PLANNING DIVISION  
Land Use & Transportation

RECEIVED  
2007  
PLANNING DIVISION  
Land Use & Transportation

TO: Eric Kuehne  
13140 A NE Kuehne Road  
Carlton, OR 97111



Oregon Department of Forestry
Forest Activity Inspection Report

Exhibit B
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Date: 10/17/07
Notification / Unit No.: 07-21159

Sale or Job Name:
FPF Name/No.: Perkins Eric

Operator: Eric Kuehne Landowner: Eric Kuehne Timber Owner: Eric Kuehne

FIRE PREVENTION

- REQUIRED OK THIS DATE
Fire Tools: Number of workers in operation:
Power Saws: Number in operation: Number Checked
Spark Arresters / Exhaust Systems
Shovels and Fire Extinguishers
Trucks: Number in operation: Number Checked
Exhaust Systems
Tools and Fire Extinguishers
Other Power Driven Machinery and Engines:
Spark Arresters / Exhaust Systems
Debris Accumulation Removed
Fire Extinguishers
Cable Logging Systems:
Cable lines clear
Blocks cleared Number checked:
Shovels and water at blocks
Water Supply / Pump / Hose / Nozzle
Fire Watch Hours after operation:
Alternate methods or equipment, as described below are approved for use.
Other:
Other:
IFPL Waiver, as described below, is approved
Order: For the items described below, you are hereby ordered to cease violation of ORS Chapter 477. Your Permit to Use Fire or Power Driven Machinery is suspended for these items until compliance is restored.

FOREST PRACTICES

- Pre-Operation Inspection
Active or Post-Operation Inspection
Complaint Investigation
Waiver of 15 Day Waiting Period

Prior Approval / Written Plans

Prior Approval Granted: Applicable rule(s)

Written Plan Action: Required Approved Approval Denied

Written plan rule(s):

Written plan resources:

RECOMMENDATIONS

Written below are recommendations. The inspecting Forest Practices Forester recommends these actions to prevent an unsatisfactory condition which may result in a violation of the Forest Practices Act. These recommendations pertain to the following rules:

- Written Plans
Chemicals
Water Protection
Reforestation
Road Construction
Other
Slash
Harvesting

WRITTEN STATEMENT OF UNSATISFACTORY CONDITION

This operation is not in compliance with the Forest Practices Act. Further enforcement action will begin if damage occurs or if you do not comply with the instructions written below by this compliance date: 10/17/07

This unsatisfactory condition(s) pertain to rule(s) or statute(s):

- Written Plans
Chemicals
Water Protection
Reforestation
Road Construction
Other
Slash
Harvesting

ORS/OAR(s) 629-625-0600 (4)

INFORMATION ON ITEMS CHECKED ABOVE:

Page of

Per our phone conversation today 10/17/07 you are aware that the stream crossing in your road system on Heaton Creek is unacceptable because of sediment entering Waters of the State. You have until the end of the day (10/17/07) to water bar the road. The road needs to have an adequate number of water bars to divert the water off the road surface prior to it reaching the stream crossing. By the end of the day on

THIS REPORT INDICATES THE CONDITIONS FOUND TO EXIST AT THE TIME OF THIS INSPECTION FOR THOSE ITEMS CHECKED OR NOTED ABOVE. IT DOES NOT IMPLY THAT ALL PARTS OF THE OPERATION WERE INSPECTED NOR DOES IT INDICATE ITEMS NOT INSPECTED ARE SATISFACTORY.

Eric Kuehne
13140 A NE Kuehne Rd
Carlton, OR 97111

Signed Received By: Date
Copies Mailed
Eric Perkins
State Forester's Representative
Date 10/17/07



Oregon Department of Forestry  
Forest Activity Inspection Report  
Addendum

Date: 10/17/07

Notification / Unit No.: 07-21159

Page 2 of 2

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Additional text goes here.

10/20/07 ~~by~~ the fill slopes of the road and stream crossing need to be seeded (annual grass seed) and mulched.

~~Road reconstruction activities~~

RECEIVED

DEC 20 2007

PLANNING DIVISION  
Land Use & Transportation

State of Oregon  
Department of Forestry / Department of Revenue  
Notification number: 2007-531-21159 [53120523]

Attached is the processed information from the Notification of Operation and/or Application File Review.

Please review this information and retain for future reference.

- Notice is given to the State Forester that an operation will be conducted on the lands described herein (ORS 527.670).

Written plan & the 15 day waiting period are required to operate within 100' of type F or D stream. Waiver granted for portions of operation greater than 100' from type F stream.

I. WHERE TIMBER HARVESTING IS PART OF THE PROPOSED OPERATION:

District: Forest Grove

Office: Forest Grove

A. NOTICE TO TIMBER OWNER: Party owning the harvested timber at the point it is first measured is shown in the section marked TIMBER OWNER and is responsible for payment of Oregon timber taxes.

County: Washington

WOSTOT:

B. NOTICE TO LAND OWNER: Party shown in the section marked LAND OWNER is responsible for reforestation of the site if so required.

Received by ODF on September 28, 2007 at 1100

**\*15 DAY WAITING PERIOD WAIVED\***

II. WRITTEN PLANS:

Waived by Eric Perkins on 9/28/2007

- A WRITTEN PLAN may be required before certain activities can commence on the Operation.

A WRITTEN PLAN may be required for the situations indicated by an  below. A WRITTEN PLAN must be submitted or a WRITTEN WAIVER must be obtained from the State Forester before any portion of the operation may commence.

\*\*\*\*\* NOTICE \*\*\*\*\*

The State Forester has determined that the following items requiring your attention are located within or adjacent to your operation area:

- Concerns  - Resources  - Water

- Within 100 feet of a large lake or Type F or Type D stream. [OAR 629-605-170(1)(a)]

See Unit Information on subsequent pages for details.

- Within 300 feet of a wildlife resource site listed in the 1984 ODF/ODFW Cooperative Agreement. [OAR 629-605-170(1)(b)]

Operator:  
Eric Kuehne

- Within 300 feet of any resource identified in the Divisions 645 or 665 of the administrative rules. [OAR 629-605-170(1)(c)]

13140 A NE Kuehne Rd  
Carlton, OR 97111  
Phone: ( 503 ) 852-7551

- Within 300 feet of a state or federally listed threatened or endangered wildlife resource site. [OAR 629-605-170(1)(d)]

Land owner:  
Eric Kuehne

Please contact the Oregon Department of Forestry forester named on the Unit Information sheet for further information on requirements that may be necessary to meet before any activity/operation begins.

13140 A NE Kuehne Rd  
Carlton, OR 97111  
Phone: ( 503 ) 852-7551

Signed by Eric Kuehne - representing the Operator.

Timber owner:

Eric Kuehne

13140 A NE Kuehne Rd  
Carlton, OR 97111

Phone:

(Land owner)

Marvin D. Brown  
State Forester

District Forester

Department of Forestry

Notification: 07-21159 [53120523]

Unit: 1 Status: Active

Stewardship Forester: Eric Perkins

Phone number: (503) 359-7437

Start date: 9/27/2007

End date: 12/31/2007

Site conditions: Lake or Stream within 100 ft  
 Slope of 0% to 35%  
 No mass soil movement

FP = N

FPA = M

Acres: 20

Feet:

Estimated harvest: MBF

Activity: Site preparation

Methods: Dozer

Sc	Twp	Rge	Government lot	NE				NW				SW				SE				Harv tax	Reg use
				n	n	s	s	n	n	s	s	n	n	s	s	n	n	s	s		
				e	w	w	e	e	w	w	e	e	w	w	e	e	w	w	e		
32	02S	02W																	X		WV1

Water Concern Information

Description	Classification	Rule
Heaton Creek	F str-sm	170a



## Oregon Department of Forestry

### Fire Watch Service Waiver Policy & Written Order

Northwest Oregon (Astoria, Tillamook & Forest Grove Districts)  
North Cascade and West Oregon Forest Protection Districts

#### 2007 Fire Season

ORS 477.665 (1) states that during a fire season inside or within one-eighth mile of a forest protection district, every operator using power-driven machinery in an operation area shall provide fire watch service on the operation area. The fire watch service shall consist of not less than one competent person, who shall be on duty at times prescribed by rules promulgated by the State Forester. These rules shall require fire watch service at such times and at such places as the spread of fire on or from the operation area to forestland reasonably may be expected. (2) The forester may modify or waive, in writing, any requirements of this section as to any operation whenever the fire hazard is not sufficient to justify the requirements.

OAR 629-043-0030(1)(a) states that pursuant to ORS 477.655 operators shall be constantly on duty for three hours after the power driven machinery used by the operator has been shut down for the day.

OAR 629-043-0030(3) states that the forester may, in written order, reduce or waive any requirements of subsection (1), if in the judgment of the forester, conditions so warrant.

ODF NWOA Districts hereby implement the following Fire Watch Service Waiver Policy as a written order for the 2007 Fire Season. (Note: This Fire Watch Service Waiver Policy will be re-examined before the 2008 Fire Season to determine if it will continue.)

#### Fire Watch Service Waiver Requirements

Industrial Fire Precaution Level 1: One-hour fire watch shall be in effect for all operations.

Industrial Fire Precaution Level 2: Two-hour fire watch shall be in effect for all operations.

~~Industrial Fire Precaution Level 3: Three-hour fire watch shall be in effect for all operations.~~

Industrial Fire Precaution Level 4: General Shutdown of all operations; fire watch n/a.

#### Exceptions

1. This waiver policy and written order may be modified or revoked at any time.
2. ODF District Fire Managers can change the fire watch requirements upward (not to exceed three hours) at any time on any operation that represents a higher fire risk or whenever fire conditions dictate.
3. Nothing in this written order prevents landowners from placing a higher fire watch requirement on any operation on their own lands.



WASHINGTON COUNTY  
OREGON

August 17, 2007

RECEIVED

DEC 20 2007

PLANNING DIVISION  
Land Use & Transportation

Eric Kuehne Farms LLC  
Attn: Eric Kuehne  
13140-A NE Kuehne Road  
Carlton, OR 97111

Re: Account Number(s) R990306  
Map and Tax Lot(s) 2S2 32 - 00211

Dear Mr. Kuehne:

Your property, identified above, has 10.18 acres Specially Assessed as Designated Forestland. This program requires the land be used predominately for growing and harvesting trees.

An on-site inspection revealed inadequate stocking of all or a portion of the 10.18 acres which are presently specially assessed as forestland. All or a portion of these acres no longer qualify for Special Assessment as Designated Forestland.

We have enclosed information, detailing requirements that must be met to continue being specially assessed as forestland. **A written plan to meet these requirements must be submitted within 90 days of the date of this notice to avoid initiation of the disqualification process for the 2007/08-tax year. Please refer to the enclosed form, "Forestland Management Plan".**

**If a plan is submitted as requested above, but the property does not meet stocking according to minimum standards by March 31, 2008, the land will be disqualified from special assessment effective January 1, 2008. When a property is disqualified, up to five years additional taxes will be added to the next year's tax roll and the land will be reappraised at Market Value and the Forest Changed Property Ratio applied.**

If you have questions or need assistance, please call (503) 846-8826 and ask for a rural appraiser.

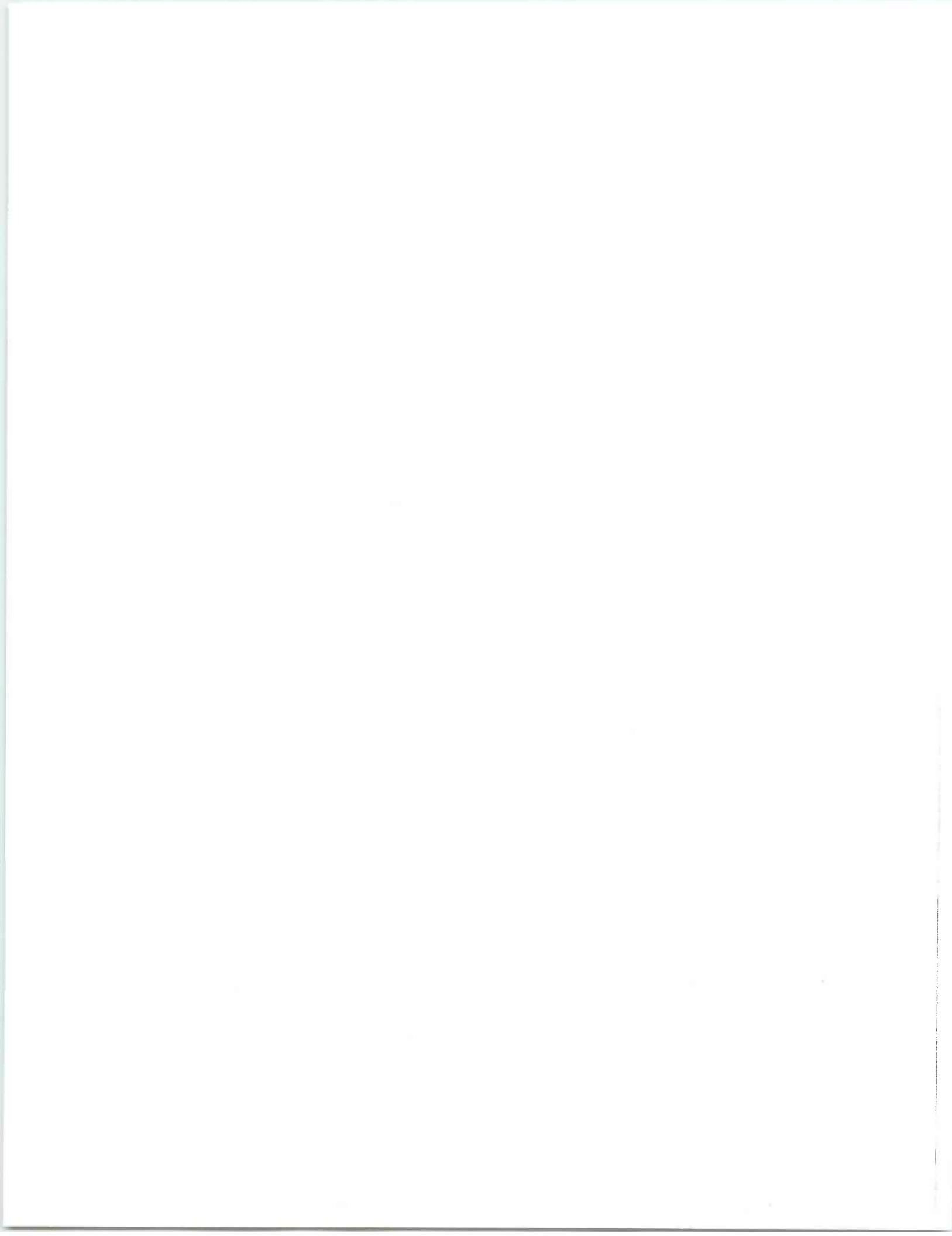
Sincerely,

DEPARTMENT OF ASSESSMENT AND TAXATION  
Rich Hobernicht, Director

By: \_\_\_\_\_

Richard Gilmore  
Rural Appraisal Supervisor

Department of Assessment & Taxation • Appraisal Division  
155 North First Avenue, Suite 230, MS 8A, Hillsboro, OR 97124-3072  
Telephone: (503) 846-8826 • Fax: (503) 846-3908  
email: A&T@co.washington.or.us





# WASHINGTON COUNTY OREGON

August 17, 2007

Eric Kuehne Farms LLC  
Attn: Eric Kuehne  
13140-A NE Kuehne Road  
Carlton, OR 97111

Re: Account Number(s) R574925  
Map and Tax Lot(s) 2S2 32 - 00206

Dear Mr. Kuehne:

Your property, identified above, has 10.26 acres Specially Assessed as Designated Forestland. This program requires the land be used predominately for growing and harvesting trees.

An on-site inspection revealed inadequate stocking of all or a portion of the 10.26 acres which are presently specially assessed as forestland. All or a portion of these acres no longer qualify for Special Assessment as Designated Forestland.

We have enclosed information, detailing requirements that must be met to continue being specially assessed as forestland. **A written plan to meet these requirements must be submitted within 90 days of the date of this notice to avoid initiation of the disqualification process for the 2007/08-tax year. Please refer to the enclosed form, "Forestland Management Plan".**

**If a plan is submitted as requested above, but the property does not meet stocking according to minimum standards by March 31, 2008, the land will be disqualified from special assessment effective January 1, 2008.** When a property is disqualified, up to five years additional taxes will be added to the next year's tax roll and the land will be reappraised at Market Value and the Forest Changed Property Ratio applied.

If you have questions or need assistance, please call (503) 846-8826 and ask for a rural appraiser.

Sincerely,

DEPARTMENT OF ASSESSMENT AND TAXATION  
Rich Hobernicht, Director

By: \_\_\_\_\_

Richard Gilmore  
Rural Appraisal Supervisor

**Department of Assessment & Taxation • Appraisal Division**  
155 North First Avenue, Suite 230, MS 8A, Hillsboro, OR 97124-3072  
Telephone: (503) 846-8826 • Fax: (503) 846-3908  
email: A&T@co.washington.or.us

# WASHINGTON COUNTY

## OREGON

### GENERAL INFORMATION ON DESIGNATED FORESTLAND Reforestation

Designated Forestland is land classified Forestland upon approval of the owner's application. Oregon Law provides for this special assessment under ORS 321.358 and the Oregon Administrative Rules under OAR 150-321.358(4), which sets requirements for designation. These requirements fall into three categories:

1. Minimum Area for Designation

"... the area to be designated must be at least two contiguous acres in one ownership."

2. Species Limited to Marketable Species

Marketable species referred to in OAR 150-321.358(4)-(1), ORS 321.358(3)(c), and specified by OAR 629-610-0050. The Department of Forestry considers the following species ecologically suited to Washington County:

Conifers: Douglas Fir, Western Hemlock, Western Red Cedar,

Hardwoods: Big Leaf Maple, Red Alder, Oregon White Oak,  
Ash

All other species would need to develop a written plan which describes the tree species and how it will be used to meet the reforestation requirements following OAR 629-610-0060(1).

3. Stocking Requirements per Acre

A. Minimum stocking requirements are governed by the Forest Practices Act, OAR 629-610.0000 through 610-0090; and ORS 527.710. We currently use the following as a guideline:

Seedlings (Healthy and Free to grow)	200/acre	(recommend 300 to plant)
Saplings & Poles	120/acre	
11" Diameter Breast High or Larger Trees	80/acre	

OR

B. "... the owner must present to the assessor a plan, in writing, for establishing trees to meet the minimum requirement for stocking ..." (This plan must conform to the requirements for a plan as outlined on the specification sheet on the back of this flyer.)

**Department of Assessment and Taxation**  
155 North First Avenue, Suite 230, MS 8A, Hillsboro, OR 97124-3072  
Telephone: (503) 846-8826 • Fax: (503) 846-3908

## WASHINGTON COUNTY FIRE DISTRICT #2 FIRE DEPARTMENT ACCESS APPROVAL

RECEIVED

DEC 20 2007

PLANNING DIVISION

Land Use & Transportation

### SITE/APPLICANT INFORMATION

<b>PROPERTY OWNER NAME/ADDRESS/PHONE:</b>	Eric Kuehne 13140 NE NE Kuehne Rd Carlton OR 97111
<b>PROPERTY/PROJECT ADDRESS:</b>	26800 SW NEIL RD
<b>DEVELOPER/CONTRACTOR ADDRESS/PHONE:</b>	Eric Kuehne 503-845-5316

### PRELIMINARY APPROVAL (plan review)

The plot/site plan provided has been reviewed for conformity to the Oregon Fire Code as summarized in the Metro Code Applications Guide for fire department access. The plan, as reviewed, satisfactorily meets the requirements and issuance of a building permit for a structure to be served by this roadway is acceptable to this fire district. The driveway shall be posted with residence address. The plan reviewed by this office has been stamped and signed as such and provided back to the applicant for submittal to the building official.

WCDF#2 Reviewer:

 Name (print)	 Signature	11/8/07 Date
---	--	-----------------

### FINAL APPROVAL (as constructed)

The driveway/roadway constructed at the address above has been constructed in accordance with the WCDF#2 approved preliminary drawing identified above. The roadway width, clearance height, turnouts, turnarounds, etc. are all compliant with the requirements set forth. Additionally a qualified professional (i.e. engineer) has certified the load bearing capacity of the roadway, and other design requirements, in accordance with the approved plans and Oregon Fire Code requirements and provided a copy of that certification. A copy of the professionals certification has been provided to the fire department.

