



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

03/27/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 012-08

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: Friday, April 10, 2009

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

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

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

Cc: Anne Elvers, Washington County
Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

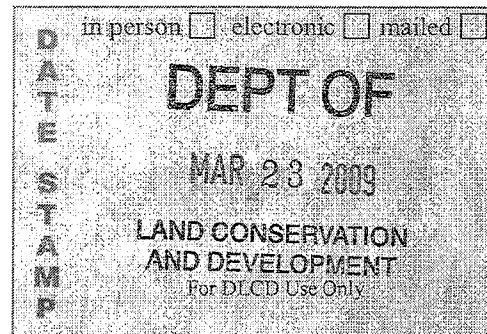
<paa> YA

FORM

2

DLCD Notice of Adoption

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



Jurisdiction: **Washington County**

Local file number: **08-438-PA**

Date First Evidentiary Hearing: **2/4/2009**

Date of Final Hearing: **3/17/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **12/18/2008**

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Casefile 08-438-PA changed the designation of approximately 429 acres on three parcels from Agriculture and Forest (AF-20) District to the Exclusive Forest and Conservation (EFC) District.

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

No

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

to: **EFC**

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

to: **N/A**

Location: **East of NW Paradise Lane and north of NW David Hill Road**

Specify density: Previous **1 D.U. / 80 ac.** New density: **1 D.U. / 80 ac.** Acres involved: **429**

Mark applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 012-08(17273)[15447]

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

Local Contact: **Anne Elvers**
E-mail: **anne_elvers@co.washington.or.us**
Phone: **(503) 846-3583**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing - Land Use & Transportation (CPO 13)

Agenda Title: CONSIDER PLAN AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM AF-20 TO EFC ON 3 PARCELS CONSISTING OF APPROXIMATELY 426 ACRES (CASEFILE 08-438-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 approximately 426 acres on three tax lots. The property is described as Tax Lots 100 & 400 on Tax Map 1N4, Section 22, and Tax Lot 700 on Tax Map 1N4, Section 23. The property is generally located east of NW Paradise Lane, north of NW David Hill Road, as shown on the attached public notice document.

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

On January 16, 2009, the Planning Commission conducted a public hearing on the plan amendment. The Commission voted 7-0 to forward a recommendation for approval to the Board of County Commissioners. The staff report for the March 17, 2009 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.

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.

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

DEPARTMENT'S REQUESTED ACTION:

Conduct public hearing. Approve the proposed plan amendment based on evidence and findings in the staff report and the applicant's submittal. Authorize the Chair to sign the Resolution and Order for Plan Amendment 08-438-PA.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

R009-16

Agenda Item No.	4.a.
Date:	3/17/09

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IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of a Proposed Plan) RESOLUTION AND ORDER
Amendment Casefile 08-438-PA)
for Stimson Lumber Company) No. 09-16

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of March 17, 2009; and

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

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

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on February 4, 2009, voted to recommend that the Board adopt 08-438-PA, it is therefore

RESOLVED AND ORDERED that Casefile No. 08-438-PA for a Plan Amendment for property described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject to the conditions of approval set forth in the Summary of Decision (Exhibit "D").

5 votes Aye, 0 votes Nay.

	AYE	NAY	ABSENT	
BRIAN	✓	—	—	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
SCHOUTEN	✓	—	—	
STRADER	✓	—	—	
ROGERS	✓	—	—	
DUYCK	✓	—	—	
APPROVED AS TO FORM:				<u>Tam Buan</u> CHAIRMAN
<u>B. G.</u> Assistant County Counsel for Washington County, Oregon				<u>Barbara Hejmanek</u> RECORDING SECRETARY



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

NOTICE OF PUBLIC HEARING

PROCEDURE TYPE III

CPO: 13

COMMUNITY PLAN: Rural/Natural Resources

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

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

Notice is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on: **February 4, 2009 at 1:30 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 Board of County Commissioners on this matter.

The Board of Commissioners will consider the request at a public hearing on: **March 17, 2009 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. The County will also upon request endeavor to arrange for the following services to be provided: qualified sign language interpreters for persons with speech or hearing impairments; and qualified bilingual interpreters. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the County of your need by 5:00pm on the Monday preceding the meeting date.

FOR FURTHER INFORMATION, PLEASE CONTACT:
Anne Elvers, Associate Planner

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

REVISED SITE MAP ATTACHED

CASE FILE NO.: 08-438-PA

APPLICANT'S REPRESENTATIVE:

Kevin Apperson

WH Pacific

9755 SW Barnes Road, Suite 300

Portland OR 97225

APPLICANT & OWNER:

Stimson Lumber Company

520 SW Yamhill, Suite 700

Portland OR 97204

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 1N4 22 & 1N4 23

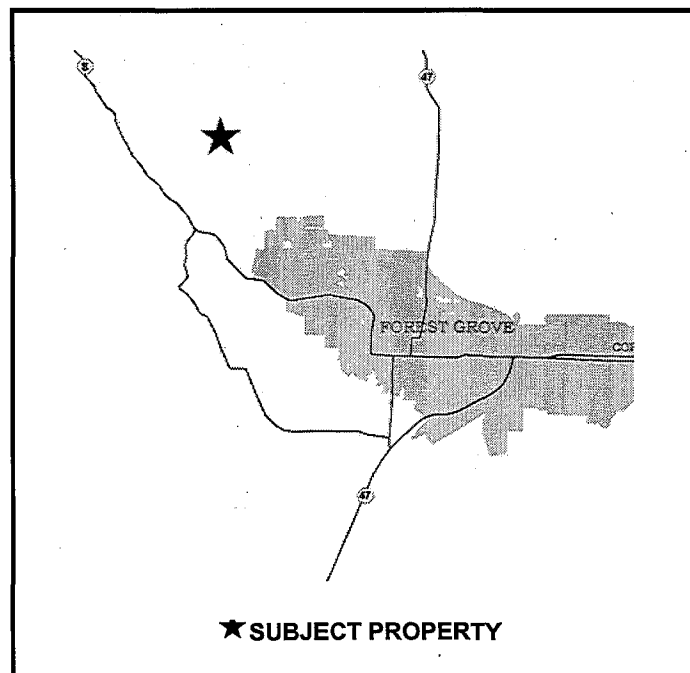
TAX LOT NO(S): 100 & 400, 700

SITE SIZE: approximately 429 acres

ADDRESS: None

LOCATION: North of NW David Hill Road and east of NW Paradise

AREA MAP



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

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

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

RULES OF PROCEDURE

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

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

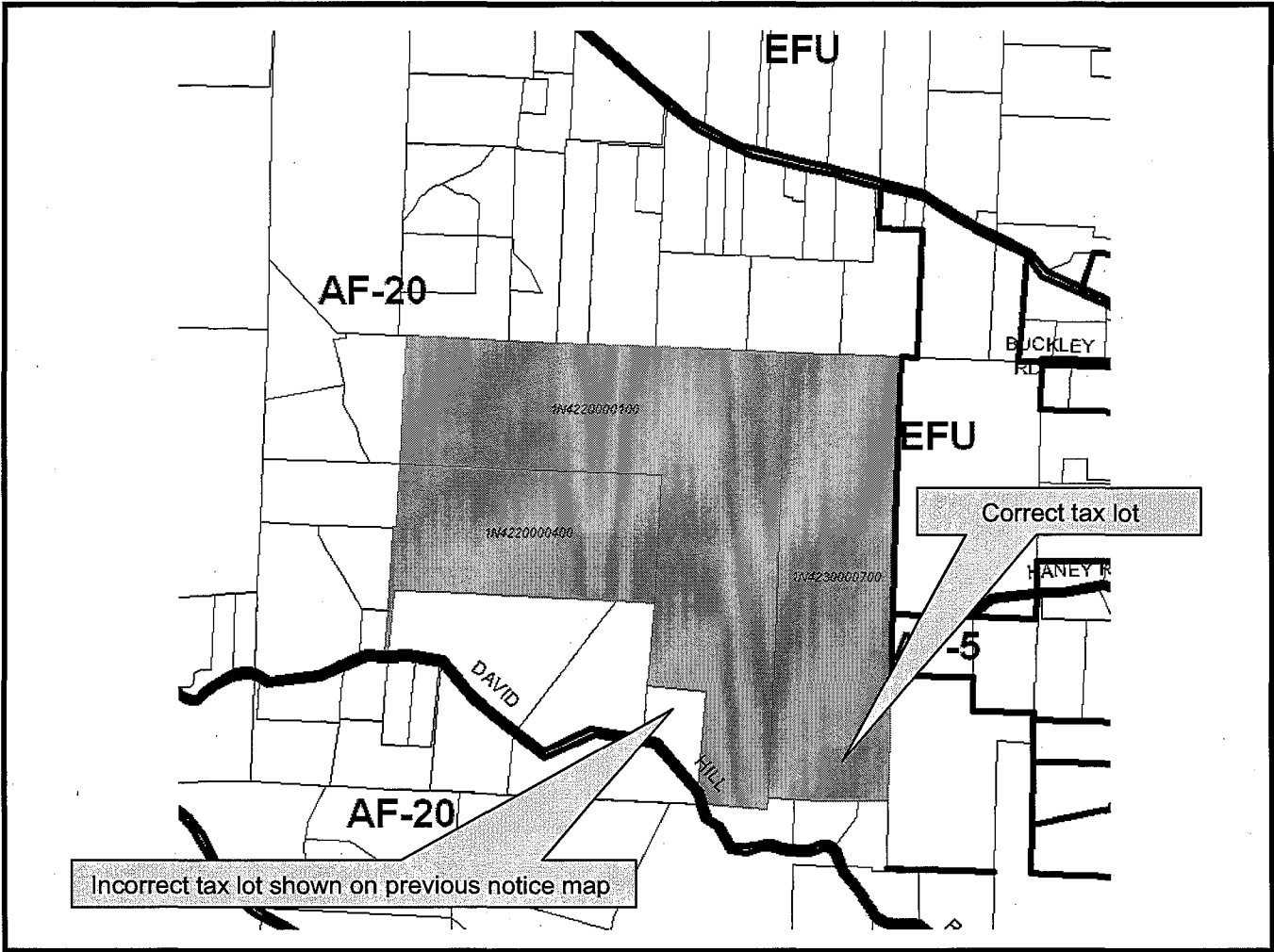
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

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

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

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

Tax Map/Lot Number: 1N4 22 & 1N4 23, Tax Lots 100 & 400, 700
Case File Number: 08-438-PA



Legend: Area of Consideration is shaded  Scale = 1"= 1200'

Applicable Land Use Districts:

AF-20 EFC

Applicable Goals, Policies & Regulations:

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

S:\PLNG\WPSHARE\Plan Amendments\Casefiles\2008\08438 Stimson David Hill\notice\Hrg Notice.doc

Washington County

**Department of Land Use and Transportation
Planning Division**

Plan Amendment Application For:

David Hill Zone Change

Map & Tax Lots:

T1N R4W Section 22, Tax Lots 100 & 400

T1N R4W Section 23, Tax Lot 700

Applicant:

Stimson Lumber Company

520 SW Yamhill Suite 700

Portland, Oregon 97204

Contact: John McGhehey, Vice President Resources

Phone: (503) 222-1676

Fax: (503) 222-2682

Applicant's Representative:

W&H Pacific, Inc.

9755 SW Barnes Road, Suite 300

Portland, Oregon 97225

Contact: Hal Keever

Phone: (503) 626-0455

Fax: (503) 526-0775

February 2008

July 2008 (Revised)



WHPacific

Table of Contents

1. Introduction

- A. Washington County Community Development Application Forms
- B. Development Team Members
- C. Applicants Written Statement
- D. Land Use Request
- E. Application Fee Calculations

2. Applicable LCDC Statewide Planning Goals

660-12-60	State Transportation Rule
<i>Referenced Statewide Planning Goals</i>	
<i>Goal 1</i>	<i>Citizen Involvement</i>
<i>Goal 2</i>	<i>Land Use Planning</i>
<i>Goal 3</i>	<i>Agricultural Lands</i>
<i>Goal 4</i>	<i>Forest Lands</i>
<i>Goal 5</i>	<i>Natural Resource, Scenic and Historic Areas, and Open Spaces</i>
<i>Goal 6</i>	<i>Air, Water and Land Resources Quality</i>
<i>Goal 11</i>	<i>Public Facilities and Services</i>
<i>Goal 12</i>	<i>Transportation</i>

3. Applicable Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element) Policies and Regulations

Policy 1 (p. 8)	Planning Process
Policy 2	Citizen Involvement
Policy 6	Water Resources
Policy 8	Natural Hazards
Policy 10	Fish and Wildlife Habitat
Policy 14	Plan Designations
Policy 16	Exclusive Forest Lands
Policy 17	Agriculture and Forest-20 Land
Policy 22	Public Facilities and Services
Policy 23	Transportation

4. Applicable 2020 Washington County Transportation Plan Policies and Regulations

Policy 1	Travel Needs
Policy 2	System Safety
Policy 4	System Funding
Policy 5	System Implementation and Plan Management
Policy 6	Roadway System
Policy 10	Functional Classification
Policy 19	Transportation Planning Coordination and Public Involvement

5. Applicable Washington County Community Development Codes

202	Procedure Types
203	Processing Type I, II, III Development Actions
204	Notice of Type I, II or III Development Actions
205	Public Hearings
206	Burden of Proof
207	Decision
211	Date of Final Decision
300	Introduction
342	Exclusive Forest and Conservation District
344	AF-20 Agriculture and Forestry District
421	Flood Plain and Drainage Hazard Area Development
422	Significant Natural Resource

6. Appendices

- Exhibit A Washington County Land Use District Map
- Exhibit B Assessors Tax Maps
- Exhibit C Aerial Photograph
- Exhibit D Existing Site Plan
- Exhibit E Assessment and Taxation Data showing Tax Deferral
- Exhibit F Mailing Address List with 1,000 Feet
- Exhibit G Plan Amendment Pre-Application Conference Summary
- Exhibit H Request for Statement of Service Availability (Service Provider Letters):
 - Forest Grove Rural Fire District, Forest Grove School District, Washington County Sheriff's Office
- Exhibit I Washington County Soil Survey
- Exhibit J Flood Insurance Rate Maps
- Exhibit K Washington County Significant Natural Resources Map
- Exhibit L Washington County Uniform Road Improvement Design Standards

1.
Introduction

- A. Washington County Application Form**
- B. Development Team Members**
- C. Applicants Written Statement**
- D. Land Use Reviews Requested**
- E. Application Fee Calculation**

A. Washington County Development Application Forms

The required Washington County Plan Amendment Application Form is provided on the following page. In addition to this form, the application provides a narrative and appendices which address the applicable policies and regulations. The contents of this application have been compiled by the project team, which consists of experts in the field of land use planning. Refer to Section B for Development Team Members.



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

PLAN AMENDMENT APPLICATION

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 13

COMMUNITY PLAN: NONE

EXISTING LAND USE DISTRICT(S): AF-20

PROPERTY DESCRIPTION
ASSESSOR MAP NO(S): SEE ATTACHED
TAX LOT NO(S):
SITE SIZE:
ADDRESS: NONE
LOCATION:

PROPOSED PLAN AMENDMENT: AF-20 to EFC

DATE OF PRE-APPLICATION CONFERENCE:
Attach copy of summary)

STAFF MEMBER:

EXISTING USE OF THE SITE: VACANT/FOREST LAND

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: NONE

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.

☒ OWNER ☐ CONTRACT PURCHASER DATE 2/14/08

☐ OWNER ☐ CONTRACT PURCHASER DATE

☐ OWNER ☐ CONTRACT PURCHASER DATE

☐ OWNER ☐ CONTRACT PURCHASER DATE

NOTES:

- ✦ THIS APPLICATION MUST BE SIGNED BY ALL THE OWNERS OR ALL THE CONTRACT PURCHASERS OF THE SUBJECT PROPERTY, AS DEFINED BY THE COMMUNITY DEVELOPMENT CODE, SECTION 106-148.
- ✦ IF THIS APPLICATION IS SIGNED BY THE CONTRACT PURCHASER(S), THE CONTRACT PURCHASER(S) IS (ARE) CERTIFYING THAT THE CONTRACT VENDOR HAS BEEN NOTIFIED OF THE APPLICATION.

- ✦ THE APPLICANT OR A REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC HEARINGS.
- ✦ NO APPROVAL WILL BE EFFECTIVE UNTIL THE APPEAL PERIOD HAS EXPIRED.
- ✦ AN APPROVAL OR DENIAL OF THIS REQUEST MAY BE OVERTURNED ON APPEAL.

PLNGWPSHAREPlan AmendmentsMaster FormsMisc formsAPP.DOC 9/7/2007

CASEFILE NO. 08-438-PA

APPLICANT NAME AND ADDRESS: JOHN MCGHEHEY

STIMSON LUMBER CO.
520 SW YAMHILL, SUITE 400
PORTLAND, OR 97204

APPLICANT'S REPRESENTATIVE AND ADDRESS: HAL KEEVER

WHPACIFIC, INC
9755 SW BARNES ROAD, SUITE 300
PORTLAND, OR 97225

OWNER'S NAME AND ADDRESS:

STIMSON LUMBER
(see above)

APPLICANT PHONE: 503-222-1676

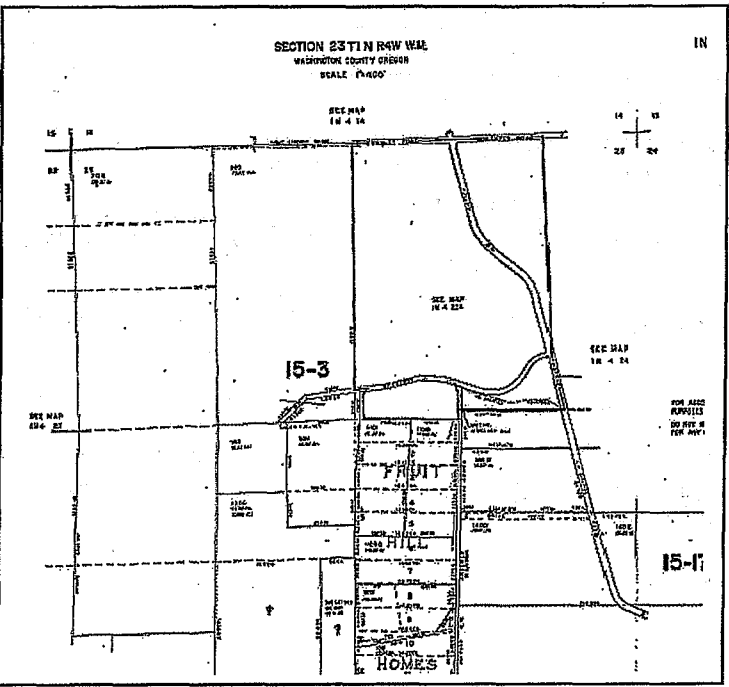
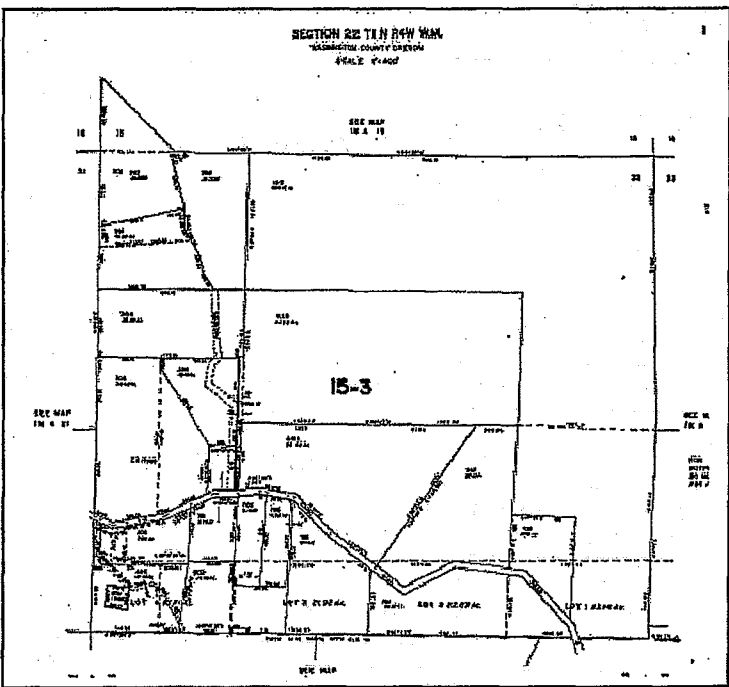
REP PHONE: 503-626-0455

ALSO NOTIFY:

ATTACHMENT A

Property Description:

Township 1 North	Range 4 West	Section 22	Tax Lot 100 & 400
Township 1 North	Range 4 West	Section 23	Tax Lot 700





WASHINGTON COUNTY OREGON

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

The parties to this Agreement are John McGhehey, Stinson Lumber Co. (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:

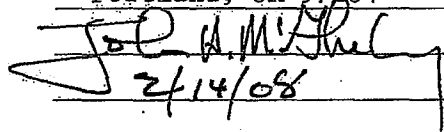
1. This agreement governs the proposed plan amendment for the property described as Assessor Map and Tax Lot Number(s) SEE ATTACHED (Property) to change the Property's Comprehensive Plan designation from AF-20 to EFC.
2. The Applicant certifies that if the Applicant is a corporation, the corporation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

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

9

- 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.

6

Applicant Name:	<u>John McGhehey</u>	Applicant Name:	_____
Title:	<u>VP of Resources</u>	Title:	_____
Company:	<u>Stinson Lumber Co.</u>	Company:	_____
Address:	<u>520 SW Yamhill, Ste. 700</u>	Address:	_____
	<u>Portland, OR 97204</u>		_____
Signature:	<u></u>	Signature:	_____
Date:	<u>2/14/08</u>	Date:	_____

F:/Shared/Plng/WPShare/Plan Amendments/Master/Payment Agreement.doc
Revised July 21, 2004

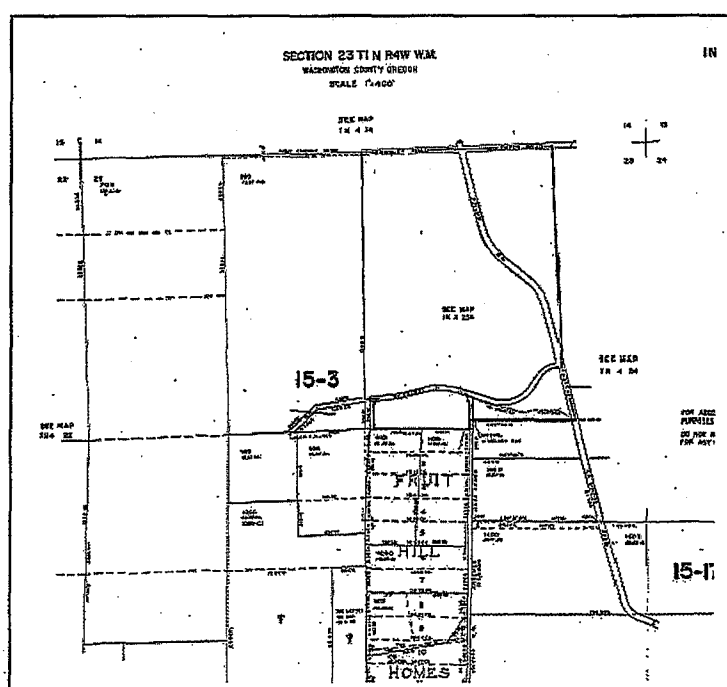
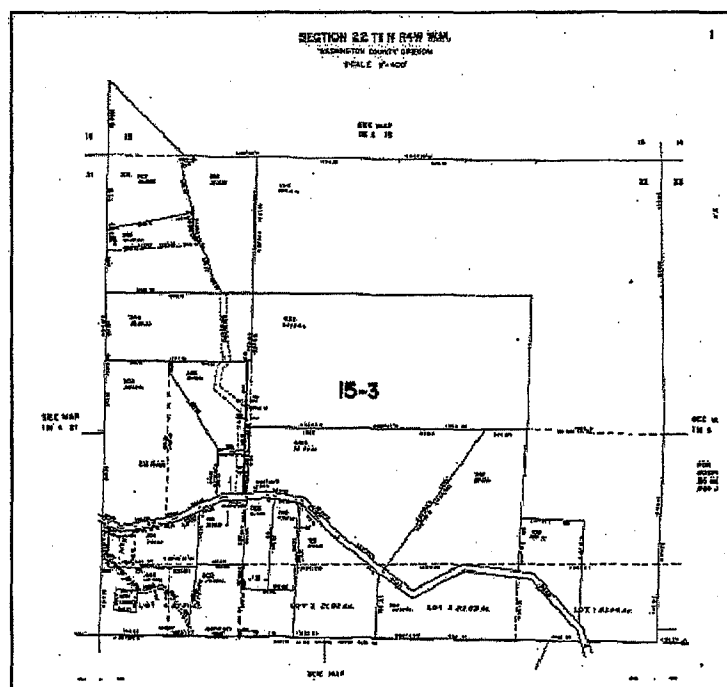
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Department of Land Use & Transportation • Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412

ATTACHMENT A

Property Description:

Township 1 North	Range 4 West	Section 22	Tax Lot 100 & 400
Township 1 North	Range 4 West	Section 23	Tax Lot 700



B. Development Team Members:

Applicant:

Stimson Lumber Corporation
520 SW Yamhill Suite 700
Portland, Oregon 97204
Contact: John McGhehey, VP Resources
Phone: (503) 222-1676
Fax: (503) 222-2682

Applicant Representative:

W&H Pacific, Inc.
9755 SW Barnes Road, Suite 300
Portland, OR 97225
Phone: (503) 626-0455
Fax: (503) 526-0775
Contact: Hal Keever, ASLA

Planning/ Landscape Architecture:

W&H Pacific, Inc.
9755 SW Barnes Road, Suite 300
Portland, OR 97225
Phone: (503) 626-0455
Fax: (503) 526-0775
Contact: Jimmy Bellomy, RLA or
Kevin Apperson, RLA

C. Applicants Written Statement

The David Hill property is located in Washington County, midway between Forest Grove, Oregon and Gales Creek, Oregon. The subject property, itself, contains approximately 429 acres encompasses 3 parcels: T1N R4W Section 22, Tax Lot 100 & 500 and T1N R4W Section 23, Tax Lots 700.

David Hill Road via Highway 47 provides access from the west and David Hill Road via Thatcher Road provides access from the east. David Hill Road provides direct access to the property which lies just north of this roadway.

The property is situated in the Agriculture and Forestry district (AF-20), which is intended to provide an exclusive farm use recognizing certain lands therein this zone may be marginal for continued agricultural use. The subject property is currently vacant and has historically been used for commercial forestry operations. Timber propagation and harvesting continues today.

No development is proposed as part of this application. It is the applicant's intent to change the existing land use designation from Agriculture and Forestry District (AF-20) to Exclusive Forest Conservation (EFC). This land use designation would better reflect the current use of the property and would be consistent with remaining timber resource holdings owned and managed by Stimson Lumber Company. The soils on the subject property have been classified by the Soil Conservation Service as highly productive for commercial timber harvesting. These soils are also indicative moderate to steep slopes which are generally not as suitable for farming activities.

The table of contents of this application outlines the applicable policies/ regulations and appendices submitted for review and approval. Please refer to the application text for more detailed information regarding the project.

D. Land Use Reviews Requested

In order change the land use designation, Washington County requires a plan amendment (zone change) to the Comprehensive Plan. This request is reviewed through a Type III process.

Land Use Reviews	Review Type
Plan Amendment	Type III

E. Fee Calculations:

The following fees are required to review the plan amendment application. These are outlined below:

Fee Type	Fee
Plan Amendment (estimate)	\$2,100
Total	\$2,100

As part of the application fee, the applicant is also required to file an “Agreement for the Payment of Fees” to cover processing cost associated with the filing of the plan amendment.

2.
**Applicable State
Policies and Regulations**

The following information responds to applicable State regulations. The applicant's comments to individual sections are highlighted in bold for each applicable policy and/or regulations. Policies addressed include:

State Considerations

660-12-60 State Transportation Rule

Referenced Statewide Planning Goals

<i>Goal 1</i>	<i>Citizen Involvement</i>
<i>Goal 2</i>	<i>Land Use Planning</i>
<i>Goal 3</i>	<i>Agricultural Lands</i>
<i>Goal 4</i>	<i>Forest Lands</i>
<i>Goal 5</i>	<i>Natural Resource, Scenic and Historic Areas, and Open Spaces</i>
<i>Goal 6</i>	<i>Air, Water and Land Resources Quality</i>
<i>Goal 11</i>	<i>Public Facilities and Services</i>
<i>Goal 12</i>	<i>Transportation</i>

OAR 660-12-60 OREGON TRANSPORTATION PLANNING RULE

Plan and Land Use Regulation Amendments

- 1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) 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 TSP or comprehensive plan.

Applicant's Comment: In accordance with this section of OAR 660-12-60, the proposal is required to demonstrate whether or not the proposed change in land use designation from AF-20 to EFC would significantly affect an existing or planned transportation facility. Both of these are rural resource designations. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Applicant's Comment: As mentioned previously, there should be no impacts local governments by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
 - (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
 - (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
 - (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
 - (e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT

regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

Applicant's Comment: Again, there should be no impacts on local government by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
- (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
- (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the

facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Based on this change alone, little if any coordination will be required with transportation agencies or other service providers. Therefore, this policy is not applicable to this application.

- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

Applicant's Comment: Again, there should be no impact on transportation facilities or improvements by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
 - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of

provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Applicant's Comment: No development is proposed as part of this application. Since both land use designations are rural resource designations, there should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
- (b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
- (c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

Applicant's Comment: The proposed amendment does not meet all the criteria listed in items (a)-(c). As stated previously, there should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

- (i) Medium to high density residential development (12 or more units per acre);
- (ii) Offices or office buildings;
- (iii) Retail stores and services;
- (iv) Restaurants; and
- (v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Applicant's Comment: No development is proposed as part of this application. Therefore, the reference to mixed-use, pedestrian-friendly center or neighborhood does not apply. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this policy is not applicable to this application.

3.

**Applicable Washington County Comprehensive Framework Plan
Rural/Natural Resource Element Policies and Regulations**

The following information responds to Washington County Comprehensive Framework Plan Rural/Natural Resource Element Policies and Regulations. The applicant’s comments to individual sections are highlighted in bold for each applicable policy and/or regulations. Policies addressed include:

Rural/Natural Resources Element Considerations

- Policy 1 (p. 8) The Planning Process
- Policy 2 Citizen Involvement
- Policy 6 Water Resources
- Policy 8 Natural Hazards
- Policy 10 Fish and Wildlife Habitat
- Policy 14 Plan Designations
- Policy 16 Exclusive Forest Lands
- Policy 17 Agriculture and Forest-20 Land
- Policy 22 Public Facilities and Services
- Policy 23 Transportation

POLICY 1 - PLANNING PROCESS

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.

Implementing Strategies

8. Amendments from Mixed Agriculture and Forestry-20 to Exclusive Farm Use or Exclusive Forest and Conservation shall be based upon:
 - A. A mistake in this 1983 plan; or
 - B. Findings that the subject land is:
 1. In farm or forest use;
 2. On farm or forest deferral;
 3. Agricultural or forest land as defined by LCDC Goal 3 or Goal 4; or
 4. Compatible with surrounding land uses.
 - C. Require that the parcel be contiguous to land with the same plan map designation being requested or be 76 acres or more in area.

Applicant's Comment: In accordance with this section, amendments from Agriculture and Forestry-20 to Exclusive Forest and Conservation must be based upon criteria A-C identified above. Applicable criteria are discussed below:

Forest Use: The subject property has been used for commercial forestry practices for many years. This type of operation and use of the property continues today. Refer to Section 6, Appendices, Exhibit B for Assessors Maps of subject property and Exhibit C, Aerial Photograph for additional information.

Forest Deferral: According to the Assessment and Taxation records, the subject property is been in forest deferral. Refer to Section 6, Appendices, Exhibit E, Assessors and Taxation Records for additional information.

Forest Land Defined by LCDC Goal 4: The subject property meets the definition of Goal 4 Forest Land, because Goal 4 defined forest lands

as being suitable for commercial forestry use (presumably having high potential for productivity with no serious management issues). The site contains a mixture of soil types which includes Cornelius, Jory, Laurelwood, Mebourne and Saum. Typical slopes range from two to over 60 percent. A majority of these are over 20 percent. According to the Soil Conservation Services (SCS), nearly all of soils have a forest productivity of 157 cubic feet per acre per year. Refer to Appendix I for specific information on soil types and their related productivity classification.

Compatibility with Surround Land Uses: All of the surrounding land use districts are agricultural or forestry related (e.g. AF-20, AF-10 or AF-5). From a use perspective, many of the surrounding parcels are either forested in timber, have been replanted with timber or have been logged. This is particularly true for properties to the north and west of the subject property. The proposed zoning designation allows for continued agricultural and forestry uses within the EFC similar to those that are currently occurring in the AF-20, AF-10 and AF-5 rural land use districts. Based on this, the current forestry uses on the subject property are or will be compatible with the surrounding forest uses. Refer to Section 6, Appendices, Exhibit C, Aerial Photograph for additional information.

This implementing strategy has been satisfied.

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.

Implementing Strategies

The County will:

- a. Provide information on planning issues and policies in a clear and understandable form by:
 1. Continuing the County/Extension newsletter on a regular basis; and
 2. Providing information to the media on a regular basis.

Applicant's Comment: In accordance with County procedures, the County will disseminate information in a clear and understandable way. Neighbors within 1,000 feet of the subject property will be sent a notice of the Planning Commission and subsequent Board of County Commissioner's meetings as well as their intent to address the proposed plan amendment. An advertisement will also be placed in the local newspaper notifying interest parties of the hearing process and dates.

This implementing strategy will be satisfied as part of the procedural process.

- b. Seek and encourage continued citizen involvement through the Citizen Participation Organization (CPO) Program. In order to assist in the efficiency of the CPOs, the County may reorganize the boundaries of the various CPOs to provide that there is a community of interest included within the boundary of each CPO. The County will strengthen that program by:
 - 1. Offering support and technical assistance;
 - 2. Maintaining the CCI to assist in the evaluation and implementation of the citizen involvement program; and
 - 3. Determine the citizen participation program by Board of Commissioner Resolution and Order.

Applicant's Comment: The subject property is located CPO 13, Roy/Verboort/Gales Creek. Through the procedures, the County will mail a copy of the plan amendment application to this Citizen Participation Organization. This implementing strategy will be satisfied as part of the procedural process.

- c. Provide the opportunity for citizen involvement in all phases of plan revision and amendment processes.

Applicant's Comment: In accordance with the County Community Development Code, the requested proposal (quasi-judicial plan amendment) will be processed through a Type III procedure. A type III Plan Amendment requires that all neighbors within 1,000 feet of the subject parcel must be sent a notice of the Planning Commission and Board of County Commissioner's intent to address this matter. Furthermore, an advertisement will be placed in the local newspaper notifying interest parties of the hearing process and dates.

The applicant will also be responsible for posting a sign on the subject parcels in accordance with the regulations that require the site to be posted with 28 days of the acceptance of the application. The County will mail a copy of the plan amendment application to the CPO representative. In accordance with County procedures and State law, County staff will have their report available to all the parties of interest, seven days prior to the public hearing. This implementing strategy will be satisfied as part of the procedural process.

- d. Utilize an open process for selecting members to serve on the Planning Commission and other advisory committees by providing an opportunity for any citizen of the County to become aware of and apply for membership by announcing all openings for Planning Commission and citizen advisory committees in newsletters, news releases, and other available media.

Applicant's Comment: The County, through its procedures and processes utilizes an open process for selecting members to serve on the Planning Commission and other advisory committees. All openings for Planning Commission and citizen advisory committee members will be advertised in newsletters, news releases, and other available media.

This implementing strategy is not applicable to this application.

POLICY 6 - WATER RESOURCES

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

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;
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's Comment: The proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). Both of these land use designations are rural resource designations. In accordance with this policy, well logs are not required for quasi-judicial plan amendments that will not result in an increase in density. Since no development is

proposed as part of this application, there will be no impact to the water resources. This implementing strategy has been satisfied.

b. Ensure adequate quality of surface and ground water by:

1. Promoting compliance with the Healthy Streams Plan, as adopted by Clean Water Services and in compliance with the CWS-county intergovernmental agreement, to the extent that the Healthy Streams Plan and associated CWS programs apply outside the UGB;
2. Promoting compliance with Department of Environmental Quality water quality standards;
3. Cooperating with the Soil and Water Conservation District in the implementation of effective methods of controlling non-point sources of water pollution in agricultural areas;
4. Cooperating with the Oregon State Department of Forestry in the implementation of effective methods of controlling non-point sources of water pollution in forest areas; and
5. Ensuring that the establishment of subsurface sewage disposal systems (e.g., septic tanks) will not adversely affect ground water quality.

Applicant's Comment: Again, the proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). No development is proposed as part of this application. To the applicant's knowledge, there are non non-point sources of water pollution within the subject property. The applicant of the property will comply with Department of Environmental Quality water quality standards and cooperate with the Oregon Department of Forestry to control non-point source pollution in forested areas, as necessary. This implementing strategy has been satisfied.

c. Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.

Applicant's Comment: The Washington County Natural/Resource Plan shows existing Water Areas, Wetlands, Fish and Wildlife associated with the existing features on site. The site contains two creek corridors: Both appear to be unnamed tributaries of the West Fork of Dairy Creek. Since no development is proposed, only those activities associated with the timber harvesting will affect the natural stream channels. Best management practices (BMP's) will be used in these areas and be conducted in conformance with Oregon Department of Forestry requirements. This implementing strategy has been satisfied.

d. Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.

Applicant's Comment: The Washington County Natural/Resource Plan show existing Water Areas, Wetlands, Fish and Wildlife associated with the existing

features on site. Since no development is proposed, only those activities associated with the timber harvesting will affect the natural vegetation near riparian zones and in areas identified as significant water areas and wetlands. Again, best management practices (BMP's) will be used in these areas and be conducted in conformance with Oregon Department of Forestry requirements. This implementing strategy has been satisfied.

- e. Encourage property owners with qualifying lands to apply for natural resource-related exemption of that land from ad valorem taxation where such programs are available.

Applicant's Comment According to the Assessment and Taxation records, the subject property is been in forest deferral. Refer to Section 6, Appendices, Exhibit E for Assessment and Taxation Data for additional information. This implementing strategy has been satisfied.

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

Applicant's Comment: To the applicant's knowledge, there is no viable water resource projects proposed within the boundaries of the subject property. Therefore this implementing strategy is not applicable to this application.

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

Applicant's Comment: There is no water projects proposed within the boundaries of this property. Therefore this implementing strategy is not applicable to this application.

- 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's Comment: No development is proposed as part of this application. Timber harvesting by the nature of its activity will reduce the amount of vegetation within the local drainage basin watersheds. However, these activities will not occur within the significant natural resource areas. This implementing strategy has been 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's Comment: As stated previously, the Washington County Rural/Natural Resource Plan shows two creek corridors within the boundaries of the subject property. Since no development is proposed, only those activities associated with the timber harvesting will affect the natural vegetation

near riparian zones. These will be conducted in conformance with Oregon Department of Forestry requirements. This implementing strategy has been satisfied.

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

Applicant's Comment: Again, no development is proposed as part of this application. However, as necessary, the applicant will support the expansion of storm water sampling the in the Tualatin basin and work within the consideration of proper planning and management measures for non-point source problems. This implementing strategy has been satisfied.

POLICY 8 - NATURAL HAZARDS

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

Implementing Strategies

The County will:

- a. Regulate new development in flood plain areas identified as being subject to flooding in the event of a 100-year flood (a flood with a 1% chance of occurrence in any year) in the latest H.U.D. or Corps of Engineers flood area studies. Such regulations shall discourage new development in flood plains and alterations of existing identified flood plains. Modifications or additions to existing structures may be allowed subject to engineering requirements which do not increase flood damage potential.

Applicant's Comment: According to the FEMA Firm maps, there are no known floodplains within the subject property. Refer to Section 6, Appendices, Exhibit J for additional information. Therefore this implementing strategy is not applicable to this application.

- b. Use Chapter 70 of the Uniform Building Code to regulate grading and/or filling on or near slopes.

Applicant's Comment: No development is proposed as part of this application. Therefore, this implementing strategy is not applicable to this application.

- c. Maintain and update information on natural hazards as it becomes available and identify areas on the appropriate land use district.

Applicant's Comment: The applicant has no knowledge or information on natural hazards within the boundaries of the subject property. Therefore this implementing strategy is not applicable to this application.

- d. Review and modify the County's Emergency Services Division Disaster Plan to ensure that it considers all identified natural hazards and disasters, including volcanic eruptions and earthquakes.

Applicant's Comment: Since there is no existing or proposed development within the boundaries of the subject property, the County's Emergency Services Division Disaster Plan would have minimal impact on this site. Therefore this implementing strategy is not applicable to this application.

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.

Applicant's Comment: No development is proposed as part of this application. Based on this, there should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. However, commercial forestry practices would continue to operate on the subject property in accordance with adopted forestry practice. Therefore, this implementing strategy is not applicable to this application.

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

Applicant's Comment: The subject property is currently and has historically been used for commercial forestry operations. All forestry operations will be conducted in conformance with Oregon Department of Forestry Administrative Rules (Chapter 629). Forestry staff will prepare management plans and will continue to employ Best Management Practices (BMP's) when harvesting timber around areas designated as Fish and Wildlife Areas. This implementing strategy has been satisfied.

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

Applicant's Comment: The subject property has historically been used for commercial forestry. The Oregon Department of Forestry, through its administration of the Oregon Forest Practice Rules, has and will continue to mitigate adverse impacts of commercial forestry upon fish and wildlife habitat. This implementing strategy has been satisfied.

- 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's Comment: The subject property has historically been used for commercial forestry. The alteration of natural vegetation in riparian zones, as well as those identified as significant water areas and wetlands have and will continue to be limited. This implementing strategy has been 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. The recommendations of the Wildlife Habitat Protection Plan shall be applied to development applications for land outside an urban growth boundary.

Applicant's Comment: To the applicant's knowledge, the subject property is not located in a Wildlife Habitat Protection Zone. Regardless, there should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

- f. Implement the recommendations of the Tualatin Basin Fish & Wildlife Habitat Program for rural areas of Washington County to promote efforts to enhance and conserve significant riparian habitat corridors.

Applicant's Comment: No development is proposed as part of this application. However, the subject property has historically been used for commercial forestry. To the maximum extent possible, the applicant will promote the enhancement and conservation of significant riparian habitat corridors. This implementing strategy has been satisfied.

POLICY 14 - PLAN DESIGNATIONS

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

The County will:

- 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 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 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.
 2. Lands which were zoned Agriculture 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 Forest-20.

Applicant's Comment: *In accordance with this section, natural resource lands will be designated based on the factors identified above.*

Soil Types: *According to the Soil Conservation Service, the soils within the subject property are capable of producing Douglas Fir with no serious limitations of forest management. Soils on the site include Cornelius/Kinton (2-7%, 7-12% and 30-60% slopes), Jory (2-7% and 30-60 slopes), Laurelwood (3-7%, 12-20% and 20-30% slopes), Melbourne (20-30% and 30-60% slopes) and Saum (2-7%, 12-20%, 20-30% and 30-60% slopes). With the exception of the Cornelius/Kinton, all of the remaining soils have a SCS Forest Productivity classification or 157 or higher, which has a high potential productivity off ground Douglas Fir and other native tree species. These soils are also suitable for farm crops but due to the slopes, it would be difficult to efficiently farm these areas.*

Predominate Use: *The property is currently and has historically been used for commercial forestry uses.*

Surrounding Land Use: Most of the surrounding properties are composed of forest and agricultural uses. Within this context, there are a few rural residential uses scattered throughout this area.

Crops/Forest Uses: Recognizing the size of the property and slope constraints, the property is most suitable for commercial timber operations or large scale farming. Suitable agricultural crops may include: fruit trees, grapes, nuts and berries. Forestry products could include a variety of tree species and/or a commercial Christmas tree operation (e.g. Douglas Fir, Spruce, Scotch Pine, Grand Fir and Noble Fir). Both forestry and farming would be compatible with adjacent uses. However, given the slope limitation (e.g. moderate to steep hillsides), the site is most suitable for commercial timber operations.

Physical Characteristics: Based on the soil types, 85% the subject property contain slopes greater than 7% and roughly 80% contain slopes greater than 20%. These are too steep to effectively farm.

Forest Deferral: The property is in forest deferral. Refer to Section 6, Appendices, Exhibit E, Assessment and Taxation Data for additional information.

This implementing strategy has been satisfied.

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

Applicant's Comment: The subject parcel contains approximately 429 acres of forest land. Based on this total, the subject property would qualify as a "large block" and meet the intent of the Exclusive Forest and Conservation (EFC) designation. This implementing strategy has been satisfied.

- c. Designate Rural Lands, for which an LCDC Goal 2 Exception is provided to LCDC Goals 3 (Agriculture) and 4 (Forestry), in the following manner:
1. All lands which were zoned AF-5 by the 1973 Comprehensive Plan will be designated AF-5 or AF-10 based upon existing use and the characteristics of the area, unless the criteria for RR-5 can be met.
 2. All lands which were zoned AF-10 by the 1973 Comprehensive Plan will be designated AF-10 unless the criteria for RR-5 can be met.
 3. Lands which meet the following criteria will be designated RR-5:
 - A. Were zoned urban or suburban residential by the 1973 Comprehensive Plan; or
 - B. Were zoned AF-5 or AF-10 in the 1973 Comprehensive Plan and were interspersed with urban or suburban zoning districts; and

C. In addition, meet the following criteria;

1. re located within the Wolf Creek Highway or Tigard Water District and are contiguous to land zoned RS-1; or
2. Consist of a platted subdivision or other area which has been developed to suburban density and is not in farm or forest use as those terms are defined by ORS Chapter 215 or LCDC Goal 4.
4. All lands which were zoned urban or suburban residential will be designated either RR-5, AF-5 or AF-10 in accord with the purpose and intent of the appropriate land use district and the character of the surrounding area.
5. All lands which were previously zoned Land Extensive Industrial (MA-E), except those areas put into the Rural Industrial District, shall be designated MA-E.
6. Except as provided in subsection 5 above, lands with lawfully created, existing industrial uses shall be designated Rural Industrial (R-IND).
7. All lands with lawfully created, existing commercial uses shall be designated Rural Commercial (R-COM).
8. Recognize existing, lawfully created commercial or industrial uses or those which predate applicable County Land Use Ordinance to the extent of their current site usage by the appropriate Plan Map designation.