Property Owner:

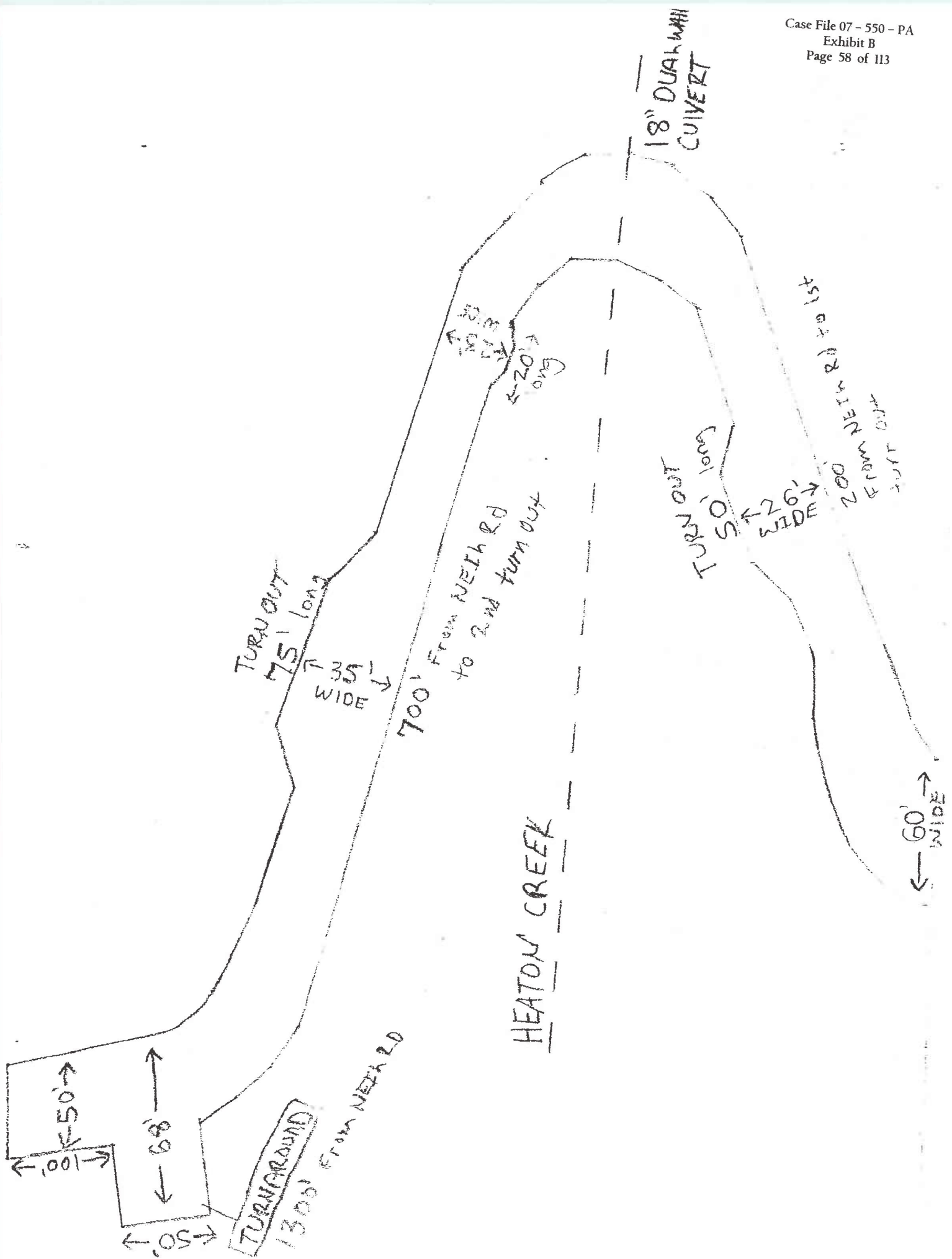
Name (print)	Signature	Date
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WCDF#2 Approval:

Name (print)	Signature	Date
--------------	-----------	------

Attach a copy of:

- Engineer or other qualified professionals certification to load bearing capacity and construction to code requirements.

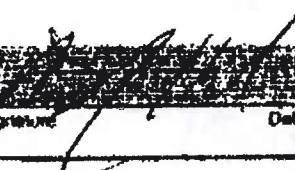
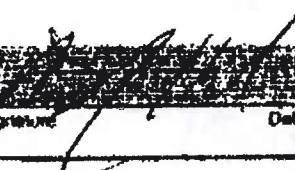
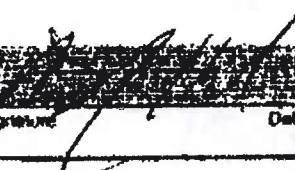


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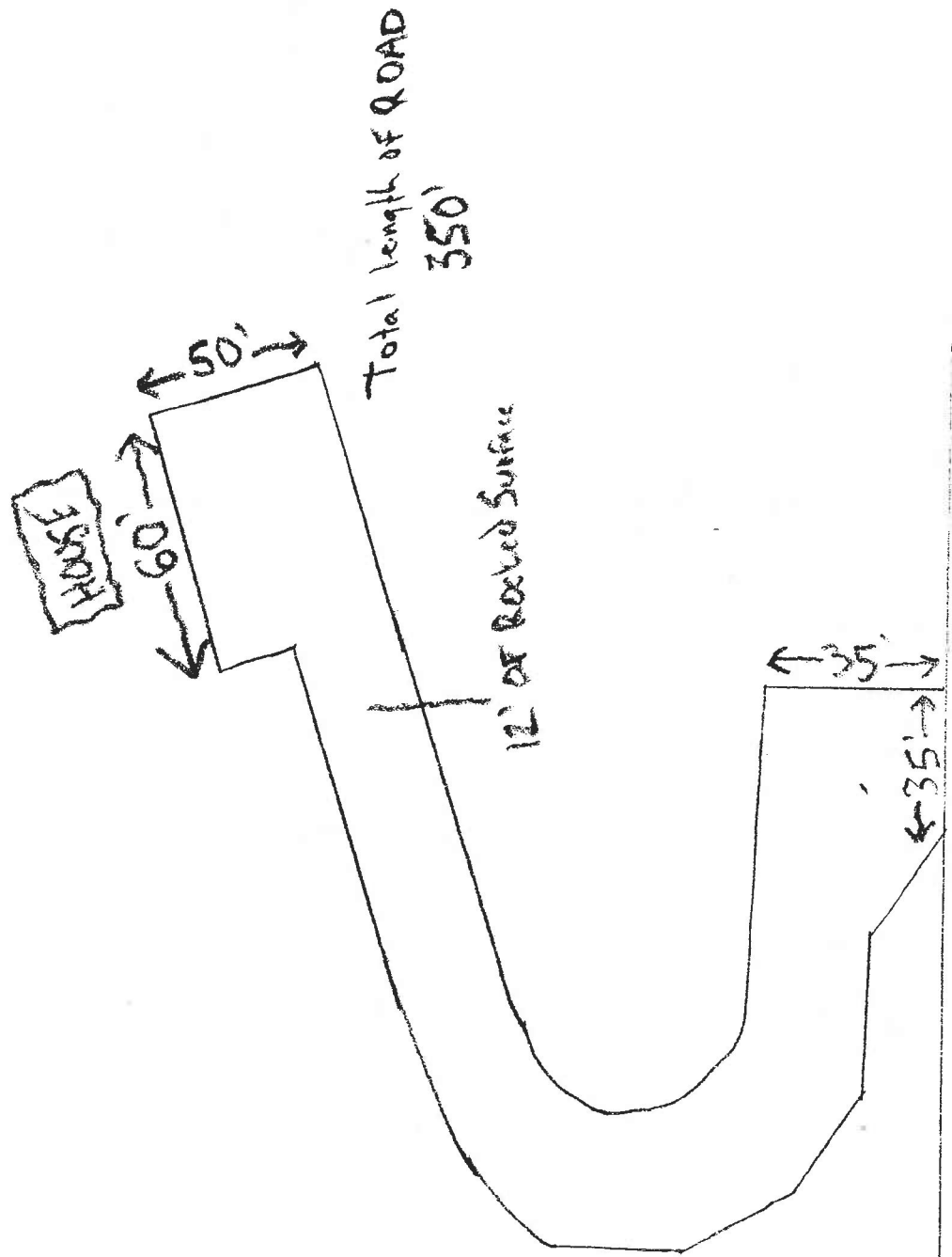
ERIC KUEHNE

PAGE 02

### WASHINGTON COUNTY FIRE DISTRICT #2 FIRE DEPARTMENT ACCESS APPROVAL

SITE/APPLICANT INFORMATION								
PROPERTY OWNER NAME/ADDRESS/PHONE:	[REDACTED]							
PROPERTY/PROJECT ADDRESS:	[REDACTED]							
DEVELOPER/CONTRACTOR ADDRESS/PHONE:	[REDACTED]							
<b>PRELIMINARY APPROVAL (plan review)</b>								
<p>The plans/plan provided has been reviewed for conformity to the Oregon Fire Code as summarized in the Metro Code Applications Guide for fire department access. The plan, as reviewed, satisfactorily meets the requirements and issuance of a building permit for a structure to be served by this roadway is acceptable to this fire district. The driveway shall be posted with residence address. The plan reviewed by this office has been stamped and signed as such and provided back to the applicant for submittal to the building official.</p> <p>WCFD#2 Reviewer:</p>								
<table border="0"> <tr> <td style="width: 40%; text-align: center;">Name (print)</td> <td style="width: 30%; text-align: center;">Signature</td> <td style="width: 30%; text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;"></td> <td></td> </tr> </table>			Name (print)	Signature	Date			
Name (print)	Signature	Date						
								
<b>FINAL APPROVAL (as constructed)</b>								
<p>The driveway/roadway constructed at the address above has been constructed in accordance with the WCFD#2 approved preliminary drawing identified above. The roadway width, clearance height, turnouts, turnarounds, etc. are all compliant with the requirements set forth. Additionally a qualified professional (i.e. engineer) has certified the load bearing capacity of the roadway, and other design requirements, in accordance with the approved plans and Oregon Fire Code requirements and provided a copy of that certification. A copy of the professional's certification has been provided to the fire department.</p> <p>Property Owner:</p>								
<table border="0"> <tr> <td style="width: 40%; text-align: center;">Name (print)</td> <td style="width: 30%; text-align: center;">Signature</td> <td style="width: 30%; text-align: center;">Date</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			Name (print)	Signature	Date			
Name (print)	Signature	Date						
<p>WCFD#2 Approval:</p> <table border="0"> <tr> <td style="width: 40%; text-align: center;">Name (print)</td> <td style="width: 30%; text-align: center;">Signature</td> <td style="width: 30%; text-align: center;">Date</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			Name (print)	Signature	Date			
Name (print)	Signature	Date						
<p>Attach a copy of:</p> <ul style="list-style-type: none"> <li>Engineer or other qualified professional's certification to load bearing capacity and construction to code requirements.</li> </ul>								

26800



Total length of ROAD  
350'

NEIL RD

# Forestland Management Plan RECEIVED

DEC 20 2007

This plan is to be submitted with an application for designation of forestland, if the property does not currently meet the minimum stocking requirements.

PLANNING DIVISION  
Land Use & Transportation

Name Eric J Kuehne

Phone Number (s) 503-849-5316  
office/FAX 503-852-7551

## Description of Property

Account Number	Map and Tax Lot	Total Acres on Parcel	Total Acres Applied For	Acres Currently Forested
<u>R 574925</u>	<u>252 32-00206</u>	<u>10.26</u>		
<u>R 990306</u>	<u>752 32-00211</u>	<u>10.18</u>		

1. Current stocking description Spurce

2. Goals and objectives for property To get rid of brush & weeds & plant trees & mark them with flags so we can spray them to out compete other vegetation

### Site Preparation

1. Current Ground cover Weed's & brush

2. Brush/Weed control methods Spray @ base of trees till they can out compete other vegetation

3. Tillage of soil None

4. Protection from grazing and browsing animals Will address best methods at the time if we have problems

### Planting Information

1. Method of planting Augur or Hoe Dad

2. Species to be planted Pseudotsuga Menziesii - Douglas Fir

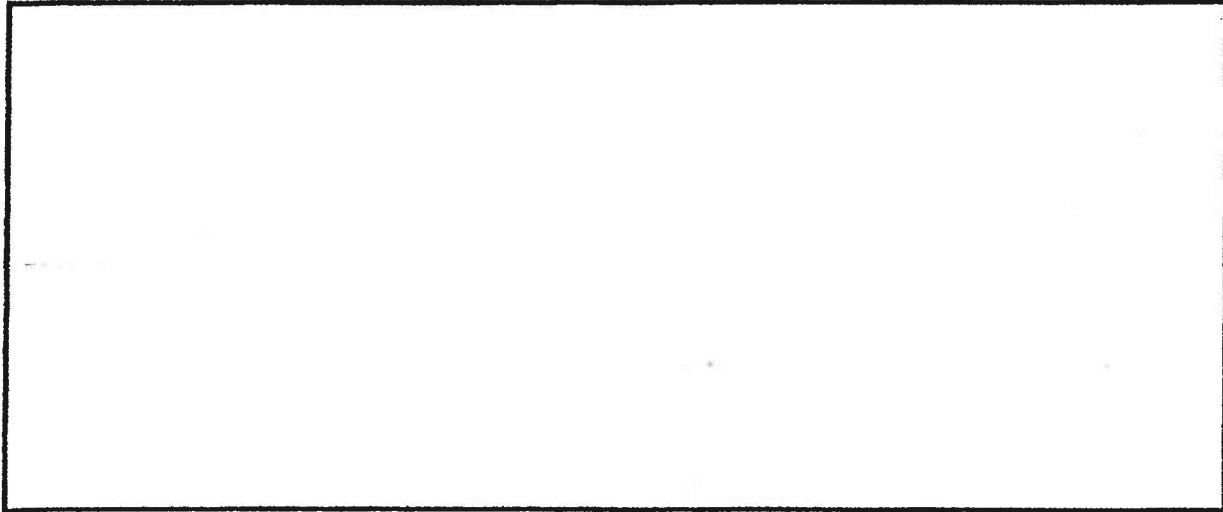
3. Number of trees per acre that will be planted 400

4. Planting start date Feb-2008 Planting completion date April

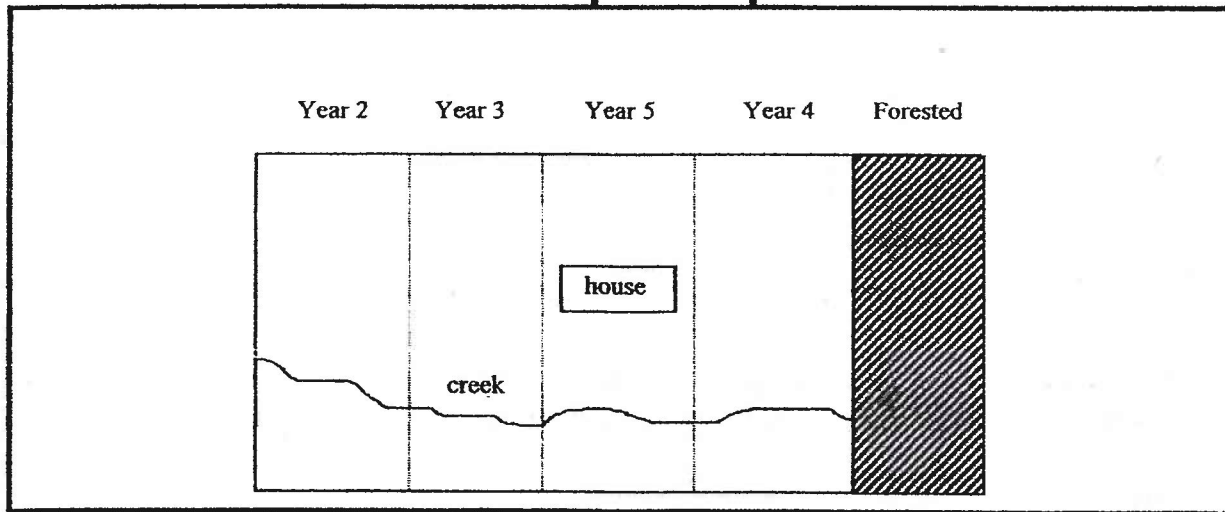
5. Mortality replacement Methods IF we get thin areas we come back & replant

**\*\* Continued on Back Side \*\***

Using the sample map below as a reference, please indicate in the box below the perimeter of your parcel indicating any areas already forested by shading, and your plans for subsequent planting on an annual basis. Attach a separate sheet, aerial photograph, or other map if necessary.



### Sample Map



#### Additional information

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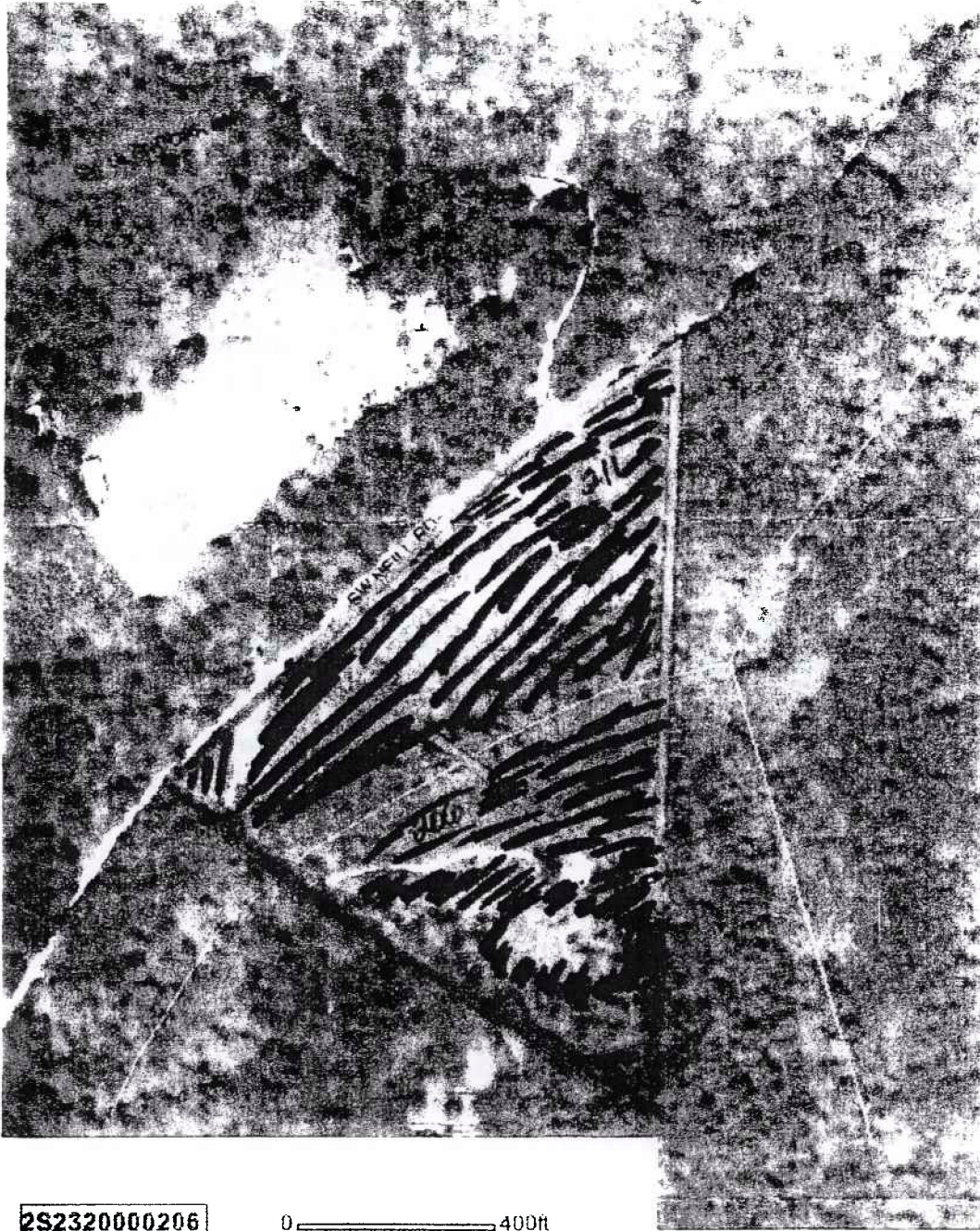
---

Property Owner's Signature

*Eric Keen*

Date

10-15-07



2S2320000206

0 ————— 400ft

This map was derived from several databases. The County cannot accept responsibility for any errors, omissions, or positional accuracy and therefore there are no warranties for this product. However, notification of errors would be appreciated.

Washington County  
Geographic Information Systems  
155 N First Ave, Hillsboro OR 97124  
(503)846-8039  
www.co.washington.or.us



GIS on the Web

Close





WASHINGTON COUNTY  
OREGON

RECEIVED

DEC 20 2007

PLANNING DIVISION  
Land Use & Transportation

October 3, 2007

Eric Kuehne Farms, LLC.  
13140-A NE Kuehne Road  
Carlton, OR 97111

**RE: ABATEMENT OF LAND USE VIOLATION UV 07-194 TAX MAP 2S2 32 TAX LOT 00211**

Thank You for meeting with me on October 2, 2007 on your property regarding the alleged violation of grading in the riparian area. Based on my inspection of your property as I explained to you this is not a land use violation; since the use is regarding replanting a forest product you are exempt from the County Land Use Laws and governed by the Dept of Forestry. Washington County is satisfied there is no violation on your property and your property appears to be in compliance with the requirements set forth in the Community Development Code.

Thank you for your cooperation resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Myra J. Norman".

Myra J. Norman  
Code Enforcement Officer

## BEDSAUL/VINCENT CONSULTING, LLC

825 NE 20<sup>TH</sup> AVE., SUITE 300  
PORTLAND, OR 97232  
OFFICE (503) 230.2119  
FAX (503) 230.2149  
[att41314@attglobal.net](mailto:att41314@attglobal.net)

---

February 1<sup>st</sup>, 2008

Joy Chang, Associate Planner  
WA County DLUT, Planning Division  
155 N 1<sup>st</sup> Street, #350-13  
Hillsboro, OR 97124

Re: A request to continue the Kuehne/Gerlach Plan Amendment hearing. (Case File 07-550-PA)

Dear Joy:

I am writing this letter on behalf of my clients, Eric Kuehne and Susan ad Ethel Gerlach, to formally request that you continue the scheduled 2/19/07 Board of Commissioner's hearing on this matter to a time-certain date of March 18<sup>th</sup> at 10:00AM. My client, Eric Kuehne needs more time to address many of the issues raised via oral and written testimony at the 1/16/08 Planning Commission meeting. After the Planning Commission meeting, Eric Kuehne and I agree that he needs more time to demonstrate that he is making a good faith effort to address the concerns of his neighbors and to correct whatever deficiencies there may be with regard to the site preparation/reforestation work done under his approved OR Dept. of Forestry forest management plan.

As you know, on TL 206 and 211, (the Kuehne ownership), OR Dept of Forestry, (ODF), has raised questions with regard to whether or not Mr. Kuehne has exceeded what was permitted under the approved forest management plan to bring the site back to their reforestation standards. They have raised questions as to whether "site preparation", (e.g, road building, site clearing and stream crossing work is, or is not, in conformance with the Forest Practices Act and/or applicable State law. (ORS 527.670, OAR 629-605-0170 and OAR 629-605-0140 et. seq).

With regard to the alleged violation on TL 206 and 211, Map 2S2-32, (UV 08-0009), Myra Norman, Code Enforcement Officer has provided evidence to demonstrate that there is not a Land Use Violation at this time. (See Attached) However, in the spirit of addressing the County's concerns, my client will take the following actions:

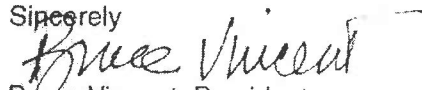
1. Hire an engineering firm, (Stuntzner Engineering-Forest Grove), to prepare an "as-built" of the subject roadway, calculated cut and fill volumes, indicate where there may be problems with the said construction and proposed ways to correct the problem. The engineering firm will meet with Kofi and Jennifer Pitner to discuss what they may require for erosion control and grading work.
2. Hire a geotechnical engineering firm, (Chinook Geo-technical Services), to prepare a report as to the site soil's engineering capabilities with regard to slope hazard, erosion, road building and the like.
3. Apply for County Access permits to demonstrate that the existing driveway an comply with the County site distance standards.

In the file record there is oral and written testimony from Gil and Cathy Chapman, who reside on the lot directly up hill and to the south of the Kuehne ownership. The Chapmans raised concerns about potential soil erosion, slope hazards, on-site grading, and the existing stream

crossing. We intend to allay their concerns by providing expert geotechnical and engineering reports demonstrating that there is not a problem, or if there is a problem, that there is a sound method by which that problem can be solved. Mr. Kuehne met with the Chapmans after the 1/16/08 hearing and he is continuing a dialog with them.

I trust that you can see by the evidence presented here that my client Eric Kuehne understands that he must make a good faith effort to address the concerns of his neighbors, WA County, and to correct whatever deficiencies there may be with regard to work done under his approved OR Dept. of Forestry forest management plan. Your cooperation on this matter will be greatly appreciated

Sincerely

A handwritten signature in cursive script that reads "Bruce Vincent". The signature is written in black ink and is positioned above the typed name.

Bruce Vincent, President

Bedsaul/Vincent Consulting, LLC for Susan Gerlach and the owners, Eric Kuehne and Ethel Gerlach

RE: Eric Kuehne code violation

**Subject:** RE: Eric Kuehne code violation  
**From:** "Myra Norman" <Myra\_Norman@co.washington.or.us>  
**Date:** Wed, 30 Jan 2008 09:30:29 -0800  
**To:** "bruce vincent" <att41314@attglobal.net>, "Jim Tice" <Jim\_Tice@co.washington.or.us>, "Joy Chang" <Joy\_Chang@co.washington.or.us>  
**CC:** "Eric Kuehne" <reyn782003@yahoo.com>

Mr. Vincent,

Jim Tice copied you the emails from Eric Perkins with Oregon Dept of Forestry. Based on the most recent email, it was determined by the Salem office that he is in violation of the Forest Practices Act. At this time there is no Land Use Violation.

I do want to forwarn you, when Mr. Kuehne applies for dwelling permits in the future he will also have to build the road within the property to the current code standards including a DHA crossing. Possibly get grading permits with the Building Dept for the road. The reason for this is, he would be proposing a use that is not within the Forest Practices Act guidelines. If you have any further questions, let us know.

Myra J. Norman  
Code Enforcement Officer  
Washington County DLUT, Land Dev Services  
(503)846-3848  
Fax (503)846-2908

-----Original Message-----

From: bruce vincent [mailto:att41314@attglobal.net]  
Sent: Wednesday, January 30, 2008 9:24 AM  
To: Jim Tice; Joy Chang; Myra Norman  
Cc: Eric Kuehne  
Subject: Eric Kuehne code violation

Jim and Myra: After repeated attempts to obtain information from you on this matter, my client and I have yet to receive a documented list of what sections of the code have been violated. My client and I acknowledge that a complaint has been filed, and we have an inkling of what needs to be done. However, we cannot correct the alleged violation until we have a detailed list of what needs to be done.

In talking with Joy yesterday, she indicated that she would assist in this matter, which is to her credit. I also understand that Marshall Decker is now involved, much to my surprise. My client has hired a geo-tech engineer, a civil engineer and we are meeting with ODF tomorrow. I do plan on requesting a continuance of the 2/19 Board hearing to provide more time to get this resolved, but I cannot resolve it until I know what "it" is. Please respond soon.

Regards

Bruce Vincent



RECEIVED

FEB 13 2008

PLANNING DIVISION  
and Use & Transportation

**SERVICE STATEMENT**

**RE: In the Matter of Eric J Kuehne, Notice of Violation, Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition  
Case No. 07-FG060**

I **HEREBY CERTIFY** that I have made service of copies of the foregoing Notice of Violation and Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition upon the following party by causing them to be delivered in person at Forest Grove District Office, on February 13, 2008.

Eric W Perkins 2/13/08  
Eric Perkins  
Forest Grove District  
(503) 359-7437

Eric Kuehne 2-13-08  
Eric J Kuehne

629-1-1-001  
629-6-3-1-001

07-16060  
OREGON DEPARTMENT OF FORESTRY  
NOTICE OF VIOLATION/CITATION

9/95 1M

STATE OF OREGON

County of Washington District Forest Grove Operation No. 07-531-2159

THE UNDERSIGNED STATE FOREST OFFICER CERTIFIES AND SAYS:

THAT ON THE 17<sup>th</sup> DAY OF October 2007 AT 9:00 O'CLOCK A M

AT (location) 3 miles north of Newberg, southeast of Neill Road. SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Section 32, T2S, R2W, W.M.  
(legal description)

NAME Kuehne Eric J  
LAST FIRST MIDDLE

RES. ADD. 13140 A NE Kuehne Road

CITY Carlton STATE Oregon ZIP 97111 PHONE (503) 852-7551

BUS. ADD. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

DATE OF BIRTH 4/6/81 OCCUPATION Farming SEX M

DID THEN AND THERE UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:

Failed to install a culvert to pass a peak flow that at least corresponds to the 50-year return interval and fails to allow for migration of adult and juvenile fish upstream and downstream.

IN VIOLATION OF ORS \_\_\_\_\_ OAR NO. 629-625-0320(2)(b)

RESULTING IN THE FOLLOWING UNSATISFACTORY CONDITION:

Stream crossing structure that is inadequate to pass required peak flow and fish passage requirements.

DATE SERVED 2/13/08 OFFICER Eric W Perkins NO. 16

COURT APPEARANCE NOT REQUIRED

APPEAR IN

JUSTICE

DISTRICT COURT

ON: \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_ M

LOCATED AT Landowner: Eric J Kuehne  
Timber owner: Eric J Kuehne

READ CAREFULLY

This is not a complaint or an information. One may be filed and you will be provided a copy thereof at the time of your first appearance. You MUST appear in court at the time set. IF YOU FAIL TO APPEAR AND A COMPLAINT OR INFORMATION HAS BEEN FILED, THE COURT WILL IMMEDIATELY ISSUE A WARRANT FOR YOUR ARREST.

STATE OF OREGON  
DEPARTMENT OF FORESTRY

TO: Eric J Kuehne

**ORDER TO CEASE FURTHER VIOLATION**

Pursuant to ORS 527.680(2), you are hereby directed to cease further violation of OAR  
629-625-0320(2)(a)(b) which requires that Operator shall design culverts  
to pass a peak flow that at least corresponds to the 50-year return  
interval and allows for migration of adult and juvenile fish  
upstream and downstream.

**ORDER TO REPAIR DAMAGE OR CORRECT UNSATISFACTORY CONDITION CAUSED BY VIOLATION**

You are hereby directed to take the following action to repair damage or correct the unsatisfactory condition resulting from violation of 629-625-0320(2)(a)(b):

All work shall be done during the in-stream work period  
between June 1<sup>st</sup> and September 30<sup>th</sup>.

1. Remove culvert from stream channel.
2. Remove all existing fill materials.
3. Install a new stream crossing structure that will pass a peak  
flow that at least corresponds to the 50-year return interval  
and that will allow migration of adult and juvenile fish up and downstream.
4. Grass seed and mulch all exposed soils within 50 feet of  
average high water level of the stream.

Such action is to be completed on or before items 1 and 2 by June 30<sup>th</sup> 2008.  
Items 3 and 4 by September 30<sup>th</sup> 2008.

Date 2/13/08

Eric W. Perkins SF 16  
State Forester - Authorized Representative

*As provided in ORS 527.700(1), any operator, timber owner or landowner affected by a finding or order of the State Forester issued under ORS 527.610 to 527.730 may request a hearing within 30 days of the issuance of the order. The request for a hearing shall be in writing and must include a specific statement as to the reasons for disputing the State Forester's order, including but not limited to disagreement with any findings leading to the order. In addition, the request for hearing shall state what relief from the order is sought.*

*Failure of the person requesting the hearing to appear at the hearing shall be deemed a default and shall result in a final order being entered upon a prima facie case made on the record of the agency.*

*This notice becomes a final order unless the above-named party makes a written request for a hearing within 30 days from the date of service or mailing of the notice.*

RECEIVED

FEB 13 2008

PLANNING DIVISION  
Land Use & Transportation

SERVICE STATEMENT

**RE: In the Matter of Eric J Kuehne, Notice of Violation, Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition  
Case No. 07-FG059**

**I HEREBY CERTIFY** that I have made service of copies of the foregoing Notice of Violation and Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition upon the following party by causing them to be delivered in person at Forest Grove District Office, on February 13, 2008.

Eric W Perkins 2/13/08

Eric Perkins  
Forest Grove District  
(503) 359-7437

Eric J Kuehne 2-13-08

Eric J Kuehne

629-1-1-001  
629-6-3-1-001

07 - FG 059  
OREGON DEPARTMENT OF FORESTRY  
NOTICE OF VIOLATION/CITATION

9/95 1M

STATE OF OREGON

County of Washington District Forest Grove Operation No. 07-531-21159

THE UNDERSIGNED STATE FOREST OFFICER CERTIFIES AND SAYS:

THAT ON THE 17<sup>th</sup> DAY OF October 2007 AT 9:00 O'CLOCK A M

AT (location) 3 miles north of Newberg, southeast of Nail Road, SE 1/4 SE 1/4 Section 32, T2S, R2W, W.M.  
(legal description)

NAME Kuehne Eric J  
LAST FIRST MIDDLE

RES. ADD. 13140 A NE Kuehne Road

CITY Carlton STATE Oregon ZIP 97111 PHONE (503) 852-7551

BUS. ADD. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

DATE OF BIRTH 4/6/81 OCCUPATION Farming SEX M

DID THEN AND THERE UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:

Failed to provide adequate distance between disturbed soils and waters of the state to filter sediment from run-off water.

IN VIOLATION OF ORS \_\_\_\_\_ OAR NO. 629-615-0200 (2)

RESULTING IN THE FOLLOWING UNSATISFACTORY CONDITION:

Sediment and debris entering waters of the state.

DATE SERVED 2/13/08 OFFICER Eric W Perkins NO. 16

COURT APPEARANCE NOT REQUIRED

APPEAR IN

JUSTICE

DISTRICT COURT

ON: \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_ M

LOCATED AT Landowner: Eric J Kuehne  
Timber owner: Eric J Kuehne

READ CAREFULLY

This is not a complaint or an information. One may be filed and you will be provided a copy thereof at the time of your first appearance. You MUST appear in court at the time set. IF YOU FAIL TO APPEAR AND A COMPLAINT OR INFORMATION HAS BEEN FILED, THE COURT WILL IMMEDIATELY ISSUE A WARRANT FOR YOUR ARREST.

STATE OF OREGON  
DEPARTMENT OF FORESTRY

TO: Eric J Kuehne

ORDER TO CEASE FURTHER VIOLATION

Pursuant to ORS 527.680(2), you are hereby directed to cease further violation of OAR  
629-615-0200(2) which requires that When using mechanical site  
preparation, operators shall provide adequate distance between  
disturbed soils and waters of the state to filter sediment from  
run-off water.

ORDER TO REPAIR DAMAGE OR CORRECT UNSATISFACTORY CONDITION CAUSED BY VIOLATION

You are hereby directed to take the following action to repair damage or correct the unsatisfactory condition resulting from violation of 629-615-0200(2):

1. Operator must pull-back any soils and debris  
that were placed within the 50 foot RMA. Place the  
soil and debris in a stable location where it cannot  
enter waters of the state.
2. All pull-back repair work shall be done with an excavator  
with a thumb, by hand or by some other means approved  
by the State Forester.
3. Grass seed and mulch all exposed soils within 50 feet  
of the stream.

Such action is to be completed on or before June 30<sup>th</sup>, 2008

Date 2/13/08

Eric W Perkins SF 16  
State Forester - Authorized Representative

*As provided in ORS 527.700(1), any operator, timber owner or landowner affected by a finding or order of the State Forester issued under ORS 527.610 to 527.730 may request a hearing within 30 days of the issuance of the order. The request for a hearing shall be in writing and must include a specific statement as to the reasons for disputing the State Forester's order, including but not limited to disagreement with any findings leading to the order. In addition, the request for hearing shall state what relief from the order is sought.*

*Failure of the person requesting the hearing to appear at the hearing shall be deemed a default and shall result in a final order being entered upon a prima facie case made on the record of the agency.*

*This notice becomes a final order unless the above-named party makes a written request for a hearing within 30 days from the date of service or mailing of the notice.*

TIMBER OWNER

RECEIVED

FEB 17 2008

PLANNING DIVISION  
Land Use & Transportation

SERVICE STATEMENT

**RE: In the Matter of Eric J Kuehne, Notice of Violation, Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition  
Case No. 07-FG058**

I **HEREBY CERTIFY** that I have made service of copies of the foregoing Notice of Violation and Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition upon the following party by causing them to be delivered in person at Forest Grove District Office, on February 13, 2008.

Eric W Perkins 2/13/08

Eric Perkins  
Forest Grove District  
(503) 359-7437

Eric J Kuehne 2-13-08

Eric J Kuehne

629-1-1-1-001  
629-6-3-1-001

**07-FG058**  
**OREGON DEPARTMENT OF FORESTRY**  
**NOTICE OF VIOLATION/CITATION**

9/95 1M

STATE OF OREGON

County of Washington District Forest Grove Operation No. 07-531-21159

**THE UNDERSIGNED STATE FOREST OFFICER CERTIFIES AND SAYS:**

THAT ON THE 17<sup>th</sup> DAY OF October 2007 AT 9:00 O'CLOCK A M

AT (location) 3 miles north of Newberg, Southeast of Neill Rd

SE 1/4 SE 1/4 section 32, T2S, R2W, W.M.  
(legal description)

NAME Kuehne Eric J  
LAST FIRST MIDDLE

RES. ADD. 13140 A NE Kuehne Road

CITY Carlton STATE Oregon ZIP 97111 PHONE (503) 852-7551

BUS. ADD. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

DATE OF BIRTH 4/6/81 OCCUPATION Farming SEX M

DID THEN AND THERE UNLAWFULLY COMMIT THE FOLLOWING OFFENSE: <u>Failed to notify the State Forester prior to commencement of an operation.</u>
IN VIOLATION OF ORS <u>527.670 (6)</u> OAR NO. _____
RESULTING IN THE FOLLOWING UNSATISFACTORY CONDITION: 

DATE SERVED 2/13/08 OFFICER Eric W Perkins NO. 16

COURT APPEARANCE NOT REQUIRED  
 APPEAR IN  JUSTICE  DISTRICT COURT

ON: \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_ M

LOCATED AT Landowner: Eric J Kuehne  
Timber Owner: Eric J Kuehne

**READ CAREFULLY**  
This is not a complaint or an information. One may be filed and you will be provided a copy thereof at the time of your first appearance. You MUST appear in court at the time set. IF YOU FAIL TO APPEAR AND A COMPLAINT OR INFORMATION HAS BEEN FILED, THE COURT WILL IMMEDIATELY ISSUE A WARRANT FOR YOUR ARREST.

STATE OF OREGON  
DEPARTMENT OF FORESTRY

TO: Eric J Kuehne

ORDER TO CEASE FURTHER VIOLATION

Pursuant to ORS 527.680(2), you are hereby directed to cease further violation of ORS  
527.670 (b) which requires that An operator, timber owner  
or landowner, before commencing an operation, shall  
notify the State Forester

ORDER TO REPAIR DAMAGE OR CORRECT UNSATISFACTORY CONDITION CAUSED BY VIOLATION

You are hereby directed to take the following action to repair damage or correct the unsatisfactory condition resulting from violation of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Such action is to be completed on or before \_\_\_\_\_

Date 2/13/08 Eric W. Perkins SF 16  
State Forester - Authorized Representative

*As provided in ORS 527.700(1), any operator, timber owner or landowner affected by a finding or order of the State Forester issued under ORS 527.610 to 527.730 may request a hearing within 30 days of the issuance of the order. The request for a hearing shall be in writing and must include a specific statement as to the reasons for disputing the State Forester's order, including but not limited to disagreement with any findings leading to the order. In addition, the request for hearing shall state what relief from the order is sought. Failure of the person requesting the hearing to appear at the hearing shall be deemed a default and shall result in a final order being entered upon a prima facie case made on the record of the agency. This notice becomes a final order unless the above-named party makes a written request for a hearing within 30 days from the date of service or mailing of the notice.*

TIMBER OWNER

Joy Chang

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Saturday, February 09, 2008 7:58 AM  
**To:** Eric Urstadt  
**Cc:** heather reynolds, Warren Krager  
**Subject:** Re. Keuhne 2/8/08 trip report

**Attachments:** att41314.vcf



att41314.vcf (246  
B)

Eric: Your message below is a good summary of the scope of work and what needs to be done, prior to the 3/19 hearing. Remember that the March hearing will be a continuance of the 2/19 hearing, therefore I now can update the Commissioners as to what we are going to do to solve the problems.