Applicant's Comment: The subject property was not zoned AF-5 or AF-10 by the 1973 Comprehensive Plan. Similarly, the subject property does not meet any of the standards for reclassification to Rural Residential (RR-5). Therefore, this implementing strategy is not applicable to this application.

POLICY 16 - EXCLUSIVE FOREST LANDS

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.

Implementing Strategies

The County will:

- a. Retain forest land for commercial forest management and protection of sensitive areas (watersheds, wildlife habitats) in an Exclusive Forest and Conservation Land Use District (EFC) in accordance

with LCDC Goal 4; OAR Chapter 660, Division 06; and the legislative purposes of ORS Chapters 197 and 215.

Applicant's Comment: As previously mentioned, the subject property is currently and has historically been used for commercial forestry operations. This use continues today. The proposal to change the land use designation from AF-20 to EFC would comply with the intent of this policy. This implementing strategy has been satisfied.

- b. Require that conversion of forest lands designated for Exclusive Forest and Conservation to uses not authorized in OAR Chapter 660, Division 06 be preceded by a plan amendment pursuant to the provisions of Policy 1.

Applicant's Comment: The subject property is not zoned for Exclusive Forest and Conservation uses. Therefore, this implementing strategy is not applicable to this application.

- c. Limit uses on forest lands to those provided for in OAR Chapter 660, Division 6.

Applicant's Comment: The subject property has exclusively been used for commercial forestry operations. The existing uses on the subject property are consistent with OAR Chapter 660, Division 6 for forest land uses. This implementing strategy has been satisfied.

- d. Allow the replacement of a dwelling or accessory building if it has been destroyed by fire or other natural disaster in a manner that would limit the possibility of the recurrence of the disaster (flood, slides, etc.).

Applicant's Comment: No development is proposed for the subject property. Therefore, this implementing strategy is not applicable to this application.

- e. Promote use of the Oregon Forest Practices Act as the means of maintaining environmental quality when conducting forest operations.

Applicant's Comment: Current forestry operations promote the Oregon Forest Practices Act as a means of maintaining environmental quality. This implementing strategy has been satisfied.

- f. Cooperate with the Oregon State Extension Service, the Farm Bureau, the Washington County Woodland Association, and the Oregon Department of Forestry to promote the education and dissemination of information on agricultural and forest management practices.

Applicant's Comment: As necessary, the applicant will cooperate with the Oregon State Extension Service, the Farm Bureau, the Washington County Woodland Association, and the Oregon Department of Forestry to promote the education and dissemination of information on

agricultural and forest management. This implementing strategy has been satisfied.

- g. Allow the division of lands placed in the Exclusive Forest and Conservation District in accordance with the provisions of OAR Chapter 660, Division 06.

Applicant's Comment: As necessary, the applicant will allow the division of lands placed in the Exclusive Forest and Conservation District in accordance with the provisions of OAR Chapter 660, Division 06. This implementing strategy has been satisfied.

- h. Work with the Department of Assessment and Taxation to monitor whether property owners are actually farming or have forest uses on their property as it affects their tax deferral status.

Applicant's Comment: As necessary, the applicant will cooperate with the Department of Assessment and Taxation to demonstrate the owners have forest uses on their property as it affects their tax deferral status. This implementing strategy has been satisfied.

- 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's Comment: The subject property contains 3 parcels and approximately 429 acres of commercial forest land. This equates to an average of 143 acres per parcel which would be considered a large block. This is of sufficient size to accommodate forestry operations on the subject property. This implementing strategy has been satisfied.

- j. Utilize the Douglas Fir Forest Site Classification designations established for the Oregon State and U.S. Forest Service for the purpose of identifying potential forest lands.

Applicant's Comment: According to the Soil Conservation Service, the soils within the subject property are capable of producing Douglas Fir with no serious limitations of forest management. The Saum, Melbourne, Laurelwood and Jory soils have a SCS Forest Productivity classification of 157 or higher, which has a high potential productivity of Douglas Fir and other native tree species. This implementing strategy has been satisfied.

POLICY 17 - AGRICULTURE AND FOREST-20 LAND

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 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.

Implementing Strategies

- a. The County will: Adopt and implement an Agriculture and Forest-20 Land Use District (AF-20) consistent with LCDC Goal 3 and Oregon Revised Statutes Chapter 215.

Applicant's Comment: Based on site's current designation, the subject property did not qualify for a Goal 2 exception. Consequently, the site was designated AF-20 in 1983, consistent with Policy 14 and 17 of the Washington County Comprehensive Plan. This implementing strategy has been satisfied.

- b. Provide for all of the uses allowed in an EFU District pursuant to ORS Chapter 215 in the AF-20 Land Use District.

Applicant's Comment: As previously mentioned, the subject property is currently and has historically been used for commercial forestry operations. Since the proposal is to change the land use designation from AF-20 to EFC, provisions in the EFU district are not relevant. Therefore, this implementing strategy is not applicable to this application. .

- c. Designate those lands within the Agriculture and Forest-20 Plan Designation as Potential Marginal Land pursuant to the provisions of Senate Bill 237 adopted by the 1983 regular session of the Oregon Legislature.

Applicant's Comment: Since the proposal is to change the land use designation from AF-20 to EFC, the marginal land designation is not relevant at this time. Therefore, this implementing strategy is not applicable to this application.

- d. Provide in the Agriculture and Forest Land Use District a quasi-judicial process which enables a lot to qualify as "Marginal Land" which contains a lot of record provision for lots created prior to July 1, 1983.

Applicant's Comment: Since the proposal is to change the land use designation from AF-20 to EFC, the marginal land designation is not relevant at this time. Therefore, this implementing strategy is not applicable to this application.

- e. Allow the division of lands placed in the Agriculture and Forest-20 Land Use District to a minimum of 20 acres in accord with the following:

1. The proposed division is appropriate for the continuation of the existing commercial agricultural enterprise within the area;
2. In those instances where it is proposed to locate a farm-related dwelling, the proposed lot area is of sufficient size to support commercial production of food and fiber using accepted farm practices as defined in ORS 215.203(2)(3);
3. Approval of the partitioning will not seriously interfere with the preservation of wildlife or fish habitat areas as identified in the Washington County Comprehensive Plan, or interference will be mitigated; and
4. Any additional criteria as set forth in the County's Community Development Code.

Applicant's Comment: *Since the proposal is to change the land use designation from AF-20 to EFC, the minimum lot size of 20 acres is not relevant at this time. Therefore, this implementing strategy is not applicable to this application.*

- f. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities or as provided for under marginal land provisions.

Applicant's Comment: *No non-forest related uses are proposed. Therefore, this implementing strategy is not applicable to this application.*

- g. Require that an applicant for non-farm use record a waiver of the right to remonstrate against accepted farm or forest practices, including spraying. Maintain agricultural and forest lands in blocks large enough to encourage and maintain commercial agricultural and forest activities when considering Plan Amendments.

Applicant's Comment: *The subject property is currently and has historically been used for commercial forestry operations. Subsequently, there is no need to record a waiver of the right to remonstrate against accepted farm or forest practices, including spraying. The subject property would remain in large blocks to maintain forest activities. Therefore, this implementing strategy is not applicable to this application.*

- h. Encourage the development of irrigation systems in support of agricultural production.

Applicant's Comment: *An irrigation system is not necessary in order to accommodate commercial forestry practices on the subject property. Therefore, this implementing strategy is not applicable to this application.*

- i. Cooperate with Clean Water Services, the Oregon State Extension Service and the Natural Resources Conservation Service in promotion of education and dissemination of information on agricultural management and practices that preserve and protect natural resources such as fish and wildlife habitat.

Applicant's Comment: Since the proposal is to change the land use designation from AF-20 to EFC, coordination with CWS and the OSU extension service is not necessary. Therefore, this implementing strategy is not applicable to this application.

- j. Provide for the creation of a non-buildable lot within the Agriculture and Forest Land Use District with the filing of a restrictive covenant in the deed records of the County.

Applicant's Comment: No development is proposed on the subject property. Subsequently, there is not need to file a restrictive covenant in the deed records of the County. Therefore, this implementing strategy is not applicable to this application.

- k. Require that the conversion of agricultural lands designated AF-20 to uses not allowed by ORS Chapter 215 be preceded by a plan amendment pursuant to the provisions of Policy 1.

Applicant's Comment: The subject property has historically been used for commercial timber operations and was not farmed in 1983 when the Rural Natural Resource Plan assigned an AF-20 designation to the subject ownership. In accordance with Policy 1, a plan amendment is being submitted to change the plan designation from AF-20 to EFC to reflect the historical and current use of the property. The accompanying narrative and exhibits demonstrate compliance with this policy. This implementing strategy has been satisfied.

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 coordinated manner, at levels which support rural type development, are efficient and cost effective, and 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 new development:
1. Schools
 2. Fire and police protection

Applicant's Comment: The subject property is located in the Forest Grove School District. Service is adequate to accommodate the proposed plan amendment. Since the proposed use will continue to be timber production, there would be no affect on the school service level.

Similarly, Fire protection is provided by the Forest Grove Fire Department. Service is adequate to accommodate the proposed plan amendment. Police protection is provided by the Washington County Sheriff's office. The Sheriff's office has indicated that service level is adequate for emergency calls only. The base level of service in Washington County is 0.50 officers per 1,000 population.

This implementing strategy has been satisfied.

- b. Establish a coordination system with all special districts, jurisdictions, agencies and private corporations that now or will provide the appropriate level of public facilities and service to the Rural and Natural Resource area.

Applicant's Comment: As required, the applicant will establish a coordinate system with appropriate jurisdictions to provide necessary levels of public facilities and services. This implementing strategy has been satisfied.

- c. Continue to provide the following facilities and services:

<u>Service</u>	<u>Portions of County Served</u>
Public Health	Countywide
Sheriff Patrol	Countywide
Detention Facility	Countywide
Assessment and Taxation	Countywide
Records and Elections	Countywide
Road Maintenance	County Roads
Land Development Regulation	Unincorporated areas
Cooperative Library System	County
Solid Waste Collection System	Unincorporated areas
Management (franchising)	Unincorporated areas
Solid Waste Disposal, Siting & Management	Unincorporated areas outside Metro's Jurisdictional boundary

Applicant's Comment: As necessary, the applicant will continue to provide all applicable facilities and services for the subject property as outlined above. This implementing strategy has been satisfied.

- d. Establish agreements between the County and service providers. The agreements shall provide:
 - 1. Review of development proposals,
 - 2. Review of proposed service extension or facility expansion,
 - 3. Service district annexation,
 - 4. Criteria or documents to be used in planning service extensions, new facilities, or facility improvements,

5. Standards to be used in assessing "appropriate" or "adequate" service levels,
6. Area or clientele to be served now and in the future,
7. Consistency of service provider activities with Plan policies, strategies, and land use designations,
8. Coordination between the County and any high growth school districts in addressing capacity needs,
9. Coordination of capital improvement programs (of the County and service providers), and
10. Procedures for amending the agreement.

Applicant's Comment: As necessary, the applicant will comply with established agreements between the County and service providers. This implementing strategy has been satisfied.

- e. Permit sewer lines to be established in the Rural-Natural Resource area to relieve an identified health hazard, except that sewer lines may traverse the Rural-Natural Resource area in order to facilitate service to urban areas. However, a connection to an existing sewer line may be approved for a residential use pursuant to OAR 660-011-0060(8) and (9). After a sewer line has been installed, it may be used by a farmer for disposal of sewage in connection with a farm labor camp or in connection with a food processing operation.

Applicant's Comment: No development or proposed sewer lines have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- f. Recognize Metro's responsibility and authority to prepare and implement the Regional Solid Waste Management Plan and participate in its preparation and implementation as necessary.

Applicant's Comment: Again, no development or solid waste facilities have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- g. Provide appropriate land use designations and clear and objective standards for planned waste facilities identified in the Regional Solid Waste Management Plan.

Applicant's Comment: No development or waste facilities have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- h. Manage and coordinate both the collection and disposal of solid waste through the existing franchise system.

Applicant's Comment: Again, no development or waste facilities have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- i. Encourage franchised solid waste collectors to expand the opportunities for recycling of solid waste by individual households and businesses.

Applicant's Comment: As previously mentioned, no development or waste facilities have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- j. Allow for the formation or expansion of community, private or public water supply systems or the extension of extraterritorial water lines to serve the following land use districts.

Agriculture and Forest-10	(AF-10)
Agriculture and Forest-5	(AF-5)
Rural Residential-5	(RR-5)
Rural Commercial	(R-COM)
Rural Industrial	(R-IND)
Land Extensive Industrial	(MA-E)

Applicant's Comment: No development or community, private or public water supply systems have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- k. Allow for the formation or expansion of community, private or public supply water systems utilizing water sources other than the extraterritorial water line extensions to serve existing dwellings in areas designated Exclusive Farm Use, Exclusive Forest and, and Agriculture and Forest-20. The water supply system shall not provide service to non-resource lands such as AF-10, AF-5 or R-COMM.

Applicant's Comment: Again no development or community, private or public water supply systems have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- l. Allow for the connection of existing dwellings in areas designated Exclusive Farm Use, Exclusive Forest and Conservation, and Agriculture and Forest-20 through extraterritorial water line extension to community, private or public water supply systems upon documentation of one of the following:
 1. The water from an existing well does not meet Environmental Protection Agency (EPA) Safe Drinking Water Standards. The following documentation shall be submitted:
 - a. A letter from an EPA approved testing laboratory stating that the water source does not meet EPA Safe Drinking Water Standards and listing the contaminants; or
 - b. A letter from the Washington County Department of Health and Human Services stating the water does not meet EPA Safe Drinking Water Standards and listing the contaminants. It must be demonstrated that reasonably priced readily available

technology for filtering, chlorination or other on-site treatment cannot bring the water quality up to standard. "Reasonably priced" is defined as equal to or less than the estimated cost to hook to a community private or public water system.

2. The amount of water available from an existing well is insufficient for domestic use. Insufficient water supply is defined as an existing well which does not produce usable quantities of water for domestic consumption due to the geologic formation. It must be demonstrated that deepening the well will not, in all probability, result in an increase in usable water supply. Documentation is to be provided by a qualified geologist or hydrologist and the property owner must demonstrate that a reasonably priced water storage will not result in adequate usable water supply.

Applicant's Comment: As previously mentioned, no development or community, private or public water supply systems have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- m. Allow for the formation or expansion of community private or public water supply systems in areas designated Exclusive Farm Use, Exclusive Forest and Conservation, and Agriculture and Forest-20 utilizing on-site groundwater sources, not extraterritorial water sources, to serve those uses approved by the County to ORS 215.213, OAR 660-33 or OAR 660-06 on the same property as the water system.

Applicant's Comment: No development or community, private or public water supply systems have been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

- n. Include as an element of the Resource Document of the Comprehensive Plan, the School Facility Plans adopted by high-growth school districts pursuant to ORS 195.110. The County will also provide notice to the affected high growth school district when considering a plan or land use regulation amendment that affects school capacity.

Applicant's Comment: No development has been identified within the subject property. Therefore, this implementing strategy is not applicable to this application.

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:

- a. Combine the transportation features of the urban and rural areas in a single County-wide Transportation Plan. The Transportation Plan will address the major roadway system (i.e. non-local roads) and designate roads and streets that are part of the major system. The Rural/Natural Resource Plan and the Community Plans will address the local road system and designate the streets and roads that are part of that system;

Applicant's Comment: No roads are planned as part of the proposed change in land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

- b. Specify the necessary transportation improvements, maintenance and reconstruction activities needed to carry out the Comprehensive Plan in the Transportation Plan.

Applicant's Comment: No transportation improvements are planned as part of the proposed change in land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

- c. Implement the Transportation Plan capital improvements and maintenance programs through a combination of public expenditures, private development actions and the assessment of impact fees.

Applicant's Comment: No transportation improvements are planned as part of the proposed change in land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

- d. In cases of direct conflict between the Transportation Plan and a Community Plan or the Rural/Natural Resources Plan Element functional classification and/or location of a proposed road, the Transportation Plan shall take precedence.

Applicant's Comment: The subject property is serviced by David Hill Road, which is classified as a local road. No other roadways are proposed. Therefore, this implementing strategy is not applicable to this application.

- e. The addition of new roads or streets to the major roadway system will be designated through the Transportation Plan unless specified otherwise by the Transportation Plan. New neighborhood routes may also be designated through the development review process. New local streets or roads will be designated through the development review process or by amendments to the Community Plans or the Rural/Natural Resource Plan;

Applicant's Comment: No other roadways are proposed. Therefore, this implementing strategy is not applicable to this application.

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

Applicant's Comment: If approved, the request will amend the Rural/Natural Resources Plan to change the current zoning for AF-20 to EFC. The applicants must demonstrate that by amending the zoning designation, there will be no significant or detrimental impact to the current operation capacity and safe travel of vehicular traffic along SW David Hill Road, which provide direct access to the subject property. For further information, refer to Section 4, Washington County Transportation Policies and Regulations.

4.

**Applicable Washington County
2020 Transportation Plan Policies and Regulations**

The following information responds to Washington County Transportation Plan policies and regulations. The applicant’s comments to individual sections are highlighted in bold for each applicable policy and/or regulations. Policies addressed include:

<u>Transportation Plan Considerations</u>	
Policy 1	Travel Needs
Policy 2	System Safety
Policy 4	System Funding
Policy 5	System Implementation and Plan Management
Policy 6	Roadway System
Policy 10	Functional Classification
Policy 19	Transportation Planning Coordination and Public Involvement

POLICY 1.0 - TRAVEL NEEDS

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

Strategies:

- 1.1 Provide a multi-modal transportation system that supports the land uses delineated in the County's and other applicable comprehensive plans, minimizes reliance on any single travel mode, and makes progress toward achieving mode share targets identified in Strategy 5.3 of this Plan.

Applicant's Comment: The primary access to the subject property is from by David Hill Road. There are no bus, bicycle or pedestrian systems in existence.

No development is proposed as part of this application. The proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). This plan amendment is not expected to have a detrimental impact on the capacity or service levels. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 1.2 Provide a transportation system that meets the mobility and accessibility needs of Washington County residents and businesses, including movement of goods and services, as defined by performance standards identified in Table 5 of this Plan.

Applicant's Comment: Again, the primary access to the subject property is from by David Hill Road. David Hill Road appears to be primarily used by local County residents and is not considered an accessible route. This roadway provides a direct connection to Highway 47 to the west. To the east, David Hill Road connects with Thatcher Road. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 1.3 Provide an interconnected transportation network that effectively links subareas of the County and the regional system, encourages non-auto travel and minimizes out-of direction travel through appropriate sizing and spacing of its major elements, and which, when properly managed in conjunction with other strategies in the Plan, reduces growth in vehicular miles traveled per capita.

Applicant's Comment: David Hill Road provides a direct connection to Highway 47 to the west. To the east, David Hill Road connects with Thatcher Road. These roadways connect the subject property to other portions of the County and the regional system. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. This implementing strategy has been satisfied.

- 1.4 Provide a transportation system with facilities that are accessible to all people, complying in the process with applicable provisions of the Americans With Disabilities Act (ADA).

Applicant's Comment: *None of the existing rural roadways are accessible and comply with the provisions of the Americans With Disabilities Act (ADA). There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 1.5 Encourage and support transportation services that meet the needs of the transportation disadvantaged, including children, elderly and low-income area residents as provided for in the Regional Transportation Plan.

Applicant's Comment: *None of the existing rural roadways encourage and support transportation services necessary to meet the disadvantaged, including children, elderly and low-income area residents. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 1.6 Ensure that progress toward meeting travel needs in Washington County is financially, environmentally, geographically and modally balanced as defined by Plan implementation and management priorities.

Applicant's Comment: *To the applicant's knowledge, there are no plans to upgrade or improve any of the surrounding roadways. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

POLICY 2.0 - SYSTEM SAFETY

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

Strategies:

- 2.1 Ensure systems supporting motor vehicle, bus, bicycle and pedestrian travel are structurally and operationally safe.

Applicant's Comment: *The primary access to the subject property is from by David Hill Road. This roadway is a two-lane County roadway with a gravel surface. There are no bus, bicycle or pedestrian systems in existence. There should be no impacts by the applicants desire to change the current*

land use designation from AF-20 to EFC. Therefore, this implementing strategy is not applicable to this application.

- 2.2 Periodically conduct the review necessary to identify and correct transportation facility and system design and operation problems.

Applicant's Comment: The County has exclusive maintenance responsibilities of David Hill Road. David Hill Road maintains a gravel surface and varies in width. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 2.3 Identify solutions for safety problems utilizing design standards that provide or preserve the intended multi-modal function of system facilities as defined in the Transportation Plan.

Applicant's Comment: As previously mentioned, David Hill Road serves as the primary access to the site. Currently, the access point to the subject property are placed to maximize the sight distance and promote safe entry. Future accesses entering and exiting the site should be located to comply with this policy. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 2.4 Identify and prioritize transportation system safety capital improvement projects through the Washington County Transportation Capital Improvement Program.

Applicant's Comment: To the applicant's knowledge, none of the surrounding roadways are listed on the County's Transportation Capital Improvement Program. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 2.5 Program transportation system maintenance expenditures through the annual Washington County Road Maintenance Program to ensure that systems supporting all modes of travel are maintained in a safe condition.

Applicant's Comment: To the applicant's knowledge, existing transportation systems are adequate to serve the subject property. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 2.6 Work with other agencies and organizations to provide educational programs that improve public understanding of safe and efficient use of the transportation system.

Applicant's Comment: *There are no known educational programs designed to improve public understanding of safe and efficient use of the transportation system in this area. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

POLICY 4.0 - SYSTEM FUNDING

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.

Strategies:

- 4.1 Develop funding mechanisms adequate to support the Transportation Plan, that provide resources in a manner that is consistent with Plan policies, and in cases where improvements are jointly funded, consistent with the priorities and policies of other involved jurisdictions.

Applicant's Comment: *The proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). No development is proposed as part of this application. To the applicant's knowledge, there are no funding mechanisms to improve the roadways systems in this area. Therefore this implementing strategy is not applicable to this application.*

- 4.2 Address transportation system maintenance and operations needs through financing mechanisms that recognize the primary responsibility of system users, distinguishing between countywide and local responsibilities.

Applicant's Comment: *Again, the proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). No development is proposed as part of this application. To the applicant's knowledge, there are no funding mechanisms to improve the roadways systems in this area. Therefore this implementing strategy is not applicable to this application.*

- 4.3 Recognize that addressing transportation system needs on local government facilities is primarily the financial responsibility of Washington County residents, businesses and system users who create those needs.

Applicant's Comment: *As previously mentioned, the proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). No development is proposed as part of this application. To the applicant's knowledge, there are no funding mechanisms to improve*

the roadways systems in this area. Therefore this implementing strategy is not applicable to this application.

- 4.4 Provide a transportation system improvement funding structure in which the benefits from tax- and fee-funded improvements and services accrue to those who pay for them.

Applicant's Comment: The proposal is to change the land use designation for AF-20 to EFC (Exclusive Forest and Conservation). No development is proposed as part of this application. To the applicant's knowledge, there are no permanent funding structures to improve the roadways systems in this area. Therefore this implementing strategy is not applicable to this application.

POLICY 5.0 - SYSTEM IMPLEMENTATION AND PLAN MANAGEMENT

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

Strategies:

- 5.1 Provide a transportation system that accommodates travel demand consistent with applicable performance standards for all modes of travel, recognizing a need to minimize or mitigate impacts on existing neighborhoods.

Applicant's Comment: The primary access to the subject property is from by David Hill Road. This roadway is a two-lane County roadway with a gravel surface. There are no bus, bicycle or pedestrian systems in existence. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 5.2 Efficiently manage the allocation of County resources for capital projects through the Washington County Transportation Capital Improvements Program.

Applicant's Comment: David Hill Road is classified as a local roadway. To the applicant's knowledge, there is no implementation of the transportation plan that would result in capital improvements to these roadways. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 5.3 Implement plan strategies that are necessary to make progress toward achieving the 2040 Regional Non-Single Occupant Vehicle mode share targets prescribed in the Regional Transportation Plan, these being 45-55 percent in Regional Centers, Town Centers, Main Streets, Light Rail Station

Areas and Corridors; and 40-45 percent in Industrial and Employment areas, Inner and Outer neighborhoods and for Intermodal facilities.¹

Applicant's Comment: *To the applicant's knowledge, there are no implementation strategies of the transportation plan that would result in improvements to these roadways. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 5.4 Efficiently manage County resources for transportation system maintenance and preservation through the Washington County Road Operations and Maintenance Program.

Applicant's Comment: *David Hill Road is two lane gravel local roadway. To the applicant's knowledge, the Washington County Road Operations and Maintenance Program adequately manages the maintenance of these roadways. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 5.5 Develop a long-term financial strategy that supports cost-effective and timely implementation of transportation system capital improvement and operations and maintenance programs.

Applicant's Comment: *To the applicant's knowledge, there is no long-term strategy for improving the transportation system. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 5.6 Communicate and coordinate with other jurisdictions and transportation agencies to ensure orderly and efficient development and operation of the system as a whole and that applicable federal, state and regional planning directives are met.

Applicant's Comment: *David Hill Road is classified as a local roadway. To the applicant's knowledge, there is no implementation of the transportation plan that would result in improvements to these roadways. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 5.7 Develop, emphasize and support plan transportation demand management and demand reduction strategies as mechanisms for reducing vehicle trips and shifting travel to off peak travel periods.

Applicant's Comment: *To the applicant's knowledge, there are strategies as mechanisms for reducing vehicle trips and shifting travel to off peak travel periods. There should be no impact by the applicants desire to change the*

current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 5.8 Develop, emphasize and support transportation system management strategies as mechanisms for maximizing transportation system operating efficiency.

Applicant's Comment: To the applicant's knowledge, there are mechanisms for maximizing transportation system operating efficiency. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 5.9 Research, develop and implement new technologies that improve transportation services.

Applicant's Comment: To the applicant's knowledge, no research, develop or implement new technologies that improve transportation services have been identified. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 5.10 Encourage the identification of issues in the plan monitoring process that may not be adequately addressed during plan implementation, and address these issues through plan amendments or the next plan update.

Applicant's Comment: To the applicant's knowledge, there is no identification of issues in the plan monitoring process . There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

POLICY 6.0 - ROADWAY SYSTEM

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.

Strategies:

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

Applicant's Comment: The primary access to the subject property is from by David Hill Road. This roadway is a two-lane County roadway with a gravel surface. There are no bus, bicycle or pedestrian systems in existence.

There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. The roadway system will not degrade the planned motor vehicle performance measure as a result of the change in land use designations. Therefore this implementing strategy is not applicable to this application.

- 6.2 Design and implement a roadway system with characteristics necessary to encourage and support non-auto travel and not negatively impact neighborhoods.

Applicant's Comment: David Hil Road is gravel and varies in width. David Hill Road has ROW design width of 50 feet. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.3 Identify and implement projects necessary to improve performance and reduce system design deficiencies in roadway corridors and segments that are operating or forecasted to operate at less than acceptable standards as identified in Table 5.

Applicant's Comment: To the applicant's knowledge, there are no implementation projects identified to improve performance and reduce system design deficiencies. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.4 Implement the roadway system in a manner that enhances accessibility by all modes by developing projects necessary to address access deficiencies.

Applicant's Comment: There are no implementation projects identified to enhance the roadway system in a manner that enhances accessibility by all modes. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.5 Implement the roadway system to provide access to choices for transportation disadvantaged people, including youth, elderly and disabled. Provide barrier free roadways and other transportation facilities that comply with the Americans with Disabilities Act of 1990. Identify and assess structural barriers for transportation disadvantaged populations in the current transportation system, and address these through a comprehensive program.

Applicant's Comment: There are no implementation projects identified to provide alternative choices for transportation for disadvantaged people, including youth, elderly and disabled. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC.

Therefore this implementing strategy is not applicable to this application.

- 6.6 Design and manage the transportation system to minimize excessive traffic volumes and speeds on Neighborhood Routes and Local streets, while maintaining adequate neighborhood access.

Applicant's Comment: The primary access to the subject property is from by David Hill Road. This roadway is a two-lane County local roadway with a gravel surface. The David Road design in itself, deters excess speeds due to it vertical and horizontal curves and surfacing material. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.7 Develop County Street Design standards, as appropriate, consistent with the Regional Transportation Plan and Metro's publication entitled 'Creating Livable Streets – Street Design Guidelines for 2040'.

Applicant's Comment: The County has developed standard street design standards consisting of Arterial, Collector and Local roadways. David Hill Road has ROW design width of 50 feet. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.8 Until the revisions contemplated in Strategy 6.7, above, are completed, consider the street design characteristics set forth in the Regional Transportation Plan and Metro's publication entitled 'Creating Livable Streets – Street Design Guidelines for 2040' during development review and project development, when construction or reconstruction is proposed on roadway segments and intersections identified on the Regional Street Design Overlay Map, either in association with private development or as part of a public project.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.9 Identify and prioritize roadway capital improvements through the Transportation Capital Improvement Program.

Applicant's Comment: The primary access to the subject property is from by David Hill Road. This roadway is a two-lane County roadway with a gravel surface. None of the previously mentioned street is identified in the County's Transportation Capital Improvement Program. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 6.10 Identify and mitigate potential impacts of roadway system improvement projects on the built and natural environments utilizing the transportation project development and development review processes.

Applicant's Comment: *As previously mentioned, the primary access to the subject property is from by David Hill Road. This roadway is a two-lane County roadway with a gravel surface. Since there are no planned improvements, there is no potential for mitigation as a result of roadway improvements. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 6.11 Require new development or redevelopment projects to comply with local street connectivity, access management, parking and other applicable regulations in the Community Development Code, the Community Plans and the Rural/Natural Resource Plan.

Applicant's Comment: *Again, no development is proposed and thus there is no need to comply with local street connectivity. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 6.12 There continues to be considerable discussion in the Washington County community about how best to define and address north-south circulation and capacity needs in the western urban areas – between Hillsboro and the Tualatin/Sherwood area. This Plan identifies these needs and the facilities, programs and services necessary to accommodate them in a manner that is consistent with State, Regional and other local government transportation plans. This approach includes planned construction of numerous large projects within the Urban Growth Boundary and requires acceptance of several “deficiency areas” throughout the County.

Applicant's Comment: *The subject property does is not located between Hillsboro and the Tualatin/Sherwood area. Therefore this implementing strategy is not applicable to this application.*

POLICY 10.0 - FUNCTIONAL CLASSIFICATION

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:

- 10.1 Apply the Washington County roadway system functional classification system described below and illustrated in the Functional Classification System Map (See Figures 4a-f). Functional Classification Descriptions:

A. Principal Arterials (Freeways and Highways) form the backbone of the motor vehicle network. These routes connect over the longest distance (sometimes miles long) and are spaced less frequently than other Arterials or Collectors. These highways generally span several jurisdictions and often have statewide importance. At a minimum, highways that are classified by ODOT as Interstate or Statewide Highways are considered Principal Arterials. Important characteristics of Principal Arterials include:

- Freeways have the highest level of access control, including grade-separated interchanges. No at-grade driveways or connections are allowed.
- Highways generally have limited at-grade connections.
- Freeways and highways provide connections for the movement of people, services and goods between the central city, regional centers and destinations beyond the region.
- Principal Arterials that aren't freeways will be managed to minimize the degradation of capacity while providing limited access to abutting properties.

B. Arterial Streets interconnect and support the Principal Arterial highway system. Arterials intended to provide general mobility for travel within the region. Correctly sized Arterials at appropriate intervals allow through trips to remain on the Arterial system thereby discouraging use of Local streets for cut-through traffic. Arterial streets link major commercial, residential, industrial and institutional areas. Characteristics of Arterials include:

- Arterials serve as primary connections to Principal Arterials, and should also connect to other Arterials, Collector and Local streets, where appropriate.
- Arterials in the rural area provide urban-to-urban secondary connections to neighboring cities, and farm-to-market access between urban and rural areas. Urban-to-urban rural Arterials provide key connections to the regional motor vehicle system and 2040 land-use components inside the urban growth boundary. Farm-to-market rural Arterials provide farm-to-market access between urban and rural areas. Most rural Arterials serve a mix of urban-tour ban and farm-to-market traffic.
- Arterials provide freight movement in support of Principal Arterials.
- Arterials have moderate access control for cross streets and driveways.

Typically, residential driveways are not allowed access to Arterials.

C. Collector Streets provide both access and circulation between residential, commercial, industrial and agricultural community areas and the Arterial system. As such, Collectors tend to carry fewer motor vehicles than Arterials, with reduced travel speeds. Collectors may serve as freight access routes, providing local connections to the Arterial network. Collector characteristics include:

- Collectors connect neighborhoods to nearby centers, corridors, station areas, main streets and nearby destinations in the urban area. Land development should not be sited to obstruct the logical continuation of Collector streets.

- In the rural area, Collectors are a primary link between the local street system and Arterials for freight, people, goods and services.
- Access control on Collectors is lower than on Arterials. Commercial, industrial and institutional uses will be eligible for direct access to Collectors in accordance with the provisions of Article V of the Community Development Code. Direct access to new residential lots is not permitted.

D. Neighborhood Routes (generally former Minor Collectors) are in residential neighborhoods and provide connectivity to the Collector and Arterial system. They do not serve citywide or community circulation. Because traffic needs are greater than a Local street, certain measures should be considered to retain the neighborhood character and livability of these routes. Neighborhood traffic management measures are allowed (including devices such as speed humps, traffic circles and other devices). New neighborhood routes may be established via the land development process.

- The Neighborhood Route designation is appropriate for urban areas where neighborhood forms are more compact and the routes are much shorter than typically occur in the rural area.
- Traffic management measures are allowed.

E. Commercial/Industrial Streets are intended to provide access to commercial or industrial properties. The application of this designation through the development review process may require a different design standard than the underlying functional classification designation.

F. Local Streets primarily provide direct access to adjacent land. While Local streets are not intended to serve through traffic, the aggregate effect of local street design impacts the effectiveness of the Arterial and Collector system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the Arterial street network. Local street connectivity maps in the Community Plans identify new local street connections that are required by the Community Development Code in conjunction with new development. 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.

Rural Local street characteristics include:

- Paved or oftentimes unpaved surfaces
 - Narrow lane widths with roadside ditches to provide drainage
 - No access control and access points spaced far apart
 - Lack of traffic calming measures, sidewalks and illumination
- Urban Local street characteristics include:
- Traffic calming measures are allowed.

- Access control is minimal with direct driveway connections permitted from all land use types.
- A connected network of local streets is required as set forth in the Local Street Connectivity Maps of the Community Plans and in the Community Development Code.

G. Special Area Collectors are intended to link traffic from Special Area Local Streets, Special Area Neighborhood Routes, and some Special Area Commercial Streets to Arterials. Speeds should be low to moderate. A moderate degree of non-transit oriented development traffic would be appropriate for these facilities. The design of a Special Area Collector should provide multi-modal access to the Arterial system, station area employment and high-density residential areas while discouraging traffic infiltration on local streets. In addition to autos, these facilities should accommodate primary and secondary bus lines, bike lanes, and sidewalks separated from the street by a landscape strip. Left turn lanes in medium and low-density residential areas would be provided at intersections with Arterials. Developments which are oriented to Special Area Collectors should be employment based or multi-family residential. Single-family residential developments that abut a Special Area Collector should be oriented away from this type of facility.

H. Special Area Neighborhood Routes are intended to serve both a traffic collection and distribution function and to provide access to adjacent properties. These facilities are intended to have less volume and less through traffic than Special Area Collectors. Speeds should be low. A limited degree of non-transit oriented development traffic would be appropriate for these facilities. The design of Special Area Neighborhood Routes should emphasize neighborhood orientation by accommodating on-street parking, transit service, and bicycles in a relatively narrow paved width which includes the use of traffic calming measures. Exclusive turn lanes are not appropriate for these facilities, unless needed for safety at intersections with Arterials. Special Area Neighborhood Routes should primarily serve residential land-uses. Development which includes small to medium scale mixed use (commercial/residential) development is also appropriate.

I. Special Area Commercial Streets are intended to serve local access and service needs associated with urban high density residential, mixed use and employment oriented land uses. These roads are not intended to serve through trips but may have significant traffic volumes. The street may not exceed two travel lanes in each direction. Speeds should be low. The design of Special Area Commercial Streets should reflect local intensive urban use by all modes. The road must accommodate autos, trucks, buses and bicycles while also providing transit stop amenities and frequent opportunities for pedestrian crossings. Sidewalks should be wide with tree wells. Special Area Commercial Streets should serve high density residential, mixed use and business districts.

J. Special Area Local Streets are intended to provide direct property access. They are not intended to serve through traffic. Speeds should be low. Non-transit oriented development traffic would be inappropriate for these facilities. The design of Special Area Local Streets should reflect the residential neighborhood function by accommodating on-street parking on a narrow paved width and which includes traffic calming measures that compel autos to drive slowly. Special Area Local Street should serve only low to medium density residential districts.

Applicant's Comment: Washington County roadway system functional classification system consist of arterials, collectors and local roadways. As previously mentioned, the primary access to the subject property is from by David Hill Road. This roadway is a two-lane County local roadway with a gravel surface.

There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. The proposed amendment will not affect the functional classification of the existing roadways. Therefore this implementing strategy is not applicable to this application.

- 10.2 Special Area Streets are identified on the Special Area Street Overlay Map as well as in the Community Plans. Special Area Street design standards are included in the Washington County Uniform Road Improvement Design Standards.

Applicant's Comment: No special streets have been identified within the subject property. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.3 Utilize some or all of the following criteria for defining or modifying functional classification: the extent of connectivity, length of roadway, the spacing or frequency of facilities, land use along the roadway and traffic characteristics.

Applicant's Comment: All of above mentioned criterions assist in defining the Washington Functional Classification System. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.4 Determine ultimate street design requirements based on a facility's designation in the road Lane Numbers Map (Figure 5), the Planned Bicycle System Map (Figure 13), the Pedestrian System Map (Figures 12a-f), the Transit System Map (Figure 11), the Through-truck Route Map (Figure 14) and considering the Regional Street Design Overlay Map (Figure 3).

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.5 Utilize a facility's ultimate design requirements as defined in Strategy 10.4 to establish conditions of approval for private development projects.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.6 Analysis and design for proposed new road alignments will be performed as funds become available or when development applications for affected property are received.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.7 Additional Neighborhood Routes and Special Area Local Streets will be identified through the development review process.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.8 Resolve conflicts between the Transportation Plan and transportation elements of Community Plans or the Rural/Natural Resource Plan in favor of the Transportation Plan.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.9 Recognize that the functional classification system represents a continuum in which through traffic increases and provisions for access decrease in the higher classification categories. On higher classification roadways, access management will be implemented through the Community Plans and the Community Development Code.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 10.10 The Transportation Plan also identifies several specific study areas where the function or alignment of the facility has not been determined. These study areas are described below and shown on the Study Area Map.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

POLICY 19.0 - TRANSPORTATION PLANNING COORDINATION AND PUBLIC INVOLVEMENT

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

Strategies:

- 19.1 Participate in the regional and state technical and policy decision-making processes.

***Applicant's Comment:** There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. The plan amendment is consistent with the State's Transportation Rule (See section 2). Therefore this implementing strategy is not applicable to this application.*

- 19.2 Work with the Washington County Coordinating Committee (WCCC) and the WCCC Transportation Advisory Committee (WCCC TAC) as the primary advisory bodies for countywide transportation coordination with cities in Washington County.

***Applicant's Comment:** No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 19.3 Involve the public in updating and implementing the Plan by keeping business groups, area employers, citizen participation organizations, neighborhood associations and citizens at large informed, and by providing opportunities for citizens to participate in Plan review and implementation processes.

***Applicant's Comment:** No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 19.4 Make specific efforts to involve populations that are traditionally underserved by the existing transportation system or underrepresented in transportation planning and plan implementation processes.

***Applicant's Comment:** There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 19.5 Work to integrate the findings and recommendations of this Plan with the Regional Transportation Plan where feasible. In locations with persistent problems, work with regional and state agencies and local jurisdictions to develop effective means of alleviating these problems.

***Applicant's Comment:** There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.*

- 19.6 Coordinate with other agencies and organizations to establish adequate, uniform and equitable methods for funding local transportation system needs.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.7 Coordinate with other jurisdictions in Washington County to achieve consistency of roadway design standards.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.8 Bring those deficiencies that have an adverse impact on Washington County facilities to the attention of other jurisdictions.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.9 Review and consider the transportation system impacts of planning work and, on a case by case basis, land development actions taken by other local jurisdictions and transportation agencies after the Transportation Plan is adopted.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.10 Periodically review the Transportation Plan to consider incorporating the work of local jurisdictions and transportation agencies.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.11 Integrate the applicable provisions of the Oregon Transportation Planning Rule, Metro's Regional Transportation Plan and 2040 Growth Concept and the applicable provisions of Metro's Urban Growth Management Functional Plan into the Transportation Plan, Community Plans and Community Development Code.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 19.12 Work with other jurisdictions to define a decision-making process through which transportation project development issues associated with conflicting, competing or confusing interjurisdictional interests and responsibilities can be identified and addressed.

Applicant's Comment: There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

- 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's Comment: The applicant will rely on an analysis of the applicable Transportation Rule as set forth in OAR 660-12-060 that is consistent with the analysis conducted by WA County Transportation staff. There should be no impacts by the applicants desire to change the current land use designation from AF-20 to EFC. Therefore this implementing strategy is not applicable to this application.

5.

**Applicable Washington County
Community Development Code**

The following information responds to Washington County Community Development Code regulations. The applicant’s comments to individual sections are highlighted in bold for each applicable policy and/or regulations. Sections addressed include:

Community Development Code Considerations

Article II - Procedures

- 202 Procedure Types
- 203 Processing Type I, II, III Development Actions
- 204 Notice of Type I, II or III Development Actions
- 205 Public Hearings
- 206 Burden of Proof
- 207 Decision
- 211 Date of Final Decision

Article III - Land Use Districts

- 342 Exclusive Forest and Conservation District
- 344 AF-20 Agriculture and Forestry District
- 421 Flood Plain and Drainage Hazard Area Development
- 422 Significant Natural Resource

202 PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by Article VII of this Code:

202-3 Type III

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’s Comment: The applicant understands that Type III actions involve uses which may be approved or denied and requires the exercise of discretion and judgment when applying the development criteria. This criterion has been satisfied.

202-3.2 The following are Type III actions:

- A. Those identified in this Code as Type III;
- B. Those not identified or otherwise classified which are determined by the Director to be substantially similar to the uses or development designated as Type III, require the exercise of significant discretion or judgment, involve complex development issues, or which likely will have significant impact. The determination may be challenged on appeal of the decision on the proposed development but is not subject to appeal on its own; and

C. Quasi-judicial plan amendments.

Applicant’s Comment: The applicant acknowledges that those uses identified in the Code as a Type III action will be processed as a Type III application in accordance with this section. Since the application is for quasi-judicial plan amendment, it will be reviewed through the Type III process. This criterion has been satisfied.

202-3.3 Type III actions shall be decided by the Hearings Officer or Planning Commission after a Public Hearing, except that the Board shall decide Type III actions for quasi-judicial plan amendments which are required by state law to be decided by the governing body. Prior notice shall be given as provided in Section 204. Only decisions on quasi-judicial plan amendments shall be subject to reconsideration pursuant to Section 208. Decisions on Type III actions may be appealed to the Board of Commissioners pursuant to Sections 209 and 210,

except Type III actions where the Hearings Officer or the Planning Commission is the final decision-maker.

Decisions of the Hearings Officer or Planning Commission for Type III development actions in transit oriented districts shall be subject to appeal to the Board of Commissioners pursuant to Section 209. Decisions of the Hearings Officer or Planning Commission for all other Type III development actions shall be the County's final decision.

Applicant's Comment: The applicant understands that Type III application will be decided by the Board of County Commissioners after a prior public hearing with the Planning Commission and proper noticing. This criterion has been satisfied.

202-5 Determination of Proper Procedure Type

202-5.1 The Director shall determine whether an application or decision is a Type I, II or III action in accordance with the standards set forth above. Questions as to the appropriate procedure shall be resolved in favor of the Type providing the greatest notice and opportunity to participate. The decision of the Director is not subject to appeal on its own, but may be alleged as an error in an appeal of the decision on the proposed development. Upon appeal of the decision on the merits of a development action not specifically classified in this Code, the appeals authority may determine, based on the standards set forth in Section 202, that a different procedure type should have been used and direct that the proposed development action be processed accordingly.

Applicant's Comment: The applicant acknowledges that the proposed quasi-judicial plan amendment would be reviewed through a Type III process. This criterion has been satisfied.

202-5.2 The determination as to whether a matter is a Type IV Legislative matter shall be made by the Director in accordance with the standards of this Code and the County Charter. Concurrent actions involving legislative and non-legislative actions shall be separated for proper processing. The decision of the Director is not subject to appeal on its own, but may be alleged as an error on appeal of the decision on the proposed development. Upon appeal of the final decision on the merits of the action, the appeals authority may determine, based on the standards set forth in Section 202 of this Code and the County Charter, that a different procedure type should have been used, and direct that the proposed development action be processed accordingly.

Applicant's Comment: Based on pre-application meeting, it was determined that the proposed quasi-judicial plan amendment would be reviewed through a Type III process. Refer to Section 6, Appendices, Exhibit G – Plan Amendment Pre-Application Conference Summary for more information. This criterion has been satisfied.

202-5.3 Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure Type (except legislative) which provides greater notice and opportunity to participate than would otherwise be required.

Applicant's Comment: The applicant acknowledges that the proposed quasi-judicial plan amendment would be reviewed through a Type III process. This criterion has been satisfied.

202-5.4 Notwithstanding any other provision, and, at no additional cost to the applicant, the Director may choose to process a Type II application under the Type III procedure in order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications in ORS 215.428.

Applicant's Comment: The applicant acknowledges that the proposed quasi-judicial plan amendment would be reviewed through a Type III process. This criterion has been satisfied.