Regards

Bruce Vincent

Eric Urstadt wrote:

> Folks,  
> This was my read on the meeting. The major areas are: creek crossing  
> and culvert size, sidecast material, fills by landing, and cutslope  
> above landing effecting neighbor, and potentially suitability of  
> landing for future dwelling site.  
>  
> Some cutslopes seemed steeper than what Kofi would normally allow, and  
> I forgot to mention that. Warren, I assume you can address that or  
> tell us what cutslope to reconstruct to.  
>  
> Stuntzer (SEF) is to go do fieldwork for survey to create a  
> topographic map to illustrate road, cuts, fills, the landing, and a  
> detail of the creek. This is for the purpose of creating a  
> preliminary design for the purposes of the Mar 19 County meeting. In  
> that meeting Bruce wants to have enough information to tell WACO that:  
>  
> 1. Keuhne realizes he erred  
> 2. Keuhne has done XX work toward fixing it  
> 3. The fix can be done, and  
> 4. Keuhne knows what steps he will need to go through and is  
> prepared to do it.  
>  
> So for the Mar 19 we will try to have topo and plan and profile of  
> existing road. Then probably some cross-sections in the areas that  
> need to be fixed. Chinook and SEF can get together to sketch in  
> proposed revised cross-sections for the repairs. Chinook and SEF can  
> work together to describe possible fixes, how to implement  
> (construction method and construction monitoring), and how to prove to  
> Kofi that it will all stay put.  
>  
> I think this will be enough for Mar 19th; no final stuff needed. Mar  
> 19th is a pretty fast track and we will try to hit it. Warren, expect  
> some time for you at least in late Febr, early Mar. so we can get  
> possible solutions sketched and construction methods drafted.  
>  
> Chinook will be working on geotechnical report and geologic stability,  
> but I'm not sure Bruce needs that for Mar 19th.  
>

> Bruce is working an access permits to County road and sight distance  
> or whatever is needed.  
>  
> Bruce may call in wetland/biologist to get read on what is likely  
> needed for any impacts on the Sig Nat Resource (SNR). SEF will do  
> hydrology to size pipe eventually, but not likely for Mar 19th  
> meeting. The culvert may need to be designed for fish passage. Maybe  
> it is worth while to see if ODFW can come out and state if fish  
> presence or fish passage is required.  
>  
> I thought Eric K. should add a number of more waterbars on the road  
> to prevent water from accumulating in the ditch and becoming an  
> erosion problem. Warren thought the worst sidecast area should be  
> covered with plastic, as that should prevent more damage and would  
> show good faith towards stopping more erosion.  
>  
> Warren thought the upper cutslope was not endangering the upper house,  
> but needs to do work to prove it to Kofi, but I don't think that needs  
> to be done before Mar 19th.  
>  
> SEF might be able to help with working with Or. Dept. Forestry (ODF)  
> to get them back on track.  
>  
> That's all I can think of for now.  
>  
> PS: Heather works for Chinook, right?  
>  
> Eric Urstadt, PE, PLS  
> Stuntzner Engineering & Forestry, LLC  
> 2137 19th Ave., Forest Grove, OR 97116  
> 503-357-5717 (office)  
> 503-357-5698 (fax)  
> 503-312-3931 (cell)

Joy Chang

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Tuesday, February 19, 2008 5:12 PM  
**To:** Eric Urstadt; Warren Kraeger; Eric Kuehne  
**Subject:** Checking in on the Kuehne Project

**Attachments:** scanned cite 059.pdf, att41314.vcf



scanned cite  
059.pdf (2 MB)



att41314.vcf (246  
B)

Gentlemen: All went well today; the Board of Commissioners unanimously agreed to continue the hearing until Tuesday, March 18th @ 10:00AM. Mark that date on your calender. I want to have both of you there at that hearing to answer questions if they come up. I will be the "master of ceremonies" but I need the team there to provide "expert witness" testimony if the need arises. Here are my goals:

1. By no later than 3/11/08, a signed and stamped preliminary report from Eric U and Warren documenting the identified problems, and a methodology/recommendations as to how to solve those problems.
2. By no later than 3/11/08, a plan and profile of the driveway with cut and fill estimates and identifying the "problem area" on the plan view map.

In the alternative to 1 and 2 above, at least a plan and profile map and both of you would be prepared by 3/18 to give a brief report on your work.

Other matters:

1. Eric and I met with Eric Perkins @ ODF and the meeting was cordial. Our impression is that ODF wants to work with us to solve these problems. Eric was issued three citations. I have attached the most important one here, and I will send the other two in a follow-up e-mail. These citations are a good road map to follow with regard to what needs to be done to make ODF happy.
2. Eric U: I read your e-mail about shocking the fish, (if any), in the creek and thus determining whether Heaton Creek for that portion within the Keuhne ownership is fish bearing or not. Please provide Eric K with a cost estimate for that work, including your work with the Salem ODF office to get them to acknowledge that a reclassification is OK with them.
3. I am in pursuit of Randy Cunningham of Dev Review Services to provide me with a bid for wetland/wildlife work on the project. No luck on that front yet.

Regards

Bruce Vincent

Joy Chang

---

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Wednesday, February 20, 2008 10:11 AM  
**To:** Eric Urstadt  
**Cc:** Eric Kuehne; Warren Kraeger; Steve Olson  
**Subject:** Re: Checking in on the Kuehne Project

**Attachments:** att41314.vcf



att41314.vcf (246  
B)

Eric: Thanks for the update-I assume that the goal dates I stated below or OK? Please advise. You are right, I wouldn't waste my time fishing there.....

Bruce Vincent

Eric Urstadt wrote:

> Folks,  
> We have completed what we think is all the fieldwork to prepare a base  
> map. The next job is creating the topographic base map from the data.  
>  
> The next step in the plan is for Steve Olson of our firm to create a  
> plan & profile for the existing road situation. This will be uses to  
> estimate cut and fill already done. We can use the plan and profile  
> with Chinook to sketch in the solutions to the issues, but not do  
> final design. This is what we plan to present in March.  
>  
> The fish shocking we can do for around \$1500 including negotiating  
> with ODF and ODF/W to accept our work. We have done lots of this  
> without killing fish, which means we are in very good standing with  
> ODF/W, I'm told. We would make sure they will take our data first,  
> which I don't think is any problem. What I'm not sure of is if there  
> is fish, but I know I wouldn't waste time with a fishing pole out there.  
>  
> The meeting on March 18 is OK. I will be there for another project,  
> so I'll be there anyway.  
>  
> ----- Original Message -----  
> From: "bruce vincent" <att41314@attglobal.net  
> <mailto:att41314@attglobal.net>>  
> To: "Eric Urstadt" <ericurstadt@stuntzner.com  
> <mailto:ericurstadt@stuntzner.com>>; "Warren Kraeger"  
> <warren@chinookgeoservices.com  
> <mailto:warren@chinookgeoservices.com>>; "Eric Kuehne"  
> <reyn782003@yahoo.com <mailto:reyn782003@yahoo.com>>  
> Sent: Tuesday, February 19, 2008 5:12 PM  
> Subject: Checking in on the Kuehne Project  
>  
> > Gentlemen: All went well today: the Board of Commissioners unanimously  
> > agreed to continue the hearing until Tuesday, March 18th @ 10:00AM.  
> > Mark  
> > that date on your calender. I want to have both of you there at that  
> > hearing to answer questions if they come up. I will be the "master of  
> > ceremonies" but I need the team there to provide "expert witness"  
> > testimony if the need arises. Here are my goals:  
> >  
> > 1. By no later than 3/11/08, a signed and stamped preliminary report  
> > from Eric U and Warren documenting the identified problems, and a  
> > methodology/recommendations as to how to solve those problems.

> > 2. By no later than 3/11/08, a plan and profile of the driveway with  
> > cut and fill estimates and identifying the "problem area" on the  
> > plan view map.

> > In the alternative to 1 and 2 above, at least a plan and profile map  
> > and  
> > both of you would be prepared by 3/18 to give a brief report on your  
> > work.

> > Other matters:

- > > 1. Eric and I met with Eric Perkins @ ODF and the meeting was  
> > cordial. Our impression is that ODF wants to work with us to  
> > solve these problems. Eric was issued three citations. I have  
> > attached the most important one here, and I will send the other  
> > two in a follow-up e-mail. These citations are a good road map to  
> > follow with regard to what needs to be done to make ODF happy.
- > > 2. Eric U: I read your e-mail about shocking the fish, (if any), in  
> > the creek and thus determining whether Heaton Creek for that  
> > portion within the Keuhne ownership is fish bearing or not. Please  
> > provide Eric K with a cost estimate for that work, including your  
> > work with the Salem ODF office to get them to acknowledge that a  
> > reclassification is OK with them.
- > > 3. I am in pursuit of Randy Cunningham of Dev Review Services to  
> > provide me with a bid for wetland/wildlife work on the project. No  
> > luck on that front yet.

> > Regards

> > Bruce Vincent

## Joy Chang

---

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Wednesday, February 27, 2008 4:37 PM  
**To:** Eric Urstadt  
**Cc:** Eric Kuehne; Warren Kraeger; Steve Olson  
**Subject:** Re: Kuehne - update survey done, design started

**Attachments:** att41314.vcf



att41314.vcf (246  
B)

Eric: Thanks for the update. FYI Martin Schott and I are doing a site walk Friday AM (2/29) so he can get started on his preliminary work.

Bruce Vincent

Eric Urstadt wrote:

> Folks,  
> We have the topo map and existing road alignment looking pretty good.  
> I am having cross sections of critical areas be drawn. I figure  
> Warren can sketch what he wants done on them. We could meet up and  
> get preliminary ideas done fairly quick I presume.  
> For example,  
>  
> \* sketch in a dashed line where fill needs to be pulled back,  
> \* or where cutslopes adjusted if needed,  
> \* new fill lines for creek crossing, and  
> \* possible retaining walls.  
>  
>  
> Our guy is placing fire marshal turnouts where available. We do not  
> know if grade or turnouts meet the fire marshal's specs, but he  
> already looked at the driveway I believe so grade should not be an  
> issue.  
>  
> I hope to have a product that will show that we are moving along and  
> know what is needed to be done, but not the full design even close to  
> done. We're maybe a week from that I hope.  
> Eric  
>  
> ----- Original Message -----  
> From: "bruce vincent" <att41314@attglobal.net  
> <mailto:att41314@attglobal.net>>  
> To: "Eric Urstadt" <ericurstadt@stuntzner.com  
> <mailto:ericurstadt@stuntzner.com>>  
> Cc: "Eric Kuehne" <reyn782003@yahoo.com  
> <mailto:reyn782003@yahoo.com>>; "Warren Kraeger"  
> <warren@chinookgeoservices.com  
> <mailto:warren@chinookgeoservices.com>>; "Steve Olson"  
> <steveolson@stuntzner.com <mailto:steveolson@stuntzner.com>>  
> Sent: Tuesday, February 26, 2008 11:04 AM  
> Subject: Re: Checking in on the Kuehne Project  
>  
> > All: I am checking in to see if everyone is on track to produce the  
> > work as per this earlier message-Please advise.  
> >  
> > Please also direct all comments and discussion of this project to me.  
> > Eric K is n fact your client, but I have been hired to "manage" this  
> > project.  
> >

> > FYI, Eric has hired Martin Schott to do some preliminary investigation  
> > as to the quantity and quality of the Heaton Creek riparian area. My  
> > strategy is to have another "expert" available at the hearing to  
> address  
> > any Board questions that we full well know are matters that are outside  
> > the scope of the ODF permit, and for that matter a Plan Amendment  
> > hearing. There seems to be some confusion as to why I have decided to  
> > launch on this now, however, the point of Martin's work is to show that  
> > we "get it" and that when we do get through this Plan Amendment  
> process,  
> > we can then in fact comply with the zoning code requirements for a  
> > forest dwelling. I hope that may clear up any confusion as to the "why".  
> >  
> > Bruce Vincent  
> >  
> > Eric Urstadt wrote:  
> >> Folks,  
> >> We have completed what we think is all the fieldwork to prepare a base  
> >> map. The next job is creating the topographic base map from the data.  
> >>  
> >> The next step in the plan is for Steve Olson of our firm to create a  
> >> plan & profile for the existing road situation. This will be uses to  
> >> estimate cut and fill already done. We can use the plan and profile  
> >> with Chinook to sketch in the solutions to the issues, but not do  
> >> final design. This is what we plan to present in March.  
> >>  
> >> The fish shocking we can do for around \$1500 including negotiating  
> >> with ODF and ODF/W to accept our work. We have done lots of this  
> >> without killing fish, which means we are in very good standing with  
> >> ODF/W, I'm told. We would make sure they will take our data first,  
> >> which I don't think is any problem. What I'm not sure of is if there  
> >> is fish, but I know I wouldn't waste time with a fishing pole out  
> >> there.  
> >>  
> >> The meeting on March 18 is OK. I will be there for another project,  
> >> so I'll be there anyway.  
> >>  
> >> ----- Original Message -----  
> >> From: "bruce vincent" <att41314@attglobal.net  
> <mailto:att41314@attglobal.net>  
> >> <mailto:att41314@attglobal.net>>  
> >> To: "Eric Urstadt" <ericurstadt@stuntzner.com  
> <mailto:ericurstadt@stuntzner.com>  
> >> <mailto:ericurstadt@stuntzner.com>>; "Warren Kraeger"  
> >> <warren@chinookgeoservices.com <mailto:warren@chinookgeoservices.com>  
> >> <mailto:warren@chinookgeoservices.com>>; "Eric Kuehne"  
> >> <reyn782003@yahoo.com <mailto:reyn782003@yahoo.com>  
> <mailto:reyn782003@yahoo.com>>  
> >> Sent: Tuesday, February 19, 2008 5:12 PM  
> >> Subject: Checking in on the Kuehne Project  
> >>  
> >> > Gentlemen: All went well today: the Board of Commissioners  
> > > unanimously  
> >> > agreed to continue the hearing until Tuesday, March 18th @ 10:00AM.  
> >> > Mark  
> >> > that date on your calender. I want to have both of you there at that  
> >> > hearing to answer questions if they come up. I will be the "master of  
> >> > ceremonies" but I need the team there to provide "expert witness"  
> >> > testimony if the need arises. Here are my goals:  
> >> >  
> >> > 1. By no later than 3/11/08, a signed and stamped preliminary  
> > > report  
> >> > from Eric U and Warren documenting the identified problems,  
> > > and a  
> >> > methodology/recommendations as to how to solve those problems.  
> >> > 2. By no later than 3/11/08, a plan and profile of the  
> > > driveway with

> >> > cut and fill estimates and identifying the "problem area" on the  
> >> > plan view map.  
> >> >  
> >> > In the alternative to 1 and 2 above, at least a plan and profile map  
> >> and  
> >> > both of you would be prepared by 3/18 to give a brief report on your  
> >> work.  
> >> >  
> >> > Other matters:  
> >> >  
> >> > 1. Eric and I met with Eric Perkins @ ODF and the meeting was  
> >> > cordial. Our impression is that ODF wants to work with us to  
> >> > solve these problems. Eric was issued three citations. I have  
> >> > attached the most important one here, and I will send the other  
> >> > two in a follow-up e-mail. These citations are a good road  
> map to  
> >> > follow with regard to what needs to be done to make ODF happy.  
> >> > 2. Eric U: I read your e-mail about shocking the fish, (if any), in  
> >> > the creek and thus determining whether Heaton Creek for that  
> >> > portion within the Keuhne ownership is fish bearing or not.  
> Please  
> >> > provide Eric K with a cost estimate for that work, including  
> your  
> >> > work with the Salem ODF office to get them to acknowledge that a  
> >> > reclassification is OK with them.  
> >> > 3. I am in pursuit of Randy Cunningham of Dev Review Services to  
> >> > rprovide me with a bid for wetland/wildlife work on the  
> project. No  
> >> > luck on that front yet.  
> >> >  
> >> > Regards  
> >> >  
> >> > Bruce Vincent  
> >> >  
> >> >  
> >  
> >

Joy Chang

---

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Thursday, February 28, 2008 2:23 PM  
**To:** Teri Heino  
**Cc:** Joy Chang; Steve Conway; Eric Kuehne  
**Subject:** Update on access permits 26800 SW Neill Road-TL 206, 211, Map 2S2-32 Eric Kuehne

**Attachments:** att41314.vcf



att41314.vcf (246  
B)

Teri: On 2/8/08 I submitted the above-mentioned access permits. A few days after the submittal, you called me to question the "whys" for these submittal. I explained the "whys" and requested that you talk with Steve Conway, because he was the one that suggested the access permit submittal in the first place. To date, I have not heard what is the status of those permits, and/or if the County has determined that we should take another course of action with regard to these existing access points. I must be able to report some progress on this issue @ the 3/18/08 Board hearing for the pending Plan Amendment-Please advise.

Regards

Bruce Vincent

## Joy Chang

---

**From:** bruce vincent [att41314@attglobal.net]  
**Sent:** Thursday, February 28, 2008 2:24 PM  
**To:** MIDDLETON Sandy L  
**Cc:** Eric Kuehne; Joy Chang  
**Subject:** Re: Follow up on Eric Kuehne ODF citations 07-FG058, 59, and 60

**Attachments:** att41314.vcf



att41314.vcf (246  
B)

Sandi: That's what I needed to know.....

Bruce Vincent

MIDDLETON Sandy L wrote:

> Bruce,  
>  
> This is not a quick process! The files have to route through several  
> people before they get to Salem. I checked and they have not arrived  
> here yet. I will let you know when I have some information.  
>  
> Sandy  
>  
> -----Original Message-----  
> From: bruce vincent [mailto:att41314@attglobal.net]  
> Sent: Thursday, February 28, 2008 2:05 PM  
> To: MIDDLETON Sandy L  
> Cc: Eric Kuehne  
> Subject: Re: Follow up on Eric Kuehne ODF citations 07-FG058, 59, and 60  
>  
> MIDDLETON Sandy L wrote:  
> Sandi: Just checking in-do you have news to report as to the citation  
> fine amounts? Please advise.  
>  
> Regards  
>  
> Bruce Vincent  
>  
>> Bruce,  
>>  
>> I got your message with attached email information to save to  
>>  
>> Contacts.  
>  
>> I spoke briefly with Eric Kuehne yesterday. I told him I would  
>> contact him when I know more--after we receive the case files in  
>>  
>> Salem.  
>  
>> Sandy Middleton  
>> Civil Penalty Specialist  
>> Private Forests  
>> (503) 945-7480  
>> smiddleton@odf.state.or.us  
>>  
>>  
>>  
>> -----Original Message-----  
>> From: bruce vincent [mailto:att41314@attglobal.net]

>> Sent: Wednesday, February 20, 2008 4:13 PM  
>> To: MIDDLETON Sandy L  
>> Subject: Follow up on Eric Kuehne ODF citations 07-FG058, 59, and 60  
>>  
>> Sandy: Just a test message and a follow up to our phone call  
>>  
> yesterday.  
>  
>> Regards  
>>  
>> Bruce Vincent, President  
>> Bedsaul/Vincent Consulting, LLC  
>> 825 NE 20th, Suite 300  
>> Portland, OR 97232  
>> 503-230-2119  
>>  
>>  
>>  
>>  
>  
>  
>  
>  
>

# LETTER OF TRANSMITTAL

Case File 07 - 550 - PA  
Exhibit B  
Page 89 of 113

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**DATE:** 3/11/2008  
**TO:** JOY CHANG, ASSOCIATE PLANNER, PLANNING DIV, DLUT  
**CC:**  
**FROM:** BRUCE VINCENT, BEDSAUL/VINCENT CONSULTING, LLC  
**RE:** ADDITIONAL EVIDENCE FOR 3/18/08 BOARD HEARING FOR CASE  
FILE 07-550-PA (KUEHNE/GERLACH)

---

At your request, I have included the following additional evidence to be entered into the above-captioned case file:

1. 15 copies of the 3/08/08 Civil Engineer's report from Stuntzner Engineering and Forestry that discusses methods to resolve the issues with grading, the roadway and culverted stream crossing.
2. 15 copies of the 3/07/08 Geo-technical Engineer's report from Chinook GeoServices that discusses methods to resolve the issues with grading, the roadway and culverted stream crossing.
3. 15 copies of the 2/08 site photos showing the covered cut slopes and clear conditions of Heaton Creek.

Please call me if you have any questions. (503-230-2119)

LAND SURVEYING PLANNING ENGINEERING WATER RIGHTS FORESTRY GPS & GIS



TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

*COOS BAY - FOREST GROVE - DALLAS - BROOKINGS*

March 11, 2008

Eric Kuehne  
13140 A NE Kuehne Road  
Carlton, OR 97111

RECEIVED

MAR 11 2008

LAND DEVELOPMENT SERVICES  
LAND USE & TRANSPORTATION

**Subject: Proposed corrective actions for summer 2007 grading on tax lots 206 & 211 of S32, T2S, R2W, WM**

Mr. Kuehne,

Background: The subject grading was done the summer of 2007 on the tract known as tax lots 206 and 211 of the tax map for Section 32, T2S, R2W. Two access roads for timber management were constructed and clearing of brush for reforestation purposes were accomplished by you (**Mr. Kuehne**) in the summer of 2007. Oregon Department of Forestry (**ODF**) notification process was accomplished. However, portions of the southern access road construction and a minor component of the clearing were done without an ODF "written plan" and therefore do not meet ODF regulations, and an ODF violation was issued. Note: because these activities were associated with a timber management activity, they are regulated by ODF and not Washington County Department of Land Use and Transportation (**WCDLUT**).

Complicating matters is the fact that the access roads could be used to access future potential homesites, and in that case the access road construction could be regulated by the WCDLUT. Mr. Kuehne has not received WCDLUT permits for the access roads and turn-around/equipment parking area grading and we fully expect this permit process will be required.

The southerly neighbor has complained in writing to WCDLUT that the excavation at the end of the southerly access road may destabilize their access road and/or home.

In January Mr. Kuehne contacted me with the goal of getting the site into compliance with applicable agencies. I visited with Mr. Kuehne on the site three times to go over a list what items that will need to be corrected and what steps will be needed to fix all of the problems. Per Mr. Kuehne's request Stuntzner Engineering & Forestry, LLC (**SEF**) has prepared this report documenting proposed methods to bring the grading on the site into compliance with applicable regulations.

Due to SEF's knowledge of the rigorous requirements of the Washington County Building Department (**Building Dept.**), especially pertaining to grading permits, Chinook GeoServices

Inc. (**Chinook**) has also been contracted by Mr. Kuehne to review all geological and geotechnical issues. Chinook's duty is to review all of SEF engineering plans and provide input and oversight as required for the geological and geotechnical portions of the project. Chinook has reviewed the included conceptual solutions and has verbally agreed that these solutions are feasible.