203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-1 Initiation and Withdrawal of Action

203-1.1 Type I, II and III development actions may be initiated only by:

- A. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. For development allowed within a recorded easement, the signature of the other party to the easement is not required. In case of an application for a plan designation which requires that an exception be taken to Statewide Goals 3 and 4 pursuant to Goal 2, only one owner/applicant's signature is required. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application. If a lot or parcel has been divided without the approval of the County and such approval was required at the time the division occurred, a development action for approval of the improper division may be initiated by the owners of a portion of the existing lot or parcel, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval;
- B. The Board of County Commissioners;
- C. The Planning Commission;
- D. The Director; or
- E. Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct.

Applicant's Comment: This development application has been initiated by the applicant, who is the owner of the property. This criterion has been satisfied.

203-1.2 The Director may withdraw any application, petition for review or motion for reconsideration at the request of the applicant or petitioner except when an application is deemed complete. Once accepted as complete, the application may be withdrawn only if the Director determines that:

- A. Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and
- B. No existing violation of this Code or the Comprehensive Plan, which might best be cured by further processing the application, have been identified on the subject property.

Applicant's Comment: The applicant is acknowledges the process for application withdrawal, petition for review and motions of reconsideration. This criterion has been satisfied.

- 203-1.3 If an application, petition for review or motion for reconsideration is withdrawn after public notice has been provided and the Review Authority has not rendered a decision, the Director shall provide written notification to all persons that were entitled to be mailed a public notice of pending review of the Type II or Type III action and all parties of record stating the application has been withdrawn.

Applicant's Comment: The applicant acknowledges that if the application is withdrawn after public notice, the Director will provide written notification to all persons stating the application has been withdrawn. This criterion has been satisfied.

- 203-1.4 Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the County.

Applicant's Comment: The applicant acknowledges that once the application is withdrawn that the fees for the application and petition for review will be refunded, less the actual costs incurred by the County. This criterion has been satisfied.

203-2 Pre-Application Conference

- 203-2.1 No application for a Type II or Type III development action shall be received by the Director unless the applicant or the applicant's representative has:

- A. Attended a pre-application conference; or
- B. Signed a waiver, on a form prepared by the Director, waiving the pre-application conference requirement.

Applicant's Comment: A Plan Amendment Pre-Application Conference Summary was held on December 17, 2007. At this meeting, it was determined that the proposed quasi-judicial plan amendment would be processed through a Type III procedure. Refer to Section 6, Appendices, Exhibit G – Plan Amendment Pre-Application Conference Summary for more information. This criterion has been satisfied.

- 203-2.2 The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this Code, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend.

It is impossible, however, for the conference to be an exhaustive review of all potential issues and the conference shall not bind or stop the County in any way from enforcing all applicable regulations.

Applicant's Comment: The applicant acknowledges the purpose of the pre-application conference to acquaint the applicant or their representative with the requirements of the code and other relevant criteria. The applicant

further acknowledges that the conference is not all inclusive and its failure to identify potential issues will not bind the County in any way from enforcing all applicable policies, regulations and criteria. This criterion has been satisfied.

203-2.3 Pre-application conferences shall be scheduled by the Director at the earliest reasonable time.

Applicant's Comment: A Plan Amendment Pre-Application Conference Summary was held on December 17, 2007. Refer to Section 6, Appendices, Exhibit G – Plan Amendment Pre-Application Conference Summary for more information. This criterion has been satisfied.

203-2.4 As soon as practicable, the Director shall provide the applicant or representative with a written summary of the meeting.

Applicant's Comment: A Plan Amendment Pre-Application Conference Summary was held on December 17, 2007. Refer to Section 6, Appendices, Exhibit G – Plan Amendment Pre-Application Conference Summary for more information. This criterion has been satisfied.

203-2.5 If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within one year of the conference, a new conference or waiver shall be required.

Applicant's Comment: A Plan Amendment Pre-Application Conference Summary was held on December 17, 2007. Refer to Section 6, Appendices, Exhibit G – Plan Amendment Pre-Application Conference Summary for more information. This criterion has been satisfied.

203-3 Neighborhood Meeting

203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a means for the applicant and surrounding neighbors and Citizen Participation Organization (CPO) representatives to meet to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this Code. This preliminary meeting is intended to result in an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the neighborhood meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.

Applicant's Comment: The applicant acknowledges the intent and purpose of public involvement process through the facilitation of a neighborhood meeting. This criterion has been satisfied.

203-3.2 The following types of application shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

Partitions;
Subdivisions;
Type III Special Uses;
Type II Manufactured Dwelling Parks;
Type II Hardship Relief - (Article V only);
Type III Variances;
Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);
Residential Planned Developments;
Type II or III Development Review -Residential; and
Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the proposal abuts a Residential District).

B. Outside the UGB:

Subdivisions - when greater than 10 lots;
Type III Special Uses;
Type II New Quarry applications;
Type III Variances;
Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);
Type II Hardship relief - Lot area only;
Type II or III Development Review - Rural Commercial, Rural Industrial, MAE, (required only when the proposal abuts the AF-5, AF-10, or RR-5 District).

Applicant's Comment: In accordance with this section, the applicant acknowledges that a neighborhood meeting is not required for proposed quasi-judicial plan amendment. Therefore, this criterion is not applicable to this application.

203-3.3 Neighborhood Meeting Requirements

Neighborhood meetings shall be held at a location within the boundaries of the applicable CPO. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood and applicable CPO. The applicant shall also post notice of the neighborhood meeting by posting a sign on the subject site in advance of the meeting. The applicant shall prepare meeting notes of major points about the development proposal that were discussed at the meeting. The applicant shall be required to hold only one meeting prior to submitting an application for a specific site, but may hold more if desired. The Board of County Commissioners shall establish by Resolution and Order specific requirements for notice of posting and conducting of neighborhood meetings for the categories of applications described

in Section 203. The Board shall describe the requirements and procedures for each category of application. These requirements may be amended by Resolution and Order of the Board.

If the applicant fails to hold a neighborhood meeting and the application is deemed complete, failure to hold a neighborhood meeting in accordance with these provisions and the Resolution and Order prior to submittal of a complete application shall result in denial of the application. If the applicant adds one or more tax lots to the development application after the neighborhood meeting, the applicant shall hold an additional neighborhood meeting with a new notice.

***Applicant's Comment:** A neighborhood meeting is not required for proposed quasi-judicial plan amendment. Therefore, this criterion is not applicable to this application.*

203-4 Application

203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.

***Applicant's Comment:** The applicant acknowledges the application will be submitted in accordance with the format and upon the forms established by the Director. The application materials (i.e. forms, narrative and exhibits) constitute a fulfillment of this requirement. This criterion has been satisfied.*

203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

- A. A completed original application form, signed by all persons required for initiating an application under Section 203-1.1. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;

***Applicant's Comment:** A completed original application form has been submitted as part of this application. Refer to Section 1, Introduction for a completed application form. This criterion has been satisfied.*

- B. A current Washington County tax map(s) showing the subject property(ies);

***Applicant's Comment:** Current Washington County tax maps for the subject properties are included in this application package. The subject property encompasses 3 existing parcels and are identifies as follows: T1N R4W Section 22, Tax Lot 100 and 400; and T1N R4W Section 23, Tax Lots 700. Refer to Section 6, Appendices, Exhibit B - Assessors Tax Maps for a copy of the current assessors map. This criterion has been satisfied.*

C. Current county tax maps showing all properties in an adjoining county that are:

- (1) Within five hundred (500) feet of the subject property(ies) in the Urban area; or
- (2) Within one thousand (1,000) feet of the subject property(ies) in the Rural area.
The tax maps shall be obtained from the adjoining county;

Applicant's Comment: *The mailing list generated by Washington County consisted adjacent properties within 1,000 feet of the subject property due to its rural location. Refer to Section 5, Appendices, Exhibit F – Mailing Address List with 1,000 feet of Subject Property. This criterion has been satisfied.*

D. Documentation of the names and addresses of the owners of record of the properties described in C above recorded with the Department of Assessment and Taxation of the adjoining county;

Applicant's Comment: *The names and addresses of the owners of record of the subject property are included in the application materials. Refer to Section 5, Appendices, Exhibit F – Mailing Address List with 1,000 feet of Subject Property. This criterion has been satisfied.*

E. A site plan of the property illustrating the property boundaries, proposed and existing: structures and improvements, easements, driveways, water and sewer lines, septic tanks and drain fields, and all drainage courses and structures within 250 feet of a drainage course. Site plans of the entire property must be drawn at an even scale (1:100 preferred) with detailed site plans drawn at an even scale (1:20 preferred) on 11x17 paper, or as approved by the Director.

Applicant's Comment: *A site plan illustrating the property boundaries and existing is included in the application materials. Refer to Section 6, Appendices, Exhibit D, Existing Site Plan for additional information. This criterion has been satisfied.*

F. Documentation of whether a railroad-highway crossing provides or will provide the only access to the subject property.

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.*

G. Information required pursuant to Article V, Public Facilities Requirements;

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.*

- H. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;

Applicant's Comment: Applicable Community Develop Code Standards have been addressed as part of this application. This criterion has been satisfied.

- I. Additional information directly related to the applicable standards of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code as deemed essential by the Director to evaluate adequately the specific application for compliance with those criteria and standards;

Applicant's Comment: Other provisions and applicable regulations, policies and standards have been addressed as part of this application. This criterion has been satisfied.

- J. A written statement that explains the criteria and standards considered relevant to the application, states the facts relied upon in determining that the application meets the applicable criteria, standards, and explains the justification for approving the application based on the criteria and standards and facts set forth in the application. The findings must be substantive, not just recitations of the criteria and standards, and shall be supported by evidence in the application;

Applicant's Comment: Written responses to applicable policies, regulations and code standards have been prepared for the proposed plan amendment. In addition, the application materials and exhibits are intended to support the application request. Refer to Section 6, Appendices for exhibits that provide supportive documentation. This criterion has been satisfied.

- K. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;

Applicant's Comment: In accordance with this section, a neighborhood meeting is not required for proposed quasi-judicial plan amendments. Therefore, this criterion is not applicable to this application.

- L. The applicable fees adopted by the Board of County Commissioners are hereby incorporated by reference as the fees herein. These fees may be amended by Resolution and Order by the Board; and

Applicant's Comment: The appropriate application fees have been included in the submittal of this application. The actual fee submitted is \$2,100 and is intended to serve as a deposit for processing and review of the proposed plan

amendment. Refer to Section 1, Introduction for a summary of fees. This criterion has been satisfied.

- M. For lands within the Clean Water Services boundary, documentation from the Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the Agency's storm water connection permit, water quality, erosion control, and sanitary sewer standards.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

203-5 Application Submittal and Acceptance

- 203-5.1 Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.

Applicant's Comment: The appropriate number of application materials was verified with Washington County. In accordance with the submittal requirements, eighteen (18) copies of submittal materials have been submitted to the County. This criterion has been satisfied.

- 203-5.2 No application shall be received by the Department for determination of completeness without the appropriate application fee.

Applicant's Comment: The appropriate application fee has been included with this application submittal. The actual fee submitted is \$2,100 (deposit). This criterion has been satisfied.

- 203-5.3 Except as provided in Sections 203-5.5 and 203-5.6, the Review Authority shall take final action on an application for a development action, including resolution of all appeals under ORS 215.422, within one-hundred twenty (120) days for all applications inside the UGB and mineral aggregate extraction and one-hundred fifty (150) days for all applications (except mineral aggregate extraction) outside the UGB, after the application is deemed complete.

Applicant's Comment: The applicant acknowledges the timeframes for the Planning Commission and Board of County Commission to take action. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

- 203-5.4 If an application is incomplete, the Review Authority shall notify the applicant of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. In response to this notice, the applicant is

required to answer in writing before the end of the thirty (30) days whether it will or will not provide any additional evidence. The application shall be deemed complete for the purpose of Section 203-5.3 upon receipt by the governing body or its designee of the missing information. The applicant may affirmatively state its refusal to provide any additional information. It shall also be considered a refusal if no writing is received from the applicant stating whether it will or will not provide additional evidence, before the end of the thirty (30) days or evidence. If there is a refusal, the application shall be deemed complete for the purpose of Section 203-5.3 on the 31st day after the governing body first received the application. After a refusal, new evidence may only be submitted if the applicant agrees to another 30 days to determine completeness of the application and another 120-days (or 150-days depending on the application) to make a final decision.

Applicant's Comment: The applicant acknowledges the timeframes for the Planning Commission and Board of County Commission to take action. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

- 203-5.5 If the application was complete when first submitted or the applicant submits the requested additional information within one-hundred eighty (180) days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

Applicant's Comment: The applicant acknowledges the timeframes for the Planning Commission and Board of County Commission to take action. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

- 203-5.6 The 120-day and 150-day period set in Section 203-5.3 may be extended for a reasonable period of time at the request of the applicant.

Applicant's Comment: The applicant acknowledges the timeframes for the Planning Commission and Board of County Commission to take action. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

- 203-5.7 The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board or by action of the Director. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.

Applicant's Comment: The applicant acknowledges that completeness of an application will be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board. This criterion has been satisfied.

- 203-5.8 The Review Authority shall approve or approve with conditions an application which the Director has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the Review Authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the Review Authority shall defer or deny.

Applicant's Comment: The applicant acknowledges the Planning Commission and Board of County Commission shall approve or approve or conditions or deny the application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this criterion is not applicable to this application.

203-6 Staff Report

- 203-6.1 No decision on Type II and Type III proposed developments shall be made without a staff report. This report shall be provided to the applicant, CPO and Review Authority without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead, and mailing.

Applicant's Comment: The applicant acknowledges that no decision on Type III subject property will be made without a staff report. Since the subject property is being processed as a Type III procedure, a staff report will be prepared prior to a decision being rendered. This criterion has been satisfied.

- 203-6.2 A staff report shall be available no later than seven (7) calendar days before a hearing on Type III actions, including Plan Amendments, or any hearing on appeal. Staff reports are mailed approximately seven (7) days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the County best assures ample time for review and comment at the public hearing.

Applicant's Comment: Again, the application is being processed through a Type III permit. A staff report will be available no later than seven (7) calendar days before a hearing (Planning Commission) on Type III actions. This criterion has been satisfied.

- 203-6.3 Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.

Applicant's Comment: The applicant acknowledges that a staff report may be amended as necessary to address new information not reasonably known at the time the report was prepared.

204 NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

204-1 General Provisions

- 204-1.1 All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, which ever occurs first.

Applicant's Comment: The applicant acknowledges that all public notices will be considered to have been provided or received upon the date the notice is deposited in the mail or personally delivered. This criterion has been satisfied.

- 204-1.2 The records of the Department of Assessment and Taxation shall be used for determining the property owner of record. Persons not on file with that Department at the time an application is filed need not be notified. Failure actually to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

Applicant's Comment: The applicant understands that the records of the Department of Assessment and Taxation will be used for determining the property owner of record. Persons not on file with that Department at the time an application is filed need not be notified. This criterion has been satisfied.

- 204-1.3 For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

For notice purposes for development actions for public transportation facilities or utilities within existing or proposed public rights of way or utility easements, the boundary of the subject area shall be the limits of the area of development within the existing or proposed right-of-way or easement.

For notice purposes for airport-related development actions within Public and Private Use Airport Overlay Districts, the boundary of the subject notice area shall be the limits of the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

Applicant's Comment: The applicant acknowledges that the boundary of the subject property will be the property which is the subject of the application, together with all contiguous property under identical ownership. Refer to Section 6, Appendices, Exhibit D – Site Plan for additional information. This criterion has been satisfied.

- 204-1.4 Outside the UGB, in addition to any other notice for Type II and III development actions, the applicant shall post the subject property in conformance with standards as set forth by

resolution and order of the Board of County Commissioners. Failure to post the subject property and file an affidavit of posting with the Director within twenty-eight (28) days of acceptance of a complete application shall result in denial of the application.

Applicant's Comment: The applicant understands that notices for Type III procedures will be posted in conformance with standards as set forth by resolution and order of the Board of County Commissioners. This criterion has been satisfied.

204-4 Type III Actions

204-4.1 Notice of public hearing shall be sent by mail at least twenty (20) days before the hearing.

204-4.2 The notice of public hearing shall be mailed to:

- A. The applicant or representative and owners of the subject property;
- B. All property owners of record:
 - (1) Within five hundred (500) feet of the subject property in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
 - (3) When a new exception area is proposed, all property owners within one thousand (1,000) feet of the perimeter of the proposed exception areas, in addition to all property owners within the proposed exception area;
 - (4) When an access management plan is proposed, all property owners within the study area defined in 501-8.5 C. (3)(a); or
 - (5) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, all property owners within the associated Airport Safety Overlay District or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
- C. The recognized Citizen Participation Organization within which the subject property is located;
- D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
 - (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
 - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.

- (2) Notwithstanding the provisions of Subsection D. (1) notice of hearing need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) allow a structure less than thirty-five (35) feet in height; and
 - (b) the subject property is outside the runway approach surface as defined by the Department of Transportation; and
 - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
- E. Tenants of a mobile home or manufactured dwelling park when a request for a plan amendment which would change the land use designation of the property which includes all or part of the park. Failure of a tenant to receive a notice which was mailed shall not invalidate any plan amendment.

Applicant's Comment: The applicant understands that notices of public hearing for Type III procedures will be posted in conformance with standards as set forth by this section of the Washington County Development Code. This would include noticing applicant/owner, residents with 1,000 feet of the subject property and the Citizen Participation Organization. This criterion has been satisfied.

- 204-4.3 The notice of public hearing shall contain:
- A. The name of the applicant or owner;
 - B. The nature of the proposed development;
 - C. A description of the subject property reasonably sufficient to inform the public of its location;
 - D. The designation of the Review Authority and the time, date and place of the hearing;
 - E. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal;
 - F. A statement that the hearing will be conducted in accordance with the Rules of Procedure adopted by the Board;
 - G. The following statement: NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER;
 - H. The applicable review criteria that apply to the application;
 - I. A statement that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

- J. The name of a County representative to contact and the telephone number where additional information may be obtained;
- K. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- L. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
- M. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

Applicant's Comment: The applicant acknowledges that the public notices will contain the name of the applicant/applicant's representative, case file, description of the subject property, identification of the Planning Commission or Board of County Commissioners, date and time of the hearing, list of review standards, description of the subject property, statement regarding availability of the application material, rules procedures and comment closing date. This criterion has been satisfied.

- 204-4.4 In addition to all other notice, at least ten (10) calendar days before a Type III public hearing for a quasi-judicial plan amendment, notice shall be provided in a newspaper of general circulation in the portion of the County affected.

Applicant's Comment: The applicant understands that in addition to the public notice, notice will also be provided in the newspaper at least ten (10) calendar days before the Type III hearing. This criterion has been satisfied.

- 204-4.5 Additional notice of any hearing may be required in accordance with the Rules of Procedure adopted by the Board.

Applicant's Comment: The applicant acknowledges that additional notice of hearing may be required in accordance with the Rules of Procedures. This criterion has been satisfied. This criterion has been satisfied.

- 204-4.6 Notice of the decision shall be provided to the applicant, the owners of the subject property and all persons who made an appearance of record. The notice shall contain:

- A. A brief summary of the decision, and conditions of approval, if any;
- B. A description of the subject property reasonably sufficient to inform the public of its location;
- C. The date the decision was provided and the due date for an appeal;

D. For quasi-judicial plan amendments, a statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen (14) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision. A statement that a motion for reconsideration may be filed as provided in Section 208, but that filing a motion does not stop the appeal period from running.

For Type III development actions in transit oriented districts, a statement that the decision may be appealed and a public hearing held by filing a signed petition or review (appeal) within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision; and

E. For decisions on a development permit for which there is no local appeal:

- (1) The date the written decision was signed by the review authority; and
- (2) A statement that the decision is final when the written decision is signed by the review authority and that any appeal must be made to the Land Use Board of Appeals no later than twenty-one (21) days after the date the decision is final. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision.

F. A statement that the complete case, including findings and conclusions, and conditions of approval, if any, are available for review at the County.

Applicant's Comment: The applicant acknowledges that notices of the decision will be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type III quasi-judicial plan amendment and the Citizen Participation Organization in which the subject property is located. It will contain a brief summary of the decision, description of the subject property, date of decision and date for appeal. This criterion has been satisfied.

204-5 Notice of Hearing and Notice of Decision on Appeal

Notice of a public hearing conducted by the Review Authority to review a Type II decision by the Director, an appeal of a Type III quasi-judicial plan amendment decision to the Board, or an appeal of a decision on a Type III development action in transit oriented districts to the Board shall be provided in the same manner as required for Type III actions. Notice of hearing on appeal to the Board of Commissioners of a Type III request described above shall be provided as required for initial hearing on the Type III proposal. Notice of decision on

appeal shall be provided to all parties of record. In addition, notice of hearing on appeal to the Board shall be provided to all parties to the hearing conducted by the Review Authority.

Applicant's Comment: The applicant acknowledges that notice of hearing on appeal to the Board of Commissioners of a Type III request described above will be provided as required for initial hearing on the Type III proposal. Notice of decision on appeal will be provided to all parties of record. This criterion has been satisfied.

205 PUBLIC HEARINGS

Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this Section.

205-1 Notice

Notice of public hearing shall be provided in accordance with Section 204 of this Code and the Rules of Procedure adopted by the Board.

Applicant's Comment: The applicant acknowledges that notice of public hearing will be provided in accordance with Section 204 and the Rules of Procedure adopted by the Board of County Commissioners. This criterion has been satisfied.

205-2 Rules of Procedure

Public hearings shall be conducted in accordance with the Rules of Procedure adopted by the applicable Review Authority.

At the beginning of the hearing for an application, a statement shall be made to those in attendance that:

- A. Lists the applicable substantive criteria;
- B. States that testimony and evidence must be directed toward the criteria described in A. of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and
- C. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
- D. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County to respond to the issue precludes an action for damages in circuit court.

Applicant's Comment: The applicant acknowledges that all public hearings will be conducted in accordance with the Rules of Procedure. This criterion has been satisfied.

205-3 Parties

205-3.1 The following persons, or their authorized representatives, may participate during the comment period or public hearing:

- A. The applicant or applicant's representative and the owners of the subject property;

- B. Those persons entitled to notice;
- C. Any other person who demonstrates to the Review Authority that the person's rights may be adversely affected or aggrieved by the decision; and
- D. At a public hearing on appeal, any person who made an appearance of record in the prior proceeding.

Applicant's Comment: The applicant acknowledges that only the applicant/applicant representative, persons entitled to notice or a person demonstrating that their rights may adversely affected by the decision may participate during the comment period or public hearing. This criterion has been satisfied.

205-3.2 Only parties shall be entitled to appeal a decision. Only persons who make an appearance of record shall be parties to a Type I or Type III action. Only the applicant, persons who submitted written comments, persons entitled to notice of pending review, and the Citizen Participation Organization in which the subject property is located shall be deemed parties to a Type II action.

Applicant's Comment: The applicant understands that only persons who make an appearance of record will be parties to a Type III action. This criterion has been satisfied.

205-3.3 Appearance of record shall mean:

- A. An oral statement made at the hearing sufficiently identifying the speaker and the speaker's address; or
- B. A written statement giving the name and address of the maker of the statement and introduced into the record prior to or at the public hearing. A person's name and address on a petition introduced into the record constitutes an appearance of record.

Applicant's Comment: The applicant acknowledges that "appearance of record" will mean oral statements at the hearing or written statement including the name and address of the make that is submitted prior to the public hearing. This criterion has been satisfied.

205-4 Record

205-4.1 Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes giving a true reflection of the matters discussed and the views of the participants may be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

Applicant's Comment: The applicant understands that a written or mechanical record of the hearing will be made. To supplement this, written meeting minutes

identifying the issues discussed and views of the participant will be taken. This criterion has been satisfied.

205-4.2 Failure to comply with Section 205-4.1 shall not invalidate any action provided that a de novo appeal or other relief is available.

Applicant's Comment: The applicant acknowledges that failure to comply with recording keeping of the meeting will not invalidate any action provided. This criterion has been satisfied.

205-5 Procedural Rights

Subject to the specific standards and limitations set forth in this Code, the following procedural entitlements shall be provided at the public hearing:

Applicant's Comment: The applicant understands that the procedural entitlements will be provided at the public hearing. This criterion has been satisfied.

205-5.1 A reasonable opportunity for those persons entitled to notice or who may be adversely affected or aggrieved by the decision to present evidence;

Applicant's Comment: The applicant acknowledges that those persons who are entitled to a notice or who may be adversely affected or aggrieved by the decision will have a reasonable opportunity to present evidence at the hearing. This criterion has been satisfied.

205-5.2 A reasonable opportunity to cross-examine witnesses, including staff, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses. The decision to allow cross-examination shall be at the discretion of the Hearings Officer;

Applicant's Comment: The applicant acknowledges that there will be an opportunity to cross-examine witnesses, including staff, provided that right is asserted at the first reasonable opportunity. Similarly, staff will be entitled to reasonable cross-examination of witnesses. This criterion has been satisfied.

205-5.3 A reasonable opportunity for rebuttal of new material;

Applicant's Comment: The applicant understands that there is an opportunity for rebuttal of new material. This criterion has been satisfied.

205-5.4 An impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials:

- A. Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly.
- B. A member of the Review Authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interests shall be disclosed at the meeting of the Review Authority where the action is being taken.
- C. Disqualification of a Review Authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote.
- D. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.
- E. Staff may confer with the Hearings Officer after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.

Applicant's Comment: The applicant acknowledges that the Planning Commission and/or Board of County Commissioners will be an impartial decision maker and is required to disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter at the commencement, direct or substantial financial interests, or actual or potential interests pertaining to the action being taken. This criterion has been satisfied.

205-6 Presentations

- 205-6.1 The Review Authority may set reasonable time limits for oral presentations. The Review Authority may determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the Review Authority determines that a reasonable opportunity for oral presentations has been provided.

Applicant's Comment: The applicant understands that the Planning Commission and/or Board of County Commissioners may set reasonable time limits for oral presentations. This criterion has been satisfied.

- 205-6.2 No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for such testimony and provides an opportunity for review and rebuttal prior to making a decision.

Applicant's Comment: The applicant acknowledges that no testimony will be accepted after the close of the public hearing unless the Planning Commission and/or Board of County Commissioners sets a deadline for such testimony and provides an opportunity for review and rebuttal prior to making a decision. This criterion has been satisfied.

- 205-6.3 Reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.

Applicant's Comment: The applicant understands that reopening the public hearing due to objections alleging that counsel is discussing or testifying as to factual matters may be heard at the discretion of the Planning Commission and/or Board of County Commissioners. This criterion has been satisfied.

- 205-6.4 The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be ejected from the hearing.

Applicant's Comment: The applicant acknowledges that the Planning Commission and/or Board of County Commissioners will preserve order at all public hearings and will decide questions of order. This criterion has been satisfied.

205-7 Continuance

- 205.7-1 All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. If additional documents or evidence are provided by any party, the Review Authority may allow a continuance or leave the record open for at least seven (7) days to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.428.

Applicant's Comment: The applicant understand that documents or evidence relied upon by the applicant will be submitted to the local government and be made available to the public. If additional documents or evidence are provided by any party, the Planning Commission and/or Board of County Commissioners may allow a continuance or leave the record open for at least seven (7) days to allow the parties a reasonable opportunity to respond. This criterion has been satisfied.

- 205-7.2 Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Review Authority shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to Subsection B below.

- A. If the Review Authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
- B. If the Review Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the Review Authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Review Authority shall reopen the record and 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.
- C. A continuance or extension granted pursuant to Section 205-7 shall be subject to the limitations of ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.
- D. Unless waived by the applicant, the Review Authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

Applicant's Comment: The applicant acknowledges that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application based on the procedures identified above. This criterion has been satisfied.

205-7.3 For the purposes of Section 205-7:

- A. "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.
- B. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Applicant's Comment: The applicant understands that definitions of "argument" and "evidence" as identified above. This criterion has been satisfied.

205-8 Evidence

205-8.1 The Review Authority may place any person submitting testimony under oath or affirmation. Once sworn or affirmed, all testimony subsequently given by the person during the hearing or a continuation thereof shall be deemed to be under oath.

Applicant's Comment: The applicant acknowledges that Planning Commission and/or Board of County Commissioners will place any person submitting testimony under oath or affirmation. This criterion has been satisfied.

- 205-8.2 Cumulative, repetitious, immaterial or irrelevant evidence may be excluded. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission or evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party.

Applicant's Comment: The applicant acknowledges that cumulative, repetitious, immaterial or irrelevant evidence will be excluded. Evidence will only be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. This criterion has been satisfied.

- 205-8.3 Members of the Review Authority may take official notice of judicially cognizable facts of general, technical or scientific facts within their specialized knowledge. Such notice shall be stated and may be rebutted.

Applicant's Comment: The applicant acknowledges that Members of the Planning Commission and/or Board of County Commissioners may take officer notice of judicially cognizable facts of general, technical or scientific facts within their specialized knowledge. This criterion has been satisfied.

- 205-8.4 Exhibits shall be marked to provide identification upon review. Unless required for an appeal, all exhibits shall be retained by the County for a period of not less than thirty (30) calendar days after expiration of all appeals. Exhibits may be disposed of as provided by the Director.

Applicant's Comment: The applicant understands that Exhibits will be marked to provide identification upon review. This criterion has been satisfied.

- 205-8.5 Any member of the Review Authority may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.

Applicant's Comment: The applicant acknowledges that any member of the Planning Commission and/or Board of County Commissioners may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided. This criterion has been satisfied.

206 BURDEN OF PROOF

- 206-1** Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake in adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.

Applicant's Comment: The applicant acknowledges that applicant will bear the burden of proof that the proposal is in compliance with the applicable standards. The application materials (i.e. forms, narrative and exhibits) constitute a fulfillment of this requirement. This criterion has been satisfied.

- 206-2** Unless specifically identified as jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

Applicant's Comment: The applicant acknowledges that failure to comply with a provision of this Article will invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error will have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights. This criterion has been satisfied.

207 DECISION

207-1 Decision Types After review of all evidence submitted into the record the Review Authority may:

207-1.1 Approve or deny all or part of the application;

Applicant's Comment: The applicant acknowledges that after review of all evidence submitted into the record the Planning Commission and/or Board of County Commissioners may approve or deny all or part of the application. This criterion has been satisfied.

207-1.2 Approve all or part with modifications or conditions of approval as described in Section 207-5;

Applicant's Comment: The applicant understands that after review of all evidence submitted into the record the Planning Commission and/or Board of County Commissioners may approve all or part of the application with modifications or conditions of approval. This criterion has been satisfied.

207-1.3 Defer a decision as provided in Section 207-6;

Applicant's Comment: The applicant acknowledges that after review of all evidence submitted into the record the Planning Commission and/or Board of County Commissioners may defer a decision on the application. This criterion has been satisfied.

207-1.4 Dismiss without prejudice due to procedural error or remand to correct a procedural error.

Applicant's Comment: The applicant understands that after review of all evidence submitted into the record the Planning Commission and/or Board of County Commissioners may dismiss the application due to a procedural error. This criterion has been satisfied.

207-2 Announcement of Decision

No decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Review Authority or its designee. If a public hearing has been held, the Review Authority may announce a tentative decision at the close of the public hearing, but shall in any case announce a date certain on which the decision shall be adopted or issued. If no public hearing has been held, the decision shall be announced in writing and made available to all parties as simultaneously as reasonably possible.

***Applicant's Comment:** The applicant understands that no decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Planning Commission and/or Board of County Commissioners. This criterion has been satisfied.*

207-3 Basis for Decision

An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of State law, the Comprehensive Plan, this Code and other applicable laws as determined by the Review Authority.

***Applicant's Comment:** The applicant acknowledges that an approval or denial of a development action will be based upon substantial evidence in the record that addresses the pertinent standards and criteria. This criterion has been satisfied.*

207-4 Findings and Conclusions

The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

***Applicant's Comment:** The applicant acknowledges that Planning Commission and/or Board of County Commissioners will provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. This criterion has been satisfied.*

207-5 Conditions of Approval

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

***Applicant's Comment:** The applicant understands that Planning Commission and/or Board of County Commissioners may impose conditions on any III development approval. Such conditions will be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the subject property. This criterion has been satisfied.*

- 207-5.2 In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:
- A. Requested the condition;
 - B. Consented to the condition in writing or on the record; or
 - C. Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or
 - D. Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.

Applicant's Comment: The applicant acknowledges that a condition is valid and enforceable when the applicant has requested the conditions, consented to the condition in writing or in record or commenced the development or use. This criterion has been satisfied.

207-5.3 Contract for Conditions:

When the approval requires a contract, conditions shall be set forth in a contract executed by the County and the applicant and approved as to form by legal counsel for the County. If a contract is required, no development permit shall be effective until the conditions are recorded. As a condition of approval, the County may require that the contract or a memorandum thereof be filed in the County Deed Records and shall appear in the chain of the title of the subject property, if recording is required. In addition to any personal remedy, the condition shall constitute a burden running with the land in favor of Washington County and, unless otherwise provided, shall be removed only with the written authorization of the Board of County Commissioners. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of Washington County from taking future development actions affecting the property.

Applicant's Comment: The applicant understands that if the approval requires a contract, conditions will be set forth in a contract executed by the County and the applicant and approved from by legal counsel for the County. This criterion has been satisfied.

207-5.4 Assurance of Compliance with Conditions:

A bond, cash deposit or other security acceptable to the Review Authority may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval.

Applicant's Comment: The applicant acknowledges that a bond, cash deposit or other security acceptable to the Planning Commission and/or Board of County Commissioners may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval.

Since no development is proposed, this criterion is not applicable to this application.

207-5.5 Time Limits on Conditions:

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate.

Applicant's Comment: The applicant understands that conditions will be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. This criterion has been satisfied.

207-5.6 Failure to Fulfill Previous Conditions:

Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

Applicant's Comment: The applicant acknowledges that the Planning Commission and/or Board of County Commissioners will refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action. This criterion has been satisfied.

207-5.7 Modification or Removal of Conditions:

Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions. Modification or removal of conditions of approval shall only be granted if the Review Authority determines that:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions to correct the mistake; or
- B. The condition(s) could not be implemented for reasons beyond reasonable control of the permit holder and the modification will not require a significant modification of the original decision; or
- C. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- D. The different condition(s) would better accomplish the purpose of the original condition.

Applicant's Comment: The applicant understands that modification or removal of conditions of approval may be sought on appeal or as a new development action. This criterion has been satisfied.

207-6 Continuances by Planning Commission

- 207-6.1 The Planning Commission may continue the public hearing and defer a decision to a date certain. No new notice is required for hearings continued to a date certain. Any deferral to a date certain that exceeds thirty (30) days without consent of the applicant shall be in the form of an order setting forth the reasons for deferral. Such a deferral may be treated as a denial by the applicant for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

Applicant's Comment: The subject property will be reviewed by a Planning Commission and/or Board of County Commissioners. This criterion has been satisfied.

- 207-6.2 An indefinite deferral shall require new notice to all persons identified in Section 204. An indefinite deferral without the consent of the applicant shall be in the form of an order setting forth the reason for deferral and may be treated by the applicant as a denial for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

Applicant's Comment: The applicant acknowledges that an indefinite deferral will require a new notice to all persons identified in Section 204. An indefinite deferral without the consent of the applicant will be in the form of an order setting forth the reason for deferral and may be treated by the applicant as a denial for purposes of reconsideration. This criterion has been satisfied.

211 DATE OF FINAL DECISION

- 211-1** Decisions of the Director, the Hearings Officer or Planning Commission on an application shall be deemed final and effective upon expiration of the appeal period if no petition for review is filed within that time. Decisions of the Hearings Officer or Planning Commission on a Type III application, except Type III development applications in transit oriented districts, or on appeal of a Director decision on a Type I or II application, shall be deemed final and effective on the date notice of the decision was provided to the parties. Once final and effective, a decision cannot be appealed.

Applicant's Comment: The applicant acknowledges that decisions the Planning Commission and/or Board of County Commissioners on an application will be deemed final and effective upon expiration of the appeal period. This criterion has been satisfied.

- 211-2** Decisions of the Board on an application shall be deemed final as follows:

- 211-2.1** If no petition for reconsideration is timely filed, the decision shall be deemed final on the date notice of the decision was provided to the parties.

Applicant's Comment: The applicant understands that the decision will be deemed final on the date notice of the decision was provided to the parties, if no petition for reconsideration is filed. This criterion has been satisfied.

- 211-2.2** If a petition for reconsideration is filed and denied, the decision shall be deemed final on the date notice of the denial of reconsideration is provided to the parties.

Applicant's Comment: The applicant acknowledges that the decision will be deemed final on the date notice of the denial of reconsideration is provided to the parties. This criterion has been satisfied.

- 211-2.3** If a petition is filed and reconsideration granted, the decision shall be deemed final on the date notice of the decision on the development, as reconsidered, is provided.

Applicant's Comment: The applicant understands that the decision will be deemed final on the date notice of the decision on the development, as reconsidered, is provided. This criterion has been satisfied.

- 211-3** Only a final decision of the Board, or the Hearings Officer on decisions for which the Hearings Officer is the final decision-maker, is appealable to the Land Use Board of Appeals.

Applicant's Comment: The applicant acknowledges that only a final decision for which the Planning Commission and/or Board of County Commissioners is the final decision-maker, is appealable to the Land Use Board of Appeals. This criterion has been satisfied.

211-4 For purposes of appeals to LUBA, a written decision of the Director or Hearings Officer is final on the date it is signed.

Applicant's Comment: The applicant understands that a written decision of the Planning Commission and/or Board of County Commissioners is final on the date it is signed for purposes of appeals to LUBA. This criterion has been satisfied.

300 INTRODUCTION

Article III of the Washington County Community Development Code consists of the primary and overlay districts which apply to the unincorporated areas of Washington County. These districts are provided to implement the goals and policies of the Comprehensive Plan. In addition to the standards listed in each District, all development is subject to all other applicable provisions of this Code, including Article IV, Development Standards; Article V, Public Facilities; and Article VI, Land Divisions. Additionally, all development is subject to the applicable requirements and standards of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

300-1 Intent and Purpose

The intent and purpose of the land use districts is to implement the policies of the Comprehensive Plan and land use designations on the community plan maps and the Rural/Natural Resource Plan. The purpose is to provide for a full range of uses to implement the land use needs set forth in the community plans and the Rural/Natural Resource Plan. In addition to the standards of the land use districts, all development, including land divisions, shall comply with the following applicable standards and requirements of the community plans, the Rural/Natural Resource Plan, and the Transportation Plan:

300-1.1 Community Plan provisions:

- A. General Design Elements;
- B. Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation Requirements;
- C. Significant Natural Resource Designations;
- D. Historic and Cultural Resource Designations;
- E. Mineral and Aggregate Resource Designations (District A and B designations);
- F. Major Bus Stop Designations;
- G. Interim Light Rail Station Overlay Designations;
- H. Transportation Circulation Designations;
- I. Street Corridor, Arterial Access and Pedestrian System Designations;
- J. Parking Maximum Designations;
- K. Local Street Connectivity Lands Designations;
- L. Pedestrian Connectivity Areas; and
- M. Transportation Functional Classification Map.

Applicant's Comment: *The applicant acknowledges the intent of establishing land use districts is to implement the policies of the Comprehensive Plan, the Significant Natural Resource Designations and the Transportation Functional Classification Map. The purpose is to establish a full range of uses to implement the land use needs set forth in the Rural/Natural Resource Plan. This criterion has been satisfied.*

The only impact, as a result of the applicant's request, will be a land use designation change to the County Rural/Natural Resource Plan. This criterion has been satisfied.

300-1.2 Rural/Natural Resource Plan Provisions:

- A. Significant Natural Resource Designations;
- B. Historic and Cultural Resource Designations;
- C. Mineral and Aggregate Resource Designations (District A and B designations);
- D. Habitat Protection Plan;
- E. Implementing Strategy E of Policy 10; and
- F. Transportation Functional Classification Map.

Applicant's Comment: *The applicant acknowledges that purpose is to provide for a full range of uses to implement the land use needs set forth in the Rural/Natural Resource Plan (the Significant Natural Resource Designations and the Transportation Functional Classification Map).*

The only impact, as a result of the applicant's request, will be a land use designation change to the County Rural/Natural Resource Plan. This criterion has been satisfied.

300-1.3 Transportation Plan

- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
- B. The Functional Classification System Map;
- C. The Lane Numbers Map;
- D. The Special Area Streets Overlay Maps
- E. The Regional Street Design Overlay Map
- F. The Transit System Map;

G. The Pedestrian System Maps

H. The Off-Street Trail System Maps

I. The Planned Bicycle System Map

Applicant's Comment: *No impacts are anticipated as result of the applicant's desire to change the land use designation from AF-20 to EFC. The applicant acknowledges that proposals comply with the intent of the 2020 Transportation Plan Policies and Regulations. Refer to Section 4 for further information. This criterion has been satisfied.*

300-1.4 Comprehensive Framework Plan for the Urban Area

Policy 41, Urban Growth Boundary Expansions

Applicant's Comment: *The subject property is located outside of the urban area is not part of an expansion of the urban growth boundary. Therefore, this is not applicable to the applicable to this application.*

300-2 Residential Density Calculation

To determine the maximum or minimum number of units which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated on the applicable Community Plan, except as specified otherwise below or by Table C of Section 375.

EXAMPLE

Acres x units per acre = number of units allowed

1.6 x 5 = 8.0 or 8 units

300-2.1 Site size shall include the area of the subject lot(s) or parcel(s), in acres or portions thereof, excluding all areas currently dedicated for public right-of-way.

Applicant's Comment: *No development or parcel configuration is proposed as part of the proposed change in land use designations from AF-20 to EFC. This excludes land dedicated for right-of-way along David Hill Road. This criterion has been satisfied.*

300-2.2 Allowable density shall be as designated on the Community Plan Map or Rural Plan.

Applicant's Comment: *No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.*

- 300-2.3 No portion of the allowable density shall be permitted to be transferred from one land use designation to another land use designation, except as permitted in accordance with the Planned Development provisions of Section 404-4.5.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 300-2.4 The number of units which may be constructed on the subject site shall be subject to the limitations of the applicable provisions of this Code, including the requirements of Section 300-3 and such other things as landscaping, parking, flood plain, buffering, slopes and other site limitations.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 300-2.5 When the maximum or minimum number of units allowed on a site results in a fraction of .5 or more, the number of units allowed shall be the next highest whole number, provided all minimum district requirements other than density can be met.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 300-2.6 Land that is dedicated to a park and recreation provider as public park land may be used to calculate the minimum or maximum density, provided the land is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 300-2.7 When allowed by a legislative or quasi-judicial plan amendment:
- A. Assisted living units, that are part of a mixed use residential development, may be used to satisfy the minimum density requirement; and

- B. Land used for a private park, that is available to the general public outside of the residential development the park is located in, may be excluded from the acreage used to calculate the minimum density provided the park is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 300-2.8 Only categories of land listed in Section 300-3.1 may be excluded from the acreage used to calculate minimum required densities. Categories of land listed in Section 300-3.1 may be included when calculating maximum allowed densities provided the densities transferred comply with Section 300-3.3.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

300-3 Density Transfers for Unbuildable Lands

300-3.1 Applicability:

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within any of the following areas:

- A. Flood Plain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;
- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. Water Quality Sensitive Areas;
- I. Vegetated Corridors;
- J. Regionally Significant Fish & Wildlife Habitat areas as designated on the current edition of Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map.

- K. In transit oriented districts, land within an area identified above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-3.4.

Applicant's Comment: Although the site contains unbuildable lands, no development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

However, it is important to point out, that based on the Natural Resource Inventory and other mapping data, there are wetlands, slopes over 20 percent and vegetated corridors located within the boundaries of the subject property. In accordance with this provision, these areas, if developed, would be eligible for a transfer of density for unbuildable lands.

300-3.2 Density may be transferred only as follows:

- A. Within a single lot or parcel within the same land use designation; or
- B. To an adjoining lot or parcel that is a subject of the development application provided it is also within the same land use designation as the other lot or parcel.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

300-3.3 Density Transfer Calculations:

The number of units which may be transferred shall be calculated as follows:

- A. Determine the total density for the subject lot(s) or parcel(s).
- B. Determine the total number of units in the buildable portion and the unbuildable portion of the total site.
- C. Transfer the density of the unbuildable portion of the site to the buildable portion of the site, provided that the transferred density does not more than double the density allowed on the buildable portion of the site.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural

resource land use designations. Therefore, this is not applicable to the applicable to this application.

300-3.4 For the purpose of this Section, buildable shall mean all portions of the subject lot(s) or parcel(s) not included within a category listed in Section 300-3.1, and unbuildable shall mean all portions of the lot(s) or parcel(s) included in one of the categories in Section 300-3.1.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

300-4 Development at Less than Maximum Density

The standards of the applicable district shall apply regardless of whether the proposed development meets the maximum density.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

300-5 Development at Lower than Minimum Density

300-5.1 Applicability:

The Review Authority may approve development at less than the required minimum density when the following standards are met:

- A. The site contains lands identified by Metro as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map;
- B. The Regionally Significant Fish & Wildlife Habitat area is protected by compliance with Sections 405-4 and 405-5;
- C. The proposed reduction in density associated with the protected portion of the site shall not exceed the protected area's proportional share of the overall site density. (For example, on a one-acre site with a minimum density of eight (8) units per acre, a one-quarter (1/4)-acre protected area would yield a maximum density reduction of two (2) units, resulting in six (6) units on the remainder of the site); and
- D. Prior to final approval, the applicant submits evidence of having provided notice to Metro stating:

(1) the map and tax lot number(s) of the lot(s) or parcel(s) subject to the density reduction;

(2) the acreage of the Regionally Significant Fish & Wildlife Habitat area being protected; and

(3) the number of units (net reduction) below the normally required minimum.

Applicant's Comment: *No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the application.*

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. For all permitted uses, the property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

Applicant’s Comment: The applicant understands the purpose of the Exclusive Forest and Conservation District, which is 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. The subject property is commercial forestry use and is in forest deferral. This criterion has been satisfied.

342-2 Uses Permitted through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 342-2.1 Accessory Uses and Structures - which meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
- 342-2.2 Forest products - temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.
- 342-2.3 Property Line Adjustment - Section 610-1.1 B.
- 342-2.4 Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, not including structures.

- 342-2.5 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 342-2.6 Alteration or restoration of a lawfully established dwelling. For required standards, see Section 430-8.1.
- 342-2.7 Replacement of a lawfully established dwelling which meets the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Sections 430-8.1 and 8.3.
- 342-2.8 Detached dwelling unit (one) which meets the Type I fire structure siting and fire safety standards in Section 428-3. See Section 430-37.2 F. for required standards.
- 342-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-109.3.
- 342-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, provided that the tower and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 – For required standards, see Section 430-109.4.

Applicant's Comment: The applicant acknowledges that uses listed in Section 342-2 are permitted through a Type I procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry uses. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

- 342-3.1 Permitted Uses which are exempt from Section 342-3.3:
 - A. Alteration or restoration of a lawfully established dwelling that is not permitted through a Type I procedure. For required standards see Sections 430-8.2 and 8.3.
 - B. Caretaker residences for public parks and fish hatcheries.
 - C. Exploration for geothermal, gas, oil, and other associated hydrocarbons within a flood plain, drainage hazard area, or an area identified in the Rural Natural Resource Plan as a Significant Natural Resource.

D. Detached dwelling unit (one). For required standards see Sections 430-37.2 F.

E. Forest products - temporary portable facility, with structures for primary processing, which may not be used as a dwelling or for overnight accommodations. See Section 430-47 for required standards.

F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

G. Production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

H. Property line adjustment, which is exempt from Section 342-3.2.

I. Solid waste disposal site - Section 430-127.1.

J. Structures accessory to fish and wildlife enhancement, which may not be used as a dwelling or for overnight accommodations.

K. Temporary forest labor camps.

L. Towers and fire stations for forest fire protection. For required standards see Section 430-103.

M. Replacement of a lawfully established dwelling. For required standards see Section 430-8.1, 430-8.2, and 430-8.3.

N. Accessory structures which do not meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.

O. Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district – Section 410.

Applicant's Comment: The applicant acknowledges that uses listed in Section 342-3.1 are permitted through a Type II procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-3.2 Permitted Uses which are subject to Section 342-3.3:

A. Aids to navigation and aviation.

- B. Cemeteries.
- C. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations - Section 430-27.
- D. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 342-3.3 if that section was addressed in a prior application. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
- E. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- F. Log scaling and weigh stations.
- G. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way fifty (50) feet or less in width.
- H. New electric transmission lines with right-of-way widths of up to one-hundred (100) feet as specified in ORS 772.210.
- I. Parks - Section 430-97. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- J. Permanent logging equipment repair and storage.
- K. Private hunting and fishing operation with accessory structures - Section 430-100.1.
- L. Reservoirs and water impoundments, except as permitted by Section 342-4.1 K.
- M. Microwave facilities, Broadcast and Communication Towers, excluding communication towers allowed under Section 342-2.10, and transmission towers up to two-hundred (200) feet in height - Section 430-109.
- N. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- O. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 342-3.3 if that section was addressed in a prior application.
- P. Temporary Use - Section 430-135.1 H.
- Q. Uses to conserve soil, air and water quality and fisheries resources with structures, which may not be used as a dwelling or for overnight accommodations.
- R. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten (10) acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.

- S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- T. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- U. Youth camps as provided in OAR 660-006-0031. This use is exempt from Section 342-3.3 B.
- V. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

Applicant's Comment: The applicant acknowledges that uses listed in Section 342-3.2 are permitted subject to 342.33 through a Type II procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry uses. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-3.3 The proposed use will not:

- A. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; nor
- B. Significantly increase fire hazard or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. This proposal will not change forestry practices on the subject property nor will it significantly increase the risk of fire or fire suppression costs. Therefore, this is not applicable to the applicable to this application.

342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

- A. Airport, expansion of existing airports only - Section 430-7.

- B. Campground - Section 430-25.
- C. Firearms training facility, as provided in ORS 197.770.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.
- E. Permanent facility for the primary processing of forest products.
- F. Private accommodations for fishing occupied on a temporary basis - Section 430-100.3
- G. Private seasonal accommodations for fee hunting operations - Section 430-100.2.
- H. Public Building - limited only to fire stations for rural fire protection - Section 430-103.
- I. Solid Waste Disposal Site - Section 430-127.2.
- J. Microwave facilities, Broadcast and Communication Towers and transmission towers greater than two-hundred (200) feet in height - Section 430-109.
- K. All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

342-4.2 Required findings:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Applicant's Comment: The applicant acknowledges that uses listed in Section 342-4 are permitted through a Type III procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the application.

342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 342-5.1 Creation of minimum eighty (80) acre parcels - Section 424-3.

- 342-5.2 Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.
- 342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

Applicant's Comment: Existing lot range in size from 81.2 acres to 209.49 acres. All of these lots of record exceed the minimum lot size.

No new lots or parcels are being created as part of the proposed change in land use designations from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the application.

342-6 Prohibited Uses

- 342-6.1 Structures or uses of land not specifically authorized by Section 342.
- 342-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.
- 342-6.3 Outdoor advertising displays and structures except as provided in Section 414.
- 342-6.4 The location of service facilities which house groups of people, and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 342-6.5 Auto wrecking yards.
- 342-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

342-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

Applicant's Comment: The applicant acknowledges that uses listed in Section 342-6 are prohibited.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-7 Dimensional Requirements

342-7.1 Lot Area:

See Section 342-5, Creation of Lots or Parcels.

Applicant's Comment: Existing lots of record range from 81.2 acres to 209.49 acres. No new lots are being creates as part of the proposed change in land use designations from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard; and
- D. Thirty (30) foot street side yard;

Applicant's Comment: As previously mentioned the existing lots of record range from 81.2 acres to 209.49 acres. Each of these lots exceed can meet or exceed the required minimum yard requirements.

No new lots are being created. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-7.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

Applicant's Comment: The subject property is vacant with no existing dwellings. No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-7.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

Applicant's Comment: As previously mentioned the existing lots of record range from 81.2 acres to 209.49 acres. Each of these lots exceed can meet or exceed the required minimum yard requirements. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

342-8 Access

All lots in this district shall either:

- 342-8.1 Abut a public street, or
- 342-8.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

- 342-8.3 Private driveways and private roads which are not subject to the standards of the Forest Practices Act shall comply with the standards of Section 428-3 and 428-4.
- 342-8.4 Roadways which are used only for forest uses and are subject to the standards of the Oregon Forest Practices Act, are not subject to the requirements of Subsection 342-8. These roadways shall be subject to the requirements of Subsection 342-8 and any other applicable Code standards if the roadways are used for uses other than uses governed by the Oregon Forest Practices Act, such as a residential dwelling.

Applicant's Comment: The subject property has access off public streets and/or public right of way from David Hill Road. In addition, each of the three parcels is linked by a private roadway that is used for forestry purposes. Therefore, this is not applicable to the applicable to this application.

342-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), and 428 (Forest Structure Siting and Fire Safety Standards), are applicable as required by Subsection 403-4.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Refer to sections 421 and 422 for additional information. This criterion has been satisfied.

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's Comment: The applicant acknowledges the intent of the 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.

There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-2 Definitions

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in OAR.

Applicant's Comment: The applicant acknowledges that the words or terms applicable to this Code are defined by ORS or OAR. Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in OAR.

344-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

344-3.1 Accessory Uses and Structures - Section 430-1.

344-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1, 8.3, and 8.4.

- 344-3.3 Deferred replacement permit – Section 430-8.4.
- 344-3.4 Property Line Adjustment - Section 610-1.1.
- 344-3.5 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

Applicant's Comment: The applicant acknowledges that uses listed in Section 344-3 are permitted through a Type I procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-4 Uses Permitted Through a Type II Procedure:

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

- 344-4.1 Permitted Uses which are exempt from Section 344-4.3:
 - A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
 - B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-8.2, 8.3, and 8.4.
 - C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
 - D. Facility for the processing of farm crops located on a farm operation that provides at least one-quarter ($\frac{1}{4}$) of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting

of the processing facility. Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.

- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), to allow a second farm dwelling subject to the following standards.
 - (1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;
 - (2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and
 - (3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.
- F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- G. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- H. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- I. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- J. Property Line Adjustment - See Section 610-1.1 for required standards.
- K. Broadcast and Communication towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
- L. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
- M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or

facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

- O. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- P. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
- Q. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
- R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 344-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 (Utility facilities necessary for public service).
- S. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
- T. Winery - Section 430-145.1.
- U. Fire service facilities providing rural fire protection services.
- V. Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district – Section 410.

Applicant's Comment: The applicant acknowledges that uses listed in Section 344-4.1 are permitted through a Type II procedure and are exempt from Section 344-4.3.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the application.

344-4.2 Permitted Uses which are subject to Section 344-4.3:

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 344-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
 - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
 - (2) Is situated on a lot or parcel existing on November 4, 1993;
 - (3) Qualifies for a farm dwelling under ORS 215.213 (2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
 - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
- G. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- H. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.

- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- L. Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- Q. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 344-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- S. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

Applicant's Comment: The applicant acknowledges that uses listed in Section 344-4.2 are generally permitted through a Type II procedure and are subject to the specific standards for the use set forth in Section 340.4.3.

There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. The proposed change will not force a change in accepted forest practices or resulting in a significant increase in cost on forest practices on surrounding lands.

- 344-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 344-5.1 and 344-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:
- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half mile of a community college.
 - B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
 - C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
 - D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
 - E. Operations for the exploration of minerals as defined by ORS 517.750.

Applicant's Comment: The applicant acknowledges that uses listed in Section 344-5 are permitted through a Type III procedure.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.
- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
 - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 344-4.1 H;
 - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:

- (a) A development permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
 - (b) A development permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
 - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;
- (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
- (4) Processing of other mineral resources and other subsurface resources.
- J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.
- K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.
- L. Utility facility (commercial) for the generation of power for sale for public use - Section 430-141.
- M. Broadcast and Communication towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height.

Applicant's Comment: The applicant acknowledges that uses listed in Section 344-5.2 are generally permitted through a Type III procedure subject to the specific

standards for the use set forth in applicable Special Use Sections of Section 430.

There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-5.3 Required findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
 - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. The proposed change will not force a change in accepted forest practices or resulting in a significant increase in cost on forest practices on surrounding lands.

- 344-5.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-6 Prohibited Uses

344-6.1 Structures or uses of land not specifically authorized by Section 344.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.

Applicant's Comment: Again, no development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-6.3 Outdoor advertising displays and structures except as provided in Section 414.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing, June, 1983 airport year 2000 LDN fifty-five (55) contour.

Applicant's Comment: As previously mentioned, no development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-6.5 Auto wrecking yards.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

Applicant's Comment: Again, no development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-7 Creation of Lots or Parcels by a Land Division

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 344-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres or more through a Type II procedure - Section 424-1.

Applicant's Comment: No lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.

Applicant's Comment: Again, no lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-7.3 Creation of lots or parcels for non-farm uses, not including a dwelling, through a Type II procedure - Section 424-4.

Applicant's Comment: As previously mentioned, no lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.

Applicant's Comment: No lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

- 344-7.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

Applicant's Comment: Again, no lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-8 Marginal Lands

- 344-8.1 Designation of Marginal Lands through a Type II procedure - Section 425.

Applicant's Comment: The applicant understands that the designation of marginal lands would be processes as a Type II procedure. However, at this time the applicant is not seeking the marginal lands designation. Therefore, this criterion is not applicable to this application.

- 344-8.2 All uses allowed under Section 344-3, 344-4 and 344-5 are allowed on marginal lands under the same procedures and standards.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use

designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-8.3 Uses permitted through a Type I Procedure.

The following uses are permitted subject to the applicable standards as set forth in Article IV and as may otherwise be indicated:

A. Detached dwelling (one) on any size lot or parcel:

- (1) If the lot or parcel were created prior to July 1, 1983;
- (2) Is subject to all flood plain or hazard area regulations; and
- (3) When the applicant signs and records, in agreement form, in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against commonly accepted farm or forest practices which may occur on adjacent lands.

B. Intensive farm or forest operations including but not limited to farm use as defined in ORS 215.203.

C. Part-time farms.

D. Wood lots.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-8.4 Other than the additional uses of Section 344-8.3 all lands designated marginal are subject to all of the other provisions of the AF-20 District.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-8.5 Land designated as marginal shall not qualify for assessment as zoned farmland.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-9 Dimensional Requirements

344-9.1 Lot area:

See Section 344-7 - Creation of Parcels.

Applicant's Comment: No lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-9.2 Yard Requirements:

The minimum requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

Applicant's Comment: No lot creation is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-9.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-9.4 Minimum lot width at the street:

The minimum width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-10 Access

All lots in this District shall either:

344-10.1 Abut a public street; or

344-10.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

344-10.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographic location. Where no fire protection agency has jurisdiction, access ways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

344-11 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Both land use

designations are rural resource land use designations. Therefore, this is not applicable to the applicable to this application.

421 Floodplain and Drainage Hazard Area Development

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

- 421-1.1 The maps entitled "Flood Plain Series, Washington County, Oregon" Revision 5/01/74, 1/03/78, 1/81 and 5/25/83 and 12/12/83 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County, together with the Flood Insurance Rate Maps, with amendments, and the "Flood Insurance Study for Washington County," with amendments, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) hereby are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, the Director may use any base flood elevation and floodway data available from a federal or state source, or any other authoritative source, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

Applicant's Comment: Based on the County's Rural Natural Resource Map, the subject property contains two small areas that are designated as "water areas, wetlands and wildlife habitat". This includes two creeks and their associated drainage hazard area. These two areas are the "head" waters of two un-named creek corridors. Due to their elevation and location, these areas are not located within a floodplain or subject to periodic flooding.

There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the application.

- 421-1.2 Recognizing that the scale may be such that the true and accurate flood plain or drainage hazard area cannot be determined from the maps referenced in Section 421-1.1 alone, all persons seeking a Development Permit for lands within said areas and two-hundred-fifty (250) feet of the map boundary of a flood plain or drainage hazard area identified in Section 421-1.1 except as noted below for land divisions and property line adjustments, shall submit with the Development Permit application:
- A. A delineation of the flood plain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations prepared by the County for the flood plain based upon maps referenced in Section 421-1.1, and upon any other available authoritative flood data approved by the Director, including but not limited to high water marks, photographs of past flooding or historical flood data; and
 - B. A delineation of the drainage hazard area and drainageway by a registered surveyor or a registered engineer from surface elevations prepared by a registered engineer. Such delineation shall be based on mean sea level datum and be field located from recognized landmarks.
 - C. Land divisions and property line adjustments outside the UGB may provide only generalized flood plain information, such as contour maps and aerial photos, which need

not be prepared by an engineer. Notwithstanding this provision, for the purpose of implementing the requirements of Section 421-14.7, applicant's may be required to submit detailed delineations as specified in 421-1.2 A. and B.

For each of the above, submitted plans shall be accurately drawn and at an appropriate scale that will enable ready identification and understanding of the submitted information. The plans shall include the locations of any existing or proposed property lines, buildings, structures, parking areas, streets, access ways, or other relevant information on the subject property, and within fifty (50) feet of the delineation.

Applicant's Comment: Based on FEMA's Flood Insurance Rate maps, there are no delineated floodplains with in the boundaries of the subject property. Refer to Section 6, Appendices, Exhibit J FEMA Flood Insurance Rate Map for further information. This criterion has been satisfied.

421-1.3 Persons seeking to develop within a flood plain or drainage hazard area must do so with the understanding that they and their successors assume the risks and that the risks cannot be eliminated, even with strict compliance with the standards adopted herein. This Section does not imply that lands outside of flood plain or drainage hazard areas, or development permitted within, will be free from flooding or flood damage.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-2 Definitions

As used in this section, the words listed below have the following meaning:

- 421-2.1 Flood area A flood plain or drainage hazard area.
- 421-2.2 Structure A walled and roofed building, including a storage tank or silo, that is principally above ground. Structure does not include such things as pipes, culverts, roads, bridges and other transportation facilities.
- 421-2.3 Flood surface elevation Elevation of the surface water of a floodplain or drainage hazard area.

Applicant's Comment: The applicant understands the terms and definitions as defined above.

421-3 Submittal Requirements

In addition to the requirements of Section 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed which shall be prepared by a registered civil engineer. This information may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.1 Existing and proposed topography within the boundaries of the flood area using the following contour intervals:
- A. For slopes of five (5) percent or less, contour intervals not more than one (1) foot;
 - B. For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; and
 - C. For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.

Applicant's Comment: The application submittal includes contours for the subject property.

No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-3.2 For applications for Type II and III flood plain or drainage hazard area alterations, documentation which demonstrates compliance with the applicable review standards of Sections 421-7 through 421-14.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. Documentation demonstrating compliance for alterations within the drainage hazard area can be found in Section 421-7 through 421-14. This criterion has been satisfied.

421-4 Uses and Activities Permitted Through a Type I Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type I procedure for the following:

- 421-4.1 Recreation or nature trails and removal of vegetation down to duff or bare soil provided:
- A. The area of disturbance is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element; and
 - B. The applicant obtains a permit for erosion control.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.2 Property line adjustments.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.3 Wildlife viewing areas, including interpretive signs, and off-street parking which requires no grading, and viewing platforms or structures, provided that all viewing platforms or structures:

- A. Are elevated by pilings;
- B. Have the lowest floor at least one (1) foot above the flood surface elevation; and
- C. A building permit is obtained for the proposed platform or structure.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.4 Maintenance, preservation, and repair of local public streets and private streets except as provided for by Section 421-16.7, including paving and grading of existing road surfaces, and grading and shaping of roadside ditches.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.5 Above ground electrical, communication and signal transmission and distribution lines on a single-pole system. For the purposes of this section, a single-pole system is defined as above ground electrical, communication or signal lines and their supporting concrete, wood or metal poles, excluding self-supporting steel lattice-type structures.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.6 Restoration and stabilization of the bank of a river or other watercourse or body of water for erosion control provided:

- A. The application includes a registered civil engineer's certification that:

- (1) The project is in response to a demonstrated bank failure that resulted from a specific flood event or which has occurred within the last two years;
 - (2) The project only restores and stabilizes the bank to its original location before the demonstrated bank failure;
 - (3) The length of the bank involved does not exceed 250 feet;
 - (4) The project is located outside an urban growth boundary; and
 - (5) If riprap is used, it will be keyed in to the bed and bank of the body of water as specified in OAR 141-089-0005.
- B. Whether or not riprap is used, the length of bank within the project boundary, from the ordinary high water level to the top of the bank, shall be planted with vegetation that grows roots which will stabilize the bank. Plant species used shall be those in the 1987 or most current list entitled "Shrubs, Trees and Aquatic Plants for Wildlife Plantings" prepared by the Oregon Department of Fish and Wildlife. The plantings shall meet the following requirements, unless different requirements are established for the project by the Oregon Division of State Lands through their permitting process:
- (1) At least five (5) plants shall be placed per 100 square feet of bank area; and
 - (2) At least 20 percent of the plants placed shall be trees.
- C. Upon completion of the project, a registered civil engineer shall submit a statement certifying that the project was completed in compliance with the provisions of this section.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.7 Maintenance, preservation or repair of off-right-of-way drainage facilities.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-4.8 Vehicular access to a single family residence or for farm or forest uses; including culverting for driveway crossings provided the application includes a registered civil engineer's certification that the project complies with Sections 421-7.1 through 421-7.9.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current

land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5 Uses and Activities Allowed Through a Type II Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type II procedure for the following:

- 421-5.1 One (1) detached dwelling (including a manufactured dwelling) together with no more than two (2) accessory structures and off-street parking on a parcel lawfully created prior to March 26, 1984, when the lot or parcel contains insufficient area outside of the flood area upon which to locate the dwelling, and/or accessory structures.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-5.2 Substantial improvements to lawfully established structures that have not been abandoned where "substantial improvement" is defined as follows: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
- A. Before the improvement or repair is started; or
 - B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Section "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure except as follows:
 - (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.
 - C. Applications for substantial improvements to structures shall comply with the requirements of Section 421-7, Section 421-8 or Section 421-9, whichever are applicable.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.3 Improvements to a lawfully established structure when the cost of the improvement is less than fifty (50) percent of the market value of the structure and there is compliance with Section 421-7. For the purpose of this subsection, improvement means any repair, reconstruction, addition or improvement of a structure except as follows:

- A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.4 Accessory structure customarily provided in conjunction with the use set forth in the applicable primary District.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.5 Subdivisions and major and minor land partitions.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.6 Water quality or quantity improvement facilities, or a required wetland mitigation project when:

- A. Mandated by a local, state or federal regulatory agency;
- B. In conjunction with an adopted Drainage Master Plan as defined by Subsection 106-64; or
- C. In conjunction with any other master plan for water or wetlands management improvements approved by Ordinance or Resolution and Order of the Board.

Sites that are designated as a Significant Natural Resource are subject to the requirements of Section 422.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.6 Dams, weirs, ponds and similar water impoundment devices and mitigation and enhancement improvements, not authorized by Subsection 421-5.6 when in conjunction with an enhancement plan approved through Subsection 422-3.4.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.8 Dams, weirs, ponds and similar water impoundment devices, and mitigation and enhancement improvements for farm or forest purposes when in conjunction with farm use as defined in ORS 215 or forest uses as defined by the Forest Practices Act.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.9 Operations for the exploration for and production of geothermal resources, oil and gas.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.10 Vehicular access to permitted uses, including driveway crossings, except as permitted by Section 421-4.8.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.11 Construction or major improvement or alteration of underground pipes and conduits, including sewer, water and gas lines, transmission and distribution lines for geothermal resources, gas and oil, underground electrical, telephone and television transmission and distribution lines, including necessary accessory structures and drainage systems.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-5.12 Removal of vegetation down to duff or bare soil in an area designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element.

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

421-5.13 Above ground electrical, communication and signal transmission lines, except as provided by Section 421-4.7.

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

421-5.14 Parks, golf courses and other recreational uses and associated off-street parking which require grading, excluding structures.

Applicant's Comment: *Again, there should be no impacts by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

421-5.15 Recreation or nature trails and associated off-street parking, when grading, piping, culverting or bridges are required.

Applicant's Comment: *As previously mentioned, there should be no impacts by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

421-5.16 Creation or restoration of wetlands.

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

421-5.17 Culverting and piping to implement an approved development, other than crossings for public and private streets and other public transportation facilities, in an area that is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element when the pipe or culvert connects to an existing pipe, culvert or drainageway. Culverting and piping in a flood area may be subject to local, state and federal agencies.

Applicant's Comment: *Again, there should be no impacts by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

- 421-5.18 Construction or major improvement or alteration of public local streets and private streets within the UGB, or approved as part of a land division, including culverting and piping, accessory drainage systems such as catch basins, and necessary accessory structures.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-5.19 Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water inside an urban growth boundary or not otherwise permitted by Section 421-4.6.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-6 Uses Allowed Through A Type III Procedure

Unless specifically prohibited by the applicable Community Plan, the Rural/ Natural Resource Plan Element, Section 422, or the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit for the following may be approved through the Type III procedure:

- 421-6.1 Parking area for adjacent multi-family, institutional, commercial or industrial development;

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-6.2 In any area designated as a Significant Natural Resource by the applicable Community Plan or the Rural/Natural Resource Plan Element, culverting or piping of a flood area that is designed to improve the overall drainage system to facilitate private development. Such requests shall be processed as a Type III Planned Development. Culverting or piping that is permitted by Section 421-5 is not intended to be addressed by this subsection; and

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-6.3 Low head hydroelectric power generation facilities.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

- 421-7.1 Development proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge. Notwithstanding this provision, development that would result in such an increase may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. These properties are not required to be part of the application for the proposed development.

Applicant's Comment: Based on the current Flood Insurance Rate Maps (FIRM), no portion of the subject property is located within a floodplain or floodway. The existing flood plains are well downstream from the subject property. This criterion has been satisfied.

- 421-7.2 Development proposed on a flood plain site where the development does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase the flood plain elevation more than one (1) foot at any point in the community. Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the application.

- 421-7.3 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of

the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community. Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. This proposal will not increase the elevation of the drainage hazard area anywhere in the community. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-7.4 Encroachments into a floodway shall be designed so as to minimize the risk that the encroachment will catch substantial debris or otherwise significantly impede floodwater flows. Designs may include, but are not limited to, adequate sizing of openings, secured breakaway bridges, diverters or spacing of supports.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-7.5 The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard. "Open Channel Hydraulics" by V. T. Chow, McGraw-Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity. "Hydraulic Engineering Circular No. 14," Hydraulic Design of Energy Dissipators for Culverts and Channels, published by the Federal Highway Administration, September 1983, is presumed to be the best available reference for the design of energy dissipators.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-7.6 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut or storage within the boundary of the development site unless:

- A. The proposed cut and fill is found to be in compliance with an adopted Drainage Master Plan; or
- B. Off-site excavation will be utilized to balance a fill, provided:
 - (1) The off-site excavation area will be part of the application for the development proposing to place the fill;

- (2) The off-site excavation area will be located in the same drainage basin as the proposed fill area;
- (3) The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's registered civil engineer shall conduct a storage routing analysis to determine the location of the fill;
- (4) The off-site excavation area will be constructed as part of the development placing the fill;
- (5) Any use or future development of the excavated area shall comply with the standards of Section 421 and Section 422 if the area is designated as a Significant Natural Resource; and
- (6) Ownership of the excavated area shall be by one of the following mechanisms:
 - (a) Dedication of the area to an appropriate public agency when a public agency is willing to accept the dedication;
 - (b) Ownership of the area by the applicant of the proposed development;
 - (c) Dedication of the development rights of the area to an appropriate public agency with ownership remaining with the property owner. Maintenance of the area shall be the responsibility of the applicant or property owner; and
 - (d) Deed or easement-restricted private ownership which prevents any use or future development of the area as specified by Section 421-7.6 B. (5). Maintenance of the area shall be the responsibility of the applicant or property owner. A contract for conditions shall be required as specified by Section 207-5.3. The contract for conditions shall be recorded in the Washington County Deed Records.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.7 There is adequate storm drainage behind a dike such as a lift pump or flap gate to drain the flood plain or drainage hazard area behind the dike.

Applicant's Comment: Again, there should be no impacts by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.8 That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.8 Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.

Applicant's Comment: Again, there should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.9 Proposed partitions and subdivisions shall minimize flooding by complying with the applicable standards of Sections 410, 421, 426, 605-5.2 and 610-5.2, and Chapter 6 of the Unified Sewerage Agency Construction Standards.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.11 Public utilities and facilities in proposed partitions and subdivisions shall be located and constructed in a manner that will minimize flood damage.

Applicant's Comment: As previously mentioned, there should be no impacts by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-7.12 Proposed partitions and subdivisions shall provide adequate drainage to reduce exposure to flood damage by complying with the standards of Section 410 and applicable standards of Section 605-5.2 or 610-5.2, whichever is applicable.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-8 Criteria for Dwellings

421-8.1 No new dwelling shall be constructed in a flood area if:

- A. The lot or parcel contains sufficient, suitable, existing buildable land area that is located outside the flood area so as to permit construction at least one (1) foot above the flood area; and
- B. The buildable land area shall be deemed suitable if it includes a minimum ten (10) foot perimeter setback around the proposed dwelling that is outside the flood area.

Applicant's Comment: No development is proposed as part of this application. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-8.2 Construction standards for new dwellings and substantial improvements to existing dwellings in flood areas:

- A. All new dwellings and substantial improvements to existing dwellings shall have the lowest habitable floor, including any basement, elevated to at least one (1) foot above the flood surface elevation and shall be anchored so as to prevent flotation, collapse or lateral movement;
- B. New dwellings and substantial improvements to existing dwellings may be placed on pressure treated pilings when:
 - (1) Certified by a registered engineer as sufficient to prevent collapse or movement during a one-hundred (100) year flood.
 - (2) Pilings are placed on stable compacted fill on no greater than ten foot centers; and
 - (3) Pilings greater than six (6) feet high are reinforced;
- C. New dwellings and substantial improvements to existing dwellings may be placed on approved fill providing the building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, is above the flood surface elevation.
- D. All new construction and improvements to existing structures shall be done with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage. All new construction and improvements to existing structures shall be anchored to prevent flotation, collapse or lateral movement;
- E. Fully enclosed non-habitable areas below the lowest floor that are subject to flooding are permitted only if designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There

should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-9 Criteria for Manufactured Dwellings and Manufactured Dwelling Parks and Subdivisions

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-10 Criteria for Non-Dwelling Structures

New construction or substantial improvement of non-dwelling structures shall have the lowest floor, including any basement, elevated to or above the flood surface elevation or, the structure together with attendant utility and sanitary facilities shall:

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-11 Criteria for Utilities

421-11.1 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. The applicant shall obtain all applicable local, state or federal permits.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-11.2 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into, or discharge from, the system. The applicant shall obtain all applicable local, state and federal permits.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-11.2 On-site disposal systems shall be permitted only if located and designed to avoid impairment and eliminate contamination of flood waters. The applicant shall obtain all applicable local, state and federal permits.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-11.4 Above ground electrical, communication and signal transmission and distribution lines and related accessory structures other than poles or towers shall be constructed at or above the flood surface elevation. Poles and towers shall be constructed and placed to minimize risk of damage.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-11.5 Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-11.6 Construction of utilities shall be done in a way which minimizes the impact on the flood area. The site shall be restored, as far as practicable, to its original state.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-12 Criteria for Piping, Culverting and Man-Made Creek Beds, Except as Permitted in Section 421-5

Piping or the use of culverts or man-made creek beds to drain or alter the water flow of a flood area shall be approved in conjunction with a Planned Development processed as a Type III action. The proposed development shall meet the following:

- 421-12.1 Include provisions for open space as required by Section 404-4;

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-12.2 Improve the drainage system or flood protection of all or a substantial portion of the land within the boundaries of the Planned Development application; and

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-12.3 The application, if located within the Tualatin Hills Park and Recreation District boundary, shall demonstrate that the applicant has worked with the Park District or other appropriate service provider to coordinate any plans for parks, open space or other use of the flood area. For applications outside of the boundary of the Tualatin Hills Park and Recreation District, the application shall demonstrate that the applicant has worked with the appropriate recreation service provider or other appropriate service provider to coordinate any plans for parks, open space or other use of the flood area.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- 421-12.4 These standards do not apply to piping or the use of culverting or man-made creek beds for:
- A. Uses and activities permitted by Section 421-5;
 - B. Improvements necessary to provide access to an approved commercial, industrial, institutional or multi-family parking area; or
 - C. Improvements which are in compliance with an adopted Drainage Master Plan.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-13 Criteria for Parking for Multi-Family, Institutional, Commercial and Industrial Developments

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14 General Requirements and Prohibitions

- 421-14.1 Property owners shall maintain the flood area in such a manner as to prevent reduction of the natural carrying capacity. Maintenance outside of the public right-of-way shall be done by means of hand implements unless a Development Permit for an alteration is first obtained (lawn mowers are considered hand implements).

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.2 Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides and rodenticide is prohibited.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.2 Dumping of solid waste in the flood area is prohibited.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.3 Section 421 is in addition to any and all Federal, State or special district laws and regulations in force at the time of approval of the Development Permit. Any permits required from a local, state or federal agency shall be obtained prior to any development within the flood area.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.4 The standards and criteria of this Section are cumulative and in addition to any other requirements of this Code. Any more stringent provisions of an applicable Community Plan or the Rural/Natural Resource Plan Element shall control.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.6 The Review Authority may condition any Type II or III development permit to the extent necessary to avoid any specifically identified deleterious impacts on the natural integrity of the flood area or to wildlife and vegetation within the flood area.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.7 In the case of the partitioning or subdivision of land for the location of structures for human occupancy, such site shall provide a building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, with a ground elevation at least one (1) foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-14.8 There shall be no dumping of fill in a flood area without a flood plain or drainage hazard area alteration permit.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-15 Duties of the County

421-15.1 The County shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures located within the flood area and whether or not such structures contain a basement and, shall obtain and maintain for any floodproofed structure, the elevation to which the structure was floodproofed. Such information shall be public record.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-15.2 The Director shall notify adjacent communities and the relevant State agency of any approval prior to alteration of a water course. The Director shall submit evidence of said notification to the Federal Insurance Administration.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

421-16 Exemptions

Unless specifically prohibited in the applicable Community Plan, Rural/ Natural Resource Plan, or the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, the following are exempt from the requirement of obtaining a Development Permit for a flood plain or drainage hazard area alteration:

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

422 Significant Natural Resources

422-1 Intent and Purpose

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

Applicant's Comment: The applicant acknowledges that the intent and purpose of section which is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County.

422-2 Lands Subject to this Section

Those areas identified in the applicable Community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources.

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

- 422-2.1 Water Areas and Wetlands - 100 year flood plain, drainage hazard areas and ponds, except those already developed.

Applicant's Comment: Based on the County's Rural Natural Resource Plan map, there are "Water Areas and Wetlands" areas present on the subject property. Therefore, this criterion is not applicable to the application.

- 422-2.2 Water Areas and Wetlands and Fish and Wildlife Habitat - Water areas and wetlands that are also fish and wildlife habitat.

Applicant's Comment: According to the County's Rural Natural Resource Plan map, "Water Areas and Wetlands and Fish and Wildlife Habitat" are present within the project boundary. This criterion has been satisfied.

- 422-2.3 Wildlife Habitat - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.

Applicant's Comment: Based on the County's Rural Natural Resource Plan map, there are no "Wildlife Habitat" areas present within the subject property. Therefore, this criterion is not applicable to the application.

422-2.4 Significant Natural Areas - Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.

Applicant's Comment: Based on the County's Rural Natural Resource Plan map, there are no "Significant Natural Areas" present within the subject property. Therefore, this criterion is not applicable to the application.

422-3 Criteria for Development

422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. This criterion has been satisfied.

- B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

- C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"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's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

However, given the nature of the forestry operation, the applicant will 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 where practical and feasible.

422-3.2 Open Space Inside the UGB:

- A. Shall be identified as provided in Section 405-1, Master Planning - Site Analysis;
- B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.

Applicant's Comment: The subject property is located outside the urban growth boundary (UGB). Therefore, this criterion is not applicable to the application.

422-3.3 Development Within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:
 - (1) Crossings for streets, roads or other public transportation facilities.
 - (2) Construction or reconstruction of streets, roads or other public transportation facilities.
 - (3) Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
 - (4) Wildlife viewing areas and recreation or nature trails.
 - (5) Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section 422-3.5 or Section 422-3.6.
 - (6) Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.
 - (7) Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of

these areas which conforms to the definition and criteria listed in Section 422-3.4 may be permitted through a Type II procedure.

Enhancement or alteration of a nondegraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

- (8) All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.
- (9) In addition in the Rural/Natural Resource Area:
 - (a) Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited;
 - (b) Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; and
 - (c) Farming or raising of livestock not utilizing a structure.
 - (d) Operations for the exploration for and production of geothermal resources, oil and gas.
- B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.

Applicant's Comment: No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Any impacts will be limited to continued forestry operation. No work in jurisdictional streams and wetlands will occur without written authorization by DSL and the Corps. Therefore, this is not applicable to the application.

- 422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:
- A. For the purposes of Section 422-3.3 A. (7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.

B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

C. Submittal Requirements

- (1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:
 - (a) Hydrology, including 100 year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;
 - (b) Substrate(s) and existing rates of sedimentation;
 - (c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;
 - (d) Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.
- (2) The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major portion of the site at sufficient detail to compare with the later transformation.
- (3) The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.
 - (a) To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.
 - (b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.
 - (c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (d) As many existing trees over six inches in diameter as possible shall be preserved.

- (e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
 - (f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canary grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (g) Ponds shall have varying open water depth up to a least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.
 - (h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every ¼ acre of open water, and no smaller than 450 sq. ft. where possible.
 - (i) Rocks and large tree trunks are encouraged to be placed in water areas.
- (4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.
 - (5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

D. Follow-up Requirements

- (1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (2) The County may modify or revoke the Development Permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.

422-3.5 Significant Natural Areas

Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified by the applicable Community Plan or the Rural/Natural Resource Area Plan Element, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:

- A. Provision of additional landscaping or open space; and
- B. Relocation of the proposed site of a building, structure or use on the lot.

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. The subject property will continue, to the maximum extent possible, maintain and enhance the vegetated corridor to protect the water resources and sustain the quality of wildlife habitat and movement corridor. Therefore, this is not applicable to the applicable to this application.*

422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-23-040(5)(c) (effective September 1, 1996).

Applicant's Comment: *There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. The subject project maintains the drainage hazard areas in their entirety Therefore, this is not applicable to the applicable to this application.*

422-4 Density Transfer

Areas designated as a Significant Natural Resource may be eligible for density transfer as specified in Section 300-3.

Applicant's Comment: *No development is proposed as part of this application. The subject property will continue to be managed for commercial forestry. There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. Therefore, this is not applicable to the applicable to this application.*

422-5 State and Federal Regulatory Guidelines

Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.

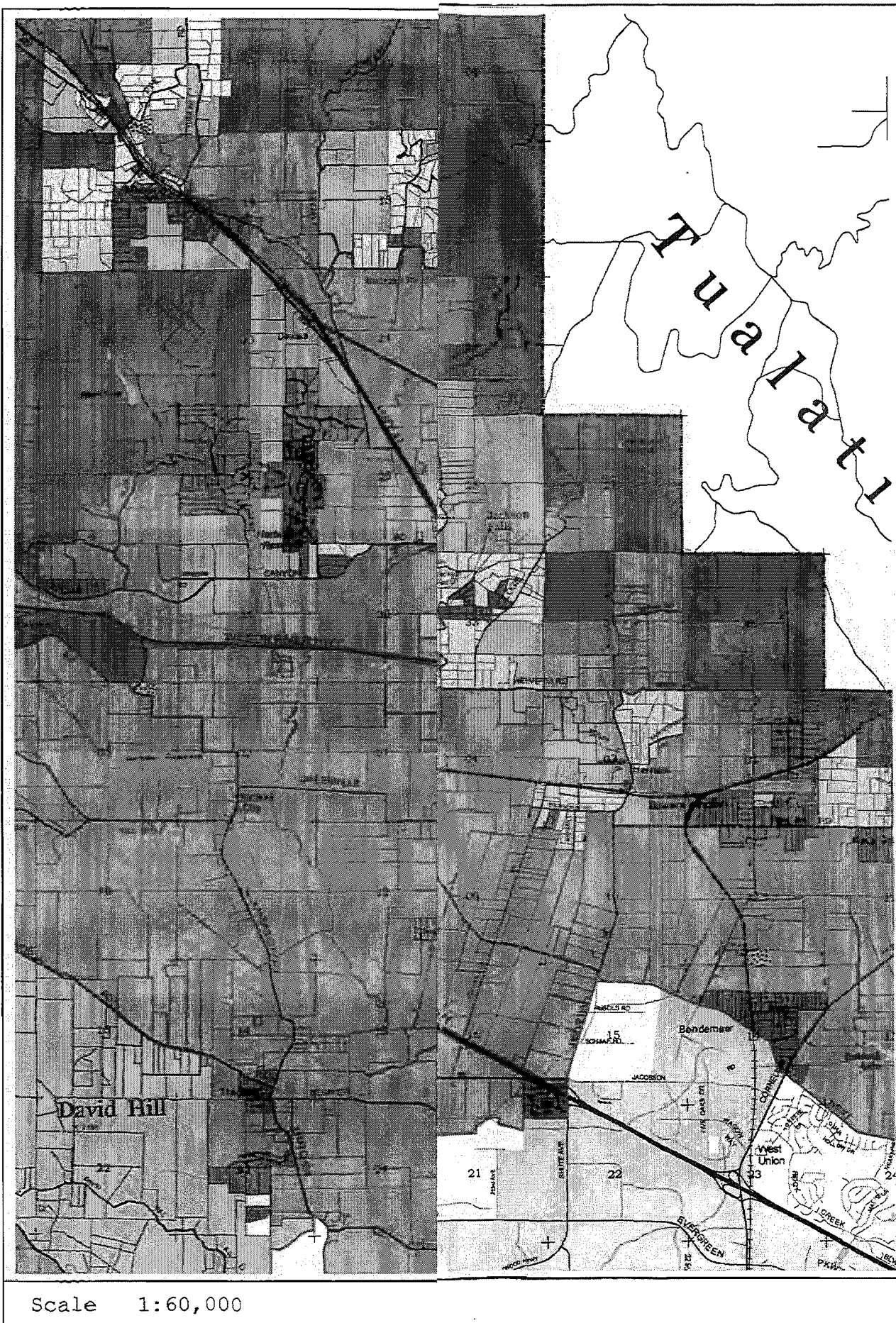
Applicant's Comment: There should be no impact by the applicant's desire to change the current land use designation from AF-20 to EFC. No work within riparian corridors, Water Areas and Wetlands, or Wildlife Habitat will occur prior to obtaining all required local, state, and federal permits. Therefore, this is not applicable to the applicable to this application.

6. Appendices

The following appendices provide background documentation and technical data that support the application approval. These include following:

- Exhibit A Washington County Land Use District Map
- Exhibit B Assessors Tax Maps
- Exhibit C Aerial Photograph
- Exhibit D Existing Site Plan
- Exhibit E Assessment and Taxation Data showing Tax Deferral
- Exhibit F Mailing Address List with 1,000 Feet
- Exhibit G Plan Amendment Pre-Application Conference Summary
- Exhibit H Request for Statement of Service Availability (Service Provider Letters):
 - *Forest Grove Rural Fire District, Forest Grove School District, Washington County Sheriff's Office*
- Exhibit I Washington County Soil Survey
- Exhibit J Flood Insurance Rate Maps
- Exhibit K Washington County Significant Natural Resources Map
- Exhibit L Washington County Uniform Road Improvement Design Standards

Exhibit A
Washington County Land Use
District Map
08-0438-PA



Scale 1:60,000

Index Map # 4
Updated December 2007

RURAL / NATURAL RESOURCE PLAN
LAND USE DISTRICTS

GENERAL DESCRIPTION

This is a generalized description of the Land Use Districts. A complete description of each District and the uses permitted within each district is contained within the Washington County Community Development Code. For additional information, please refer to the Code.

EXCLUSIVE FOREST AND CONSERVATION (EFC)

Intended to provide for forest uses and the continued use of lands for renewable forest resource production, retention of water resources, recreation and other related or compatible uses. Prohibits uses of land which are not compatible with the management and development of forest resources.

EXCLUSIVE FARM USE (EFU)

Intended to preserve and maintain commercial agricultural land for farm use consistent with existing and future needs for agricultural products, forests and open spaces. Prohibits uses of lands which are not compatible with farm uses and agricultural land.

AGRICULTURE AND FOREST - 20 (AF-20)

Intended to preserve and maintain agricultural land in uses consistent with those included in an exclusive farm use district. Recognizes that certain lands therein may be of "marginal" use for agricultural and forestry purposes and provides a process and criteria for identifying marginal lands within the District.

AGRICULTURE AND FOREST - 10 (AF-10)

Retains the area's rural character and conserves natural resources while providing for rural residential uses. This District is applied to rural lands with steep topographic characteristics where there are limited public facilities and services.

AGRICULTURE AND FOREST - 5 (AF-5)

Retains the area's rural character and conserves natural resources while providing for rural residential uses. Intended to recognize parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan.

RURAL RESIDENTIAL - 5 (RR-5)

Recognizes rural areas which have been committed of developed for suburban residential uses with minimum farm and forest uses. Prohibits mobile homes. A 5 (five) acre minimum lot size is normally required for creation of new parcels.

RURAL COMMERCIAL (R-COM)

Provides for commercial activities which serve the convenience goods and service needs of rural residents while protecting the historic character of rural centers and the agricultural or forestry character of the area.

LAND EXTENSIVE INDUSTRIAL (MA-E)

Provides land for farm and forest-related industrial uses needed to support the natural resource base consistent with the rural character and level of services. Recognizes land designated MA-E pursuant to the 1973 Comprehensive Plan.

RURAL INDUSTRIAL (R-IND)

Provides for industrial uses in the County needed to support the natural resource base consistent with the rural character and rural level of services. Allows industrial uses which are primarily resource-related, such as: processing and manufacture of timber and forest-related products.