SEF and Chinook have visited the site and found the following issues with the grading that are expected to not meet ODF or WCDLUT regulations. The following list of issues came from:

- (1) the Oct. 17<sup>th</sup> 2007 ODF violation and SEF's knowledge of ODF regulations,
- (2) the neighbor to the south's letter of concern that the uppermost cutbank may destabilize their turn-around/equipment parking area and/or road, and
- (3) SEF and Chinook experience with the WCDLUT regulations.

The first step in the analysis was a complete a topographic survey to create a base map from which the solution could be designed. In Feb. 2007 SEF accomplished the topographic survey of all of the subject grading, and created a plan, a profile, and cross sections in locations that need corrective action. These seven items are attached. The attachments consist of:

- a. Plan View of Southern Road
- b. Profile of Southern Road
- c. Cross section A-A (fish culvert)
- d. Cross section B-B (sidecast removal, possible excavation)
- e. Cross section C-C (southern neighbor's home and subject cutbank)
- f. Cross section D-D (sidecast removal, embankment reconstruction)
- g. Plan View Northern Road

Computer drawn lines are the existing condition, whereas the hand drawn lines identify the proposed solutions.

Below is a comprehensive list of all of the known issues and proposed solutions to achieve compliance to applicable regulations.

**1. The embankment and culvert in the fish stream for the access road going to the southern turn-around/equipment parking area. See Section A-A.**

Issues needing correction:

- a. ODF has required the culvert be designed to allow fish passage, and is it apparent the current culvert does not meet this standard.
- b. The culvert also must be designed to handle the larger 50-yr flow (per ODF regulations). Note that the WCDLUT code requires a lower (25-yr) flow for crossings in what is called a Drainage Hazard Areas (DHA's), so the 50-yr flow will be adhered to.
- c. The slope of the constructed embankment is too steep and may have woody debris in the embankment.

**Proposed solution:**

See Section A-A showing the current culvert and cross-section and conceptual solution. The proposed new culvert and cross-section are demarked in dashed lines.

{Note: the fish passage requirement is only applicable if there is actual fish presence. ODF does not have confirmation of fish presence and may remove this requirement if

evidence suitable to Oregon Department Fish and Wildlife (ODFW) is supplied that provides evidence that negates the assumption of fish presence. Mr. Kuehne is aware of this and is considering an option to hire a consultant to determine the actual limits of fish presence in the stream. Should the assumption of fish presence be negated, it is expected that the fish passage requirements for the culvert would be waived by both ODF and WCDLUT and those portions of this solution would be no longer applicable.)

SEF shall prepare a culvert design to allow for fish passage and to handle the 50-yr flow. Since ODF defers to ODFW for fish passage requirements, the culvert design will meet ODFW fish passage requirements. SEF will prepare required Grading and Erosion Control (G&E) application for Building Dept.

The old culvert will need to be removed and replaced with a new culvert per SEF specifications. The embankment will need to be removed to replace the culvert, and at this time embankment material will be examined for woody debris. A temporary storage area and or waste area will need to be designated; it is expected that either the southern turn-around/equipment parking area and access road or the gentle slopes on the west side of the tract can be used for this temporary storage/waste area. If determined to be suitable the material will be replaced around the new culvert and compacted per SEF and/or Chinook specifications. If borrow material is needed for this embankment, soil from excavation in issue 2 below will be used. The finished embankment slopes will be seeded and mulched to minimize erosion per SEF specifications. Any material remaining in the temporary soil storage area will be spread out as waste material, drained adequately and any will need to be reforested (replanted) to ODF reforestation standards next winter.

Steps needed:

- a. SEF complete culvert design for fish passage.
- b. SEF to get written approval by ODFW and ODF
- c. SEF to submit above items and re-construction plans, construction methods, and calculations to the Building Dept. with Chinook's geological/geotech report to obtain the Building Dept.'s G&E permits.
- d. Mr. Kuehne may need other agency approvals such as Army Corps and Division of State Lands, and the WCDLUT Significant Natural Resource code sections. SEF has been informed that a wetland/biologist has been hired to resolve these potential issues. SEF will aid as needed to provide information for those agencies.
- e. Mr. Kuehne may have restricted timeline when working in the fish stream. Chinook and SEF will need to have oversight of the construction and approve adjustments to designs, if needed.
- f. SEF will survey and provide as-built diagrams of the final grading.

**2. The embankment placed northwest of the access road to the southern turn-around/equipment parking area.**

Issue needing correction:

This embankment material was constructed using sidecast techniques on a steep slope above a fish stream. See Plan View Southern Road. The sidecast material is failing and

may eventually reduce the surface road width to below emergency vehicle access standards. The sidecast material may cause sedimentation of the fish stream, which is currently thought to be detrimental to the habitat for aquatic wildlife.

**Proposed solution:**

The entire volume of sidecast embankment material needs to be removed down to native soil. This will happen on all sidecast material from points "SC-start" to "SC-end" as shown on the plan view of the road to the southerly turn-around/equipment parking area.

A temporary storage area and or waste area will need to be designated; it is expected that either the southern turn-around/equipment parking area and access road or the gentle slopes on the west side of the tract can be used for this temporary storage/waste area. If determined to be suitable the temporarily stored material will be used as embankment material. Any material remaining in the temporary soil storage area will be spread out as waste material, drained adequately and the area will need to be reforested (replanted) to ODF reforestation standards next winter.

In some locations a new soil embankment could be constructed using proper benching and compacting techniques (per SEF/Chinook specifications) to provide the required road surface width needed to meet the Metro requirements for emergency vehicles (12 foot driving surface plus additional turnouts every 400 feet along road being 10 feet wide and 30 feet long). See Section D-D for example of this solution. The removed material may be suitable for this newly reconstructed embankment. If borrow material is needed for this embankment, soil from excavation described below will be used. Where suitable road width will be obtained, no further excavation or retaining walls will be needed. The finished embankment slopes will be seeded and mulched to minimize erosion per SEF specifications.

In other locations between said points SC-start and SC-end, the native ground slopes do not enable achieving the required road width without excavation or retaining walls. In those cases, more excavation or retaining walls will be designed to obtain adequate road width. See Section B-B for example of this solution. It is expected that new excavation will be used (over retaining wall structures) where it is practical, physically possible and where cutbanks will stay on the Kuehne tract. All embankments will be constructed using proper benching and compacting techniques (per SEF/Chinook specifications). All cut slopes for additional excavation on the ditch side of the road will be left at a slope per Chinook specifications. The finished embankment slopes will be seeded and mulched to minimize erosion per SEF specifications.

**Steps needed:**

- a. SEF complete re-design of southern access road.
- b. SEF to get approval of design from appropriate Fire Marshall
- c. SEF to get approval of design from Chinook.
- d. SEF to submit above items and re-construction plans, construction methods, and calculations to the Building Dept. with Chinook's geological/geotech report to obtain the Building Dept.'s Grading and Erosion Control Permit (**G&E**).
- e. Mr. Kuehne may need other agency approvals, such as Department of Environmental Quality Erosion Control permit (1200C), and SEF will aid as needed to provide information for those agencies.

- f. The reconstruction work may begin in early summer providing the Building Department permits are obtained by then.
  - g. SEF will survey and provide as-built diagrams of the final grading.
3. **The southerly neighbor has indicated they are concerned that the cutbank at the top of the southern turn-around/equipment parking area may destabilize their access road and/or home.**

Issue:

The southerly turn-around/equipment parking area was constructed by excavating a flat area shown on Section C-C. A cross section of the ground has been measured from the southerly turn-around/equipment parking area to the southern neighbor's access road and home. A good representative view of the typical soil profile can be viewed by looking at the cutbank in question. After field review of the soils and the topography of the situation, Chinook believes there is minimal potential hazard to the southern neighbor's access road or turn-around/equipment parking area and that no further study or analysis is required.

**Proposed solution:**

No corrective action is proposed. If the Building Dept. requires further documentation that the current situation is adequate, Chinook anticipates they can provide such additional study or calculations.

4. **The excavated material to create the turn-around/equipment parking area was placed east of the turn-around/equipment parking area for the road turnaround and parking areas. See Plan View - Southern Access Road - parking embankment area.**

Issue:

Chinook and SEF have observed the embankment areas and have questions Eric Kuehne as to how it was constructed. Mr. Kuehne stated that the fill had been benched and filled and compacted in layers; each layer being 1 foot or less in depth and compacted with passes of a dozer. No evidence of tension cracks were observed in the embankment. The embankment is at maximum slope of 2:1. For these reasons both SEF and Chinook feel that the embankment is constructed suitably, especially for the purposes of a roadway, turnaround, and parking areas and that no further work or study is needed.

**Proposed solution:**

No corrective action is proposed. However, should the Building Dept. require further rigorous study of this embankment, SEF and Chinook believe we can address whatever the Building Dept. will require.

Steps needed:

- a. SEF to contact Building Dept. and get written input on if further rigorous study will be required.
- b. If required, SEF and Chinook will prepare documents for Building Dept. review to obtain Building Dept. approval if needed. The plan, profile and cross sections will be included with the G&E application described in items 1 and 2 above.

5. **The grading for the northerly turn-around/equipment parking area. See Plan View Northern Road.**

Issue:

This access road was completed for timber operations. After review of alignment, grade, and road width, SEF believes the road would be adequate to meet all applicable regulations if an adequate depth of road rock is placed. However, should the Building Dept. require further rigorous study of this embankment, SEF and Chinook believe we can address whatever the Building Dept. will require.

**Proposed solution:**

Steps needed:

- c. SEF to get approval of existing alignment from appropriate Fire Marshall.
- d. SEF to contact Building Dept. and get written input on if further rigorous study will be required. If required, SEF will prepare and submit item "a." above with and plans, construction methods, and calculations to the Building Dept. with Chinook's geological/geotech report to obtain the Building Dept.'s Grading and Erosion Control Permit (**G&E**).
- e. Mr. Kuehne may need other agency approvals only if reconstruction is needed. This is not expected; however, if needed SEF will aid as needed to provide information for those agencies.
- f. Potential reconstruction work may begin in early summer providing the Building Department permits are obtained by then.
- g. Apply adequate depth of road surface rock to Chinook or SEF specifications.
- h. If applicable SEF will survey and provide as-built diagrams of the final grading.

6. **The vegetation disturbance near the intersection of the north tract line and the fish stream. This area is not shown on any of the plans.**

Issue: Mr. Kuehne used ground equipment to clear vegetation for site preparation to enhance survival of tree seedlings in his reforestation effort. The site had been logged before Mr. Kuehne's owned the land and had not been adequately reforested. During the scarification process, Mr. Kuehne disturbed vegetation and topsoil near the fish stream. Portions of the disturbance were a violation of ODF fish stream buffer regulations. An estimated 5 yards of soil and debris is situated on the eastern creek bank. The debris appears to likely fall directly into the creek. Any significant vegetative or soil disturbance in the fish stream buffer is also a violation of ODF regulations with an approved written plan (which was not obtained).

**Proposed solution:**

(Note: because these activities were associated with a timber management activity, they are regulated by ODF and not WCDDLUT.) SEF has reviewed the situation and expects that ODF will approve corrective action including removal of any unstable soil or debris from the creek banks, and installation of water bar(s) and placement of straw mulch to minimize erosion potential.

Steps needed:

- a. SEF to get approval of corrective action from ODF.
- b. SEF and/or ODF will document when adequate corrective action has occurred.

7. **The final subgrade of the access roads will need to have a proper rock surface to hold emergency vehicle and forestry equipment loads, and be drained to avoid soil erosion and to avoid high maintenance costs.** The details of this issue are not shown on any of the plans.

Issue:

The dirt subgrade, when complete will not be adequate for driving in wet weather. SEF and/or Chinook will specify a type and depth of gravel surfacing to make the roads all-weather and adequate for intended loads and uses. Runoff from areas above the roads will collect in the ditches. (Note: the current road subgrade does not have ditches or cross drains, but they should be installed. The grading for this work is minimal and is not consider significant enough to be shown on the plans. The cross drains will be specified in the G&E application) Cross drain culverts are placed to improve road prism drainage and lower maintenance costs. SEF will design and specify the location of needed cross drain culverts to lower maintenance costs for the road. SEF will specify that cross drain culverts have an apron of riprap to prevent erosion below the outlet of the culvert. SEF will oversee installation of needed cross drain culverts.

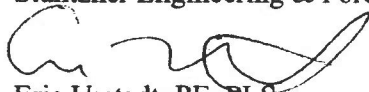
Steps needed:

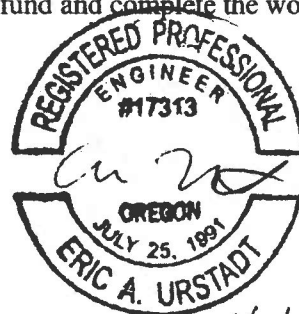
- a. SEF to design and specify cross drain culverts and locations.
- b. SEF to include all drainage and cross drains as part of the G&E application.
- c. SEF can complete a hydrologic or hydraulic analysis for the roads and ditches, but feels this is not necessary. If required by Building Dept., SEF expects it can provide adequate information to the Building Dept. to prove the specified items are adequate for whatever the Building Dept. has concerns for.
- d. SEF and/or Chinook will specify a suitable rock surface depth.
- e. SEF and/or Chinook will inspect the rock and depth and provide a letter of completion, if needed to the Building Dept.

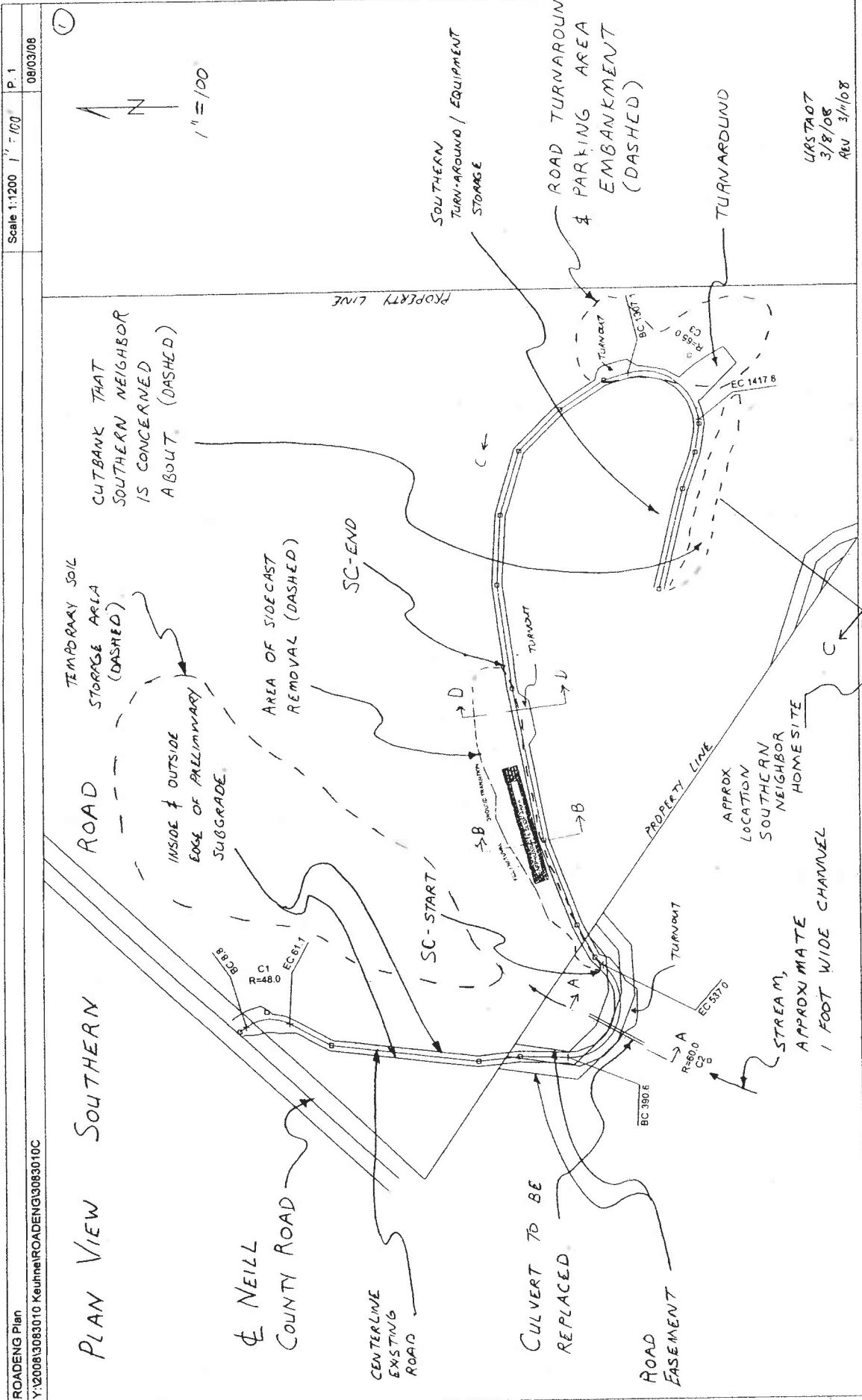
This list of issues and steps to correct the problems has been completed based on the topographic survey, three site visits, and discussions with Eric Kuehne, Bruce Vincent, and Chinook. I believe that the proposed solutions are both feasible and practical based on 21 years of experience in road and earthwork engineering and ODF regulations in western Oregon, and 10 years of experience is dealing with WCDLUT, state, federal permitting processes. I hope that the readers find that the report is as comprehensive as a preliminary design can be and realistic.

I have presented that likely solutions and magnitude of costs and timelines to Mr. Kuehne and Mr. Kuehne has represented to me that he fully expects to be able to fund and complete the work in a timely matter.

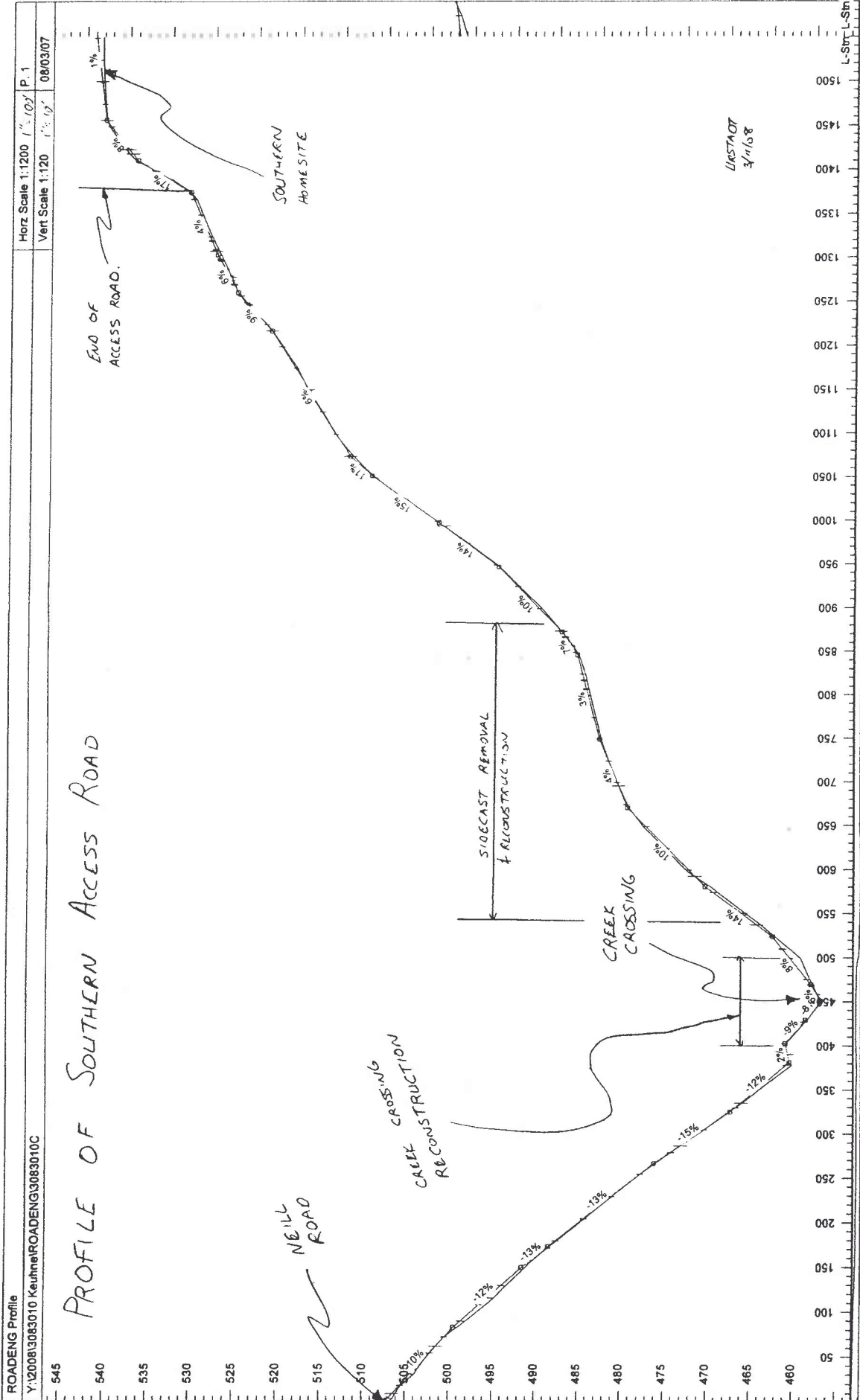
Sincerely,  
Stuntzner Engineering & Forestry, LLC

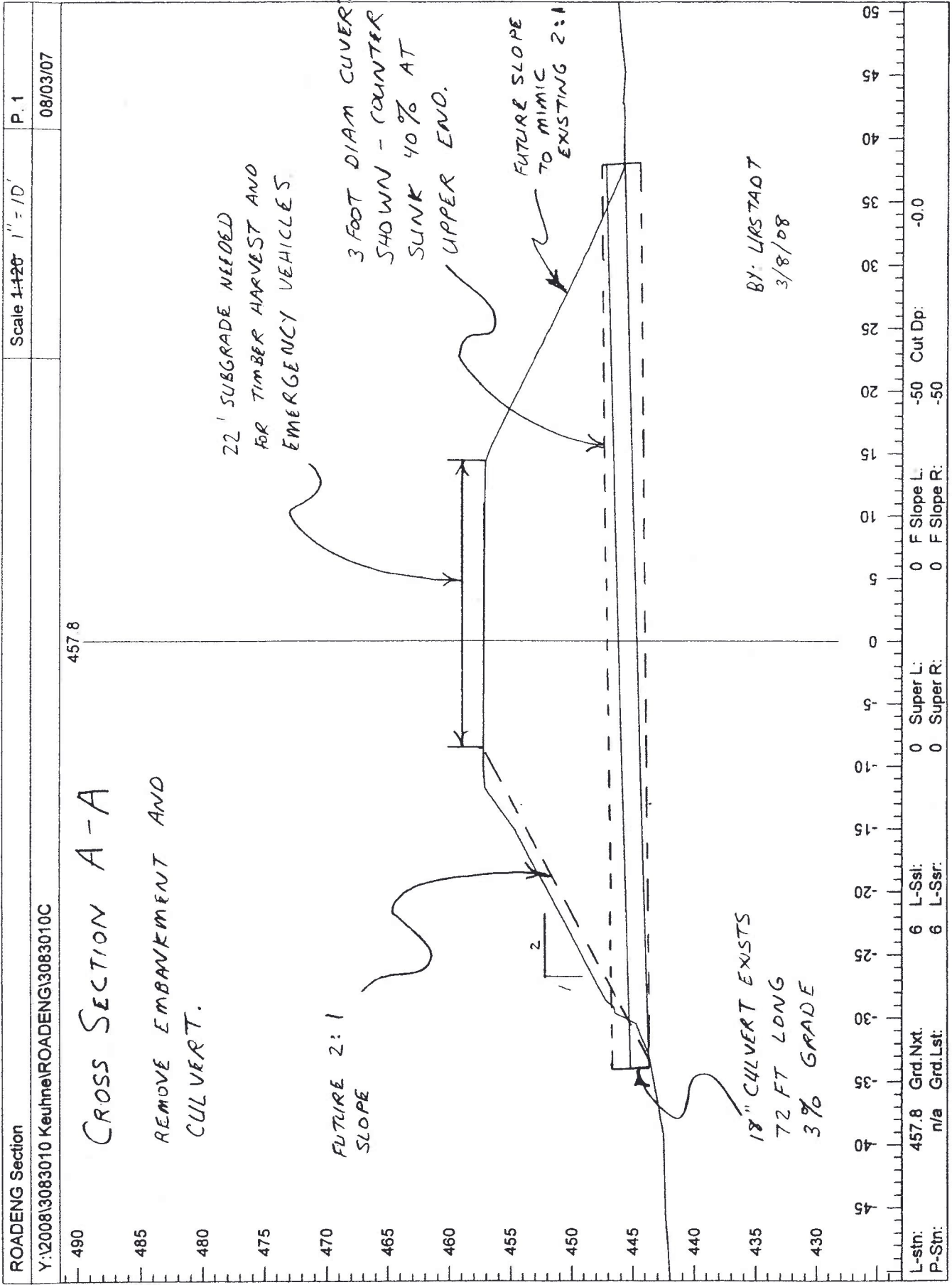
  
Eric Urstadt, PE, PLS



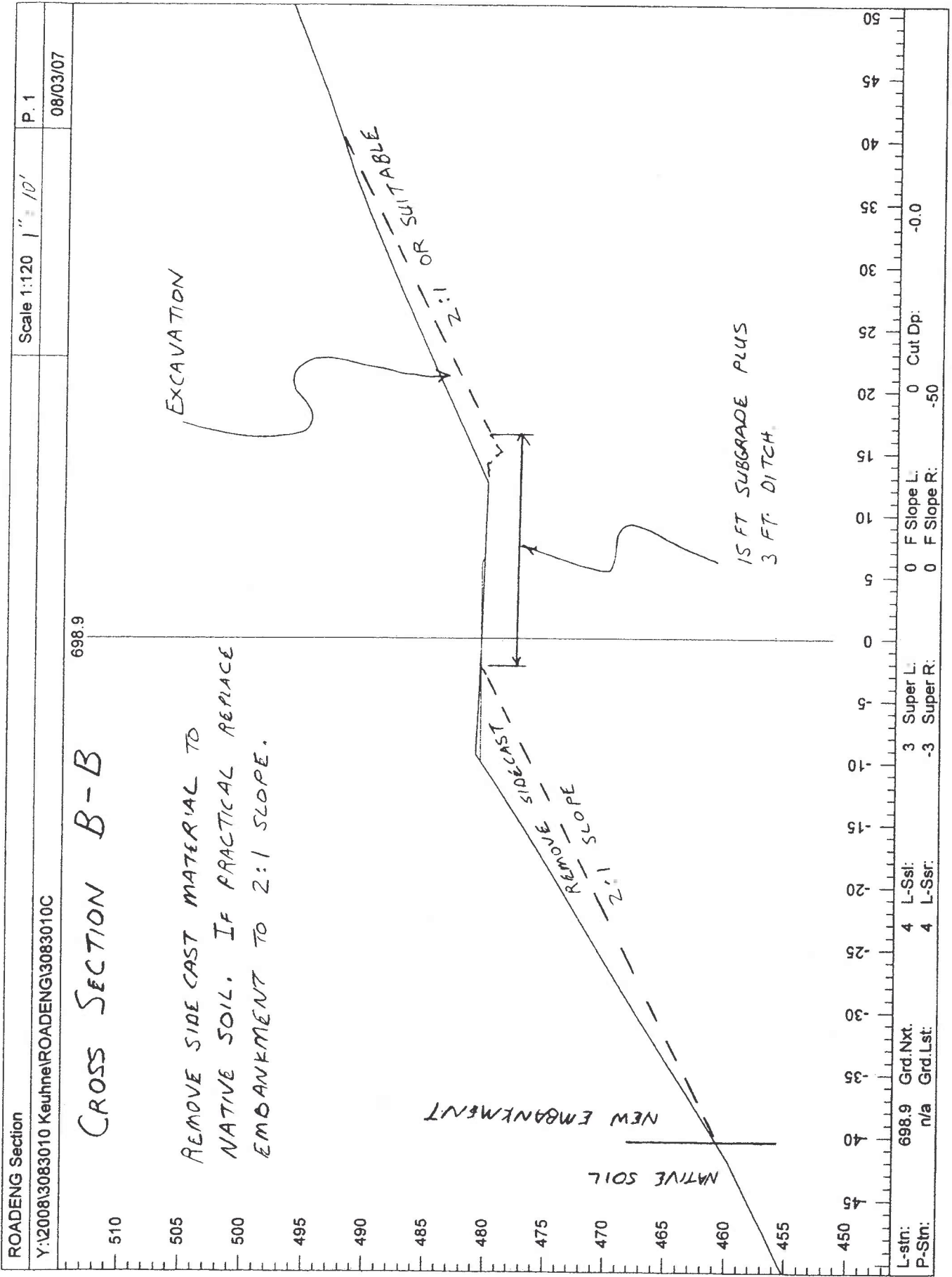


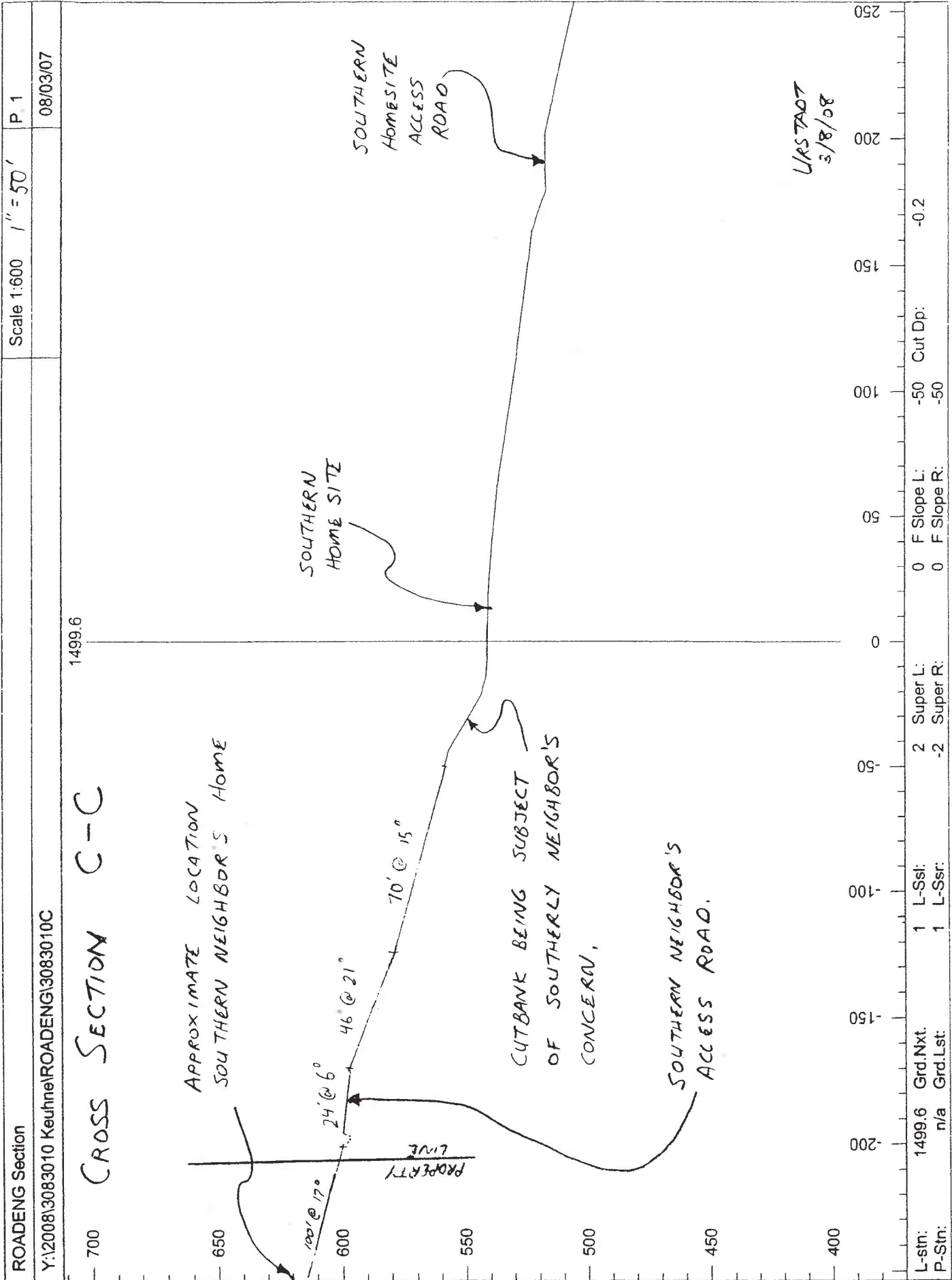
2

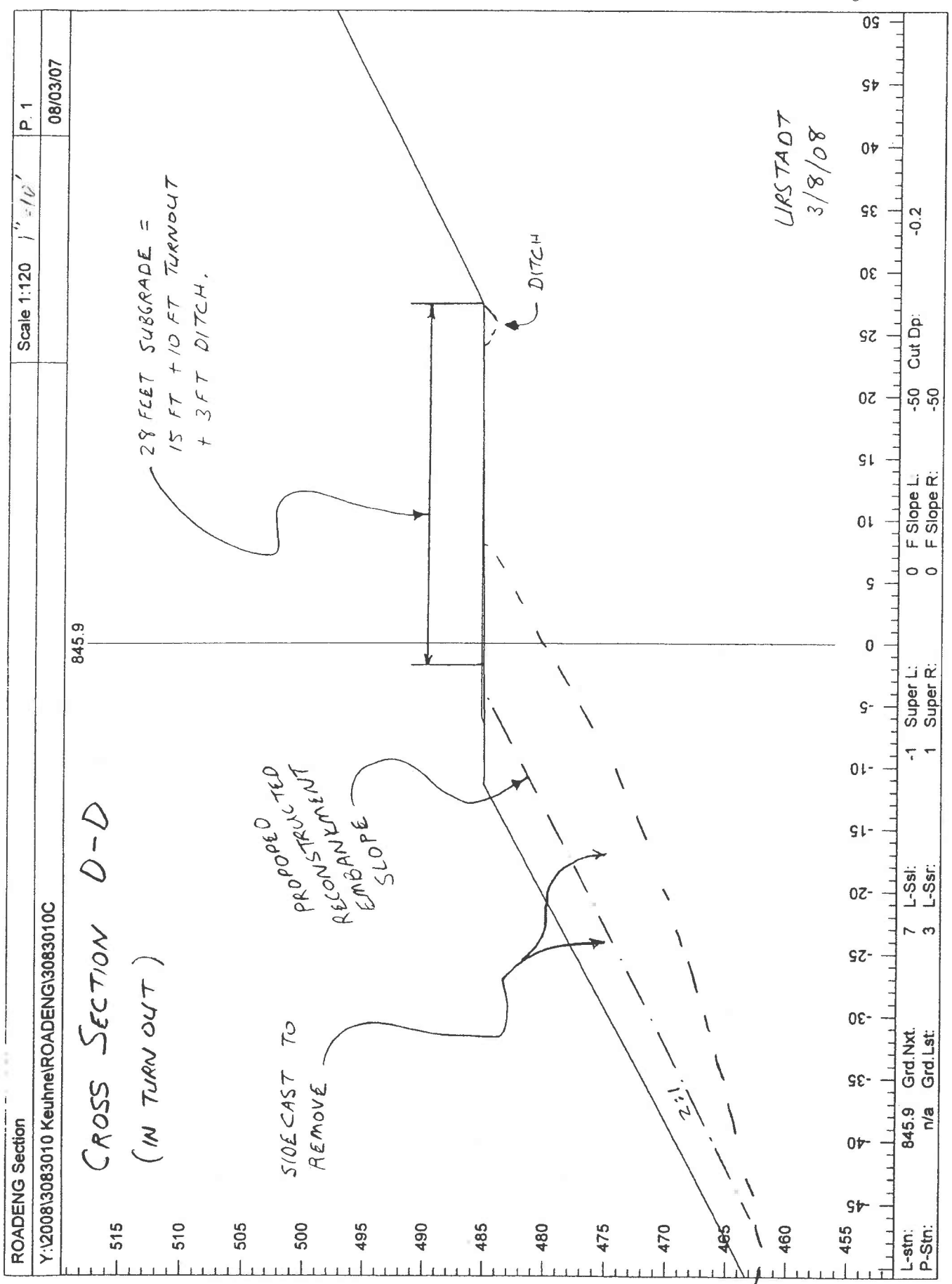




L-stn:	457.8	Grd.Nxt:	0	Super L:	0	F Slope L:	0	Cut Dp:	-0.0
P-Stn:	n/a	Grd.Lst:	6	Super R:	0	F Slope R:	0		

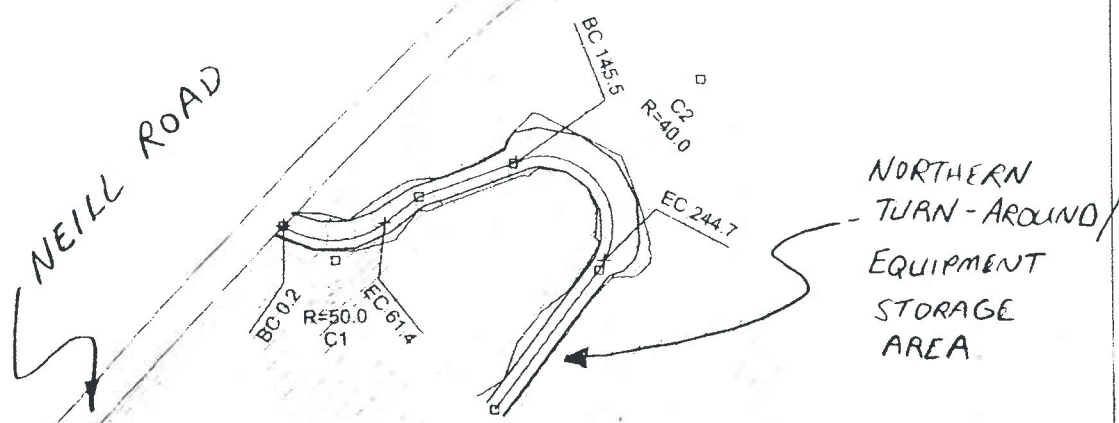




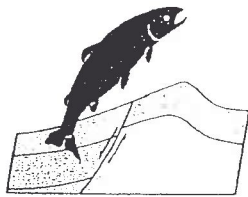


ROADENG Plan	Scale 1:1200 1" = 100'	P. 1
Y:\2008\3083010 Keuhne\ROADENG\3083010eastB		08/03/08

# PLAN VIEW NORTHERN ROAD



LIRSTADT  
3/8/08  
REV. 3/11/08



# Chinook GeoServices Inc.

March 7, 2008

Eric Kuehne  
13140 A Northeast Kuehne Road  
Carlton, Oregon 97111

RECEIVED  
MAR 11 2008  
LAND DEVELOPMENT SERVICES  
LAND USE & TRANSPORTATION

**Subject: Engineering Geologic Site Reconnaissance and  
Preliminary Geotechnical Engineering Recommendations  
for Roadway and Culvert Improvements  
Tax Lot 211, T2S R2W Sec 32,  
Washington County, Oregon  
CGI Report No. 08-034-2**

Dear Mr. Kuehne:

As requested by Eric Urstadt, P.E. of Stuntzner Engineering & Forestry, LLC, Warren Krager, R.G., C.E.G, Principal Engineering Geologist of Chinook GeoServices, Inc. (CGI) and Mr. Urstadt conducted an additional site visit on March 7, 2008, to more clearly observe existing grading conditions and to take approximate field measurements to assist in developing civil engineering grading plans to mitigate improper grading, slope stability, erosion and sedimentation concerns. During the initial visit to the property on February 8, 2008 with you, Eric Urstadt, P.E. and Bruce Vincent, several inches of snow covered the property, making it difficult to observe soil conditions

During this site visit we observed that the down stream face of the roadway embankment at the culvert creek crossing is oversteepened and marginally stable. The embankment crest on the shoulder of the roadway shows signs of tension cracks and soil sloughing. The embankment may contain buried wood, roots and organic debris which will decompose over time to create voids and potential for internal erosion, settlement, and further slope failure. Mr. Urstadt suggested that the 18 inch diameter culvert may not be sufficient to pass the design storm event without impoundment upstream of the embankment. The down stream end of the culvert is nearly buried under the toe of the embankment and woody debris, suggesting that the fill slope has failed or the culvert was too short upon installation. It is our recommendation that, at a minimum, the down steam face of the fill slope be excavated to remove sloughed soil, organic debris and topsoil to reach firm compacted embankment material approved by the geotechnical representative. The fill will need to be reconstructed as engineered fill with closely monitored non organic soil, moisture content, and compaction control. The new engineered fill will have to be benched and compacted horizontally into any remaining existing fill deemed suitable to remain in place by the geotechnical representative. If the fill cannot be reconstructed at a 2 horizontal to 1 vertical (2H:1V) slope to maintain the required roadway width it will be necessary to use engineered retaining walls or select coarse granular fill to reconstruct the embankment.

*Keuhne Property  
CGI Report No. 08-034-2  
March 7, 2008  
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If the entire culvert needs to be replaced with a larger or longer pipe we should be contacted for additional soil and compaction recommendations.

The filled portion of road width to the east beyond the creek crossing is currently undergoing embankment failure over a length of about 350 to 400 linear feet. Substantial portions of the failing embankment have been eroded toward and likely into the creek. At our earlier suggestion Eric Kuehne had covered a significant portion of the failing fill slope with plastic sheeting to reduce impact of additional moisture intrusion into the fill soil. This appears to have helped initially but is losing its effectiveness as the plastic has been torn and blown up in a few areas. In our opinion the plastic cover should be maintained until dry warm weather prevails. As recommended by Eric Urstadt, Mr. Kuehne had also excavated water bars to divert storm water runoff from the failed fill areas. The water bars appear to direct runoff to ungraded mildly natural sloped areas with little concern for erosion or instability.