- Regional Trafficway / Principal Arterial Routes
Primary Roadways
Secondary Roadways
Local Roads and other Minor Routes
Gravel or Unimproved Roads
Railroads
Spot elevation in feet
Urban Growth Boundary
County Boundary
Rivers
Incorporated Urban Areas

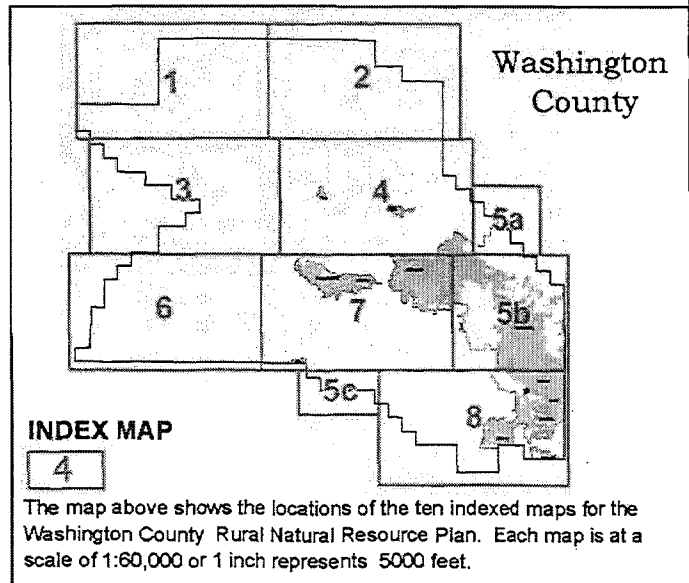


Exhibit B
Assessors Tax Map
08-0438-PA

WASHINGTON COUNTY
DEPARTMENT OF
ASSESSMENT & TAXATION

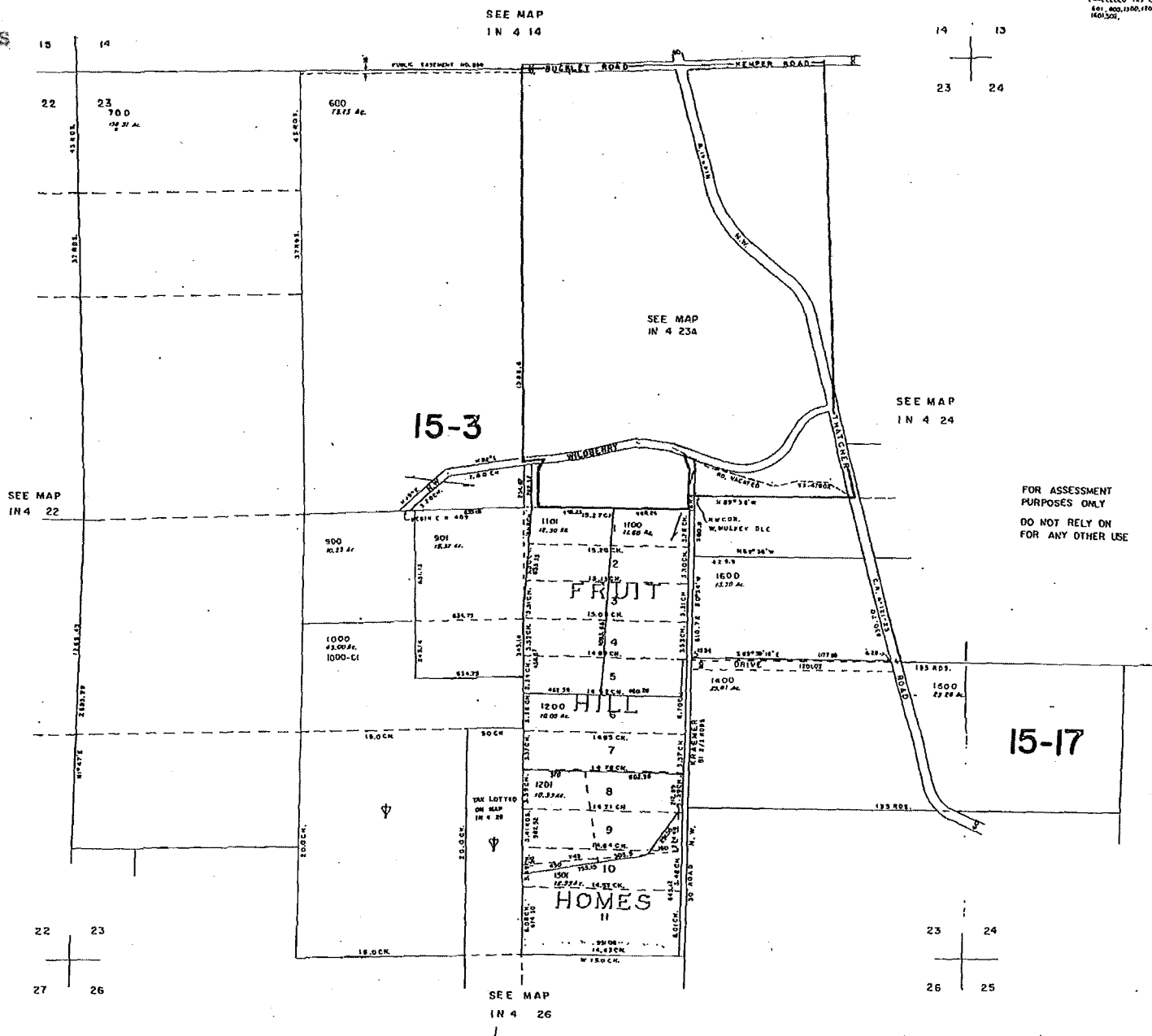
JUL 11 2008

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

SECTION 2 1 R4W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=400'

IN 4

CANCELLED TAX LOTS
601, 602, 1300, 1701,
1800, 202



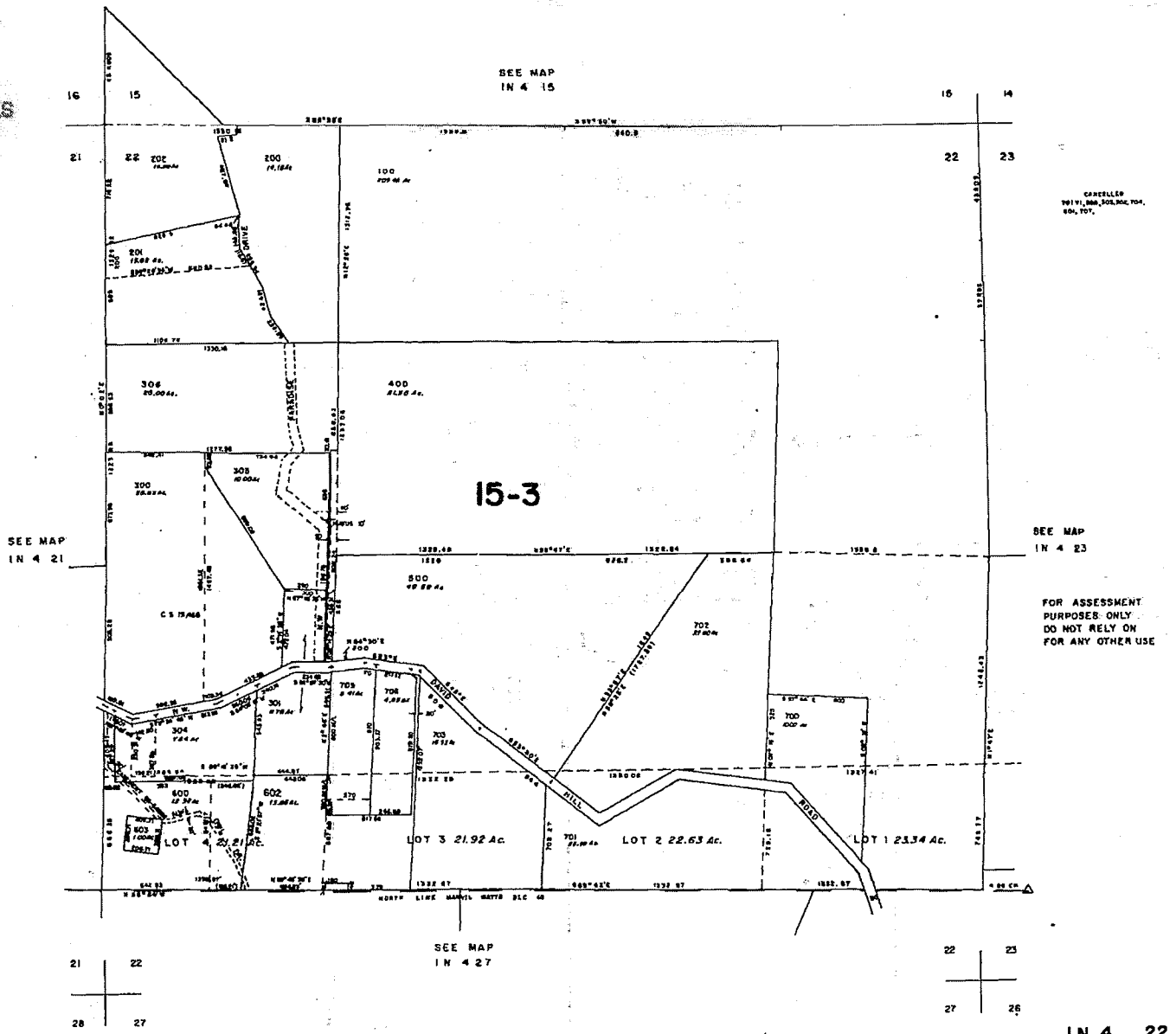
WASHINGTON COUNTY
DEPARTMENT OF
ASSESSMENT & TAXATION

JUL 01 2008

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

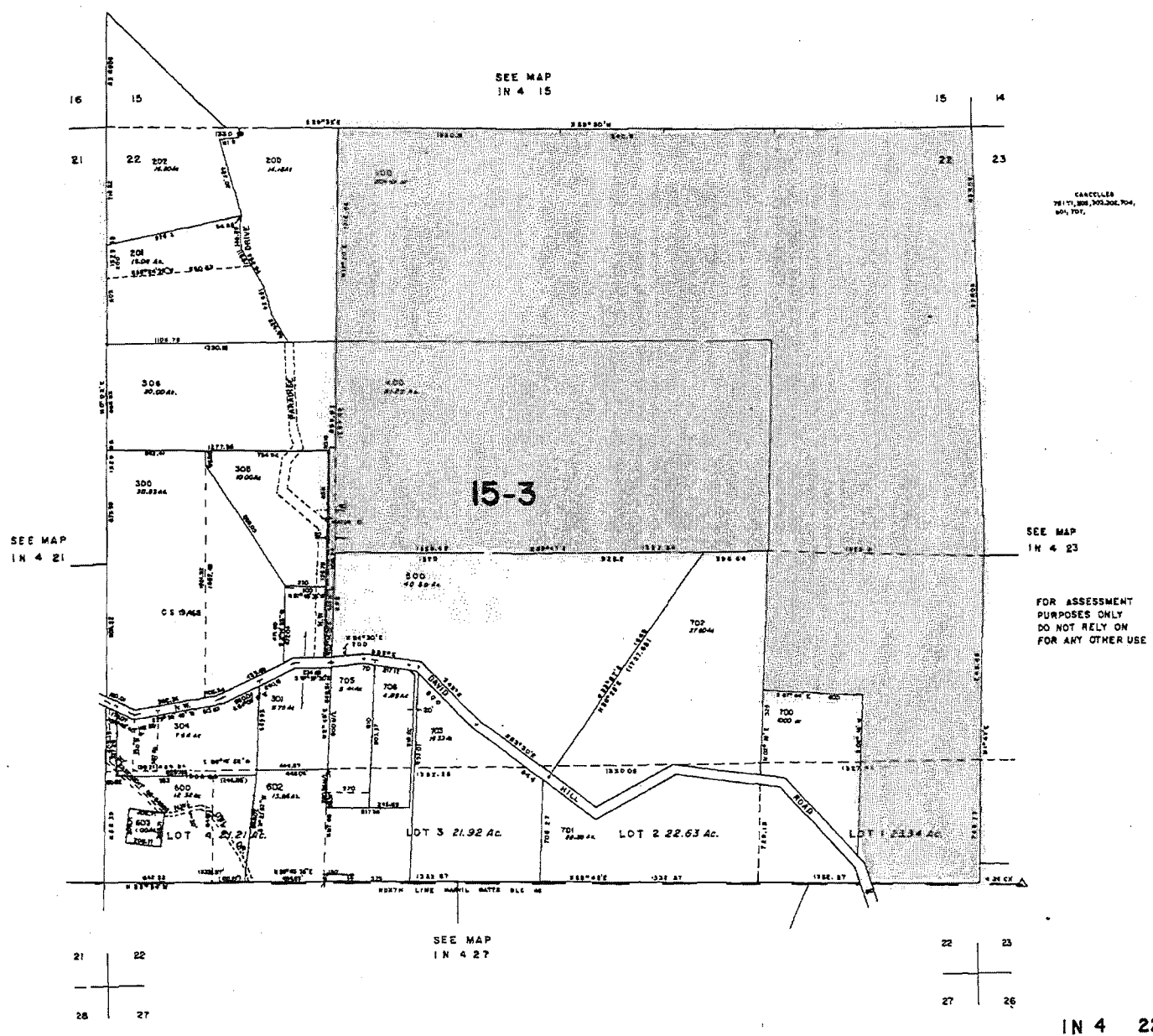
SECTION 22 T4R4W W.M.
WASHINGTON EGON
SCALE

IN 4 22



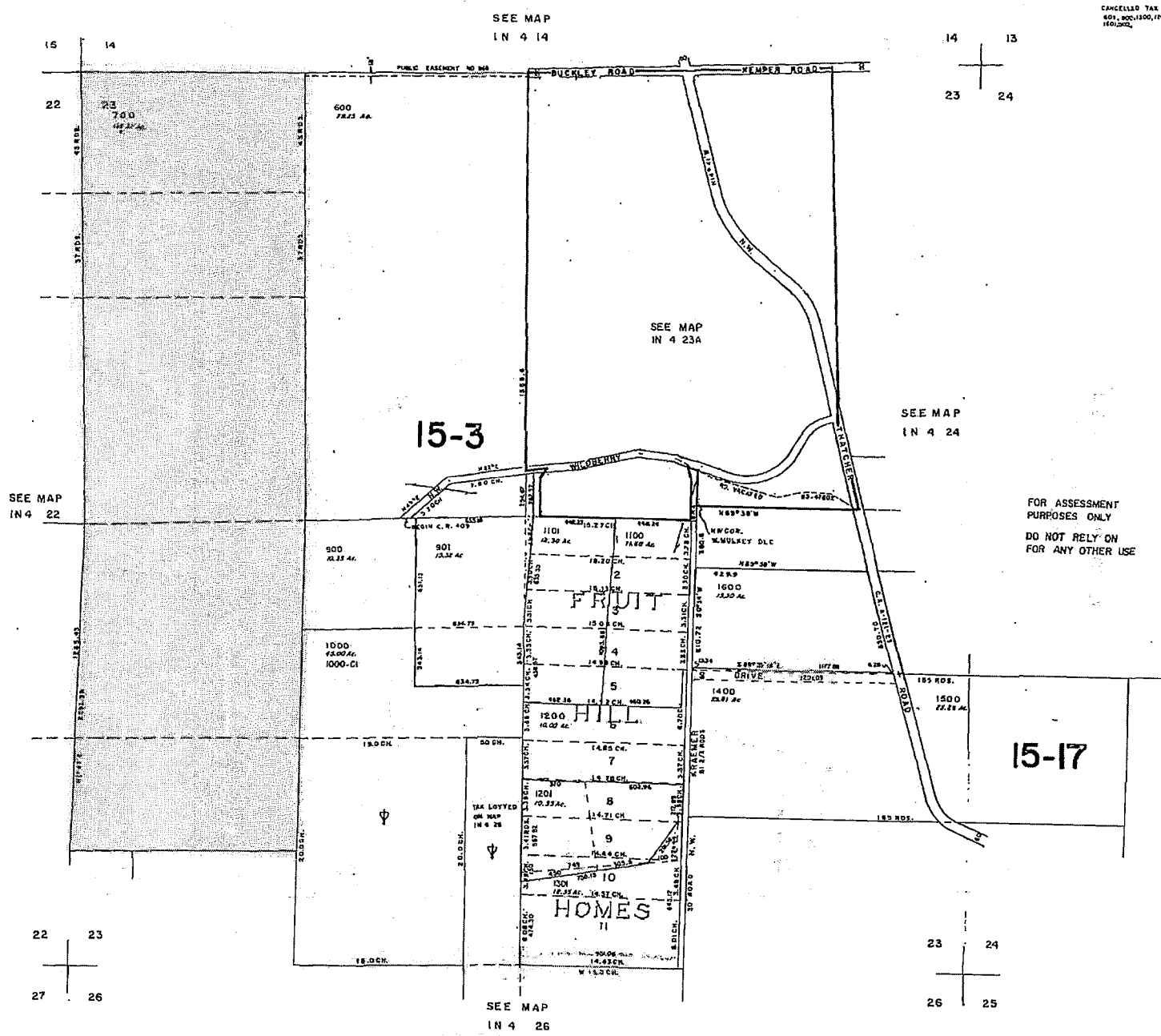
SECTION 22 T1 N R4W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=400'

IN 4 22



SECTION 23 T1 N R4W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=400'

IN 4 23



CANCELLED TAX LOTS
601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

FOR ASSESSMENT
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FOR ANY OTHER USE

Exhibit C
Aerial Photograph
08-0438-PA



Intermap

Geographic Information Systems

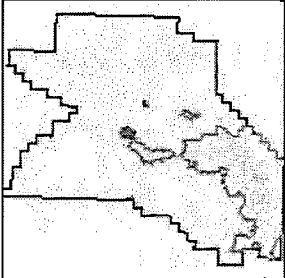
Navigation: | [GIS Home](#) | [New Search](#) | [Navigator](#) | [Help](#) |

Parcel Report for Taxlot: 1N4220000100

No Address Found for Selected Taxlot

Active Tool: Pan

Overview Map



● Selected Taxlot

□ Overview Location

Maps:

[Zoning](#)

[Contour Lines](#)

[2006 Air Photo](#)

[USGS Quads](#)

[View Legend](#)



0 992ft

Zoom

Zoom Out

Pan & Recenter

Select New Taxlot

Zoom To Selected Taxlot

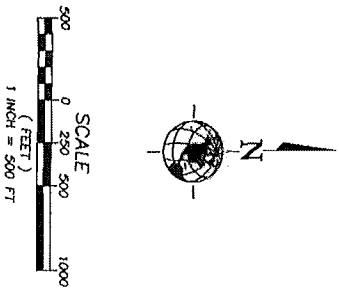
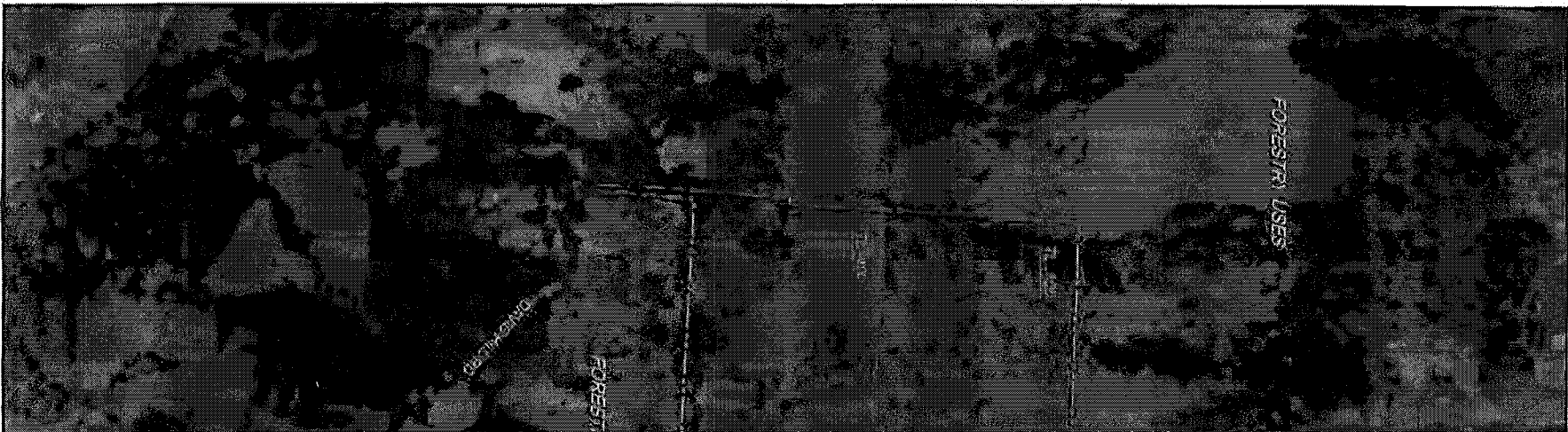
Additional Information for Taxlot 1N4220000100	
Sub Reports:	Parcel Summary Districts Overlay Information Assessment & Taxation Information Scanned Tax Maps Permits & Projects

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Exhibit D
Existing Site Plan
08-0438-PA

[Path: Drawing1.dwg] [Layout1] [Author: kopperson] [Plotter: \\pdx-print\DesignJet-color] [Style: Presentation.ctb]
[Date: 6/24/2008 12:36 PM] [Author: kopperson] [Plotter: \\pdx-print\DesignJet-color] [Style: Presentation.ctb]



DRAWN BY: KCA				CHECKED BY: KCA	
LAST EDIT: ----				APPROVED BY: KCA	
				PLOT DATE: 06/24/08	
DATE	BY	REV	REVISION	CK'D	APPR

PRELIMINARY

STIMPSON LUMBER CO. DAVID HILL SITE PLAN		
WASHINGTON		SITE PLAN
SCALE: AS NOTED	PROJECT NO. 032987	DRAWING FILE NAME: Drawing1

WHPacific
8765 SW Barnes Rd., Suite 300
Portland, OR 97225
503-628-0455 Fax: 503-628-0776
www.whpacific.com

Exhibit E
Assessment & Taxation Data
showing Tax Deferral
08-0438-PA

- - Appraisal Land and Improvement Information - -
Property ID: R771294 (Real Estate) 1N423-00700

Neighborhood : 1N46

- - Land Segments - -				
Land #	Description.....PROP CLS	Size	RMV Total	Special Use
L1	FOREST FC	138.3100-AC	\$462,920	\$46,540
Land Totals Lgl AC(138.31)		138.3100-AC	\$462,920	\$46,540

- - Improvements - -				
Imp #	Description.....	TYPE	BLDG TYPE	#SEGS
No Improvements Are Defined For This Item				
RMV Total				

L*-Create Land	I*-Create Improvement	R-Recalculate
C*L-Copy Land	C*I-Copy Improvement	(.) More

Enter selection or <RET> to Exit: ____

- - Appraisal Land and Improvement Information - -
Property ID: R771070 (Real Estate) 1N422-00400
Neighborhood : 1N46

- - Land Segments - -				
Land #	Description.....PROP CLS	Size	RMV Total	Special Use
L1	REMAIN ACREAGE	1.2000-AC	\$5,100	\$0
L2	FOREST FD	80.0000-AC	\$340,000	\$22,860
Land Totals Lgl AC(81.20)		81.2000-AC	\$345,100	\$22,860

- - Improvements - -				
Imp #	Description.....	TYPE	BLDG TYPE	#SEGS
No Improvements Are Defined For This Item				
RMV Total				

L*-Create Land	I*-Create Improvement	R-Recalculate
C*L-Copy Land	C*I-Copy Improvement	(.) More

Enter selection or <RET> to Exit: ____

- - Appraisal Land and Improvement Information - -
Property ID: R770981 (Real Estate) 1N422-00100

Neighborhood : 1N46

- - Land Segments - -

Land #	Description.....PROP CLS	Size	RMV Total	Special Use
L1	FOREST FC	120.0000-AC	\$510,000	\$40,380
L2	FOREST FD	89.4900-AC	\$380,330	\$25,580
Land Totals Lgl AC(209.49)		209.4900-AC	\$890,330	\$65,960

- - Improvements - -

Imp #	Description.....	TYPE	BLDG TYPE	#SEGS	RMV Total
No Improvements Are Defined For This Item					

L*-Create Land	I*-Create Improvement	R-Recalculate
C*L-Copy Land	C*I-Copy Improvement	(.) More

Enter selection or <RET> to Exit: ____



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- [other gis links](#)
- [gis introduction](#)
- [frequently asked questions](#)

Property Search

Survey Search

Land Services

Building Services

Assessment & Taxation Report

General Property Information

Site Address:	0
Tax Lot ID:	1N4220000100
Property Account ID:	R770981 ,
Property Classification:	5606
Neighborhood Code:	1N46
Latitude / Longitude:	45.5618735 / 123.163425
Ownership Information:	Information Withheld - why?

Sales / Deed Information

Sale Date	Sale Instrument	Deed Type	Sale Price
12/10/1990	90069076	DEED BARGAIN & SALE	\$406,000
//			\$0
//			\$0

Assessed Values for Account R770981

Roll Date:	09/18/2007
Taxcode:	015.03
Market Land Value:	\$0
Market Bldg Value:	\$0
Market Total Value:	\$91,860
Taxable Assessed Value:	\$65,960
Legal:	ACRES 209.49, FORESTLAND-POTENTIAL ADDITIONAL TAX LIABILITY
A&T Acres:	209.49
Bldg Sq Ft:	0
Year Built:	N/A

Improvement Information

Total Improvement Value:	\$0
Plumbing	
Bedrooms	

Improvement Details

Description	Value	Square Feet

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- [frequently asked questions](#)

Property Search

Survey Search

Land Services

Building Services

Assessment & Taxation Report

General Property Information

Site Address:	0
Tax Lot ID:	1N4220000400
Property Account ID:	R771070 ,
Property Classification:	5606
Neighborhood Code:	1N46
Latitude / Longitude:	45.5583673 / 123.166028
Ownership Information:	Information Withheld - why?

Sales / Deed Information

Sale Date	Sale Instrument	Deed Type	Sale Price
02/08/1991	91007219	WARRANTY DEED	\$138,000
//			\$0
//			\$0

Assessed Values for Account R771070

Roll Date:	09/18/2007
Taxcode:	015.03
Market Land Value:	\$5,100
Market Bldg Value:	\$0
Market Total Value:	\$37,020
Taxable Assessed Value:	\$27,960
Legal:	ACRES 81.20, FORESTLAND-POTENTIAL ADDITIONAL TAX LIABILITY
A&T Acres:	81.20
Bldg Sq Ft:	0
Year Built:	N/A

Improvement Information

Total Improvement Value:	\$0
Plumbing	
Bedrooms	

Improvement Details

Description	Value	Square Feet

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- [data catalog](#)
- [contacts](#)
- [other gis links](#)
- [gis introduction](#)
- [frequently asked questions](#)

Property Search

Survey Search

Land Services

Building Services

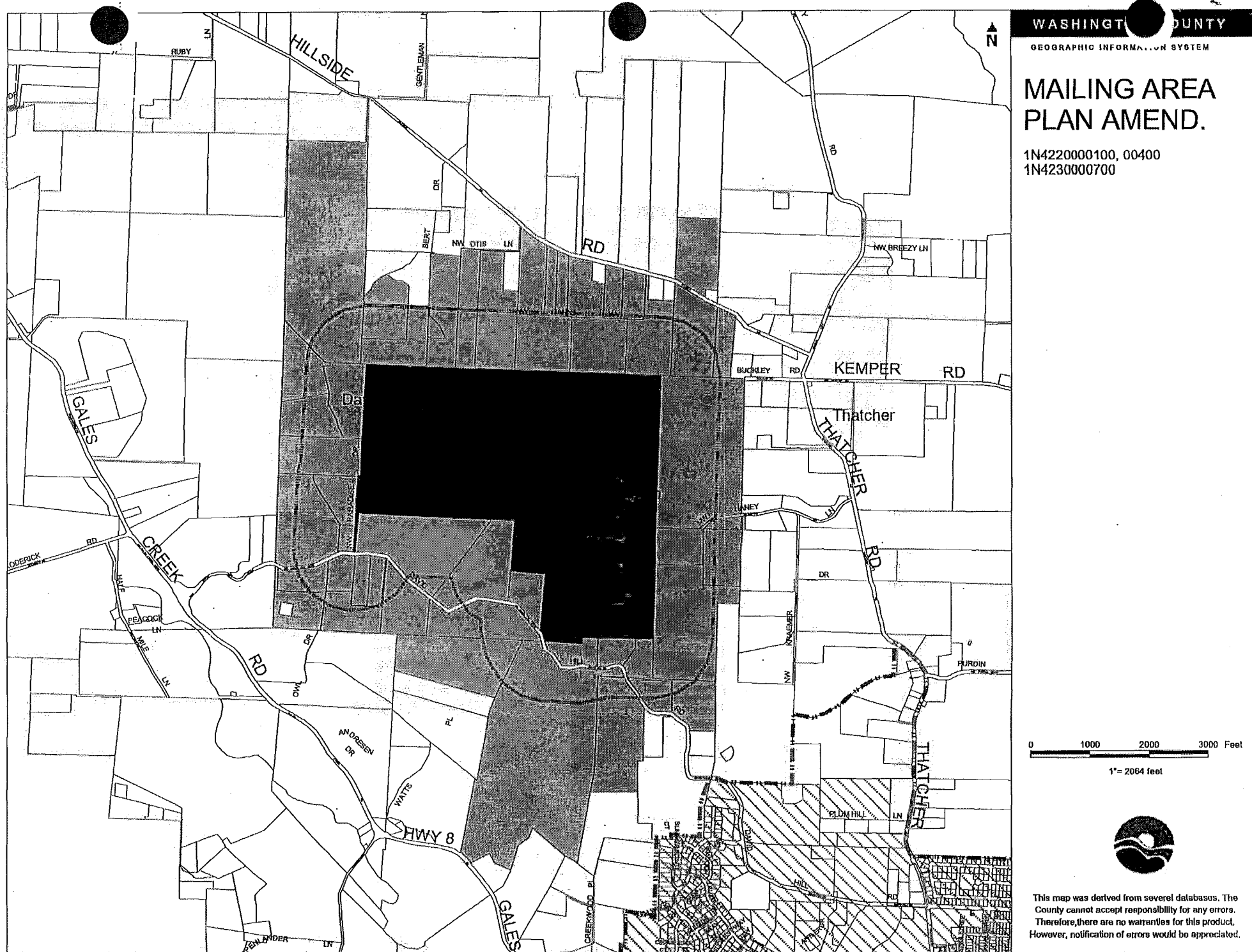
Assessment & Taxation Report

General Property Information			
Site Address:	0		
Tax Lot ID:	1N4230000700		
Property Account ID:	R771294 ,		
Property Classification:	5606		
Neighborhood Code:	1N46		
Latitude / Longitude:	45.5574104 / 123.153672		
Ownership Information:	Information Withheld - why?		
Sales / Deed Information			
Sale Date	Sale Instrument	Deed Type	Sale Price
12/10/1990	90069076	DEED BARGAIN & SALE	\$406,000
/ /			\$0
/ /			\$0
Assessed Values for Account R771294			
Roll Date:	09/18/2007		
Taxcode:	015.03		
Market Land Value:	\$0		
Market Bldg Value:	\$0		
Market Total Value:	\$64,720		
Taxable Assessed Value:	\$46,540		
Legal:	ACRES 138.31, FORESTLAND-POTENTIAL ADDITIONAL TAX LIABILITY		
A&T Acres:	138.31		
Bldg Sq Ft:	0		
Year Built:	N/A		
Improvement Information			
Total Improvement Value:	\$0		
Plumbing			
Bedrooms			
Improvement Details			
Description	Value	Square Feet	

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Exhibit F
Mailing List within 1000 Feet
08-0438-PA



2006-20 NEIGH MTG LIST
CREATED ON: 2/8/2008
LIST EXPIRES ON: 03/24/2008
TERI HEINO, WASH CO LUT
AMENDMENT, 1N422100,400;23

NOTE:
SUBMIT LAND USE APPLICATION
W/IN 180 DAYS OF MEETING

#15
FOREST GROVE SCHOOL DISTRICT
1728 MAIN STREET
FOREST GROVE, OR 97116

1N4260000701
ADLER, JAMES E AND BETTY A
11976 WILDERNESS DR
ANCHORAGE, AK 99516

1N4260000703
ADLER, MARIANA KAY
2220 CURLEW DR
IDAHO FALLS, ID 83406

1N4270000200
BRYANT, GERALD G
BETTY L
47380 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000701
BRYANT, GERALD G BETTY
47380 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4230000600
BUCKLEY, PEGGY LU
PO BOX 242
CORNELIUS, OR 97113

CPO13
CPO REPRESENTATIVE
OSU, EXTENSION SERVICE
MS # 48,

1N4270000100
CUMBERLAND PROPERTIES CORP
241 NW HILLTOP RD
PORTLAND, OR 97210

1N4150000900
DUYCK, CAROLYN M/WALTER R &
HERB, ROBERT F/KATHRYNE A &
HERB, GENE A/LANA L
1640 NW CORNELIUS-SHEFLIN RD
CORNELIUS, OR 97113

FDWC
WASH. CO. FIRE DIST. #2
31370 NW COMMERCIAL STREET
NORTH PLAINS, OR 97133

FG
FOREST GROVE RURAL FIRE DIST.
1919 ASH STREET
FOREST GROVE, OR 97116

1N4150001900
FRIE, EDWARD J &
HILLARY A
46690 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4220000703
G&D MOUNTAINDALE LLC &
T&F MOUNTAINDALE LLC
PO BOX 8
BANKS, OR 97106

1N4220000306
GAMBEE, KENT
PO BOX 3418
ASHLAND, OR 97520

1N4220000700
GIBBS, GERALD E
& HARTMAN-GIBBS, SHELIE
47375 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000702
GIBBS, GERALD E AND
HARTMAN-GIBBS, SHELIE A
47375 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4150000101
GIBSON, JAMES L REV LIV TRUST
GIBSON, BONNIE J REV LIV TRUST
1200 NE TERRITORIAL RD #32
CANBY, OR 97013

1N4220000305
HARWOOD, GUY W & CATHERINE J
5101 NW PARADISE DR
FOREST GROVE, OR 97116

1N4140000300
HEESACKER, STEVEN J/KARLA D
45868 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4220000600
HEINAUER, BRADLEY L &
WRAZEN-HEINHAUER, LORRAINE
PO BOX 412
FOREST GROVE, OR 97116

1N4220000300
JENSEN, TIMOTHY C & PHYLLIS A
48251 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000202
JONES, KELLY & ANGELA
5865 NW PARADISE DR
FOREST GROVE, OR 97116

1N4220000602
KOHL, PAUL & CATHY
4240 NW OWL DRIVE
FOREST GROVE, OR 97116

1N4260000800
LAMBERT, STANLEY
46080 NW DAVID HILL
FOREST GROVE, OR 97116

1N4150002000
LARSON, CAROL BETH TRUST
BY CAROL BETH LARSON
62183 STARR LN
LA GRANDE, OR 97850

50000100
NIEVES, AMBER L &
NIEVES, FRANCISCO
2334 26TH AVE
FOREST GROVE, OR 97116

1N4150001205
NUCHOLS, LARRY G/KAY F
6730 NW BERT DR
FOREST GROVE, OR 97116

1N4150001100
NUCHOLS, LARRY G & KAY F
6730 NW BERT DR
FOREST GROVE, OR 97116

1N4150001103
NUCKOLS, LARRY G & KAY F
6730 NW BERT DR
FOREST GROVE, OR 97116

1N4150001201
NUCKOLS, LARRY G/KAY F
6730 NW BERT DR
FOREST GROVE, OR 97116

1N4230000901
OLSON, BEVERLY J
1735 NW THATCHER RD
FOREST GROVE, OR 97116

1N4230000900
OLSON, JAMES R/BEVERLY J
1735 NW THATCHER RD
FOREST GROVE, OR 97116

OSUEXT
CPO COORDINATORS
18640 SW WALKER ROAD, #1400
BEAVERTON, OR 97006

1N4220000304
OTTO, NEIL L AND DIANN M
48374 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4260000700
PARRY, KENNETH L
45627 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000200
PEARSON, THOMAS D & LORRAINE A
PO BOX 345
FOREST GROVE, OR 97116

1N4150002001
RITCHEY, ROGER G TRUST
BY RITCHEY, ROGER G & JOAN M.C
43820 SW HIATT RD
FOREST GROVE, OR 97116

1N4150002002
RITCHEY, ROGER G TRUST
BY RITCHEY, ROGER G & JOAN M.C
43820 SW HIATT RD
FOREST GROVE, OR 97116

1N4150001600
SCHWEJDA, PAUL &
MCDONALD, JUDITH B
PO BOX 791
FOREST GROVE, OR 97116

1N4150001500
STERN REVOCABLE LIVING TRUST
BY STERN, NORMAN TR
47350 NW OTIS LN
FOREST GROVE, OR 97116

1N4230000700
STIMSON LUMBER CO
ATTN: JOHN MCGHEHEY VICE PRES
PO BOX 68
FOREST GROVE, OR 97116

1N4220000100
STIMSON LUMBER CO
ATTN: JOHN MCGHEHEY VICE PRES
PO BOX 68
FOREST GROVE, OR 97116

1N4220000400
STIMSON LUMBER CO
ATTN: JOHN MCGHEHEY VICE PRES
PO BOX 68
FOREST GROVE, OR 97116

1N4220000705
STOWELL, WILLIAM E & JANET L
47930 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000706
STUCKEY, MARC F & MARIE M
47840 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4220000301
THOMAS, ROSS M & CLAUDIA K
48090 NW DAVID HILL RD
FOREST GROVE, OR 97116

1N4260000702
THOMPSON, TERRYRAY J &
THOMPSON, WENDI M
13857 NW STONEBRIDGE DR
PORTLAND, OR 97229

1N4140001100
VANDECOEVERING, JOSEPH A & DAN
45606 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4230001000
VANDEHEY, MARY JO LIV TRUST &
VANDEHEY, BRUCE &
VANDEHEY, BRIAN ROBERT
16700 NW CROSSMAN PL
BANKS, OR 97106

1N4150001800
VANDYKE, RICKY G & LORI A
46760 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4150001801
VANDYKE, RICKY G & LORI A
46760 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4150001700
VANDYKE, THOMAS C/DONNA M
46924 NW HILLSIDE RD
FOREST GROVE, OR 97116

1N4220000201
WALDORF, ARTHUR R TRUST
BY ARTHUR R WALDORF TR
PO BOX 1002
FOREST GROVE, OR 97116

WASHCO
DIRECTOR C/O STEVE CONWAY
155 N. 1ST AVENUE, #350-13
HILLSBORO, OR 97124

1N4220000500
WATTS, JEAN R TESTAMENTARY TRU
BY ROSCOE E WATTS, TRUSTEE
13348 SW FIELDING RD
LAKE OSWEGO, OR 97034

Fax Header)

Time: Feb. 7. 2008 12:38PM

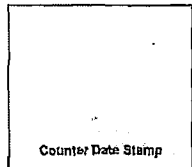
File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1686	Memory TX	95038462908	P. 3	OK	

Reason for error or line fail
E: 1) Hang up or line fail
E: 3) No answer
E: 5) Exceeded max. E-mail size

E: 2) Busy
E: 4) No facsimile connection



Request For a Mailing List
For A Neighborhood Meeting



Mailing list requests may be mailed, faxed or delivered to Washington County at the address/fax # in the upper left hand corner of this form. **TO ENSURE ACCURACY, A PHOTO COPY (8 1/2" X 11") OF THE SUBJECT PARCEL(S) MOST CURRENT TAX MAP(S) MUST ACCOMPANY THIS REQUEST.**

(CIRCLE ONE): URBAN (800' RADIUS) OR RURAL (1000' RADIUS)
SUBJECT PARCEL MAP AND TAX LOT NUMBER(S); (i.e. 1N1 34CB 00100)

TIN RAW 22 100+000
TIN RAW 23 700

PROPOSAL: PLAN ATTACHED - DAND HILL

Note: If an adjacent County is within the mailing radius, it is the applicant's responsibility to obtain official adjacent County tax map(s) and official ownership names and mailing addresses. This information is also required with your Development Application submittal.

THE LIST AND A MAP OF THE MAILING AREA WILL BE MAILED TO THE APPLICANT BELOW.

NAME/COMPANY: KEVIN APPENDI / WHPARTIC PHONE #: 503 372 3646

FULL MAILING ADDRESS: 9755 SW BAYVIEW RD CITY: PORTLAND STATE: OR ZIP: 97225
STREET & SUITE # or P.O. BOX

Contact Teri Helmo, Assistant Planner in the Land Development Services Division at (503) 846-3834 with questions.

Exhibit G
Plan Amendment Pre-
Application Conference
Summary
08-0438-PA

Jan. 04 08 03:22p

Washington County Land Use 5038463588

p.2



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

PROCEDURE TYPE III

CPO: 13

COMMUNITY PLAN: Rural / Natural Resource

EXISTING LAND USE DISTRICT(S):

AF-20

PROPOSED PLAN AMENDMENT:

Change to Exclusive Forest Conservation (EFC)

PRE-APPLICANT:

James Bellomy & Kevin Appersen
With Pacific, 9755 SW Barnes Rd.
Portland OR 97225

PROPERTY OWNER:

Stimson Lumber Co.
PO Box 68
Forest Grove OR 97116

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 1N4 22 + 1N4 23

TAX LOT NO(S): 100 & 400 700

SITE SIZE: 209.49 acres, 81.20 acres, & 138.31

ADDRESS: none

LOCATION: North of NW David Hill Road
and east of NW Paradise Drive

DATE OF PRE-APPLICATION CONFERENCE:

PRE-APPLICANT PHONE: 503-372-3602

STAFF MEMBER: Aisha Willits (503-846-3961) & Jhy Chang (503-846-3873)

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

~~WAC 204-100-0100 RURAL/NATURAL RESOURCE PLAN CONSIDERATIONS:~~

DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1, 2, 4, 5, 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 + 422 - Significant Natural Resources

On-site Public Notice Requirement (Rural Area Only): Section 204-1.4 requires the site to be posted with a public notice sign and an affidavit of posting filed within twenty-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: 74-101-P, 83-486 MP, 82-255 MP, 82-256 RPD

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

☒ 3

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) IN422 + IN423

☒ 1

WELL REPORTS(LOGS) FOR SECTIONS

SERVICE PROVIDER LETTERS

☒ 1

PUBLIC WATER

☒ 18

SCHOOL

☒ 18

FIRE

☒ 1

SEWER

☒ 3

SEPTIC SYSTEM Check with HHS

☒ 1

SURFACE WATER

☒ 1

PARK

☒ 1

TRANSPORTATION: Traffic Impact Statement and/or Traffic Analysis

☒ 18

SHERIFF

☒ 1

TRI-MET

☒ 1

ODOT - CONTACT

☒ 1

CITY OF

☒ 1

OTHER

☒ 1

FEE DEPOSIT OF \$1000, 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. THIS
ESTIMATE IS NOT BINDING ON THE COUNTY, AND MAY NOT
REFLECT THE FINAL COST OF PROCESSING THE APPLICATION.)

☒ 1

MAILING LIST AND MAP FOR PROPERTIES IN AN ADJACENT 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.

Exhibit H
Request for Statement of
Service Availability (Service
Provider letters):

**Forest Grove Rural Fire District, Forest Grove School District,
Washington County Sheriff's Office**

08-0438-PA

* * * Communication Result Report (Jan. 30. 2008 11:39AM) * * *

Fax Header)

Time: Jan. 30. 2008 11:37AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1568	Memory TX	95039923243	P. 4	OK	

Reason for error
mm. 1) Hang up or line fail
mm. 2) No answer
mm. 3) Exceeded max. E-mail size
E. 2) Busy
E. 4) No facsimile connection



9755 SW Barnes Road, Suite 300
Portland, Oregon 97225
503.626.0455
Fax 503.526.9775

FAX

To: _____ Date: January 30, 2008
Company: Forest Grove Fire Department Project Number: _____
Address: 1919 Ash Street Project Name: David Hill Plan Amendment
City/State: Forest Grove, OR 97116 Re: Service Provider Letter
Phone: (503) 359-3240
Fax: (503) 992-3243

From: Kevin Apperson
Phone: (503) 372-3646
Fax: (503) 526-0775

Confidentiality Notice: This facsimile is intended only for the use of the individual and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that the unauthorized dissemination, distribution or copying of this communication, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone (collect). Thank you.

We are sending: ☐ Attached ☒ Facsimile 4 # Of Pages including Cover

These Are Transmitted: ☐ For Your Info/File ☐ As Requested ☒ For Review & Comment

Copied To: _____

Copies	Description
1	Service Provider Letter

Please return the attached Service Provider Letter to WH Pacific, 9755 SW Barnes Road, Portland, OR, 97225

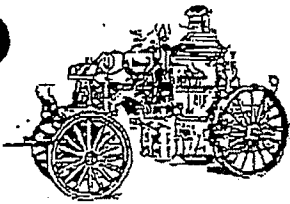
whpacific.com planners surveyors engineers landscape architects



10/17/2008 17:06 5039923243

FOREST GROVE FIRE

PAGE 01/02



FOREST GROVE FIRE & RESCUE
1919 Ash St.
Forest Grove, OR. 97116

RECEIVED

OCT 20 2008

W&H PACIFIC

Phone 503-992-3240

Fax 503-992-3243

FAX HEADER

TO: WH Pacific 503-526-0775

FROM: BILL BENCH - FIRE MARSHAL

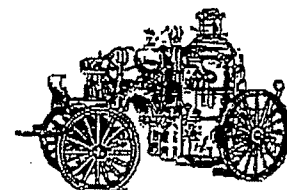
PAGES TO FOLLOW: 2 DATE: 10-17-08

Comments: _____

BILL BENCH
DIVISION CHIEF
FIRE MARSHAL

(503) 992-3240
Fax (503) 992-3243
bbench@forestgrove-or.gov

FOREST GROVE
FIRE & RESCUE
1919 ASH STREET
FOREST GROVE, OREGON 97116



If you do not receive all of the pages, Please call (503) 992-3240
Received Time Oct. 17. 2008 5:08PM No. 0800

Oct. 17. 2008 10:57AM

No. 0791 P. 2/5



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

REQUEST FOR STATEMENT OF SERVICE AVAILABILITY

- ☐ WATER DISTRICT: _____
- ☒ FIRE DISTRICT: FOREST GROVE
- ☐ TRI-MET
- ☐ TUALATIN HILLS PARK & REC. DISTRICT
- ☐ CITY OF _____
- ☐ CLEAN WATER SERVICES

PRE-APPLICATION DATE: 12/17/07

Service Provider, PLEASE RETURN THIS FORM TO:

APPLICANT:

COMPANY: WHPACIFIC INC.CONTACT: KEVIN ANDERSONADDRESS: 9755 SW BARNES ROAD #300
PORTLAND OR 97225PHONE: 503.372.3646

OWNER(S):

NAME: JOHN MCNEHEE-SIMPSONADDRESS: 520 SW TAYLOR #700
PORTLAND OR 97204PHONE: 503.222.1010

Property Desc.: Tax Map(s): Lot Number(s):

1N4 23 7001N4 22 100 & 200Site Size: 829 ACRESSite Address: NA

Nearest cross street (or directions to site):

NORTH OF DAVID HILL ROADPROPOSED PROJECT NAME: DAVID HILL PLAN AMENDMENT

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

PLAN AMENDMENT (ZONE CHANGE) FROM AF-20 TO RFLEXISTING USE: TIMBERPROPOSED USE: TIMBERIF RESIDENTIAL: NAIF INDUSTRIAL/COMMERCIAL: NAIF INSTITUTIONAL: NA

NO. OF DWELLING UNITS: _____

TYPE OF USE: _____

NO. SQ. FT. _____

SINGLE FAM. _____

MULTIFAM. _____

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

NO. STUDENTS/EMPLOYEES/MEMBERS: _____

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

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

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

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

☒ SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.

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

SIGNATURE: _____

POSITION: Fire MarshalDATE: 10-17-08☐ SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.

Please indicate why the service level is inadequate.

SIGNATURE: _____

POSITION: _____

DATE: _____

Service1 12/11/03

Received Time Oct. 17. 2008 5:08PM No. 0800

Case File 08-438-PA

Exhibit B

Page 194 of 217

10/17/2008 17:08 5039923243
Oct. 17. 2008 10:57AM

FOREST GROVE FIRE

PAGE 01/01

No. 0791 P. 3/5



WASHINGTON COUNTY OREGON

Date: 10/17/08

Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-20 to EFC, IN 23 700
(land use district) (map location) IN 22 Tax Lot 1006200

Fire District: Forest Grove Fire & Rescue

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?
4.5 miles from manned station
4.0 miles from Volunteer Station
2. What will be the average emergency response time to the parcel(s) referenced above?
7 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?
7 person 3 pieces of Apparatus
4. Will the addition of 2 () 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: William Zench DATE: 10-17-08
POSITION: Fire Marshal

\\LUT1\DATA\SHARED\Ping\WP\SHARE\Plan Amendments\Master\Misc format\fire questions.doc

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

Received Time_Oct. 17. 2008_ 5:11PM No. 0802

Case File 08-438-PA

Exhibit B

Page 195 of 217

* * * Communication Result Report (Jan. 30. 2008 11:44AM) * * *

Fax Header)

Time: Jan. 30. 2008 11:41AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1570	Memory TX	95038462719	P. 4	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size
 E. 2) Busy
 E. 4) No facsimile connection



9755 SW Barnes Road, Suite 309
 Portland, Oregon 97225
 503.526.0455
 Fax 503.526.0775

FAX

To: _____ Date: January 30, 2008
 Company: Washington County Sheriff Project Number: _____
 Address: 215 Adams Project Name: David Hill Plan Amendment
 City/State: Hillsboro, OR 97124 Rec: Service Provider Letter
 Phone: (503) 846-2700
 Fax: (503) 846-2719

From: Kevin Apperson
 Phone: (503) 372-3646
 Fax: (503) 526-0775

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We are sending: ☐ Attached ☒ Facsimile
 # Of Pages Including Cover: 4
 These Are Transmitted: ☐ For Your Info/File ☐ As Requested ☒ For Review & Comment
 Copied To: _____

Copies	Description
1	Service Provider Letter

Please return the attached Service Provider Letter to WHI Pacific, 9755 SW Barnes Road, Portland, OR 97225

whipacific.com planners surveyors engineers landscape architects

Jan. 30. 2008 11:43AM

No. 1570 P. 2/4



WASHINGTON COUNTY
Dept. of Land Use & Transportation
Land Development Services Division
155 N. 1st Avenue, #350-13,
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
http://www.co.washington.or.us

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

☒ WASHINGTON COUNTY SHERIFF

PRE-APPLICATION DATE: 12/17/07

Service Provider: PLEASE RETURN THIS FORM TO:
APPLICANT:

COMPANY: LAKEVIEW INC.

CONTACT: KEVIN SPRENGER

ADDRESS: 9755 SW BARNES RD #200
PORTLAND, OR 97225

PHONE: 503-372-3640

OWNER(S): JOHN MCGHEE

NAME: STIKKON LUMBER CO.

ADDRESS: 520 SW TAYLOR #700
PORTLAND, OR 97204

PHONE: 503-222-11076

Property Desc.: Tax Map(s): Lot Number(s):

1N4 23 700

1N4 22 100 + 400

Site Size: 129 ACRES

Site Address: NA

Nearest cross street (or directions to site):

NORTH OF DAVID HILL ROAD

PROPOSED PROJECT NAME: DAVID HILL PLAN AMENDMENT

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

PLAN AMENDMENT (ZONE CHANGE) FROM A-20 TO ERL

EXISTING USE: TIMBER

PROPOSED USE: TIMBER

IF RESIDENTIAL:

NO. OF DWELLING UNITS:

SINGLE FAM.

MULTI-FAM.

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE:

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

IF INSTITUTIONAL:

NO. SQ. FT.

NO. STUDENTS/EMPLOYEES/MEMBERS:

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

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

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

☒ SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

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:

Records Manager

DATE:

1-31-08

☐ 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 Pro Sheriff 5/30/06

RECEIVED

Case File 08-438-PA

Exhibit B

FEB 04 2008
Page 197 of 217

* * * Communication Result Report (Jun. 24. 2008 4:50PM) * * *

Fax Header)

Time: Jun. 24. 2008 4:49PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
3157	Memory TX	95033592397 - Superintendent fax	P. 2	OK	

503-359-2474 fax for
Darin

Reason for error
E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size
E. 2) Busy
E. 4) No facsimile connection



9755 SW Barnes Road, Suite 300
Portland, Oregon 97225
503.628.0455
Fax 503.628.0775

FAX

2nd Fax June 24, 2008

To: Darin Davidson Date: January 30, 2008

Company: Forest Grove School District Project Number:

Address: 1728 Main Street Project Name: David Hill Plan Amendment

City/State: Forest Grove, OR Rec: Service Provider Letter

Phone: (503) 359-2474 2408

Fax: (503) 359-2474 2474

From: Kevin Apperson

Phone: (503) 372-3646

Fax: (503) 526-0775

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We are sending:	These Are Transmitted:	Copied To:
☐ Attached	☐ For Your Info/File	_____
☒ Facsimile	☐ As Requested	_____
4 # Of Pages Including Cover	☒ For Review & Comment	_____

Copies	Description
1	Service Provider Letter

Please return the attached Service Provider Letter to WHI Pacific, 9755 SW Barnes Road, Portland, OR 97225

whipacific.com planners surveyors engineers landscape architects



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Land Development Services Division
 155 N. 1st Avenue, #350-13,
 Hillsboro, OR 97124
 Ph. (503) 846-8761 Fax (503) 846-2908
 http://www.co.washington.or.us

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

☒ SCHOOL DISTRICT NO.: ROCKY CREEK

PRE-APPLICATION DATE: 12/17/07

Service Provider: PLEASE RETURN THIS FORM TO:
 APPLICANT:

COMPANY: WIPACIFIC INC.

CONTACT: KEVIN APPERSON

ADDRESS: 9755 SW BARBERS RD #300
PORTLAND, OR 97225

PHONE: 503-372-3646

OWNER(S): JOHN MCGHEE
 NAME: SIMPSON LUMBER CO.

ADDRESS: 520 SW TAYLOR #700
PORTLAND, OR 97204

PHONE: 503.222-11676

Property Desc.: Tax Map(s): Lot Number(s):

IN 4 23 700

IN A 22 100 & 400

Site Size: 429 ACRES

Site Address: NA

Nearest cross street (or directions to site):

NORTH OF DAVID HILL ROAD

PROPOSED PROJECT NAME: DAVID HILL PLAN AMENDMENT

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

PLAN AMENDMENT (ZONE CHANGE) FROM A-20 to EFF

EXISTING USE: TIMBER

PROPOSED USE: TIMBER

IF RESIDENTIAL:

NO. OF DWELLING UNITS: _____
 SINGLE FAM. _____ MULTI-FAM. _____

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: _____
 NO. OF SQ. FT. (GROSS FLOOR AREA) _____

IF INSTITUTIONAL:

NO. SQ. FT. _____
 NO. STUDENTS/EMPLOYEES/MEMBERS: _____

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

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
 RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

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

☒ SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: [Signature] POSITION: DIRECTOR OF BUSINESS DATE: 6-30-08

☐ 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 underutilized facilities; 5. Year-around school; 6. Construction of new facilities; 7. Portable Classrooms; 8. Impact Fees; 9. Any combination of these or other alternatives.

SIGNATURE: _____ POSITION: _____ DATE: _____

Service Pro Schools 5/30/08

**SERVICE PROVIDERS IN
WASHINGTON COUNTY**

WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
LAND DEVELOPMENT SERVICES DIVISION
155 NORTH FIRST AVENUE, #350-13
HILLSBORO, OREGON 97124 (503) 846-8761 (ph)
<http://www.co.washington.or.us> (503) 846-2908 (fax)

School Districts

Banks School District #13
(503) 324-8591
450 S Main Street
Banks, OR 97106

Beaverton School District #48
(503) 591-8000
16550 SW Merlo Road
Beaverton, OR 97075-0200

Forest Grove School District #15
(503) 357-6171
1728 Main Street
Forest Grove, OR 97116

Gaston School District #511
(503) 985-7112
PO Box 68
Gaston, OR 97119

Hillsboro School District
(503) 844-1500
3083 NE 49th Place
Hillsboro, OR 97124

Newberg School District
(503) 538-8361
714 E 6th
Newberg, OR 97132

Portland School District
(503) 916-2000
501 N Dixon
Portland, OR 97227

Sherwood School District #88J
(503) 625-2511
23295 SW Main St.
Sherwood, OR 97140

Tigard School District #23J
(503) 620-1620
6960 SW Sandburg St.
Tigard, OR 97223

Vernonia School District #47J
(503) 429-5891
475 Bridge Street
Vernonia, OR 97064

West Linn School District
(503) 638-9869
22210 SW Stafford Road
West Linn, OR 97068

Sewer & Water Quality

Clean Water Services
(503) 681-3600
2550 SW Hillsboro Hwy
Hillsboro, OR 97123-9379

**Environmental Health &
Sanitation**

Washington County Dept. of Health & Human
Services
(503) 846-8722
155 N First Avenue, #200-5
Hillsboro, OR 97124

Sheriff

Law Enforcement Center,
(503) 846-2700
215 SW Adams
Hillsboro, OR 97124

Park District

Tualatin Hills Park & Rec. District
Planning & Development
(503) 629-6305 (ph)
(503) 629-6307 (fax)
Attn: Service Availability
5500 SW Arctic Dr., Ste 2
Beaverton, OR 97005

Transit

Tri-Met (West side)
(503) 962-2140 (ph)
(503) 962-2281 (fax)
710 NE Holladay
Portland, OR 97232

**SERVICE PROVIDERS IN
WASHINGTON COUNTY**

WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
LAND DEVELOPMENT SERVICES DIVISION
155 NORTH FIRST AVENUE, #350-13
HILLSBORO, OREGON 97124 (503) 846-8761 (ph)
<http://www.co.washington.or.us> (503) 846-2908 (fax)

Fire Districts

Tualatin Valley Fire & Rescue
<http://www.tvfr.com>
(503) 612-7001 (ph)
(503) 612-7003 (fax)
7401 SW Washo Court, #101
Tualatin, OR 97062

Washington County Fire Dist. #2
(503) 647-9900
31370 NW Commercial Street
North Plains, OR 97133

Cornelius Rural Fire District
(503) 357-3840
1355 N Barlow
Cornelius, OR 97113-8912

Forest Grove Rural Fire District
(503) 359-3240
1919 Ash Street
Forest Grove, OR 97116

Gaston Rural Fire District
(503) 985-7575
102 E Main
Gaston, OR 97119

Hillsboro Fire Department
(503) 681-6166
240 S. 1st Street
Hillsboro, OR 97123

Oregon State Forestry Department
(503) 357-2191
801 Gales Creek Road
Forest Grove, OR 97116

Banks Fire Protection District
(503) 324-6262
(503) 359-3242
300 Main Street
Banks, OR 97106

Water Districts

Tualatin Valley Water District
(503) 642-1511
(mail - PO Box 745,
Beaverton, OR 97075)
1850 SW 170th Avenue
Beaverton, OR 97006

Laurelwood Water Co-op
(503) 985-7866
12201 SW Poppy Drive
Gaston, OR 97119

Raleigh Hills Water District
(503) 292-4894
5010 SW Scholls Ferry Road
Portland, OR 97225

Water Resources Department
(503) 986-0874
725 Summer Street, NW, Ste A
Salem, OR 97301
Kimberly Grigsby

West Slope Water District
(503) 292-2777
(mail - PO Box 25140)
3105 SW 89th Avenue
Portland, OR 97225

Tigard Water District
(503) 639-1554
13125 SW Hall Blvd.
Tigard, OR 97223

Rivergrove Water Dist.
(503) 635-6041
17661 Pilkington Road
Lake Oswego, OR 97035

Watermaster -- Tualatin Basin
(503) 846-7780
Oregon State Water Resources Dept
1400 Walnut St, Room 240, MS # 49
Hillsboro, OR 97123
Darrell Hedin, Watermaster

State Highways

Oregon State Highway Div. 2A
(503) 229-5002
6000 SW Raab Road
Portland, OR 97221

ODOT - Region 1
(503) 731-8200
123 NW Flanders Street
Portland, OR 97209-4037

Exhibit I
Washington County Soil
Survey
08-0438-PA

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils
- Soil Map Units
- Soil Ratings
- ≤ 157
 - > 157 AND ≤ 169.88
 - > 169.88 AND ≤ 172
 - Not rated or not available
- Political Features
- Municipalities
- Cities
 - Urban Areas
- Water Features
- Oceans
 - Streams and Canals
- Transportation
- Rails
- Roads
- Interstate Highways
 - US Routes
 - State Highways
 - Local Roads
 - Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 5, Dec 22, 2006

Date(s) aerial images were photographed: 5/7/1994; 6/28/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Forest Productivity (Cubic Feet per Acre per Year):
Douglas-fir (King 1966 (795))

Forest Productivity (Cubic Feet per Acre per Year): Douglas-fir (King 1966 (795))— Summary by Map Unit — Washington County, Oregon				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
11B	Cornelius and Kinton silt loams, 2 to 7 percent slopes		18.5	4.3%
11C	Cornelius and Kinton silt loams, 7 to 12 percent slopes		2.7	0.6%
11F	Cornelius and Kinton silt loams, 30 to 60 percent slopes		47.0	11.0%
23B	Jory silty clay loam, 2 to 7 percent slopes	172.00	2.7	0.6%
23F	Jory silty clay loam, 30 to 60 percent slopes	172.00	206.4	48.3%
28B	Laurelwood silt loam, 3 to 7 percent slopes	157.00	21.1	4.9%
28D	Laurelwood silt loam, 12 to 20 percent slopes	157.00	0.8	0.2%
29E	Laurelwood silt loam, 3 to 30 percent slopes	157.00	41.6	9.7%
31E	Melbourne silty clay loam, 20 to 30 percent slopes	169.88	5.3	1.3%
31F	Melbourne silty clay loam, 30 to 60 percent slopes	169.88	15.0	3.5%
38B	Saum silt loam, 2 to 7 percent slopes	157.00	23.0	5.4%
38D	Saum silt loam, 12 to 20 percent slopes	157.00	11.7	2.7%
38E	Saum silt loam, 20 to 30 percent slopes	157.00	29.4	6.9%
38F	Saum silt loam, 30 to 60 percent slopes	157.00	1.7	0.4%
Totals for Area of Interest (AOI)			426.8	100.0%



Description

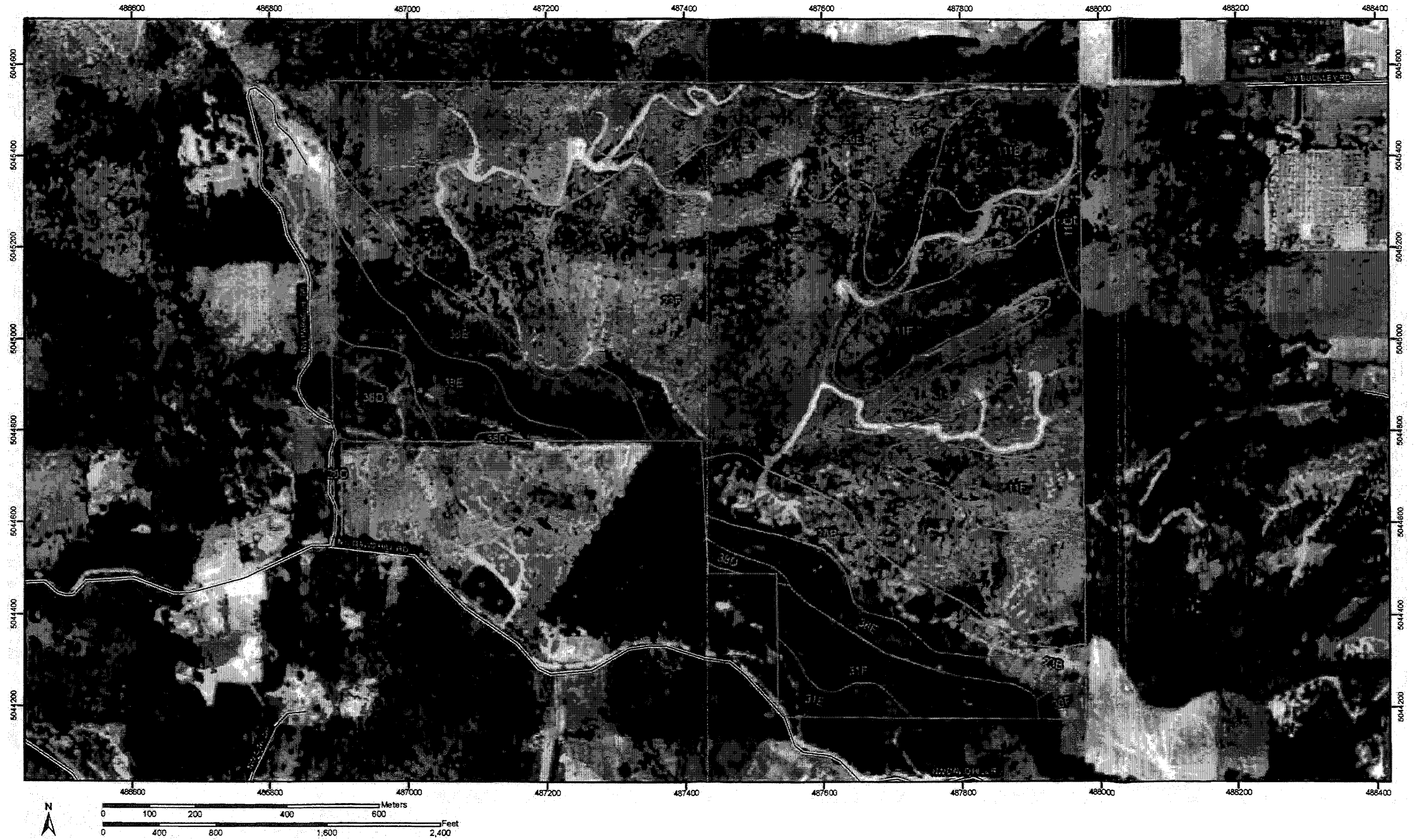
Forest productivity is the volume of wood fiber that is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Tree: Douglas-fir
Site Index Base: King 1966 (795)
Aggregation Method: Weighted Average
Component Percent Cutoff: None Specified
Tie-break Rule: Higher
Interpret Nulls as Zero: Yes

Soil Map—Washington County, Oregon



USDA
Natural Resources
Conservation Service

Web Soil Survey 2.0
National Cooperative Soil Survey

1/30/2008
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

-  Very Stony Spot
-  Wet Spot
-  Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

- Municipalities**
-  Cities
-  Urban Areas

Water Features

-  Oceans
-  Streams and Canals

Transportation

-  Rails
- Roads**
-  Interstate Highways
-  US Routes
-  State Highways
-  Local Roads
-  Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 5, Dec 22, 2006

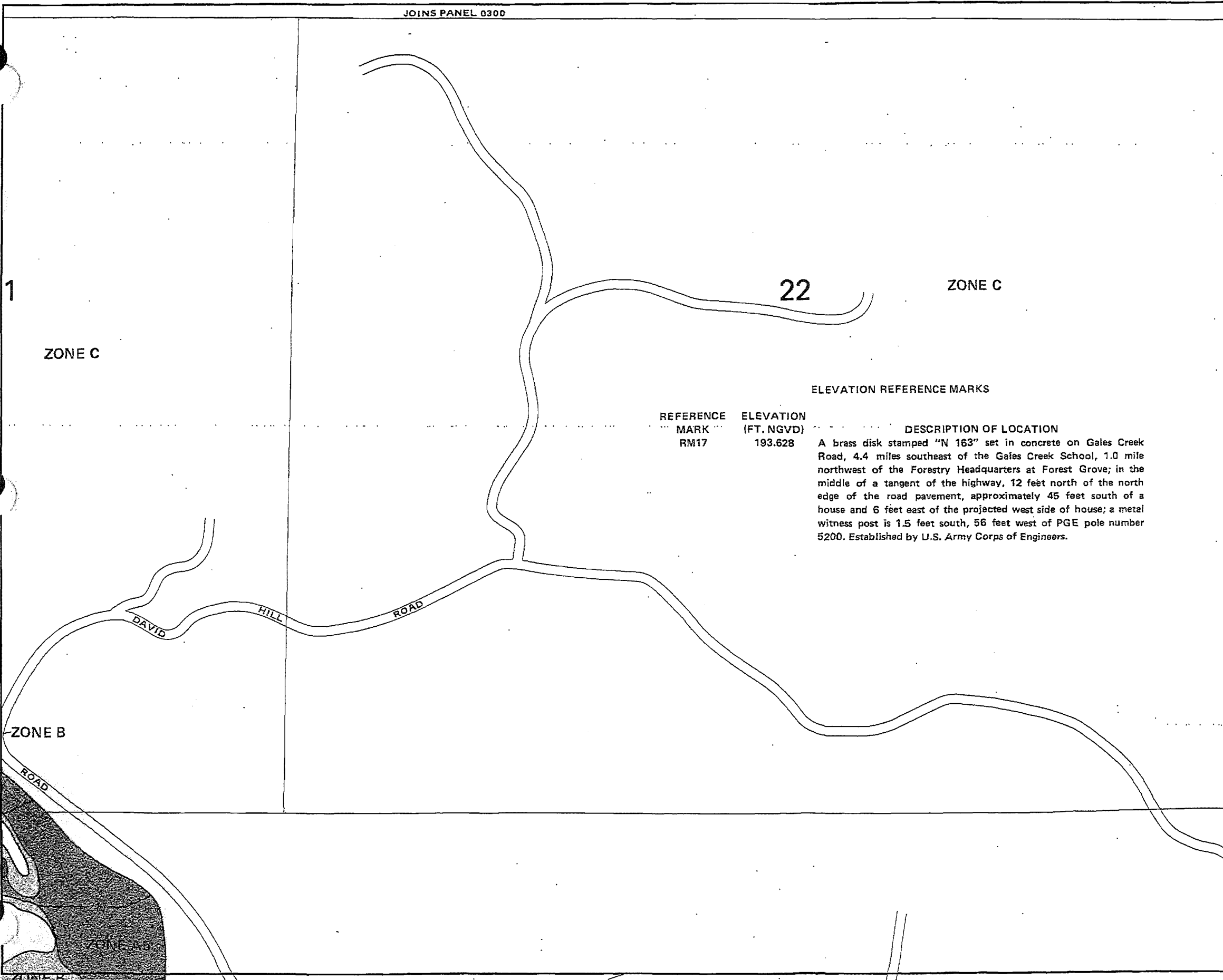
Date(s) aerial images were photographed: 5/7/1994; 6/28/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

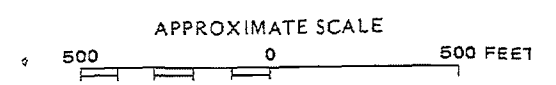
Map Unit Legend

Washington County, Oregon (OR067)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11B	Cornelius and Kinton silt loams, 2 to 7 percent slopes	18.5	4.3%
11C	Cornelius and Kinton silt loams, 7 to 12 percent slopes	2.7	0.6%
11F	Cornelius and Kinton silt loams, 30 to 60 percent slopes	47.0	11.0%
23B	Jory silty clay loam, 2 to 7 percent slopes	2.7	0.6%
23F	Jory silty clay loam, 30 to 60 percent slopes	206.4	48.3%
28B	Laurelwood silt loam, 3 to 7 percent slopes	21.1	4.9%
28D	Laurelwood silt loam, 12 to 20 percent slopes	0.8	0.2%
29E	Laurelwood silt loam, 3 to 30 percent slopes	41.6	9.7%
31E	Melbourne silty clay loam, 20 to 30 percent slopes	5.3	1.3%
31F	Melbourne silty clay loam, 30 to 60 percent slopes	15.0	3.5%
38B	Saum silt loam, 2 to 7 percent slopes	23.0	5.4%
38D	Saum silt loam, 12 to 20 percent slopes	11.7	2.7%
38E	Saum silt loam, 20 to 30 percent slopes	29.4	6.9%
38F	Saum silt loam, 30 to 60 percent slopes	1.7	0.4%
Totals for Area of Interest (AOI)		426.8	100.0%

Exhibit J
Flood Insurance Rate Maps
08-0438-PA



ELEVATION REFERENCE MARKS		
REFERENCE MARK	ELEVATION (FT. NGVD)	DESCRIPTION OF LOCATION
RM17	193.628	A brass disk stamped "N 163" set in concrete on Gales Creek Road, 4.4 miles southeast of the Gales Creek School, 1.0 mile northwest of the Forestry Headquarters at Forest Grove; in the middle of a tangent of the highway, 12 feet north of the north edge of the road pavement, approximately 45 feet south of a house and 6 feet east of the projected west side of house; a metal witness post is 1.5 feet south, 56 feet west of PGE pole number 5200. Established by U.S. Army Corps of Engineers.



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**WASHINGTON COUNTY,
OREGON**
(UNINCORPORATED AREAS)

PANEL 291 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

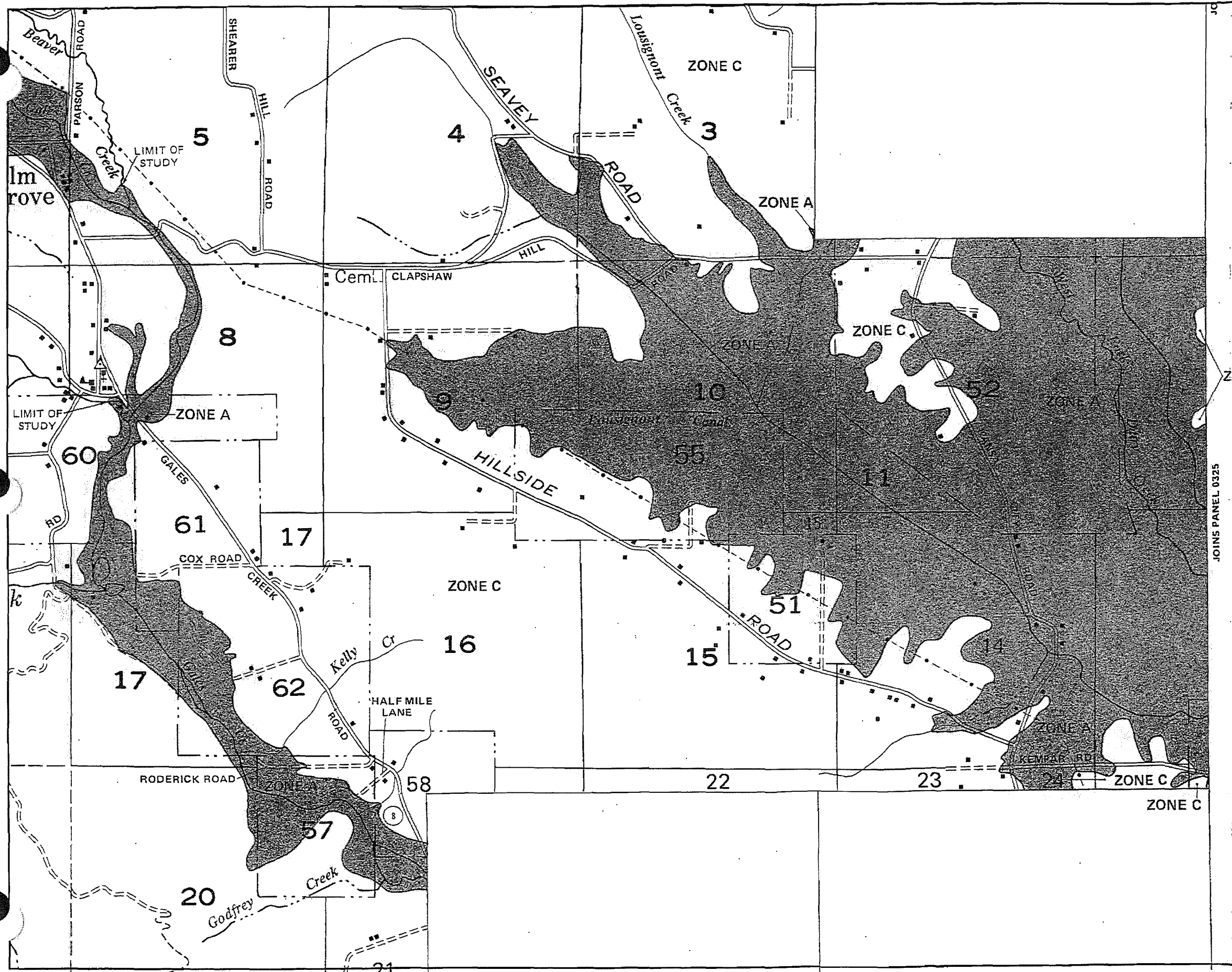
COMMUNITY-PANEL NUMBER
410238 0291 B

EFFECTIVE DATE:
SEPTEMBER 30, 1982



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**WASHINGTON COUNTY,
OREGON
(UNINCORPORATED AREAS)**

PANEL 300 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
410238 0300 B**

**EFFECTIVE DATE:
SEPTEMBER 30, 1982**



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

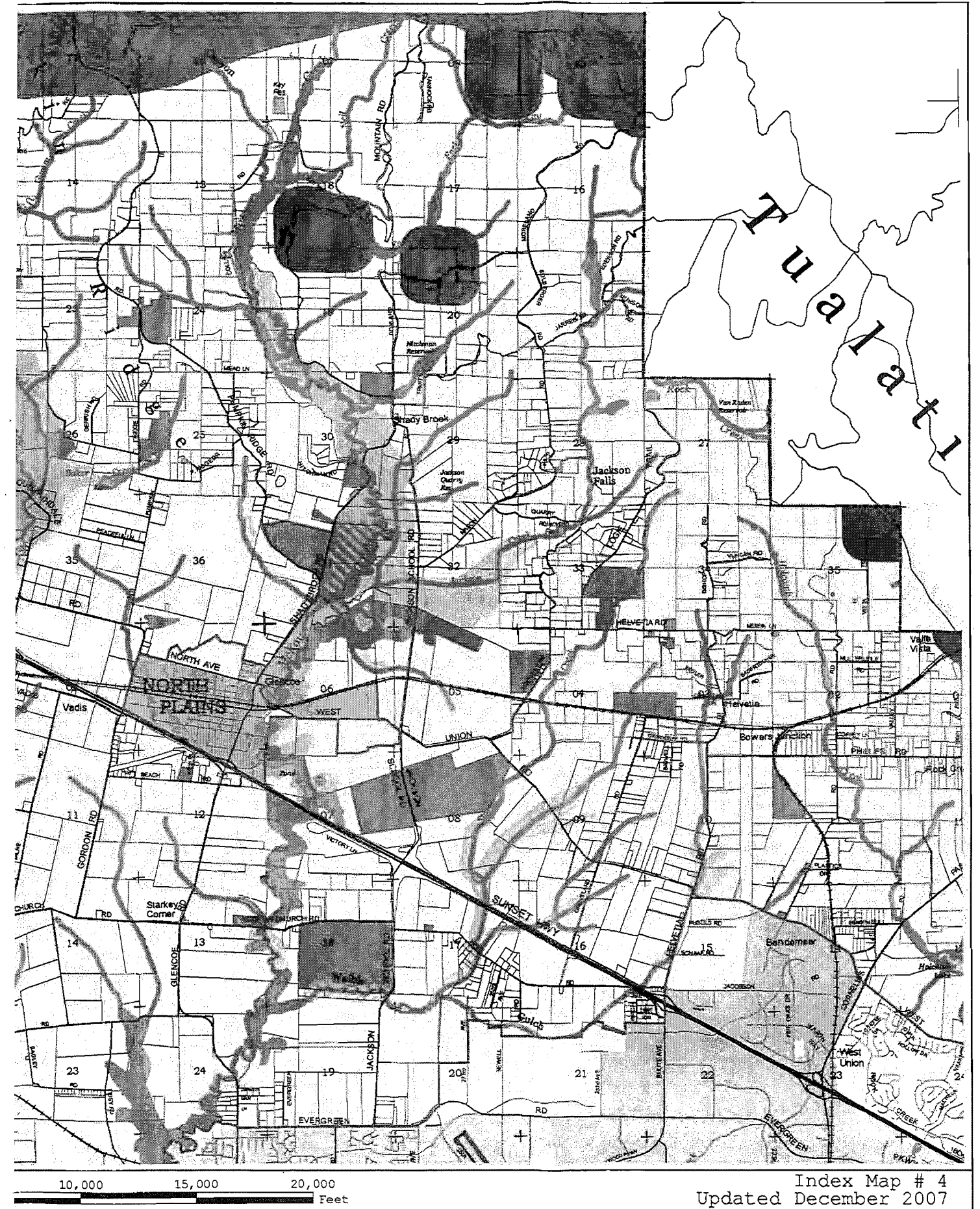
Exhibit K

Washington County

Significant Natural Resources

Map

08-0438-PA



RURAL / NATURAL RESOURCE PLAN

SIGNIFICANT NATURAL RESOURCES

GENERAL DESCRIPTION)

This is a generalized description of the significant resources. Additional information concerning each identified resource is available from the Washington County Department of Land Use and Transportation.

MINERAL AND AGGREGATE OVERLAY

Protects mineral and aggregate resources for future use; provides for the development of utilization of resources currently needed for economic development; regulates extraction and processing activities to minimize their impact on adjacent



DISTRICT A

Applied only to sites upon which extraction, processing and stockpiling activities are currently undertaken and to sites which may be utilized for such activities in the future. Provides regulations which minimize impacts of resource extraction and processing on adjacent land use.



DISTRICT B

Applied to land within one thousand feet of District A boundaries. Regulates the establishment of new noise sensitive uses which may be affected by mineral and aggregate extraction activities. Intended to reduce conflicting land uses and ensure that future extraction of minerals and aggregate will not be precluded by other development.

WATER AREAS AND WETLANDS

100 Year flood plain, drainage hazard areas and ponds, except those already developed.

WILDLIFE HABITAT

Sensitive habitats identified by the Oregon Department of Fish and Wildlife, and forested areas coincidental with water areas and wetlands.

WATER AREAS, WETLANDS & FISH AND WILDLIFE HABITAT

Water areas and wetlands that are also fish and wildlife habitat.

SIGNIFICANT NATURAL AREAS

Sites of special importance, in their natural condition, for their ecologic, scientific, and educational value.

HISTORIC AND CULTURAL RESOURCES

Historic Resources described in the Washington County Cultural Resources Inventory, including sites, structures, objects and buildings. Historic buildings and structures are protected by regulations in the County's Historic and Cultural Resource Overlay District.

RESOURCE OVERLAP

Indicates that more than one significant natural resource is located on this site. In such cases, the provisions of the Plan and Code for each resource apply.

SCENIC RESOURCES

Scenic Routes

Roads identified as excellent scenic roads and those sections of good scenic roads which offer a vista of the Tualatin Valley or the Cascade Mountains. Scenic Routes also include those stretches of streams which are identified as candidate routes for inclusion in the National Wild and Scenic River system.



Scenic Views

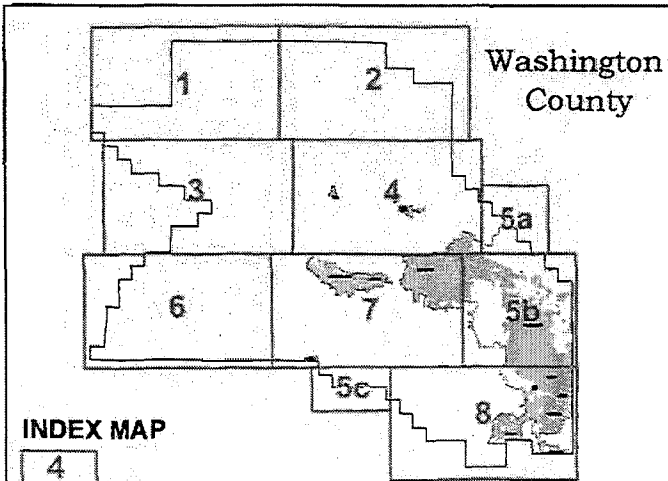
Viewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic features.



Scenic Features

Land forms, vegetation or water courses with aesthetic value to the surrounding area.

- Regional Trafficway / Principal Arterial Routes
- Primary Roadways
- Secondary Roadways
- Local Roads and other Minor Routes
- Gravel or Unimproved Roads
- Railroads
- Spot elevation in feet
- Urban Growth Boundary
- County Boundary
- Rivers
- Incorporated Urban Areas

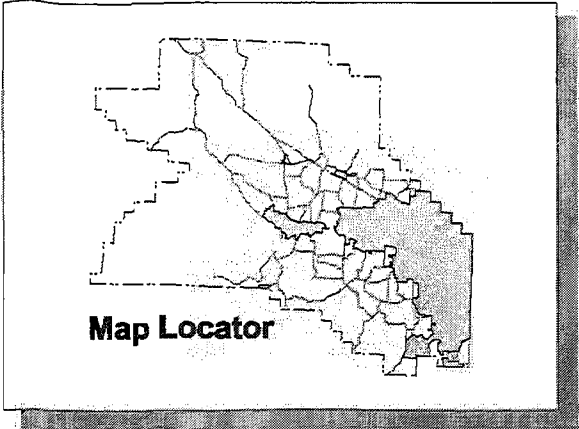


INDEX MAP

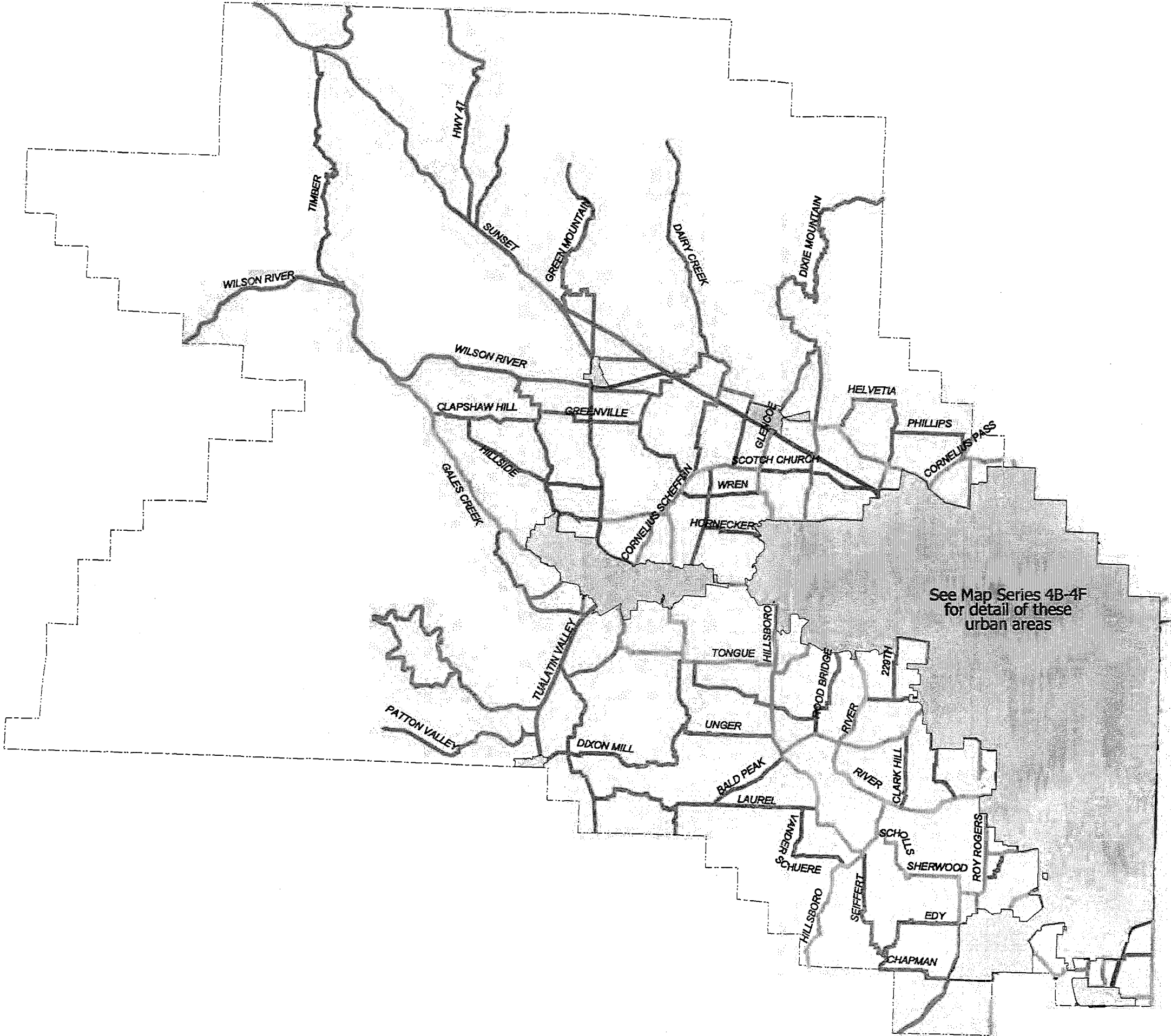
4

The map above shows the locations of the ten indexed maps for the Washington County Rural Natural Resource Plan. Each map is at a scale of 1:60,000 or 1 inch represents 5000 feet.

Exhibit L
Washington County Uniform
Road Improvement Design
Standards
08-0438-PA

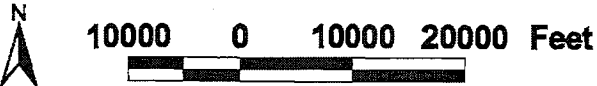


Washington County Functional Classification System



- Freeway
- Principal Arterial
- Arterial
- Collector
- Proposed Arterial
- Proposed Collector
- Area inside the Urban Growth Boundary

NOTE:
Roads and road classifications that were not on the 1988 Transportation Plan but are on this map are intentional additions to the plan.
Roads and road classifications that were on the 1988 Transportation Plan but are not on this map are intentional deletions to the plan.
Plan amendments are not required to change a proposed road to an existing roadway designation when those roads shown as 'proposed' on this map are constructed.
Designations applied to roads or other facilities not under County jurisdiction should be considered recommendations to the state, city or other jurisdiction with primary responsibility for the facility.
Streets in the Sunset Light Rail Station Area, Cedar Mill Town Center and Willow Creek, Merlo and Elmonica Areas may be subject to Special Area Street Overlay designations that affect street design. See Special Area Street Overlay Maps to make this determination.



Updated 11/27/03

FIGURE 4A



WASHINGTON COUNTY OREGON

March 16, 2009

To: Washington County Board of County Commissioners
From: Brent Curtis, Planning Manager *BC by DC*
Subject: Case File 08-438-PA Addendum Staff Report

RECOMMENDATION

Open the public hearing, take public testimony, and approve the plan amendment request.

STAFF SUMMARY

After the distribution of the staff report to the Board members on March 11, 2009, a citizen who owns land near the subject property met with staff on two occasions to discuss issues with this plan amendment request which he believes are unresolved.

In the first meeting with staff on March 12, 2009, the citizen raised concerns regarding the posting requirements for plan amendment applications, access permit processing and intersection safety.

Current posting requirements were established via Resolution and Order (R&O) 96-178. The posting requirements adopted by this R&O state that one sign must be posted so that it is legible from the public right-of-way, and if a parcel does not have frontage on a public right-of-way, the sign must be posted in a conspicuous place at the point the property obtains access to a county or public road. The applicant posted the property on December 29, 2008 and sent a photograph of the sign and an affidavit of posting to staff. When staff visited the site with the applicant and representatives for Stimson Lumber Company on February 12, 2009, a public notice sign was not present. Staff informed them that new signage would be required, and staff gave the applicant three new signs to post. The signs were posted on February 18th and photographs of them were emailed to staff.

One public notice sign was placed near the intersection of NW David Hill Road and NW Paradise Lane where tax lot 400 has frontage. A second sign was placed at the western terminus of NW Buckley Road, and the third was placed on NW David Hill Road along the frontage for tax lot 100. Staff finds that the locations of the signs meet the requirements of the R&O and Section 204-1.4 of the Community Development Code and are therefore acceptable.

As stated in the staff report, there is currently one improved access to the property which is located at the western terminus of NW Buckley Road. No new access points (driveways) have been proposed in this application. The citizen expressed concern that Stimson Lumber Company will eventually want access to NW David Hill Road. Staff informed him that the county requires

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

property owners to obtain a right-of-way permit before a new driveway to a county road may be constructed. In the event that the location of a proposed access point is disputed, the county may require a survey to identify its location in relation to adjacent property lines.

The citizen also had concern about the safety of log trucks driving through the intersection of NW David Hill Road and NW Thatcher Road. The City of Forest Grove has proposed a public park on the property located on the south side of NW David Hill Road at its intersection with NW Thatcher Road. Because these are county-maintained roads, the county provided the city with roadway-related required conditions of approval. The City of Forest Grove is required to provide the county with certification from a registered professional engineer that adequate sight distance exists and NW David Hill Road must be widened to provide 17' of pavement from the centerline at the intersection in order to improve turning capabilities. These improvements will improve the ability of vehicles to travel through this intersection.

Additionally, Staff asked the applicant to provide a written statement correcting page 3 of the application which states "David Hill Road via Highway 47 provides access from the west and David Hill Road via Thatcher Road provides access to the east". The applicant sent a memorandum to staff dated March 16, 2009 correcting this error. The memorandum states that access is taken from "David Hill Road via Highway 8 provides access from the west and David Hill Road via Thatcher Road provides access to the east". Although this error is in the applicant's original narrative, staff recognized it during the review process and we did not base our findings upon it. The applicant's memorandum also clarifies that there are no improved access points from the property to NW David Hill Road even though the property has frontage on the road. (See attached memorandum from WH Pacific, Inc. to county dated March 16, 2009.)

The same citizen raised several additional concerns with staff on March 16, 2009. The citizen questioned the validity of the access at the western terminus of NW Buckley Road and again raised the issue of access permit processing. As mentioned in the Transportation Report, access to tax lot 700 is provided by a recorded easement (as shown on tax map 1N4 23) which connects the tax lot to the western terminus of NW Buckley Road. This means that although the property may not have physical frontage on NW Buckley Road, it is allowed access to the road via the recorded easement. Staff again informed the citizen that approval of the plan amendment application does not approve any new access points or driveways. If Stimson Lumber Company chooses to request other access points, a right-of-way permit must be obtained and all requirements of that permit must be met.

MEMORANDUM

Date: March 16, 2009

To: Washington County Board of County Commissioners

From: WH Pacific Inc.

Re: David Hill Tract

The intent of this memorandum to correct a typographical error contained in paragraph two of the Applicant's Written Statement. The second paragraph should read "David Hill Road via Highway 8 provides access from the west and David Hill Road via Thatcher Road provides access from the east".

Furthermore, the applicant would like to clarify that there are no improved access points from the subject property on to David Hill Road. However, the subject property does have frontage along this roadway.