In one area the road fill had been deeply eroded by concentrated storm water runoff prior to placement of the water bars. The gulch eroded through the fill shows that the silt and clay fill contains abundant roots and wood and the fill overlies additional wood debris and topsoil at the original ground surface. We also noted a dark colored soil swath running along the length of the roadway for a few hundred feet which we believe represents the original topsoil layer that was not stripped from the roadway fill area. Minor slump scarps (i.e. near vertical fissure at upslope area of rotational soil movement) and abundant tension cracks are visible on the fill slope. The toe of the fill slope is steepened beyond a 2H:1V grade. This oversteepened toe of the fill has formed a bulge or lobe that has pushed into and is overriding brush and trees below toe of the fill slope. The silt and clay fill soil is being eroded and transported toward the creek by stormwater flowing over the face of the fill.

Near the pull out area on the cut side of the road we noted a series of tension cracks in the road bed that define a crescent or arcuate shape. It is our interpretation that the curved series of tension cracks define the head scarp of a developing slump or rotational slope failure. The developing scarp reaches beyond the approximate center line of the roadway up to the cut/fill catch line. It is our opinion that much of the roadway fill has been improperly placed and is currently unstable. Our surficial field observations suggest that fill may have been placed with our proper stripping of organic topsoil and benching horizontally into the firm, non organic mineral soil. It is our opinion that the existing road fill will need to be reconstructed as engineered fill according to future design and plans of the civil engineer. Geotechnical engineering, and construction inspection and documentation will be required to rebuild the fill. It will be necessary to excavate much of the existing road fill and remove organic topsoil under the fill. This material should be loaded into dump trucks and removed from the roadway fill area completely. This embankment material can be stockpiled or spread and dried for reuse as moisture conditioned structural fill or placed as structural fill elsewhere on a mildly sloped portion of the property subject to advanced review by the civil and geotechnical engineer.

New fills on sloped areas should be benching horizontally into firm native ground. The Geotechnical Engineer or Engineering Geologist should be contacted to observe the fill slope benches, and placement and compaction of fills on slopes. Because of potential for seasonal

*Keuhne Property*  
*CGI Report No. 08-034-2*  
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*Page 3 of 4*

subsurface seepage conditions it is recommended that subsurface drains be installed in the excavated fill benches to allow subsurface drainage to the slope face. We should be contacted at the time of construction to field engineer and document the slope grading details, including observing that the subgrade of excavated benches is firm and suitable to accommodate compaction of new engineered fill and that the face of the fill slope has been adequately compacted.

We recommend that soil moisture content and Plasticity Index testing be conducted to evaluate on-site native soil properties to evaluate suitability of reuse of this material for new embankment. It may be necessary to import select granular fill material for portions of the embankment. In order to reuse the existing silt and clay as structural fill it will need to be moisture conditioned within about 2 percent of the optimum moisture content, and compact to 95% of its maximum dry density as determined in accordance with the Standard Proctor compaction test method, ASTM D 698. These are not complete geotechnical design and construction recommendations. We should be contacted for further recommendations and testing prior to commencement of earthwork construction during the dry season.

We also observed a cut slope near the southern margin of the property for slope stability concerns expressed by the neighboring property owner to the south. The cut slope is about 12 to 15 feet in height on and is inclined at a gradient of about 2H:1V. The cut slope located on the southern margin on a relatively level graded bench used a truck turn around and loading area. The soil profile exposed in the cut slope consists of about 2 feet of dark gray brown topsoil, 3 feet to 5 feet of medium brown low plasticity clayey silt interpreted as loess, and about 5 to 7 feet of reddish brown residual soil formed from complete decomposition of the underlying basaltic bedrock. Highly weathered fragments of vesicular basalt bedrock were exposed at the base at the base of the cut and at the level of the level graded area. In our opinion, this cut slope is stable as presently graded and does not pose a threat of future instability that might encroach onto the adjoining property to the south. In our opinion no further numerical slope stability analyses are warranted for this cut slope as it is underlain by stable, high strength bedrock. If future grading toward the southern property boundary is contemplated, we should be contacted in advance to consider possible slope stability concerns for the road and improvements on the adjacent property.

In our opinion, dry weather site grading to remove non-engineered fills and replacement of new structural fill slopes designed and inspected by the civil and geotechnical engineer will mitigate existing concerns for slope stability and erosion.

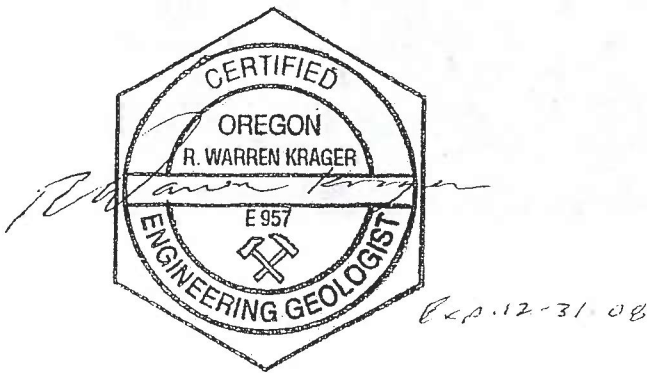
*Keuhne Property  
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March 7, 2008  
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**Limitations**

The engineering geologic and geotechnical engineering opinions and recommendations provided for this project have been conducted with that level of care, skill, and judgment ordinarily exercised by members of the professional community currently practicing in this area under similar budget and time restraints. No warranty, expressed or implied, is made.

If you have any questions, please call Warren Krager at (360) 695-8500.

Sincerely,  
**Chinook GeoServices, Inc.**



R. Warren Krager, R.G., C.E.G.  
Principal Engineering Geologist

Marcella Boyer, P.E., G.E.  
Principal Geotechnical Engineer

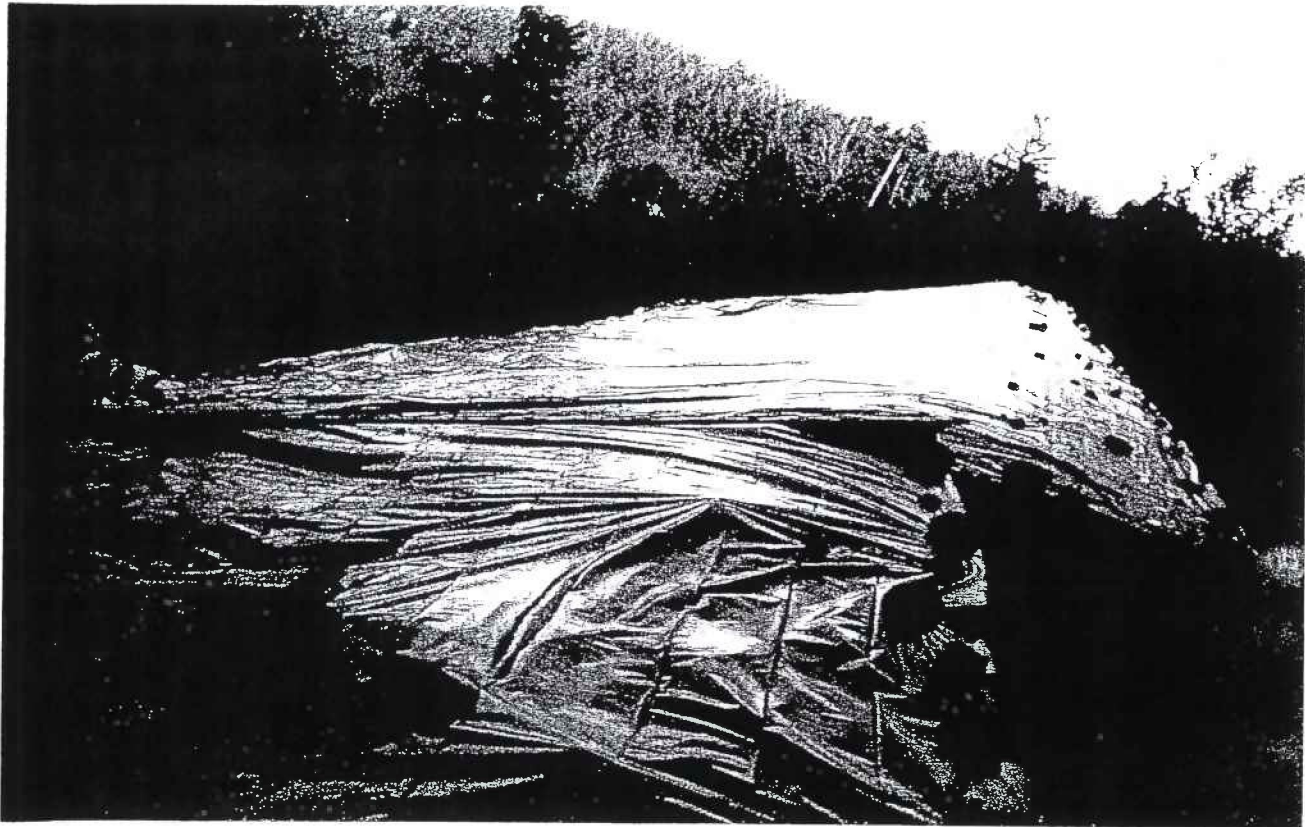
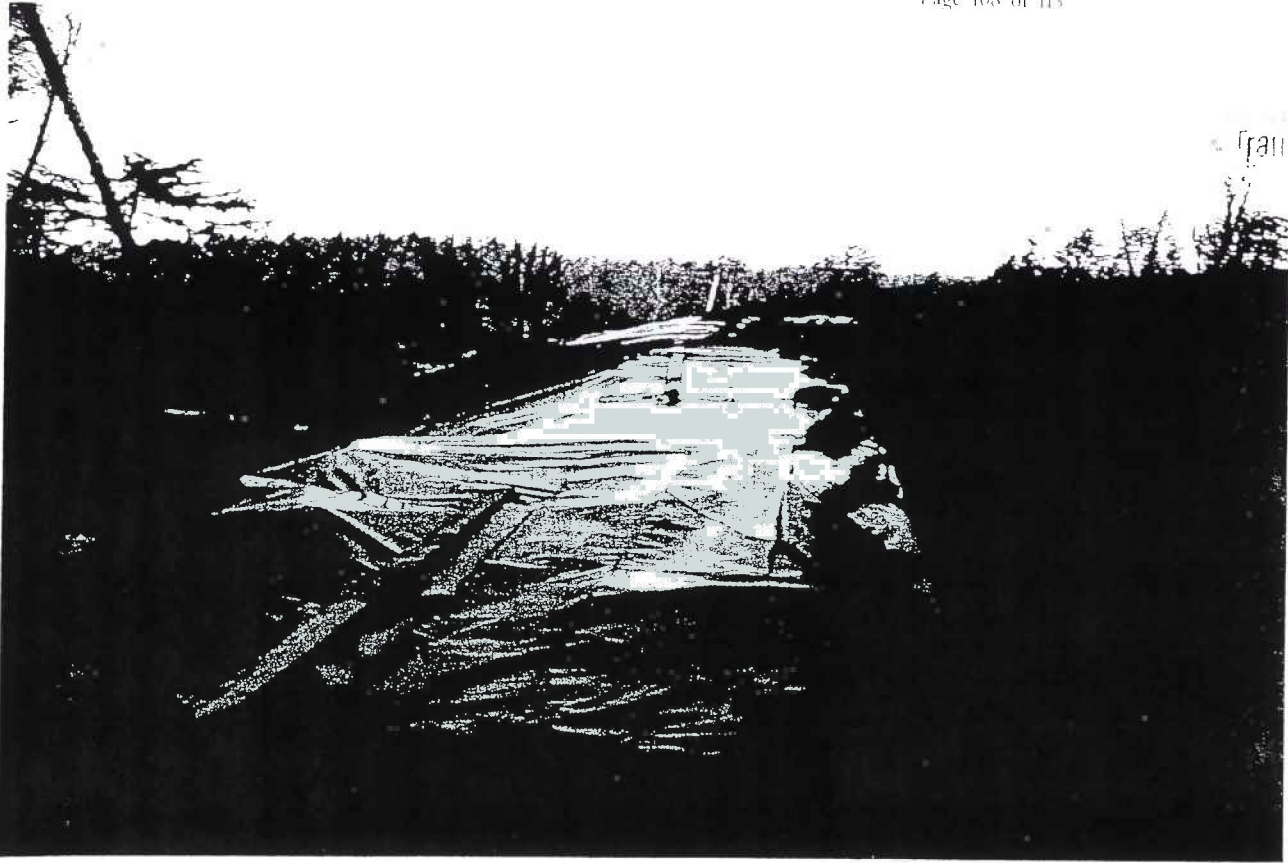
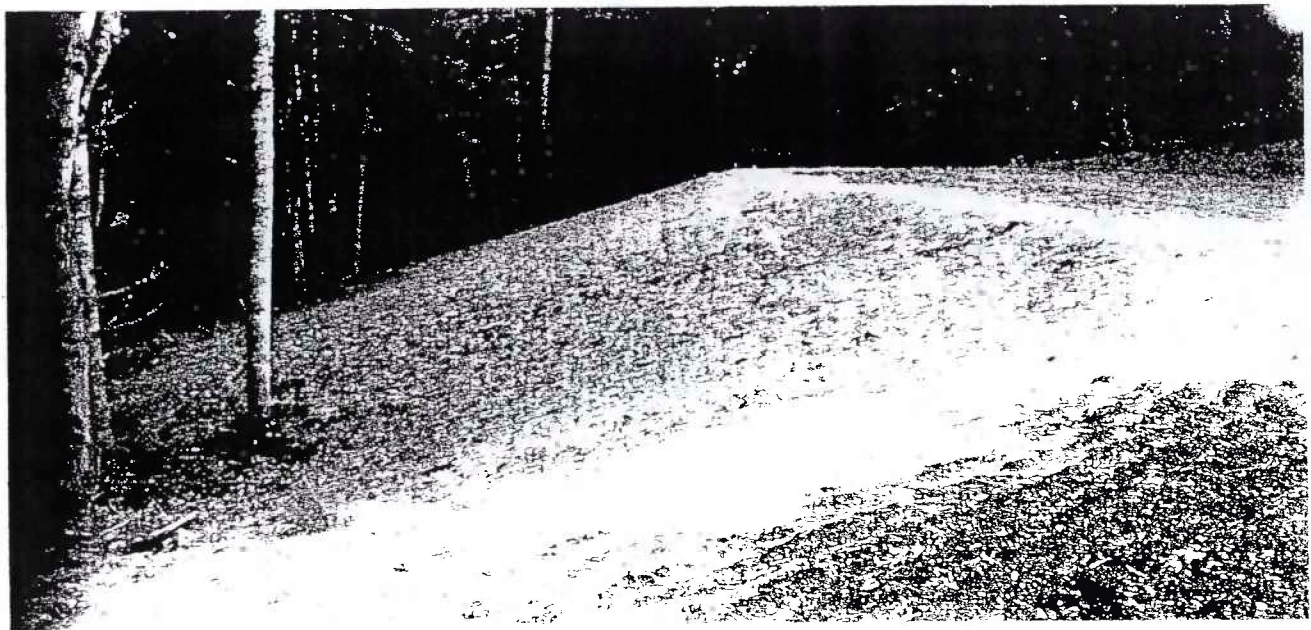
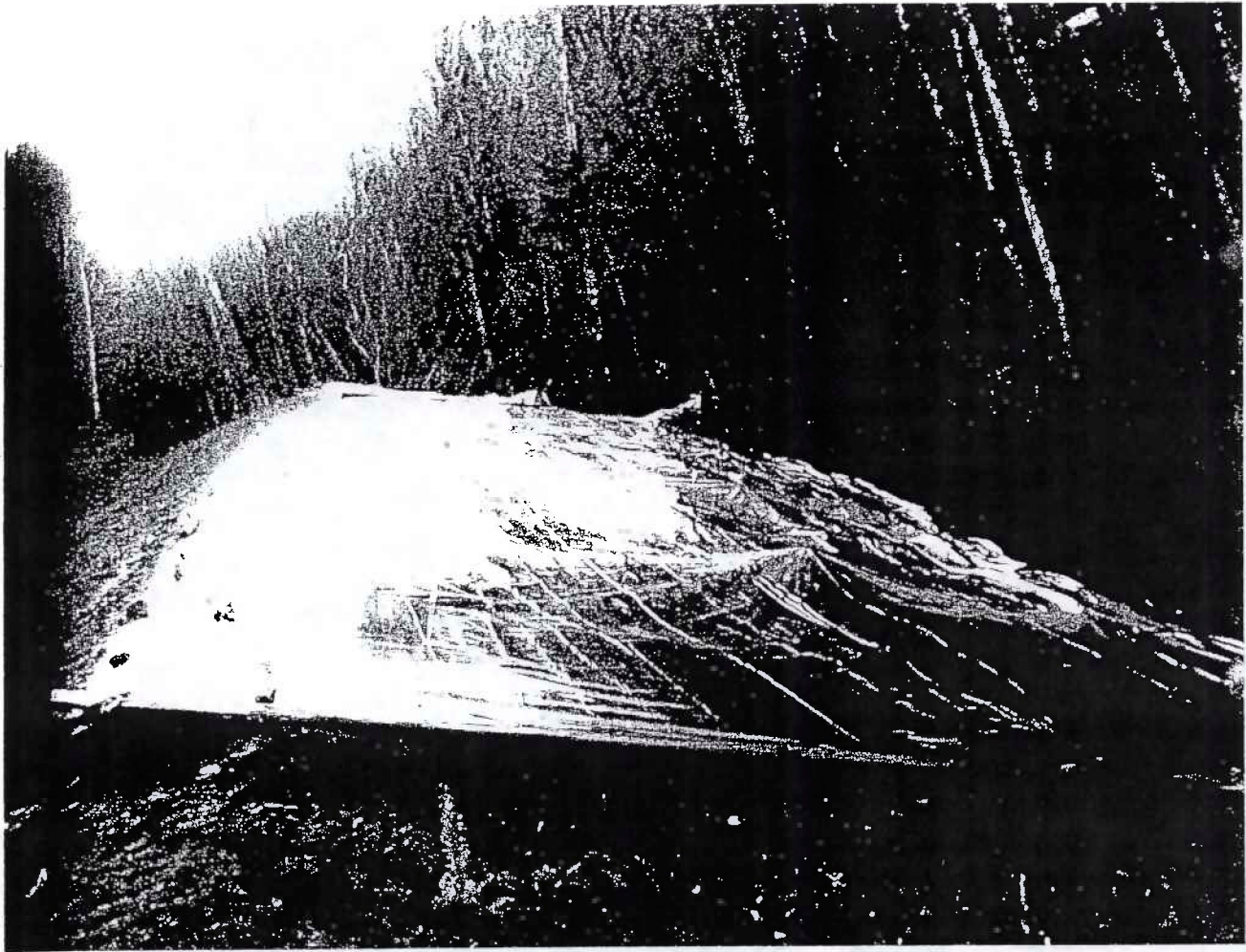


Figure 2008 site photo of existing driveway & subsided stream crossing on TL 211



February 2008 site photo of Young, Michigan, K-200, the ERM of 3-16-08, 11-2011



1.0449 - view at photos showing driveway & culverted stream crossing on TI 211



February, 2008 air photos of existing driveway & culvert (air photo from H-21)



February, 2008 site photos of existing driveway & culverted stream crossing on TL 211





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

CASEFILE NO.: 07-550-PA

**APPLICANTS:**

Eric Kuehne / Susan Gerlach  
13140 NE Kuehne Rd / 20877 SW Kruger Rd  
Carlton, OR 97111 / Sherwood, OR 97140

## STAFF REPORT

**APPLICANT'S REPRESENTATIVE:**

Bedsaul / Vincent Consulting, LLC  
Bruce Vincent  
825 NE 20<sup>th</sup> Ave., Suite 300  
Portland OR 97232

**PROCEDURE TYPE:** III  
**COMPREHENSIVE PLAN ELEMENT:**  
Rural/Natural Resource  
**CPO:** 10

**OWNERS:**

Eric Kuehne and Ethel Gerlach

**ASSESSOR MAP NO(S):** 2S2 32 & 2S2 33  
**TAX LOT NO(S):** 206 & 211, 900  
**SITE SIZE:** Total 91.08 acres  
**LOCATION:** East of SW Neill Road, north of its  
intersection with SW Mountain Top Road.

**SITE ADDRESS**

26800 SW Neill Road (2S2 32 tax lot 211)

**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. 07-550-PA Staff Report for the January 16, 2008 Planning Commission Hearing

#### I. APPLICABLE REGULATIONS

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 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 Flood Plain and Drainage Hazard Area Development

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  
Washington County Fire District #2

## III. FINDINGS

### A. General

Applicant: See pages 2 - 4 of the application.