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

STAFF REPORT

PROCEDURE TYPE: III
COMPREHENSIVE PLAN ELEMENT:
Rural/Natural Resource
CPO: 13

ASSESSOR MAP NO(S) & TAX LOT NO(S): 1N4 22
100 & 400, 1N4 23 700

SITE SIZE: 429 acres

LOCATION: North of NW David Hill Road and east of
NW Paradise Drive

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. 08-438-PA Staff Report for the March 17, 2009 Board of County Commissioners' 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)

CASEFILE NO.: 08-438-PA

APPLICANT:
Stimson Lumber Company
520 SW Yamhill
Suite 700
Portland, OR 97204

APPLICANT'S REPRESENTATIVE:
Kevin Apperson
WH Pacific
9755 SW Barnes Road
Portland, OR 97225

OWNER:
Stimson Lumber Company
520 SW Yamhill
Suite 700
Portland, OR 97204

SITE ADDRESS
None

3. Article IV, Development Standards

Section 421	Flood Plain and Drainage Hazard Area Development
Section 422	Significant Natural Resources

4. Article V, Public Facilities and Services

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Forest Grove School District
Forest Grove Fire District

III. FINDINGS

A. General

Applicant: See pages 3 - 4 of the application.

Staff: The plan amendment application was accepted on December 5, 2008. 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 429 acres. The property is generally located northwest of the city of Forest Grove. More specifically, the property is north of NW David Hill Road and east of its intersection with NW Paradise Drive (see map the final page 17 of this staff report).

The current land use designation for the property is Agriculture and Forest 20 Acre (AF-20) District, and the applicant is requesting a plan amendment to change the designation to Exclusive Forest and Conservation (EFC) District. The property has two tributaries of the west fork of Dairy Creek, one of which is designated as a drainage hazard area. The property is currently used for timber propagation and harvest.

On February 12, 2009 staff met visited the site with two representatives of Stimson Lumber and Kevin Apperson of WH Pacific, Inc., who is serving as Stimson's representative for this application. During the site visit, staff observed one gated access point to the property located at the western terminus of NW Buckley Road. Stimson representatives verified that this is the only access to the property. No new access points have been proposed by the applicant

There are no dwellings on the property, and the applicant has stated that the current use will continue upon approval of this plan amendment request. However, the EFC designation may allow the property owner to pursue land use review for uses allowed in the district, including forest related dwellings in the event the plan amendment request is approved.

Prior to the Planning Commission hearing, staff spoke with two neighbors regarding the plan amendment request. Both neighbors requested more information on the EFC District and Stimson Lumber Company's motivation for the plan amendment. Staff explained the differences and similarities for the AF-20 and EFC Districts, and informed the neighbors that the application states the plan amendment is being requested so that the plan designation coincides with the use of the property. One neighbor was concerned that the property would be brought into the City of Forest Grove's jurisdiction and subdivisions would be built. Staff explained that there are no plans to extend the Urban Growth Boundary to include this property. Also, the minimum lot size for new parcels for both AF-20 and EFC is eighty (80) acres; therefore, the property would not be allowed

to be subdivided below this requirement. Finally, the EFC District allows new dwellings only when the requirements set forth in Community Development Code Section 430-37.2 are fulfilled.

The two property owners testified before the Planning Commission hearing was held at the February 4, 2009 hearing. A summary of the public testimony and staff's response is below:

Washington County resident Neil Otto testified before the Planning Commission and stated his concerns regarding approval of the plan amendment. He said he is concerned that approval of this plan amendment will have a negative impact on local wells and roads if dwellings are constructed on these parcels. He also was concerned that the property would be divided into many smaller lots.

STAFF RESPONSE: The applicant, Stimson Lumber Company, stated in its application narrative (page 3) that "no development is proposed as part of this application". Plan amendment requests for a change from one resource designation to another are not required to provide future development plans. Also, the current designation of AF-20 and the proposed EFC designation both require all newly created lots have a minimum of eighty (80) acres in area.

Arthur Waldorf, owner of property located on NW Paradise Lane, also testified at the Planning Commission hearing. Mr. Waldorf also submitted a written statement to the Planning Commission in which he stated four reasons why he believes the application should be denied. The comments and staff responses are as follows:

1. ***"There is no reason given by Stimson for the change."***

STAFF RESPONSE: The applicant's narrative on page 3 of the application states that "(the EFC) land use designation would better reflect the current use of the property and would be consistent with remaining timber resource holdings owned and managed by Stimson Lumber Company. The soils on the subject property have been classified by the Soil Conservation Service as highly productive for commercial timber harvesting. These soils are also indicative (of) moderate to steep slopes which are generally no(t) as suitable for farming activities.". Staff finds that the applicant's reasoning is appropriate; however, the applicant is not required to state *why* the plan amendment is being requested. The applicant must only state *how* the request satisfies the requirements of the Rural/Natural Resource Plan and the Community Development Code.

As noted on pages 5 and 6 of the staff report, staff has found that the request meets the requirements listed in Policy 1.p.8 of the Rural Natural Resource Plan for plan amendment requests from Mixed Agriculture and Forest-20 (AF-20) to Exclusive Forest and Conservation (EFC).

2. ***"Statements in the application are factually incorrect."***

STAFF RESPONSE: Mr. Waldorf did not cite in writing which statements in the application he felt were factually incorrect; however, he did testify and stated that the access points mentioned in the staff report were not correct. In response to Mr. Waldorf's concern, staff visited the site on February 12, 2009 with Kevin Apperson of WH Pacific (applicant's representative), and Dave Sweeney (Regional Fee-Land Manager) and Frank Torres, Esq. (Real Estate Manager) from Stimson Lumber Company.

During the site visit, staff confirmed that there is not an improved access onto NW David Hill Road from tax lot 100. The Stimson Lumber Company representatives showed staff where tax lot 100 meets NW David Hill Road, and it is just to the west where staff originally believed the access was located at the time of the Planning Commission meeting. As a result, the staff report has been corrected to state that there is not an improved access to NW David Hill Road from tax lot 100.

Also, upon visiting the access point off NW Buckley Road, the Stimson Lumber Company representatives verified staff's finding that there is a gated and improved access located there.

3. ***"The City of Forest Grove and Fire Department have not been given information concerning Stimson's plans."***

STAFF RESPONSE: The subject property is located within the Forest Grove Fire and Rescue response area. As required by Policy 22 of the Rural/Natural Resource Plan, the applicant submitted a statement of service availability and a fire district service analysis, both of which were signed by Division Chief Fire Marshal Bill Bench. As noted on page 13 of the staff report, Policy 22 requirements regarding fire protection service have been fulfilled.

The City of Forest Grove was not notified of the plan amendment application for several reasons. First, the city does not own land located within 1000' of the subject property; therefore a notice was not sent to the city. Second, the City of Forest Grove does not provide any critical services (i.e. public water, public sewer, fire protection, etc.) to the property. As a result, the City of Forest Grove was not notified of this application.

4. ***"The application is incomplete."***

STAFF RESPONSE: Mr. Waldorf did not provide specific examples of why he believes the application is incomplete. Staff reviewed the application and found that the applicant submitted all information requested by staff in order to deem the application complete for review purposes.

Planning Commission Recommendation

State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The Board is scheduled to review this plan amendment request at its meeting on March 17, 2009. Commission voted 7-0 in favor of approval of this plan amendment proposal.

B. **Compliance with LCDC Statewide Planning Goals**

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

LCDC Goal 3, Agricultural Lands

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

OAR 660-033-0030: Identifying Agricultural Land

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

LCDC Goal 4, Forest Lands

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

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

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

Staff: The subject property is currently designated AF-20, which is a resource designation for farm use. The applicant's narrative states that the property has historically been used for commercial forestry purposes, and timber propagation and harvesting is currently occurring on the property. The property is also in timber deferral. The applicant states that the request to designate the property as EFC will accurately reflect the current use of the property. As stated in the OAR, land that qualifies as both farm and forest land need not show why one designation is chosen over the other. The applicant's findings and the staff report document the factors used to select the requested designation.

C. Rural / Natural Resource Plan

1. Policy 1, the Planning Process, states:

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

Applicable Implementing Strategies:

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

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

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

A. A mistake in this 1983 plan; or

B. Findings that the subject land is:

I. in farm or forest use;

II. on farm or forest deferral;

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

IV. compatible with surrounding land uses.

Applicant: See pages 1 - 2 of the application.

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

According to the applicant, the property has historically been and is currently being used for commercial forestry practices. Tax lots 100 and 700 are heavily forested; however, recent aerials show a large area within tax lot 400 which has been logged. The applicant provided a memorandum to staff dated February 4, 2009 which states that timber harvesting occurred on the site in 2005. The memorandum also states that the site was replanted in 2006 (approximately six months after the timber harvest was completed), and it is currently in compliance with the Forest Practices Act. The property is currently in forestry deferral according to Washington County Assessment and Taxation Division records.

LCDC Goal 4 broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations. High value agricultural soils comprise approximately 29% of the property; however, due to moderate to steep slopes on the property, agricultural use is not ideal. The applicant's summary of the soil types on the property coincide with the Soil Survey of Washington County, Oregon, July 1982 and supports the applicant's finding that the soils on the property are best suited for timber propagation.

The applicant states that Stimson Lumber Company has historically used and is currently using the subject property for timber propagation and harvesting, and the company intends to continue that use in the future. The property is predominately surrounded by AF-20 designated properties. One adjacent property is designated as Exclusive Farm Use (EFU) and one is Agriculture and Forest (AF-5). Adjacent properties range in size from 4.83 acres to 79.25 acres. Approximately half of the adjacent properties are developed with residences, and county aerials from the summer of 2006 show the majority of adjacent properties as forested with a small number of adjacent properties appearing to be in agricultural use. Staff therefore finds that the continued use of the property for commercial timber activities is compatible with the surrounding properties and that the criteria included in Policy 1 have been met.

2. Policy 2, Citizen Involvement, states:

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

Staff: A quasi-judicial plan amendment such as this must be considered via a Type III public hearing review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission and Board of Commissioners public hearings on this application was sent to all property owners within 1,000 feet of the subject property. This notice was sent at least 20 days prior to the first hearing (mailed January 15, 2009). Due to a mapping error, a revised notice was mailed on January 23, 2009 to all property owners within 1,000 feet of the subject property. Additionally, the county placed a legal notice of the hearing in *The Hillsboro Argus*, a newspaper of general circulation, at least ten days prior to the first hearing date (published January 23, 2009). As required by CDC Section 204-1.4, the applicant posted a sign on December 29, 2008, which was within 28 days of the December 5, 2008 acceptance date. Citizen Participation Organization (CPO) 13 is not active for this area; therefore, a copy of the plan

amendment application was mailed to the Oregon State University Extension Office on December 18, 2008. Finally, the staff report was available to interested parties seven days prior to the hearing as required by CDC Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

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

3. Policy 6, Water Resources, states:

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

Applicant: See pages 4 - 7 of the application.

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

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

Applicable Implementing Strategies:

The County will:

- a. **Strive to ensure adequate water supplies for all uses by:**
 1. **Encouraging water conservation programs by water users and purveyors;**
 2. **Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;**
 3. **Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies; and**
 4. **Complying with the May 17, 1974 Order of the State Engineer establishing and setting forth provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.**

5. **Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.**

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

Applicant: See pages 4 - 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.

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 5 - 7 of the application.

Staff: As previously stated, no development is proposed with this application. In the event that dwellings are proposed on any of the tax lots, the applicant would be required to obtain approval for an on-site septic system from the County Health Department prior to the issuance of a building permit for a new dwelling. A septic system permit will not be issued if soils are not adequate to filter and clean wastewater. The standards for such permits comply with DEQ requirements, which are designed to ensure adequate quality of groundwater. Any grading activities (e.g., construction of a dwelling) must comply with CDC Sections 410 (Grading and Drainage), 426 (Erosion Control) and Chapter 14.12 of the County Code (Grading). Compliance with these standards ensures adequate quality of surface water. Therefore, staff finds the criteria of Implementing Strategy 6.b. can be satisfied.

- c. **Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.**

- d. **Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.**
- e. **Encourage property owners with land which qualifies as "designated riparian land" and defined by the 1981 Riparian Habitat Act to apply for exemption of that land from *ad valorem* taxation.**

Applicant: See pages 5 & 6 of the application.

Staff: Two unnamed tributaries of the west fork of Dairy Creek flow through the property. The applicant states that the only activity proposed for the site is timber harvesting, and best management practices (BMPs) compliant with the Oregon Department of Forestry requirements will be used near the stream channels. The Oregon Department of Forestry will be responsible for overseeing logging activities for compliance with BMPs. As a result, 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 6 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 6 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 6 of the application.

Staff: The property is located within the Dairy Creek drainage basin watershed. If development on the subject property occurs, it will be required to comply with standards relating to DHA (Section 421) 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 pages 6 & 7 of the application.

Staff: The subject property contains water areas and wetlands recognized by the Division of State Lands. Tax lots 100 and 400 feature wetlands designated as seasonal forested deciduous streams. The applicant states that only timber harvesting activities will occur near the sensitive areas, and the activities will be compliant with Oregon Department of Forestry requirements. Staff finds that this strategy can be satisfied.

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

Applicant: See page 7 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 7 of the application.

Staff: The unnamed tributaries found on the property are Significant Natural Resource Areas. The tributaries are designated as *Water Areas and Wetlands, Fish and Wildlife Habitat* areas. The tributary located in the northwest portion of the property is also a drainage hazard area; therefore, future development in the vicinity of the buffer area will require compliance with Sections 421 and 422 of the CDC. Staff finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

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

Applicable Implementing Strategies:

The County will:

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

Applicant: See pages 8 & 9 of the application.

Staff: No development is proposed with this application. The applicant states that commercial timber harvesting will continue to employ Oregon Department of Forestry Best Management Practices (BMPs) when harvesting and associated activities occur in areas designated as fish and wildlife habitats. As previously mentioned, the Oregon Department of Forest is responsible for ensuring that BMPs are followed. Staff finds the criterion can be satisfied.

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

Applicant: See page 9 of the application.

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

- 6. Policy 14, Plan Designations, states:

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

Applicable Implementing Strategies:

- a. **Designate Natural Resource lands in the following manner:**

- 1. **Lands which meet the definitions and criteria for agricultural lands contained in 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 - 12 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 provided a summary of the property's soil types as determined by the Soil Survey of Washington County prepared by the U.S. Department of Agriculture Soil Conservation Service. Staff finds that the soil inventory provided by the applicant is consistent with the Soil Survey of Washington County, Oregon, July 1982. Staff finds the soils to be appropriate for commercial timber propagation and harvesting.

The property has historically been and is currently being used for commercial timber production. Surrounding properties are composed of agriculture and forest lands, and approximately half of the adjacent properties are developed with residences. As previously mentioned, tax lots 100 and 700 are heavily forested; however, recent aerials show a large area within tax lot 400 which has been logged. Staff has asked the applicant to provide more information regarding the logging activity on tax lot 400, specifically, if the logged area has been replanted for future harvest and whether or not it is in compliance with the Forest Practices Act.

A contour map of the property shows that it is comprised of moderate to steep slopes. The elevation changes from approximately 260' in elevation in the northeast corner to its highest point at approximately 1120' in elevation near the western property boundary. The soil inventory indicates that the site is suitable for either agriculture or timber use; however, staff agrees with the applicant that the moderate to steep slopes on the property make timber use the most suitable. The majority of the adjacent properties are designated as AF-20, one is EFU and one is AF-5. The surrounding properties primarily support farm and forest uses, as well as some rural residences. Staff finds that continuing the commercial timber activities on the property is compatible with surrounding properties.

Washington County Assessment and Taxation records show the property is in forest deferral.

Staff finds that each of the above criteria has been satisfied.

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

Staff: The property is approximately 429 acres and therefore meets the criteria for designation as a "large block" of 76 acres or more. Staff 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 12 - 14 of the application.

Staff: As stated previously, the subject property is approximately 429 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 pages 14 – 17 of the application.

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

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

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

Applicable Implementing Strategy:

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

1. **Schools**

2. **Fire and Police Protection**

Applicant: See pages 17 - 21 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 Forest Grove School District, the Forest Grove Fire and Rescue District and the Washington County Sheriff's Office. The application includes a service analysis for the school district, describing present enrollments and capacity of the district's schools that serve the site, an analysis for the fire district, describing station location, equipment availability and response times, and an analysis for the Sheriff's office, describing adequacy of service levels. Staff again notes that no new development is proposed with this development.

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

the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property under the EFC designation, should the proposed plan amendment be approved.

Information obtained from the Forest Grove School District shows the site is located within the following school attendance areas: Harvey Clarke Elementary School, Tom McCall Upper Elementary School, Neil Armstrong Middle School and Forest Grove High School. The school district noted that the closest schools are approximately two miles from the subject property. The school district indicates there is sufficient enrollment capacity in each school.

The site is within the service area of the Forest Grove Fire and Rescue District. According to the fire district, the nearest fire station is located approximately 4 miles away with an estimated response time of 7 minutes. Seven personnel and three pieces of apparatus are available for an initial attack on fires that could occur on this property. The Forest Grove Fire and Rescue District indicated that their service level can adequately serve the 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 service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to the subject property if the proposed plan amendment is approved. 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 21 - 23 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. 08-438-PA.

E. Washington County Community Development Code

1. Article III, Land Use Districts:

Section 342 Exclusive Forest and Conservation District (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

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

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

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

Section 344 Agriculture and Forest District (AF-20)

344-1 Intent and Purpose

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

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

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

Applicant: See pages 54 - 70 of the application.

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

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

Section 421 Flood Plain and Drainage Hazard Area Development

Applicant: See pages 71 – 90 of the application.

Staff: As previously mentioned, two unnamed tributaries of the west fork of Dairy Creek are present on the property. The tributary located in the northwestern portion of the property is also a designated drainage hazard area. The applicant has stated that Stimson Lumber Company will continue to follow the Best Management Practices set forth by the Oregon Department of Forestry which include managing forestry activities in and near drainageways. Future development within the drainage hazard area may require land use approval pursuant to the requirements set forth in Section 421. Staff finds that the criteria set forth in Section 421 can likely be satisfied through the development review process in the future.

Section 422 Significant Natural Resources

Applicant: See pages 91 – 98 of the application.

Staff: The Rural/Natural Resource Plan designates both unnamed tributaries as Water Areas, Wetlands and Fish and Wildlife Habitat areas. Section 422-3.3.A(9)(b) states that commercial

forestry activities may occur within water areas, wetlands and fish and wildlife habitat areas when the activities are in compliance with the Oregon Forest Practices Act and Administrative Rules. The applicant has stated that the commercial timber propagation and harvesting activity on the property has maintained compliance with the act and the rules, and no other activity or development is proposed; therefore, staff finds that the criteria of Section 422 can be satisfied through a future development review process.

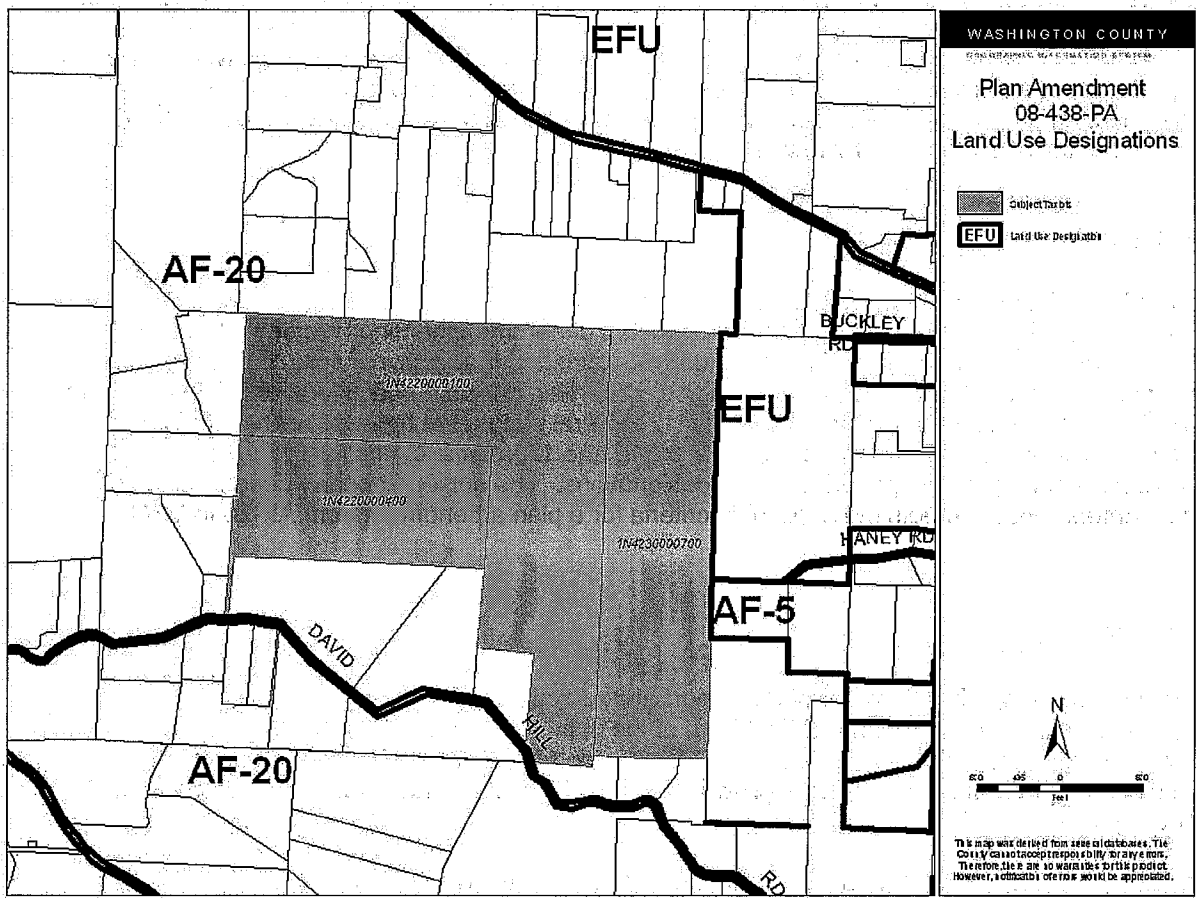
IV. SUMMARY AND CONCLUSIONS

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

V. RECOMMENDATION

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

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



March 10, 2009

**TRANSPORTATION REPORT
CASEFILE NO. 08-438-PA**

Applicant: Stimson Lumber Company

Location: On the north side of David Hill Road, east of Gales Creek Road

Tax Map/Lot: 1N4 22 Tax Lots 100 & 400, 1N4 23, Tax Lot 700

Site Size: 429 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 on the north side of David Hill Road, east of its intersection with Gales Creek Road. There are three tax lots that are included in this plan amendment request. Access to Tax lot 700, Map 1N4 23 is provided via a recorded easement which connects the tax lot to the western terminus of NW Buckley Road, a local roadway. This is the only improved access point to date. Tax lot 100, Map 1N4 22, has frontage on NW David Hill Road, a rural county local roadway. Tax lot 400, Map 1N4 22, has frontage on NW David Hill Road via a 40' wide by 665' long "flag pole." Neither tax lot 100 nor 400 have improved access points on NW David Hill Road at present.

Access to the subject property is not being evaluated as part of the plan amendment application; access is reviewed for consistency with applicable Community Development Code standards at the time of site development. All of the subject parcels appear to have a means of access to a public road via easements or direct roadway frontage.

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' David Hill 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 parcels 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. Both the existing plan designation of AF-20 and the proposed plan designation of EFC are exclusive 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 David Hill 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.

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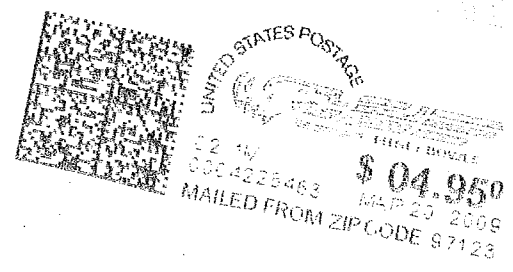
SUMMARY OF DECISION

Stimson Lumber Company applied to Washington County for a plan amendment to change the plan designation for three parcels totaling approximately 429 acres from Agriculture and Forest (AF-20) to Exclusive Forest and Conservation (EFC). The property is more specifically described as tax lots 100 & 400 of tax map 1N4 22 and tax lot 700 of tax map 1N4 23.

At its hearing on February 4, 2009, the Washington County Planning Commission voted unanimously to recommend approval of the plan amendment application to the Board of County Commissioners. At its hearing on March 17, 2009, the Board approved the plan amendment request, subject to the following conditions:

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

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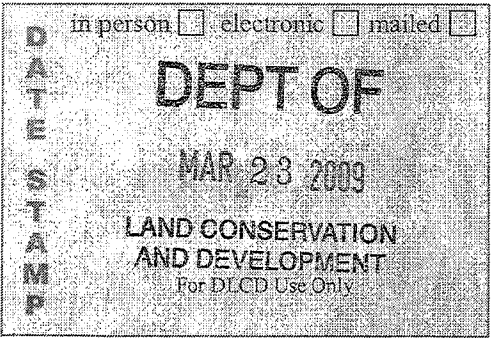
Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

FORM

2

DLCD Notice of Adoption

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



Jurisdiction: **Washington County**

Local file number: **08-438-PA**

Date First Evidentiary Hearing: **2/4/2009**

Date of Final Hearing: **3/17/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **12/18/2008**

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Casefile 08-438-PA changed the designation of approximately 429 acres on three parcels from Agriculture and Forest (AF-20) District to the Exclusive Forest and Conservation (EFC) District.

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

No

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

to: **EFC**

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

to: **N/A**

Location: **East of NW Paradise Lane and north of NW David Hill Road**

Specify density: Previous **1 D.U. / 80 ac.** New density: **1 D.U. / 80 ac.** Acres involved: **429**

Mark applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Local Contact: **Anne Elvers**
E-mail: **anne_elvers@co.washington.or.us**
Phone: **(503) 846-3583**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing - Land Use & Transportation (CPO 13)

Agenda Title: CONSIDER PLAN AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM AF-20 TO EFC ON 3 PARCELS CONSISTING OF APPROXIMATELY 426 ACRES (CASEFILE 08-438-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 approximately 426 acres on three tax lots. The property is described as Tax Lots 100 & 400 on Tax Map 1N4, Section 22, and Tax Lot 700 on Tax Map 1N4, Section 23. The property is generally located east of NW Paradise Lane, north of NW David Hill Road, as shown on the attached public notice document.

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

On January 16, 2009, the Planning Commission conducted a public hearing on the plan amendment. The Commission voted 7-0 to forward a recommendation for approval to the Board of County Commissioners. The staff report for the March 17, 2009 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.

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.

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

DEPARTMENT'S REQUESTED ACTION:

Conduct public hearing. Approve the proposed plan amendment based on evidence and findings in the staff report and the applicant's submittal. Authorize the Chair to sign the Resolution and Order for Plan Amendment 08-438-PA.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

R009-16

Agenda Item No.	4.a.
Date:	3/17/09

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IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of a Proposed Plan) RESOLUTION AND ORDER
Amendment Casefile 08-438-PA)
for Stimson Lumber Company) No. 09-16

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of March 17, 2009; and

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

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

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on February 4, 2009, voted to recommend that the Board adopt 08-438-PA, it is therefore

RESOLVED AND ORDERED that Casefile No. 08-438-PA for a Plan Amendment for property described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject to the conditions of approval set forth in the Summary of Decision (Exhibit "D").

5 votes Aye, 0 votes Nay.

	AYE	NAY	ABSENT	
BRIAN	✓	—	—	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
SCHOUTEN	✓	—	—	
STRADER	✓	—	—	
ROGERS	✓	—	—	
DUYCK	✓	—	—	
APPROVED AS TO FORM:				<u>Tam Buan</u> CHAIRMAN
<u>B. G.</u> Assistant County Counsel for Washington County, Oregon				<u>Barbara Hejmanek</u> RECORDING SECRETARY



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

NOTICE OF PUBLIC HEARING

PROCEDURE TYPE III

CPO: 13

COMMUNITY PLAN: Rural/Natural Resources

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

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

Notice is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on: **February 4, 2009 at 1:30 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 Board of County Commissioners on this matter.

The Board of Commissioners will consider the request at a public hearing on: **March 17, 2009 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. The County will also upon request endeavor to arrange for the following services to be provided: qualified sign language interpreters for persons with speech or hearing impairments; and qualified bilingual interpreters. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the County of your need by 5:00pm on the Monday preceding the meeting date.

FOR FURTHER INFORMATION, PLEASE CONTACT:
Anne Elvers, Associate Planner

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

REVISED SITE MAP ATTACHED

CASE FILE NO.: 08-438-PA

APPLICANT'S REPRESENTATIVE:

Kevin Apperson

WH Pacific

9755 SW Barnes Road, Suite 300

Portland OR 97225

APPLICANT & OWNER:

Stimson Lumber Company

520 SW Yamhill, Suite 700

Portland OR 97204

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 1N4 22 & 1N4 23

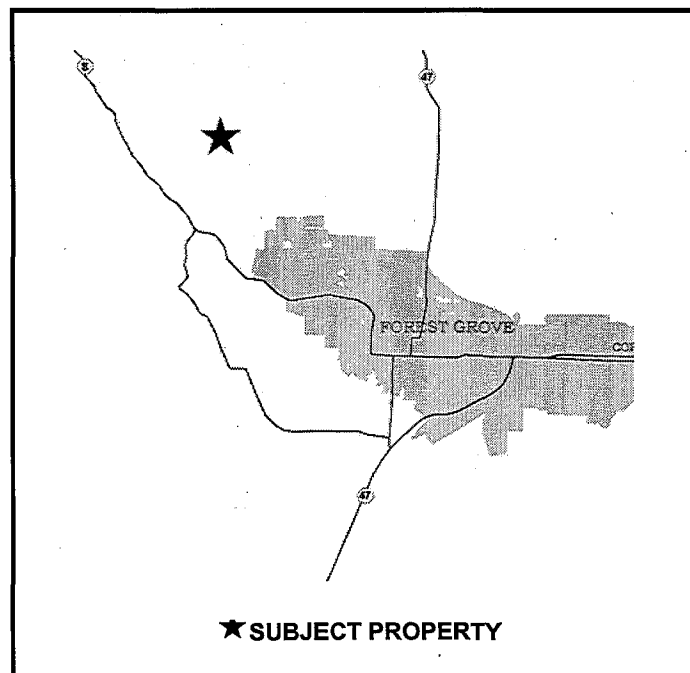
TAX LOT NO(S): 100 & 400, 700

SITE SIZE: approximately 429 acres

ADDRESS: None

LOCATION: North of NW David Hill Road and east of NW Paradise

AREA MAP



★ SUBJECT PROPERTY

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

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

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

RULES OF PROCEDURE

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

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

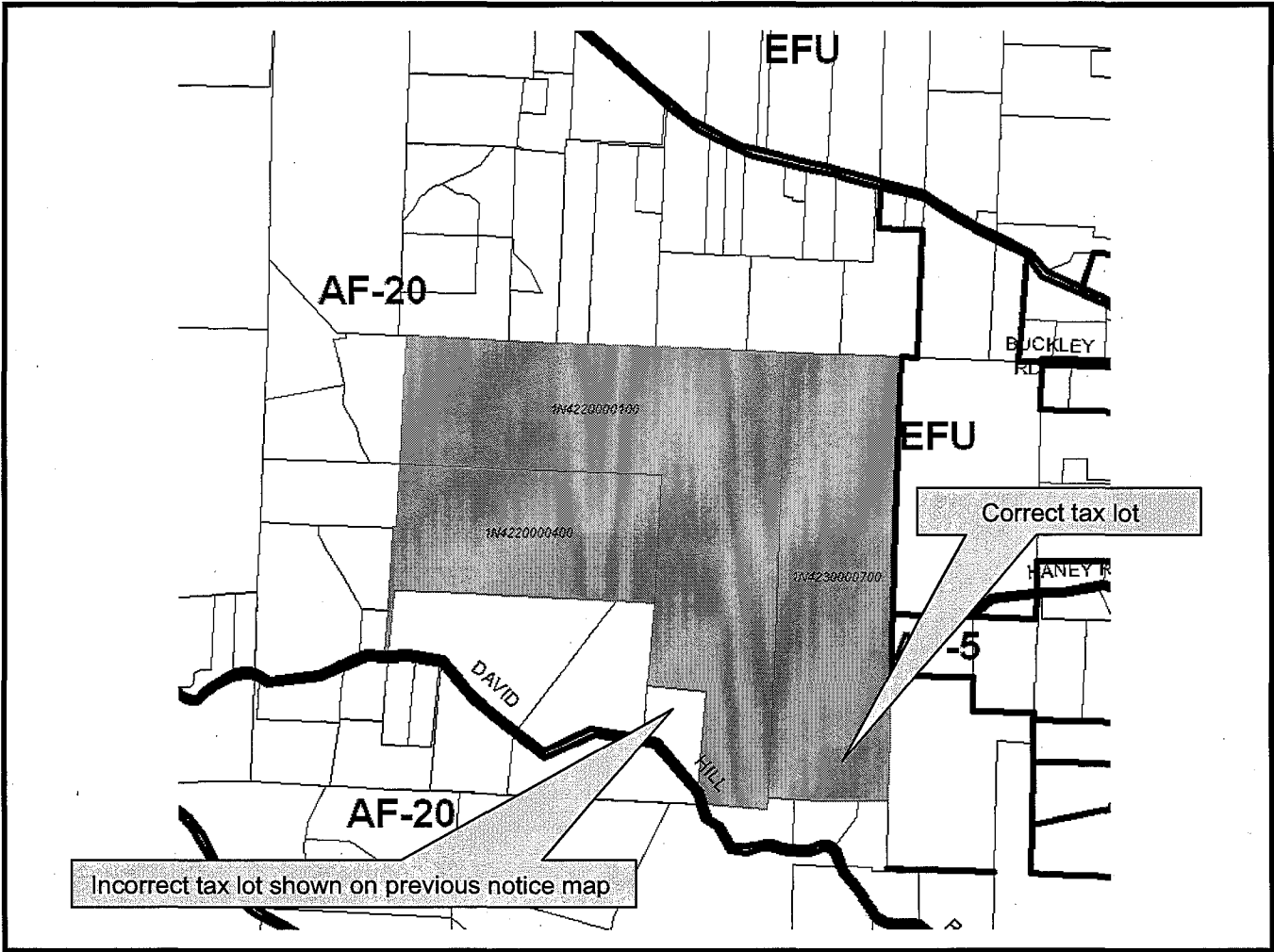
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

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

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

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

Tax Map/Lot Number: 1N4 22 & 1N4 23, Tax Lots 100 & 400, 700
Case File Number: 08-438-PA



Legend: Area of Consideration is shaded  Scale = 1"= 1200'

Applicable Land Use Districts:

AF-20 EFC

Applicable Goals, Policies & Regulations:

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

S:\PLNG\WPSHARE\Plan Amendments\Casefiles\2008\08438 Stimson David Hill\notice\Hrg Notice.doc

Washington County

**Department of Land Use and Transportation
Planning Division**

Plan Amendment Application For:

David Hill Zone Change

Map & Tax Lots:

T1N R4W Section 22, Tax Lots 100 & 400

T1N R4W Section 23, Tax Lot 700

Applicant:

Stimson Lumber Company

520 SW Yamhill Suite 700

Portland, Oregon 97204

Contact: John McGhehey, Vice President Resources

Phone: (503) 222-1676

Fax: (503) 222-2682

Applicant's Representative:

W&H Pacific, Inc.

9755 SW Barnes Road, Suite 300

Portland, Oregon 97225

Contact: Hal Keever

Phone: (503) 626-0455

Fax: (503) 526-0775

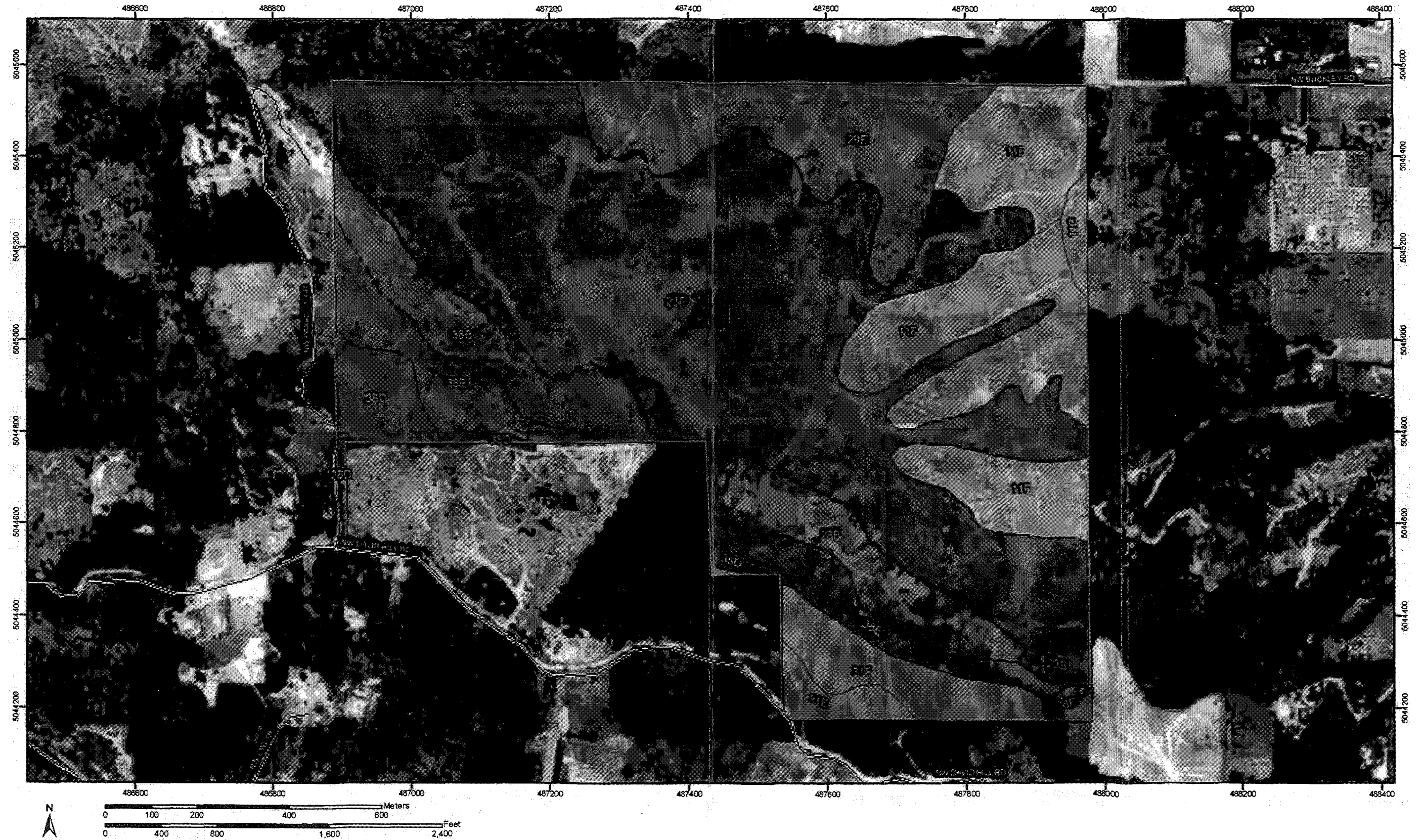
February 2008

July 2008 (Revised)



WHPacific

Exhibit I
Washington County Soil
Survey
08-0438-PA



MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils
- Soil Map Units
- Soil Ratings
- ≤ 157
 - > 157 AND ≤ 169.88
 - > 169.88 AND ≤ 172
 - Not rated or not available
- Political Features
- Municipalities
- Cities
 - Urban Areas
- Water Features
- Oceans
 - Streams and Canals
- Transportation
- Rails
- Roads
- Interstate Highways
 - US Routes
 - State Highways
 - Local Roads
 - Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 5, Dec 22, 2006

Date(s) aerial images were photographed: 5/7/1994; 6/28/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Forest Productivity (Cubic Feet per Acre per Year):
Douglas-fir (King 1966 (795))

Forest Productivity (Cubic Feet per Acre per Year): Douglas-fir (King 1966 (795))— Summary by Map Unit — Washington County, Oregon				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
11B	Cornelius and Kinton silt loams, 2 to 7 percent slopes		18.5	4.3%
11C	Cornelius and Kinton silt loams, 7 to 12 percent slopes		2.7	0.6%
11F	Cornelius and Kinton silt loams, 30 to 60 percent slopes		47.0	11.0%
23B	Jory silty clay loam, 2 to 7 percent slopes	172.00	2.7	0.6%
23F	Jory silty clay loam, 30 to 60 percent slopes	172.00	206.4	48.3%
28B	Laurelwood silt loam, 3 to 7 percent slopes	157.00	21.1	4.9%
28D	Laurelwood silt loam, 12 to 20 percent slopes	157.00	0.8	0.2%
29E	Laurelwood silt loam, 3 to 30 percent slopes	157.00	41.6	9.7%
31E	Melbourne silty clay loam, 20 to 30 percent slopes	169.88	5.3	1.3%
31F	Melbourne silty clay loam, 30 to 60 percent slopes	169.88	15.0	3.5%
38B	Saum silt loam, 2 to 7 percent slopes	157.00	23.0	5.4%
38D	Saum silt loam, 12 to 20 percent slopes	157.00	11.7	2.7%
38E	Saum silt loam, 20 to 30 percent slopes	157.00	29.4	6.9%
38F	Saum silt loam, 30 to 60 percent slopes	157.00	1.7	0.4%
Totals for Area of Interest (AOI)			426.8	100.0%



Description

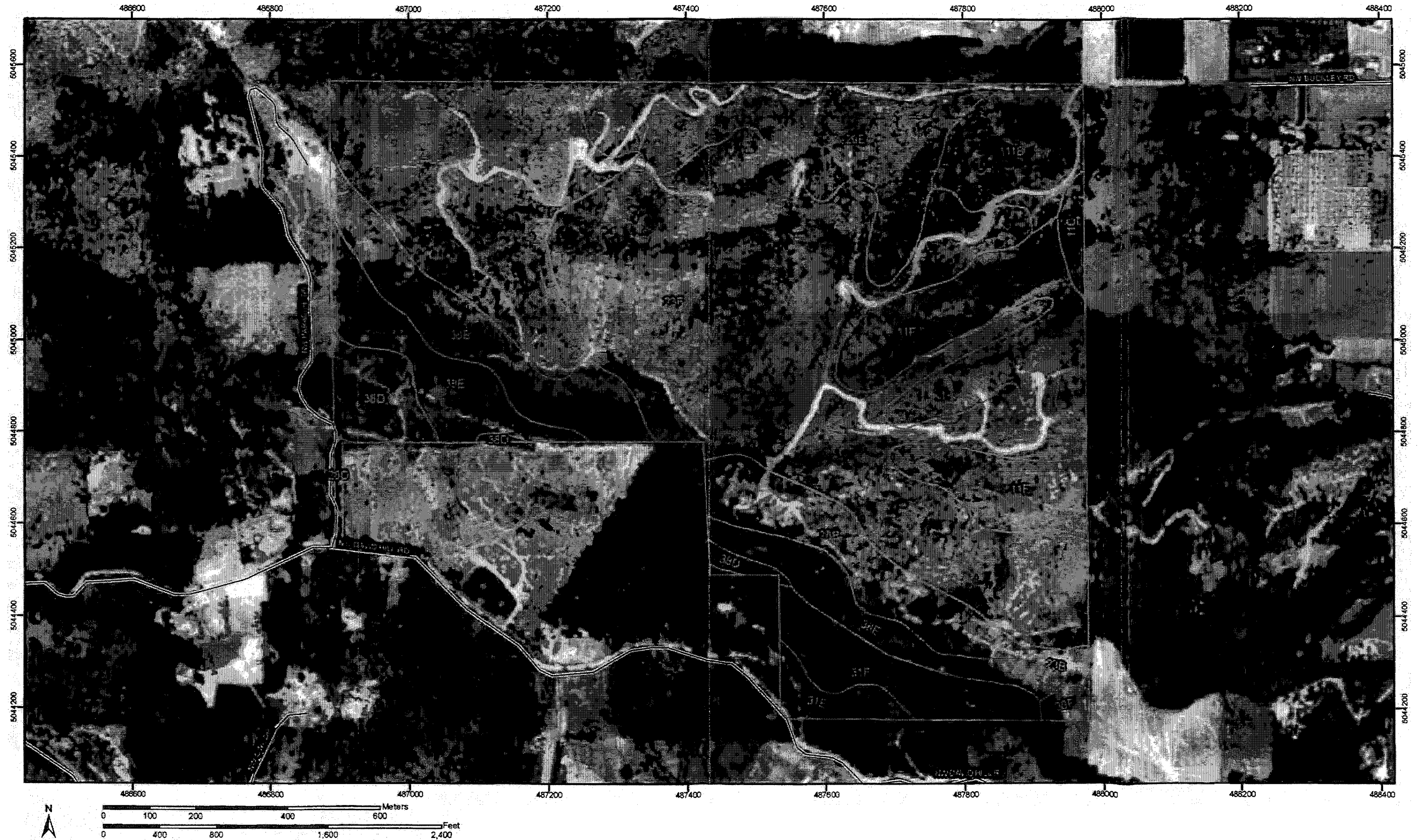
Forest productivity is the volume of wood fiber that is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

- Tree: Douglas-fir
- Site Index Base: King 1966 (795)
- Aggregation Method: Weighted Average
- Component Percent Cutoff: None Specified
- Tie-break Rule: Higher
- Interpret Nulls as Zero: Yes

Soil Map—Washington County, Oregon



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

-  Very Stony Spot
-  Wet Spot
-  Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

-  Municipalities
-  Cities
-  Urban Areas

Water Features

-  Oceans
-  Streams and Canals

Transportation

-  Rails
-  Roads
-  Interstate Highways
-  US Routes
-  State Highways
-  Local Roads
-  Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 5, Dec 22, 2006

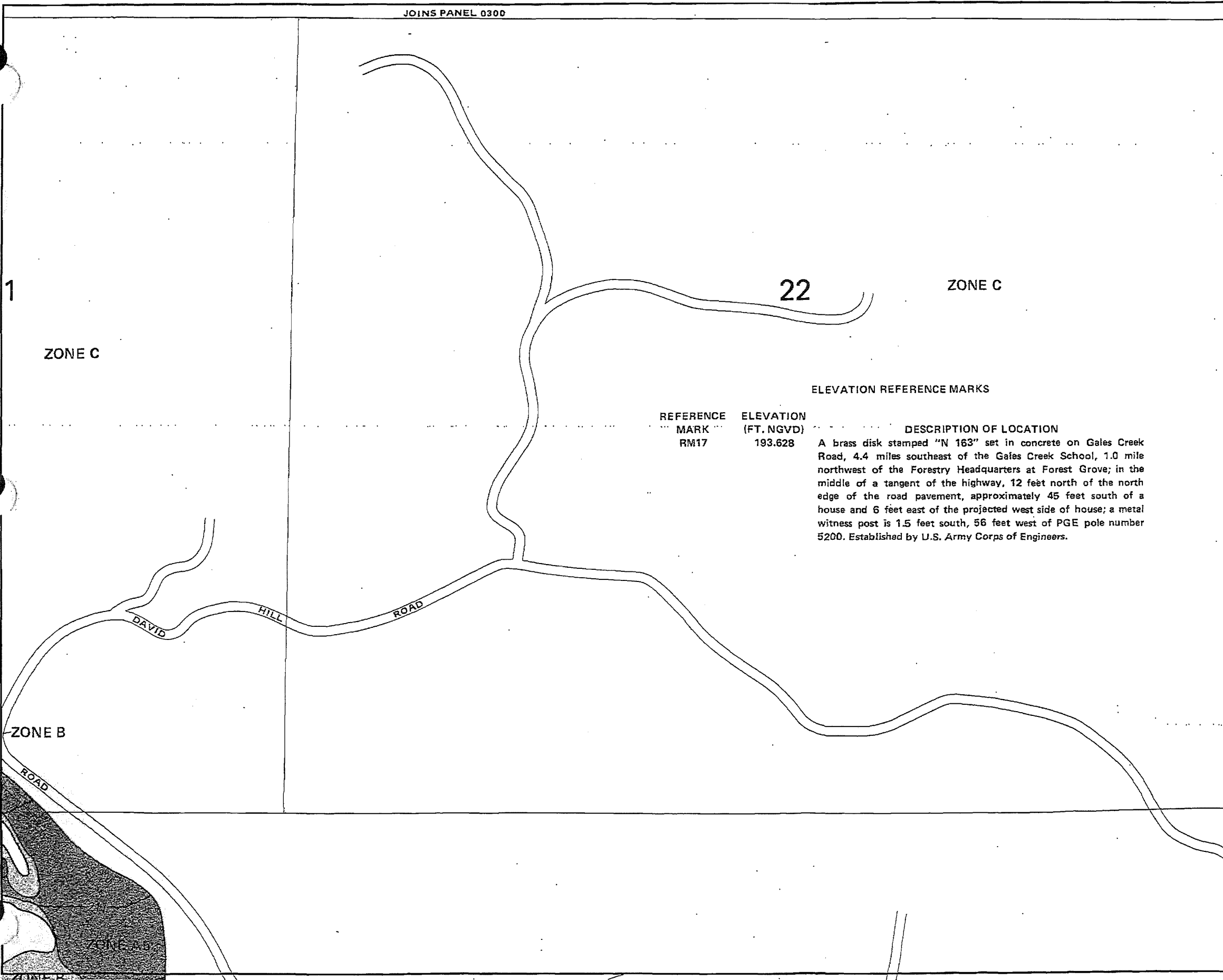
Date(s) aerial images were photographed: 5/7/1994; 6/28/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

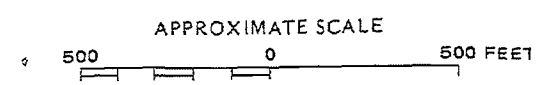
Map Unit Legend

Washington County, Oregon (OR067)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11B	Cornelius and Kinton silt loams, 2 to 7 percent slopes	18.5	4.3%
11C	Cornelius and Kinton silt loams, 7 to 12 percent slopes	2.7	0.6%
11F	Cornelius and Kinton silt loams, 30 to 60 percent slopes	47.0	11.0%
23B	Jory silty clay loam, 2 to 7 percent slopes	2.7	0.6%
23F	Jory silty clay loam, 30 to 60 percent slopes	206.4	48.3%
28B	Laurelwood silt loam, 3 to 7 percent slopes	21.1	4.9%
28D	Laurelwood silt loam, 12 to 20 percent slopes	0.8	0.2%
29E	Laurelwood silt loam, 3 to 30 percent slopes	41.6	9.7%
31E	Melbourne silty clay loam, 20 to 30 percent slopes	5.3	1.3%
31F	Melbourne silty clay loam, 30 to 60 percent slopes	15.0	3.5%
38B	Saum silt loam, 2 to 7 percent slopes	23.0	5.4%
38D	Saum silt loam, 12 to 20 percent slopes	11.7	2.7%
38E	Saum silt loam, 20 to 30 percent slopes	29.4	6.9%
38F	Saum silt loam, 30 to 60 percent slopes	1.7	0.4%
Totals for Area of Interest (AOI)		426.8	100.0%

Exhibit J
Flood Insurance Rate Maps
08-0438-PA



REFERENCE MARK	ELEVATION (FT. NGVD)	DESCRIPTION OF LOCATION
RM17	193.628	A brass disk stamped "N 163" set in concrete on Gales Creek Road, 4.4 miles southeast of the Gales Creek School, 1.0 mile northwest of the Forestry Headquarters at Forest Grove; in the middle of a tangent of the highway, 12 feet north of the north edge of the road pavement, approximately 45 feet south of a house and 6 feet east of the projected west side of house; a metal witness post is 1.5 feet south, 56 feet west of PGE pole number 5200. Established by U.S. Army Corps of Engineers.