Staff: The plan amendment application was accepted on November 30, 2007. According to current tax assessment maps, the three tax lots subject to this proposed plan amendment (hereby referred to as the "property") encompass a total of 91.08 acres. The property is generally located east of SW Neill Road, north of its intersection with SW Mountain Top Road (see the map on page 15 of this staff report). The property consists of two separate ownerships. The Kuehne tract consists of approximately 20.44 acres on Map 2S2 32, tax lots 206 and 211. The Gerlach property, tax lot 900 on Tax Map 2S2 33, is approximately 70.64 acres. There are no dwellings on the property.

According to the Rural/Natural Resource Plan Map, Heaton Creek runs through all of the tax lots that make up the subject property. Heaton Creek is a drainage hazard area (DHA) designated as Water Area, Wetlands and Fish and Wildlife Habitat on the Rural/Natural Resource Plan. The property is not in the 100-year flood plain.

According to the applicant's narrative, the Kuehne tract has never been farmed due to the slope range of 20 to 60 percent. The Gerlach tract is primarily forested and according to the narrative was commercially thinned in 2006 and 2007. The Kuehne tract was logged in 2002 and a site visit on December 20, 2007 identified that Tax Lots 206 and 211 were cleared of underbrush. The applicant was informed that these tax lots had to be primarily forested (at least 51%) order to meet the criteria for a plan amendment from AF-20 to EFC. The staff's subsequent site visit of January 2, 2008 confirmed that the site was replanted with 7,000 Douglas Fir seedlings as depicted on the air photo map included in the October 2007 Forest Management Plan. Additionally, the Assessment and Taxation records show the property in forest deferral status. The subject site's soils exhibit high potential productivity with no serious limitations on forest management.

The applicant's submittal states that approval of this plan amendment request may result in up to three additional dwellings on the parcels (one dwelling on each tax lot) through the template dwelling process. Template dwellings are an allowed use in the EFC District.

The property fronts on SW Neill Road, a rural county local roadway. Tax lot 211 has a private driveway intersecting with SW Neill Road (see also Section D and Attachment A of this staff report).

State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The purpose of the Planning Commission hearing is to provide a recommendation to the Board for consideration of this plan amendment request at their hearing on February 19, 2008.

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 designated AF-20, which is a resource designation for farm use in Washington County. Aerial photos demonstrate that the property has been primarily forested for many years. The applicant's request is to change the designation of the subject property to EFC (Goal 4) in order to reflect its present and future use. The subject property is designated AF-20, which is an exclusive farm use zone (Goal 3).

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.**

Applicant: See pages 4 & 5 of the application.

Staff: Policy 1.p.8.B requires a quasi-judicial plan amendment to meet at least one of the above four criteria. In this case, the request meets all four criteria.

Washington County's Department of Assessment and Taxation records show the property in tax deferral status since 1989. The property features soils classified as high value soils for agricultural purposes in Oregon; the property also meets the forest land parameters set forth in Goal 4, which broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations. According to the Soil Survey of Washington County, Oregon, July 1982, soil types on the property's steep slopes are best suited for Douglas Fir.

The surrounding parcels are primarily designated AF-20, AF-10 and AF-5. The parcels surrounding the property are forested in mature timber, replanted timber, or have been recently logged. Therefore forest uses on the property are compatible with the surrounding forest uses.

As noted previously, tax lot 900 is primarily forested. On the second site visit, January 2, 2008, staff verified that tax lots 206 and 211 had been stocked with approximately 7,000 Douglas Fir seedlings over the majority of the two tax lots. In addition, the tax lots must comply with the minimum stocking requirements defined by the Forest Practices Act.

Staff concurs with the applicant and finds that the proposed plan change from AF-20 to EFC is consistent with the criteria outlined under Policy 1.p.8.

*These findings for Policy 1 also pertain to Statewide Planning Goal 2, Land Use Planning, Goal 3, Agricultural Lands and Goal 4, Forest Lands.*

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.**

Applicant: See pages 4 & 5 of the application.

Staff: A quasi-judicial plan amendment such as this must be considered through 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 December 26, 2007). Additionally, the County placed a legal notice of the hearing in a newspaper of general circulation (*The Hillsboro Argus*) at least ten days prior to the first hearing date (published January 4, 2008). As required by CDC Section 204-1.4, the applicant posted a sign (posted December 7, 2007) on the subject property within 28 days of acceptance of the application (accepted on November 30, 2007).

A copy of the plan amendment application was mailed to the representative for the local Citizen Participation Organization (CPO 10) on December 11, 2007. Finally, the staff report was available to all interested parties seven days prior to the hearing as required by Code 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, Policy 6.a.5. doesn't require well log analysis when 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 - 7 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 subject property is located in the Chehalem Mountain Ground Water Limited Area. Ground water in the basalt aquifers for this area is classified for exempt uses, irrigation and rural fire protection systems only. Exempt uses include single or group domestic purposes for no more than 15,000 gallons per day. Compliance with these criteria is required to be demonstrated at the time of development review.

**b. Ensure adequate quality of surface water and groundwater by:**

1. **Promoting compliance with Department of Environmental Quality water quality standards;**
2. **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;**
3. **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**
4. **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: Prior to the issuance of a building permit for a new dwelling, the applicant will be required to obtain approval for an on-site septic system from the County Health Department. 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) and 426 (Erosion Control). 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: Heaton Creek and a few of its tributaries flow through the property. Based upon the creek's location, the property's topography, and site visits to the property, there appears to be adequate space in which to site single family dwellings on each of the tax lots. At such time as the applicant requests development approval for a dwelling, they will be required to address development standards relating to the DHA, significant natural resource areas, drainage, and grading. Therefore, 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 8 of the application.

Staff: There are no water resource projects proposed in the vicinity of 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. Development on the subject property will be required to comply with standards relating to DHA at the time of development review. 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 water areas and wetlands recognized by the Division of State Lands. Tax lots 206 and 211 feature wetlands designated as seasonal forested deciduous systems and Tax lot 900 has a man-made, open-water, artificially created water area. Compliance with this state agency is required through CDC Section 422 at the time of development review.

**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: Heaton Creek is a significant natural resource that crosses the property. The stream is designated as a *Water Areas and Wetlands, Fish and Wildlife Habitat* area. It is also a drainage hazard area. The tax lots subject to this plan amendment have buildable areas well outside the flood plain of Heaton Creek. Any proposed dwelling will be at least 30' to 50' higher in elevation than the DHA elevation. Future development in the vicinity of the buffer area will require compliance with Sections 421 and 422 of the CDC; staff therefore 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.**
- 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: Heaton Creek traverses the western end of the property. According to the applicant, there will be minimal impact on the riparian area of the creek because there is sufficient land area outside of the riparian zone for dwellings and those dwellings will most likely avoid encroachment into the riparian zone. Review of the property's topography shows that there is sufficient area outside of the resource area. CDC Section 422 (Significant Natural Resources), which will apply at the development review stage, provides standards for development in this area. The requirements are the same for either the AF-20 or the EFC designation. Therefore, 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 a Wildlife Habitat zone, 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 LCDC Goal 3 and OAR Chapter 660, Division 05 shall be designated Exclusive Farm Use (EFU) and lands which meet the LCDC 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 a.1 sets forth criteria to determine if a site should have an exclusive farm (EFU/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 submitted evidence that tax lots 206 and 211 were recently planted with 7,000 Douglas Fir seedlings. The seedlings were planted on 17.5 acres of the 20.44-acre (Kuehne Tract) property. This is 85% of the subject property and the property can therefore be considered primarily forested. Additionally, the plantings were verified by a staff site visit on January 2, 2008.

The property is in forest deferral status. Several surrounding properties are also forested, and most are designated AF-20, AF-10 or AF-5. A few of the surrounding properties are in farm use or rural residential use. A portion of Heaton Creek and a few of its tributaries run through the parcels creating steep slopes along both sides of the creek. However, there are areas outside of the stream that are capable of producing forest products.

According to the USDA *Soil Survey of Washington County* (SCS 1982), the Laurelwood soils on the subject property are capable of producing Douglas Fir with no serious limitations on forest management. The Laurelwood Silt Loam is the only soil type of the subject property. The Laurelwood soil consists of: 28C soil (slopes from 7% to 12%), 28D soil (slopes from 12% to 20%), 28E soil (slopes from 20% to 30%), and 29F (slope from 30% to 60%). The Laurelwood soil has a SCS Capability Class of 2o2, which has a high potential productivity for growing Douglas Fir and other native tree species. The Laurelwood soils list farm crops that are suitable for production of those soils, but according to the applicant, the majority of the site consists of Laurelwood Silt Loam 28D, E, and F (20% to 60% sloped land) which is too steep to effectively farm.

To qualify for the plan amendment, the parcel must meet the criteria for a change from AF-20 to EFC. When staff first visited the site, Tax lots 206 and 211 did not appear to meet the criteria for a plan amendment because the tax lots had been recently cleared of underbrush outside the stream corridor in preparation for stocking the property with Douglas Fir seedlings. The applicant was informed that in order to qualify for a plan amendment from Af-20 to EFC he had to provide evidence that the property was primarily (more than 51%) forested. The original planting was scheduled to start in February 2008. However, in order to demonstrate compliance with the criteria for "primarily" forested requirement, the applicant completed the plantings on December 29, 2007. Approximately 17.5 acres of the subject property's 20.44 acres was planted with

Douglas Fir seedlings. Therefore, staff finds that these tax lots, along with tax lot 900, meet the criteria of Implementing Strategy 14.a.1.

**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 property is 91.08 acres and therefore meets the criteria for designation as a "large block" of 76 acres or more. Staff therefore finds 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 pages 10 & 11 of the application.

Staff: As stated previously, the subject property is 91.08 acres. The request therefore meets the "large block" criteria by making the property a block of EFC land larger than 76 acres. Although Implementing Strategy 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 page 11 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 Plan designation (EFC) is a resource Plan designation (as is the AF-20 designation), it is not necessary to take an exception to Statewide Planning Goals 3 and 4.

Therefore, 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 three service providers to the site are included in the applicant's submittal. These statements are from the Newberg School District, Washington County Fire District #2, and 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 notes that the proposed amendment may result in three new single family residences. All three service providers have stated that service levels are adequate to serve the proposed development that could occur if this plan amendment is approved.

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 if the proposed plan amendment is 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 elementary school is located approximately 6.2 miles away. The middle school is approximately 5.8 miles away. Newberg High School is 6 miles away. The school district indicates there is sufficient enrollment capacity in all three schools. Staff concludes from the information contained in the letter from the Newberg School District that there is adequate school capacity to serve three single family residences on the site.

The site is within the service area of Washington County Fire District #2. According to the fire district, the nearest fire station is located approximately 10 miles away with an estimated response time of 15 minutes. The fire district indicated that the district's service level is adequate to serve the proposed development. Fourteen personnel and six pieces of apparatus are available for an initial attack on fires that could occur on this property.

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 above-described service statements and analyses, staff finds 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 if the proposed plan amendment is approved. This request, therefore, 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 - 16 of the application.

Staff: Findings pertaining to the County Transportation Plan and the Oregon Transportation Planning Rule are in Attachment A, Transportation Report for Casefile No. 07-550-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 page 7 of the application.

Staff: The property is predominantly 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. According to the applicant, to resolve any potential conflicts regarding adjacent land use activities, the property owners will sign a Waiver of the Right to Remonstrate against Accepted Farm or Forest Practices at time of development.

If the plan amendment is approved, the property will be subject to the requirements of the EFC District, as well as specific development criteria including but not limited to grading, home site location, wells, and septic systems. The EFC District implements Goal 4, and the AF-20 and EFU Districts implement Goal 3. The findings under Policies 1 and 14 shows that the request qualifies as EFC land.

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

#### **IV. SUMMARY AND CONCLUSIONS**

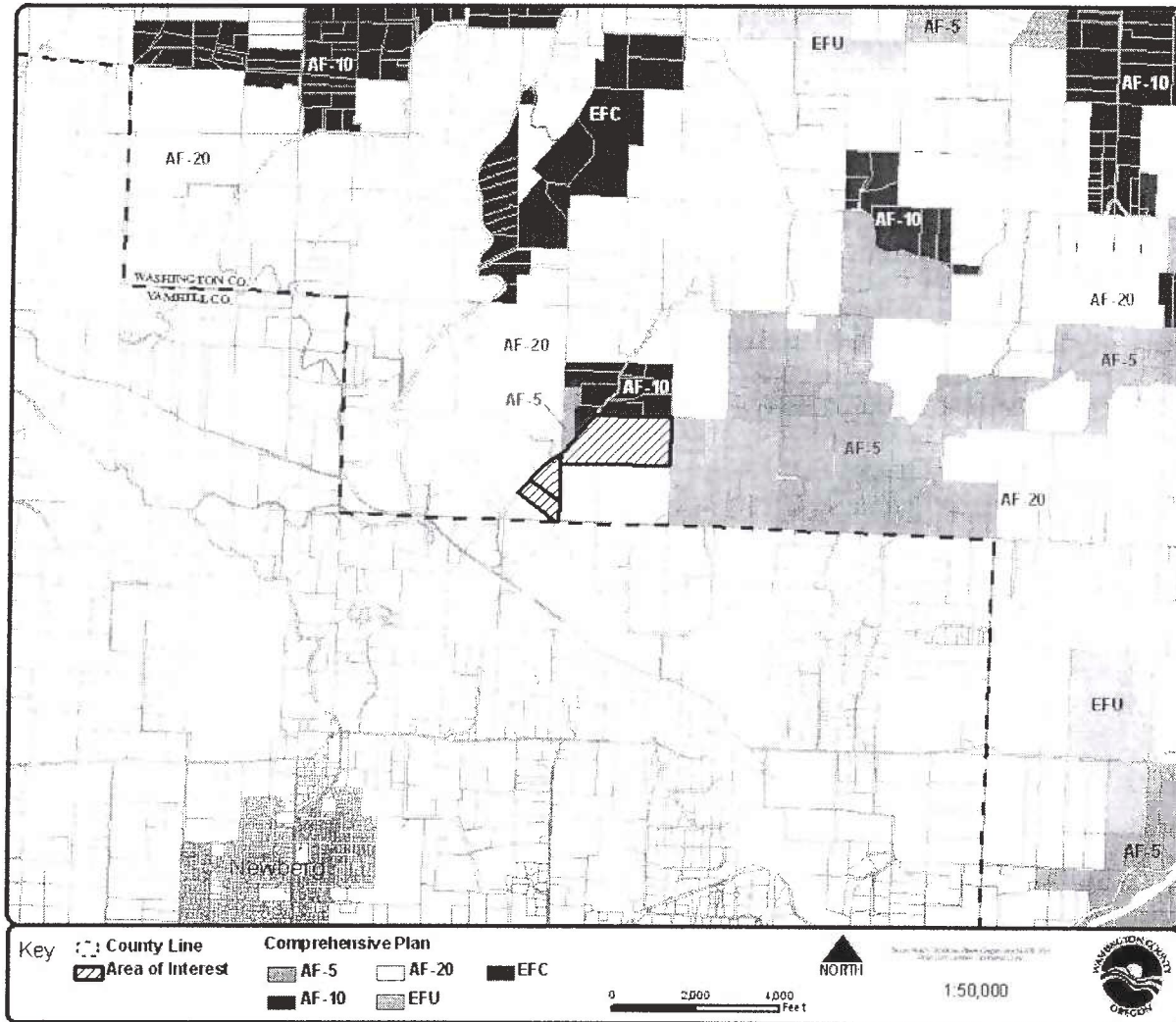
Staff considered the evidence provided by the applicant and all of the factors relevant to a plan amendment from AF-20 to EFC. The factors were listed under Implementing Strategy p.8. for Policy 1 of the Rural/Natural Resource Plan. This consideration included the review of soils, the present and past use of the property, the use of the surrounding properties, possible crops or forest uses, the physical characteristics of the site, and the property's tax deferral status. 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. Therefore staff recommends that the Planning Commission forward to the Board of County Commissioners a recommendation for approval of the applicant's plan amendment request subject to the following condition:

1. Any additional amount over and above the fee deposit submitted with this application which is determined to be owing 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.

- 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.



Attachment "A"

December 10, 2007

**TRANSPORTATION REPORT  
CASEFILE NO. 07-550-PA**

Applicant: Eric Kuehne & Susan Gerlach  
Location: East of SW Neill Road and north of its intersection with SW Mountain Top Road  
Tax Map/Lot: 2S2 32 Tax Lots 206 & 211, 2S2 33, Tax Lot 900  
Site Size: 91.08 acres (total)

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 Neill Road, a rural county local roadway.
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 and Resolution and Order 86-95 which implement Policy 2.0.

#### **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 Traffic Impact Fee toward future capacity improvements. Payment of the Traffic Impact Fee 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 SW Neill Road or any other 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.



# WASHINGTON COUNTY

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## OREGON

**To:** Washington County Planning Commission  
**From:** Brent Curtis, Planning Manager *BC*  
**Date:** January 16, 2008  
**Re:** Case File 07-550-PA Addendum Staff Report

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Recently, Planning staff was made aware of an alleged violation (UV 08-0009) on Tax Lot 2S232000211. The property is owned by Eric Kuehne and is the subject of this current plan amendment request. The alleged violation relates to a complaint about grading activities.

This alleged violation is being reviewed by Myra Norman, a county Code Enforcement Officer. Staff spoke with County Counsel about this issue and its relation to this application. Any issues that arise from this review will be addressed through the code enforcement process and are not germane to the plan amendment request.



# WASHINGTON COUNTY OREGON

February 6, 2008

To: Washington County Board of County Commissioners  
From: Brent Curtis, Planning Manager *BC*  
Subject: Case File 07-550-PA Staff Report

## RECOMMENDATION

Open the public hearing, take public testimony, and continue the hearing to March 18, 2008.

## STAFF SUMMARY

The Planning Commission reviewed the plan amendment request at their hearing on January 16, 2008. Opposition testimony was given from an adjacent property owner. They raised concerns relating to grading, water quality, and excessive site alterations. They also indicated that the work that was completed on-site goes above and beyond the scope of work allowed under the Oregon State Department of Forestry permit for the subject property.

The Planning Commission had concerns with excessive grading on-site. Staff said that the plan amendment standards aren't applicable to these issues and the appropriate venue to address these issues is through the Oregon Department of Forestry and County enforcement process. The commission requested that the applicant address and resolve issues identified by the adjacent property owner and to be a "good neighbor". With deliberation, the Commission voted 8-0 to forward a recommendation for approval to the Board of County Commissioners.

Currently, issues raised at the hearing are being reviewed by both the Oregon State Department of Forestry and Land Development Services. To make progress in addressing the concerns made by the neighbors, the applicant has indicated to staff that he wants to continue the hearing to March 18, 2008.



March 12, 2008

To: Washington County Board of County Commissioners  
From: Brent Curtis, Planning Manager *BC*  
Subject: Case File 07-550-PA Staff Report *3/12/08*

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RECOMMENDATION

Open the public hearing, take public testimony, and APPROVE the plan amendment.

STAFF SUMMARY

On February 19, 2008, the Board of County Commissioners granted the applicant a continuance of the hearing to March 18, 2008. The applicant requested the extension to address concerns raised by neighbors at the Planning Commission hearing on January 16, 2008. An adjacent property owner asked the Planning Commission to recommend denial of the request because its purpose is to allow dwellings on each parcel and due to the extensive site grading by the applicant, particularly along their property line. The Planning Commission had concerns with excessive on-site grading. Staff said that the plan amendment standards aren't applicable to these issues and the appropriate venue to address these issues is through the Oregon Department of Forestry and County enforcement process. The Planning Commission asked the applicant to address and resolve issues identified by the adjacent property owner and to be a "good neighbor". With deliberation, the Commission voted 8-0 to forward a recommendation for approval to the Board of County Commissioners because the enforcement processes will address grading issues.

Since the February 19, 2008 Board meeting, the applicant has provided documentation of correspondence from the State of Oregon Department of Forestry. Department of Forestry identified a number of violations on two of the three tax lots (Eric Kuehne properties). These are shown in the Service Statements for Case Nos. 07-FG058, 07-FG059, and 07-FG060 and a series of emails (attached). The State of Oregon Department of Forestry will determine compliance.

In addition to the above, the applicant submitted civil and geo-technical engineering reports that discuss methods to resolve the issues with grading, the roadway and culverted stream crossing (also attached).

## **SUMMARY OF DECISION**

Eric Kuehne and Susan Gerlach applied to Washington County for a plan amendment to change the plan designation for three parcels totaling 91.08 acres described as tax lots 206 & 211 on tax map 2S2, Section 32 and tax lot 900 on tax map 2S2, Section 33 from Agriculture & Forest – 20 Acre (AF-20) District to Exclusive Forest Conservation (EFC) District.

At its meeting on January 16, 2008, the Washington County Planning Commission unanimously agreed to forward a recommendation of approval to the Board of County Commissioners. On February 19, 2008, the Board heard this matter and continued the hearing to March 18, 2008. On March 18, 2008, 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 owing 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.

County Planning  
UT  
venue, Suite 350-14  
97124

601005



FIRST CLASS MAIL

Department of Land Conservation and  
Development  
Attn: Plan Amendment Specialist  
635 Capitol Street N.E., Suite 150  
Salem, OR 97301