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**WASHINGTON COUNTY,
OREGON
(UNINCORPORATED AREAS)**

PANEL 291 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

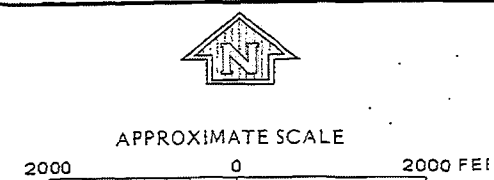
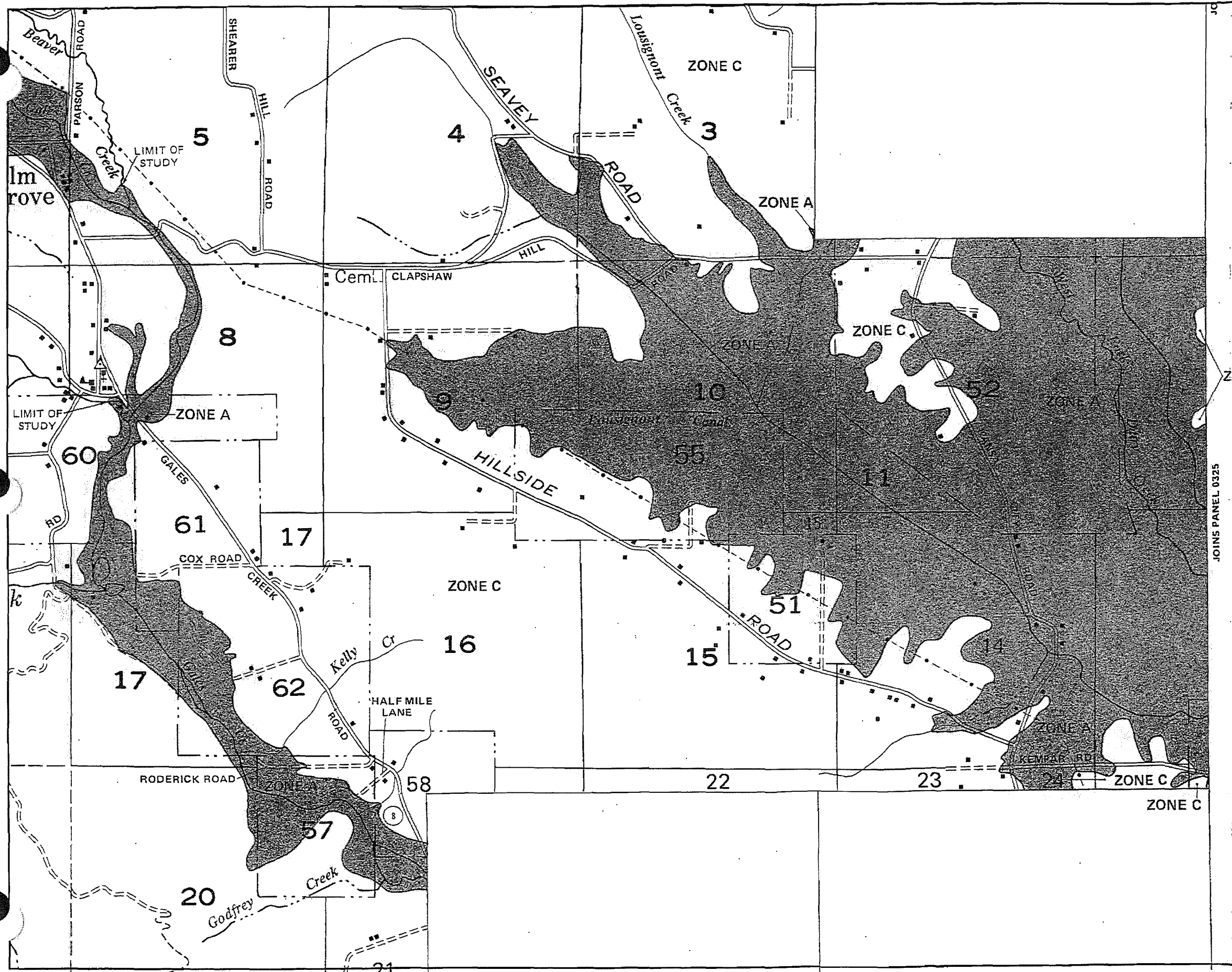
**COMMUNITY-PANEL NUMBER
410238 0291 B**

**EFFECTIVE DATE:
SEPTEMBER 30, 1982**



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**WASHINGTON COUNTY,
OREGON
(UNINCORPORATED AREAS)**

PANEL 300 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
410238 0300 B**

**EFFECTIVE DATE:
SEPTEMBER 30, 1982**



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

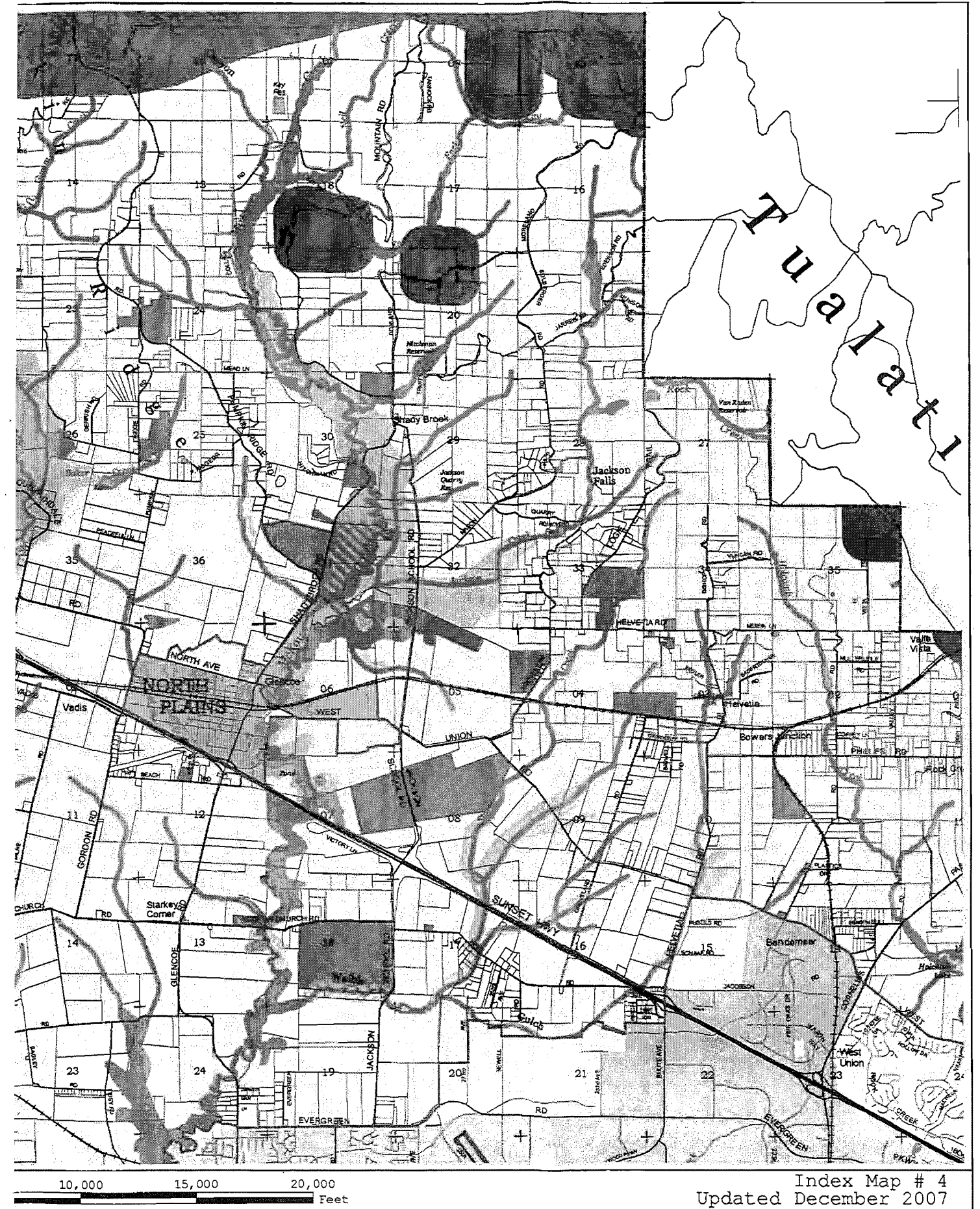
Exhibit K

Washington County

Significant Natural Resources

Map

08-0438-PA



RURAL / NATURAL RESOURCE PLAN

SIGNIFICANT NATURAL RESOURCES

GENERAL DESCRIPTION)

This is a generalized description of the significant resources. Additional information concerning each identified resource is available from the Washington County Department of Land Use and Transportation.

MINERAL AND AGGREGATE OVERLAY

Protects mineral and aggregate resources for future use; provides for the development of utilization of resources currently needed for economic development; regulates extraction and processing activities to minimize their impact on adjacent



DISTRICT A

Applied only to sites upon which extraction, processing and stockpiling activities are currently undertaken and to sites which may be utilized for such activities in the future. Provides regulations which minimize impacts of resource extraction and processing on adjacent land use.



DISTRICT B

Applied to land within one thousand feet of District A boundaries. Regulates the establishment of new noise sensitive uses which may be affected by mineral and aggregate extraction activities. Intended to reduce conflicting land uses and ensure that future extraction of minerals and aggregate will not be precluded by other development.

WATER AREAS AND WETLANDS

100 Year flood plain, drainage hazard areas and ponds, except those already developed.

WILDLIFE HABITAT

Sensitive habitats identified by the Oregon Department of Fish and Wildlife, and forested areas coincidental with water areas and wetlands.

WATER AREAS, WETLANDS & FISH AND WILDLIFE HABITAT

Water areas and wetlands that are also fish and wildlife habitat.

SIGNIFICANT NATURAL AREAS

Sites of special importance, in their natural condition, for their ecologic, scientific, and educational value.

HISTORIC AND CULTURAL RESOURCES

Historic Resources described in the Washington County Cultural Resources Inventory, including sites, structures, objects and buildings. Historic buildings and structures are protected by regulations in the County's Historic and Cultural Resource Overlay District.

RESOURCE OVERLAP



Indicates that more than one significant natural resource is located on this site. In such cases, the provisions of the Plan and Code for each resource apply.

SCENIC RESOURCES

Scenic Routes

Roads identified as excellent scenic roads and those sections of good scenic roads which offer a vista of the Tualatin Valley or the Cascade Mountains. Scenic Routes also include those stretches of streams which are identified as candidate routes for inclusion in the National Wild and Scenic River system.



Scenic Views

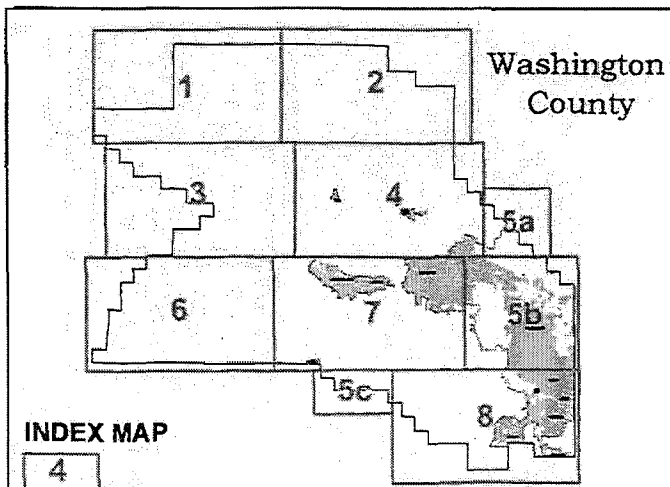
Viewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic features.



Scenic Features

Land forms, vegetation or water courses with aesthetic value to the surrounding area.

- Regional Trafficway / Principal Arterial Routes
- Primary Roadways
- Secondary Roadways
- Local Roads and other Minor Routes
- Gravel or Unimproved Roads
- Railroads
- Spot elevation in feet
- Urban Growth Boundary
- County Boundary
- Rivers
- Incorporated Urban Areas

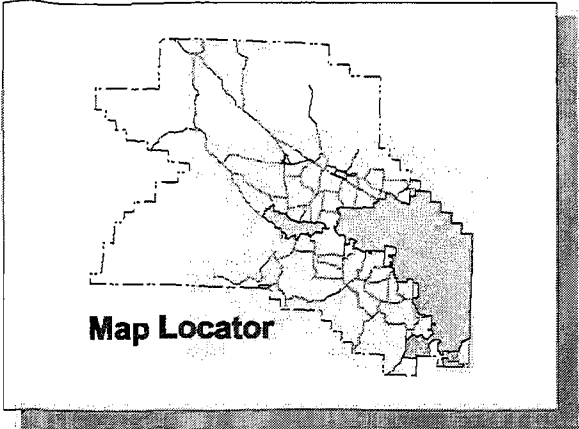


INDEX MAP

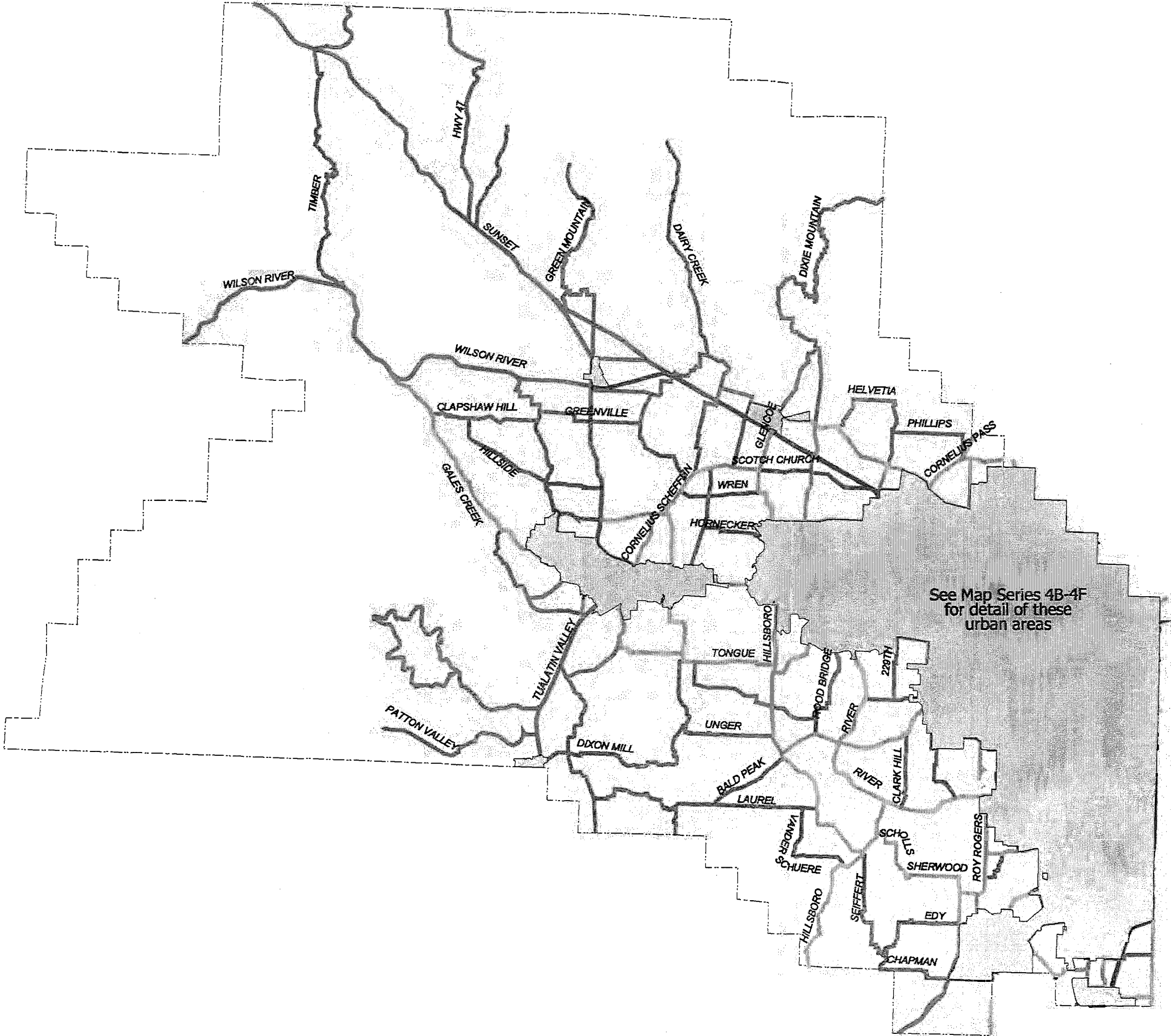
4

The map above shows the locations of the ten indexed maps for the Washington County Rural Natural Resource Plan. Each map is at a scale of 1:60,000 or 1 inch represents 5000 feet.

Exhibit L
Washington County Uniform
Road Improvement Design
Standards
08-0438-PA

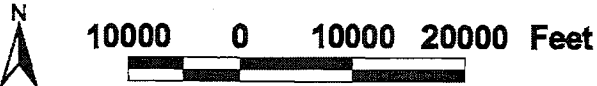


Washington County Functional Classification System



- Freeway
- Principal Arterial
- Arterial
- Collector
- Proposed Arterial
- Proposed Collector
- Area inside the Urban Growth Boundary

NOTE:
Roads and road classifications that were not on the 1988 Transportation Plan but are on this map are intentional additions to the plan.
Roads and road classifications that were on the 1988 Transportation Plan but are not on this map are intentional deletions to the plan.
Plan amendments are not required to change a proposed road to an existing roadway designation when those roads shown as "proposed" on this map are constructed.
Designations applied to roads or other facilities not under County jurisdiction should be considered recommendations to the state, city or other jurisdiction with primary responsibility for the facility.
Streets in the Sunset Light Rail Station Area, Cedar Mill Town Center and Willow Creek, Merlo and Elmonica Areas may be subject to Special Area Street Overlay designations that affect street design. See Special Area Street Overlay Maps to make this determination.



Updated 11/27/03

FIGURE 4A



WASHINGTON COUNTY OREGON

March 16, 2009

To: Washington County Board of County Commissioners
From: Brent Curtis, Planning Manager *BC by DC*
Subject: Case File 08-438-PA Addendum Staff Report

RECOMMENDATION

Open the public hearing, take public testimony, and approve the plan amendment request.

STAFF SUMMARY

After the distribution of the staff report to the Board members on March 11, 2009, a citizen who owns land near the subject property met with staff on two occasions to discuss issues with this plan amendment request which he believes are unresolved.

In the first meeting with staff on March 12, 2009, the citizen raised concerns regarding the posting requirements for plan amendment applications, access permit processing and intersection safety.

Current posting requirements were established via Resolution and Order (R&O) 96-178. The posting requirements adopted by this R&O state that one sign must be posted so that it is legible from the public right-of-way, and if a parcel does not have frontage on a public right-of-way, the sign must be posted in a conspicuous place at the point the property obtains access to a county or public road. The applicant posted the property on December 29, 2008 and sent a photograph of the sign and an affidavit of posting to staff. When staff visited the site with the applicant and representatives for Stimson Lumber Company on February 12, 2009, a public notice sign was not present. Staff informed them that new signage would be required, and staff gave the applicant three new signs to post. The signs were posted on February 18th and photographs of them were emailed to staff.

One public notice sign was placed near the intersection of NW David Hill Road and NW Paradise Lane where tax lot 400 has frontage. A second sign was placed at the western terminus of NW Buckley Road, and the third was placed on NW David Hill Road along the frontage for tax lot 100. Staff finds that the locations of the signs meet the requirements of the R&O and Section 204-1.4 of the Community Development Code and are therefore acceptable.

As stated in the staff report, there is currently one improved access to the property which is located at the western terminus of NW Buckley Road. No new access points (driveways) have been proposed in this application. The citizen expressed concern that Stimson Lumber Company will eventually want access to NW David Hill Road. Staff informed him that the county requires

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

property owners to obtain a right-of-way permit before a new driveway to a county road may be constructed. In the event that the location of a proposed access point is disputed, the county may require a survey to identify its location in relation to adjacent property lines.

The citizen also had concern about the safety of log trucks driving through the intersection of NW David Hill Road and NW Thatcher Road. The City of Forest Grove has proposed a public park on the property located on the south side of NW David Hill Road at its intersection with NW Thatcher Road. Because these are county-maintained roads, the county provided the city with roadway-related required conditions of approval. The City of Forest Grove is required to provide the county with certification from a registered professional engineer that adequate sight distance exists and NW David Hill Road must be widened to provide 17' of pavement from the centerline at the intersection in order to improve turning capabilities. These improvements will improve the ability of vehicles to travel through this intersection.

Additionally, Staff asked the applicant to provide a written statement correcting page 3 of the application which states "David Hill Road via Highway 47 provides access from the west and David Hill Road via Thatcher Road provides access to the east". The applicant sent a memorandum to staff dated March 16, 2009 correcting this error. The memorandum states that access is taken from "David Hill Road via Highway 8 provides access from the west and David Hill Road via Thatcher Road provides access to the east". Although this error is in the applicant's original narrative, staff recognized it during the review process and we did not base our findings upon it. The applicant's memorandum also clarifies that there are no improved access points from the property to NW David Hill Road even though the property has frontage on the road. (See attached memorandum from WH Pacific, Inc. to county dated March 16, 2009.)

The same citizen raised several additional concerns with staff on March 16, 2009. The citizen questioned the validity of the access at the western terminus of NW Buckley Road and again raised the issue of access permit processing. As mentioned in the Transportation Report, access to tax lot 700 is provided by a recorded easement (as shown on tax map 1N4 23) which connects the tax lot to the western terminus of NW Buckley Road. This means that although the property may not have physical frontage on NW Buckley Road, it is allowed access to the road via the recorded easement. Staff again informed the citizen that approval of the plan amendment application does not approve any new access points or driveways. If Stimson Lumber Company chooses to request other access points, a right-of-way permit must be obtained and all requirements of that permit must be met.

MEMORANDUM

Date: March 16, 2009

To: Washington County Board of County Commissioners

From: WH Pacific Inc.

Re: David Hill Tract

The intent of this memorandum to correct a typographical error contained in paragraph two of the Applicant's Written Statement. The second paragraph should read "David Hill Road via Highway 8 provides access from the west and David Hill Road via Thatcher Road provides access from the east".

Furthermore, the applicant would like to clarify that there are no improved access points from the subject property on to David Hill Road. However, the subject property does have frontage along this roadway.



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

STAFF REPORT

PROCEDURE TYPE: III
COMPREHENSIVE PLAN ELEMENT:
Rural/Natural Resource
CPO: 13

ASSESSOR MAP NO(S) & TAX LOT NO(S): 1N4 22
100 & 400, 1N4 23 700

SITE SIZE: 429 acres

LOCATION: North of NW David Hill Road and east of
NW Paradise Drive

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. 08-438-PA Staff Report for the March 17, 2009 Board of County Commissioners' 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)

CASEFILE NO.: 08-438-PA

APPLICANT:
Stimson Lumber Company
520 SW Yamhill
Suite 700
Portland, OR 97204

APPLICANT'S REPRESENTATIVE:
Kevin Apperson
WH Pacific
9755 SW Barnes Road
Portland, OR 97225

OWNER:
Stimson Lumber Company
520 SW Yamhill
Suite 700
Portland, OR 97204

SITE ADDRESS
None

3. Article IV, Development Standards

Section 421	Flood Plain and Drainage Hazard Area Development
Section 422	Significant Natural Resources

4. Article V, Public Facilities and Services

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Forest Grove School District
Forest Grove Fire District

III. FINDINGS

A. General

Applicant: See pages 3 - 4 of the application.

Staff: The plan amendment application was accepted on December 5, 2008. 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 429 acres. The property is generally located northwest of the city of Forest Grove. More specifically, the property is north of NW David Hill Road and east of its intersection with NW Paradise Drive (see map the final page 17 of this staff report).

The current land use designation for the property is Agriculture and Forest 20 Acre (AF-20) District, and the applicant is requesting a plan amendment to change the designation to Exclusive Forest and Conservation (EFC) District. The property has two tributaries of the west fork of Dairy Creek, one of which is designated as a drainage hazard area. The property is currently used for timber propagation and harvest.

On February 12, 2009 staff met visited the site with two representatives of Stimson Lumber and Kevin Apperson of WH Pacific, Inc., who is serving as Stimson's representative for this application. During the site visit, staff observed one gated access point to the property located at the western terminus of NW Buckley Road. Stimson representatives verified that this is the only access to the property. No new access points have been proposed by the applicant

There are no dwellings on the property, and the applicant has stated that the current use will continue upon approval of this plan amendment request. However, the EFC designation may allow the property owner to pursue land use review for uses allowed in the district, including forest related dwellings in the event the plan amendment request is approved.

Prior to the Planning Commission hearing, staff spoke with two neighbors regarding the plan amendment request. Both neighbors requested more information on the EFC District and Stimson Lumber Company's motivation for the plan amendment. Staff explained the differences and similarities for the AF-20 and EFC Districts, and informed the neighbors that the application states the plan amendment is being requested so that the plan designation coincides with the use of the property. One neighbor was concerned that the property would be brought into the City of Forest Grove's jurisdiction and subdivisions would be built. Staff explained that there are no plans to extend the Urban Growth Boundary to include this property. Also, the minimum lot size for new parcels for both AF-20 and EFC is eighty (80) acres; therefore, the property would not be allowed

to be subdivided below this requirement. Finally, the EFC District allows new dwellings only when the requirements set forth in Community Development Code Section 430-37.2 are fulfilled.

The two property owners testified before the Planning Commission hearing was held at the February 4, 2009 hearing. A summary of the public testimony and staff's response is below:

Washington County resident Neil Otto testified before the Planning Commission and stated his concerns regarding approval of the plan amendment. He said he is concerned that approval of this plan amendment will have a negative impact on local wells and roads if dwellings are constructed on these parcels. He also was concerned that the property would be divided into many smaller lots.

STAFF RESPONSE: The applicant, Stimson Lumber Company, stated in its application narrative (page 3) that "no development is proposed as part of this application". Plan amendment requests for a change from one resource designation to another are not required to provide future development plans. Also, the current designation of AF-20 and the proposed EFC designation both require all newly created lots have a minimum of eighty (80) acres in area.

Arthur Waldorf, owner of property located on NW Paradise Lane, also testified at the Planning Commission hearing. Mr. Waldorf also submitted a written statement to the Planning Commission in which he stated four reasons why he believes the application should be denied. The comments and staff responses are as follows:

1. ***"There is no reason given by Stimson for the change."***

STAFF RESPONSE: The applicant's narrative on page 3 of the application states that "(the EFC) land use designation would better reflect the current use of the property and would be consistent with remaining timber resource holdings owned and managed by Stimson Lumber Company. The soils on the subject property have been classified by the Soil Conservation Service as highly productive for commercial timber harvesting. These soils are also indicative (of) moderate to steep slopes which are generally no(t) as suitable for farming activities.". Staff finds that the applicant's reasoning is appropriate; however, the applicant is not required to state *why* the plan amendment is being requested. The applicant must only state *how* the request satisfies the requirements of the Rural/Natural Resource Plan and the Community Development Code.

As noted on pages 5 and 6 of the staff report, staff has found that the request meets the requirements listed in Policy 1.p.8 of the Rural Natural Resource Plan for plan amendment requests from Mixed Agriculture and Forest-20 (AF-20) to Exclusive Forest and Conservation (EFC).

2. ***"Statements in the application are factually incorrect."***

STAFF RESPONSE: Mr. Waldorf did not cite in writing which statements in the application he felt were factually incorrect; however, he did testify and stated that the access points mentioned in the staff report were not correct. In response to Mr. Waldorf's concern, staff visited the site on February 12, 2009 with Kevin Apperson of WH Pacific (applicant's representative), and Dave Sweeney (Regional Fee-Land Manager) and Frank Torres, Esq. (Real Estate Manager) from Stimson Lumber Company.

During the site visit, staff confirmed that there is not an improved access onto NW David Hill Road from tax lot 100. The Stimson Lumber Company representatives showed staff where tax lot 100 meets NW David Hill Road, and it is just to the west where staff originally believed the access was located at the time of the Planning Commission meeting. As a result, the staff report has been corrected to state that there is not an improved access to NW David Hill Road from tax lot 100.

Also, upon visiting the access point off NW Buckley Road, the Stimson Lumber Company representatives verified staff's finding that there is a gated and improved access located there.

3. ***"The City of Forest Grove and Fire Department have not been given information concerning Stimson's plans."***

STAFF RESPONSE: The subject property is located within the Forest Grove Fire and Rescue response area. As required by Policy 22 of the Rural/Natural Resource Plan, the applicant submitted a statement of service availability and a fire district service analysis, both of which were signed by Division Chief Fire Marshal Bill Bench. As noted on page 13 of the staff report, Policy 22 requirements regarding fire protection service have been fulfilled.

The City of Forest Grove was not notified of the plan amendment application for several reasons. First, the city does not own land located within 1000' of the subject property; therefore a notice was not sent to the city. Second, the City of Forest Grove does not provide any critical services (i.e. public water, public sewer, fire protection, etc.) to the property. As a result, the City of Forest Grove was not notified of this application.

4. ***"The application is incomplete."***

STAFF RESPONSE: Mr. Waldorf did not provide specific examples of why he believes the application is incomplete. Staff reviewed the application and found that the applicant submitted all information requested by staff in order to deem the application complete for review purposes.

Planning Commission Recommendation

State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The Board is scheduled to review this plan amendment request at its meeting on March 17, 2009. Commission voted 7-0 in favor of approval of this plan amendment proposal.

B. **Compliance with LCDC Statewide Planning Goals**

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

LCDC Goal 3, Agricultural Lands

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

OAR 660-033-0030: Identifying Agricultural Land

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

LCDC Goal 4, Forest Lands

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

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

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

Staff: The subject property is currently designated AF-20, which is a resource designation for farm use. The applicant's narrative states that the property has historically been used for commercial forestry purposes, and timber propagation and harvesting is currently occurring on the property. The property is also in timber deferral. The applicant states that the request to designate the property as EFC will accurately reflect the current use of the property. As stated in the OAR, land that qualifies as both farm and forest land need not show why one designation is chosen over the other. The applicant's findings and the staff report document the factors used to select the requested designation.

C. Rural / Natural Resource Plan

1. Policy 1, the Planning Process, states:

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

Applicable Implementing Strategies:

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

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

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

A. A mistake in this 1983 plan; or

B. Findings that the subject land is:

I. in farm or forest use;

II. on farm or forest deferral;

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

IV. compatible with surrounding land uses.

Applicant: See pages 1 - 2 of the application.

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

According to the applicant, the property has historically been and is currently being used for commercial forestry practices. Tax lots 100 and 700 are heavily forested; however, recent aerials show a large area within tax lot 400 which has been logged. The applicant provided a memorandum to staff dated February 4, 2009 which states that timber harvesting occurred on the site in 2005. The memorandum also states that the site was replanted in 2006 (approximately six months after the timber harvest was completed), and it is currently in compliance with the Forest Practices Act. The property is currently in forestry deferral according to Washington County Assessment and Taxation Division records.

LCDC Goal 4 broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations. High value agricultural soils comprise approximately 29% of the property; however, due to moderate to steep slopes on the property, agricultural use is not ideal. The applicant's summary of the soil types on the property coincide with the Soil Survey of Washington County, Oregon, July 1982 and supports the applicant's finding that the soils on the property are best suited for timber propagation.

The applicant states that Stimson Lumber Company has historically used and is currently using the subject property for timber propagation and harvesting, and the company intends to continue that use in the future. The property is predominately surrounded by AF-20 designated properties. One adjacent property is designated as Exclusive Farm Use (EFU) and one is Agriculture and Forest (AF-5). Adjacent properties range in size from 4.83 acres to 79.25 acres. Approximately half of the adjacent properties are developed with residences, and county aerials from the summer of 2006 show the majority of adjacent properties as forested with a small number of adjacent properties appearing to be in agricultural use. Staff therefore finds that the continued use of the property for commercial timber activities is compatible with the surrounding properties and that the criteria included in Policy 1 have been met.

2. Policy 2, Citizen Involvement, states:

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

Staff: A quasi-judicial plan amendment such as this must be considered via a Type III public hearing review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission and Board of Commissioners public hearings on this application was sent to all property owners within 1,000 feet of the subject property. This notice was sent at least 20 days prior to the first hearing (mailed January 15, 2009). Due to a mapping error, a revised notice was mailed on January 23, 2009 to all property owners within 1,000 feet of the subject property. Additionally, the county placed a legal notice of the hearing in *The Hillsboro Argus*, a newspaper of general circulation, at least ten days prior to the first hearing date (published January 23, 2009). As required by CDC Section 204-1.4, the applicant posted a sign on December 29, 2008, which was within 28 days of the December 5, 2008 acceptance date. Citizen Participation Organization (CPO) 13 is not active for this area; therefore, a copy of the plan

amendment application was mailed to the Oregon State University Extension Office on December 18, 2008. Finally, the staff report was available to interested parties seven days prior to the hearing as required by CDC Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

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

3. Policy 6, Water Resources, states:

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

Applicant: See pages 4 - 7 of the application.

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

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

Applicable Implementing Strategies:

The County will:

- a. **Strive to ensure adequate water supplies for all uses by:**
 1. **Encouraging water conservation programs by water users and purveyors;**
 2. **Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;**
 3. **Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies; and**
 4. **Complying with the May 17, 1974 Order of the State Engineer establishing and setting forth provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.**

5. **Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.**

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

Applicant: See pages 4 - 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.

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 5 - 7 of the application.

Staff: As previously stated, no development is proposed with this application. In the event that dwellings are proposed on any of the tax lots, the applicant would be required to obtain approval for an on-site septic system from the County Health Department prior to the issuance of a building permit for a new dwelling. A septic system permit will not be issued if soils are not adequate to filter and clean wastewater. The standards for such permits comply with DEQ requirements, which are designed to ensure adequate quality of groundwater. Any grading activities (e.g., construction of a dwelling) must comply with CDC Sections 410 (Grading and Drainage), 426 (Erosion Control) and Chapter 14.12 of the County Code (Grading). Compliance with these standards ensures adequate quality of surface water. Therefore, staff finds the criteria of Implementing Strategy 6.b. can be satisfied.

- c. **Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.**

- d. **Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.**
- e. **Encourage property owners with land which qualifies as "designated riparian land" and defined by the 1981 Riparian Habitat Act to apply for exemption of that land from *ad valorem* taxation.**

Applicant: See pages 5 & 6 of the application.

Staff: Two unnamed tributaries of the west fork of Dairy Creek flow through the property. The applicant states that the only activity proposed for the site is timber harvesting, and best management practices (BMPs) compliant with the Oregon Department of Forestry requirements will be used near the stream channels. The Oregon Department of Forestry will be responsible for overseeing logging activities for compliance with BMPs. As a result, 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 6 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 6 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 6 of the application.

Staff: The property is located within the Dairy Creek drainage basin watershed. If development on the subject property occurs, it will be required to comply with standards relating to DHA (Section 421) 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 pages 6 & 7 of the application.

Staff: The subject property contains water areas and wetlands recognized by the Division of State Lands. Tax lots 100 and 400 feature wetlands designated as seasonal forested deciduous streams. The applicant states that only timber harvesting activities will occur near the sensitive areas, and the activities will be compliant with Oregon Department of Forestry requirements. Staff finds that this strategy can be satisfied.

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

Applicant: See page 7 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 7 of the application.

Staff: The unnamed tributaries found on the property are Significant Natural Resource Areas. The tributaries are designated as *Water Areas and Wetlands, Fish and Wildlife Habitat* areas. The tributary located in the northwest portion of the property is also a drainage hazard area; therefore, future development in the vicinity of the buffer area will require compliance with Sections 421 and 422 of the CDC. Staff finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

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

Applicable Implementing Strategies:

The County will:

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

Applicant: See pages 8 & 9 of the application.

Staff: No development is proposed with this application. The applicant states that commercial timber harvesting will continue to employ Oregon Department of Forestry Best Management Practices (BMPs) when harvesting and associated activities occur in areas designated as fish and wildlife habitats. As previously mentioned, the Oregon Department of Forest is responsible for ensuring that BMPs are followed. Staff finds the criterion can be satisfied.

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

Applicant: See page 9 of the application.

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

- 6. Policy 14, Plan Designations, states:

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

Applicable Implementing Strategies:

- a. **Designate Natural Resource lands in the following manner:**

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

Applicant: See pages 9 - 12 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 provided a summary of the property's soil types as determined by the Soil Survey of Washington County prepared by the U.S. Department of Agriculture Soil Conservation Service. Staff finds that the soil inventory provided by the applicant is consistent with the Soil Survey of Washington County, Oregon, July 1982. Staff finds the soils to be appropriate for commercial timber propagation and harvesting.

The property has historically been and is currently being used for commercial timber production. Surrounding properties are composed of agriculture and forest lands, and approximately half of the adjacent properties are developed with residences. As previously mentioned, tax lots 100 and 700 are heavily forested; however, recent aerials show a large area within tax lot 400 which has been logged. Staff has asked the applicant to provide more information regarding the logging activity on tax lot 400, specifically, if the logged area has been replanted for future harvest and whether or not it is in compliance with the Forest Practices Act.

A contour map of the property shows that it is comprised of moderate to steep slopes. The elevation changes from approximately 260' in elevation in the northeast corner to its highest point at approximately 1120' in elevation near the western property boundary. The soil inventory indicates that the site is suitable for either agriculture or timber use; however, staff agrees with the applicant that the moderate to steep slopes on the property make timber use the most suitable. The majority of the adjacent properties are designated as AF-20, one is EFU and one is AF-5. The surrounding properties primarily support farm and forest uses, as well as some rural residences. Staff finds that continuing the commercial timber activities on the property is compatible with surrounding properties.

Washington County Assessment and Taxation records show the property is in forest deferral.

Staff finds that each of the above criteria has been satisfied.

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

Staff: The property is approximately 429 acres and therefore meets the criteria for designation as a "large block" of 76 acres or more. Staff 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 12 - 14 of the application.

Staff: As stated previously, the subject property is approximately 429 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 pages 14 – 17 of the application.

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

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

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

Applicable Implementing Strategy:

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

1. **Schools**

2. **Fire and Police Protection**

Applicant: See pages 17 - 21 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 Forest Grove School District, the Forest Grove Fire and Rescue District and the Washington County Sheriff's Office. The application includes a service analysis for the school district, describing present enrollments and capacity of the district's schools that serve the site, an analysis for the fire district, describing station location, equipment availability and response times, and an analysis for the Sheriff's office, describing adequacy of service levels. Staff again notes that no new development is proposed with this development.

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

the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property under the EFC designation, should the proposed plan amendment be approved.

Information obtained from the Forest Grove School District shows the site is located within the following school attendance areas: Harvey Clarke Elementary School, Tom McCall Upper Elementary School, Neil Armstrong Middle School and Forest Grove High School. The school district noted that the closest schools are approximately two miles from the subject property. The school district indicates there is sufficient enrollment capacity in each school.

The site is within the service area of the Forest Grove Fire and Rescue District. According to the fire district, the nearest fire station is located approximately 4 miles away with an estimated response time of 7 minutes. Seven personnel and three pieces of apparatus are available for an initial attack on fires that could occur on this property. The Forest Grove Fire and Rescue District indicated that their service level can adequately serve the 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 service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to the subject property if the proposed plan amendment is approved. 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 21 - 23 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. 08-438-PA.

E. Washington County Community Development Code

1. Article III, Land Use Districts:

Section 342 Exclusive Forest and Conservation District (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

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

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

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

Section 344 Agriculture and Forest District (AF-20)

344-1 Intent and Purpose

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

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

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

Applicant: See pages 54 - 70 of the application.

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

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

Section 421 Flood Plain and Drainage Hazard Area Development

Applicant: See pages 71 – 90 of the application.

Staff: As previously mentioned, two unnamed tributaries of the west fork of Dairy Creek are present on the property. The tributary located in the northwestern portion of the property is also a designated drainage hazard area. The applicant has stated that Stimson Lumber Company will continue to follow the Best Management Practices set forth by the Oregon Department of Forestry which include managing forestry activities in and near drainageways. Future development within the drainage hazard area may require land use approval pursuant to the requirements set forth in Section 421. Staff finds that the criteria set forth in Section 421 can likely be satisfied through the development review process in the future.

Section 422 Significant Natural Resources

Applicant: See pages 91 – 98 of the application.

Staff: The Rural/Natural Resource Plan designates both unnamed tributaries as Water Areas, Wetlands and Fish and Wildlife Habitat areas. Section 422-3.3.A(9)(b) states that commercial

forestry activities may occur within water areas, wetlands and fish and wildlife habitat areas when the activities are in compliance with the Oregon Forest Practices Act and Administrative Rules. The applicant has stated that the commercial timber propagation and harvesting activity on the property has maintained compliance with the act and the rules, and no other activity or development is proposed; therefore, staff finds that the criteria of Section 422 can be satisfied through a future development review process.

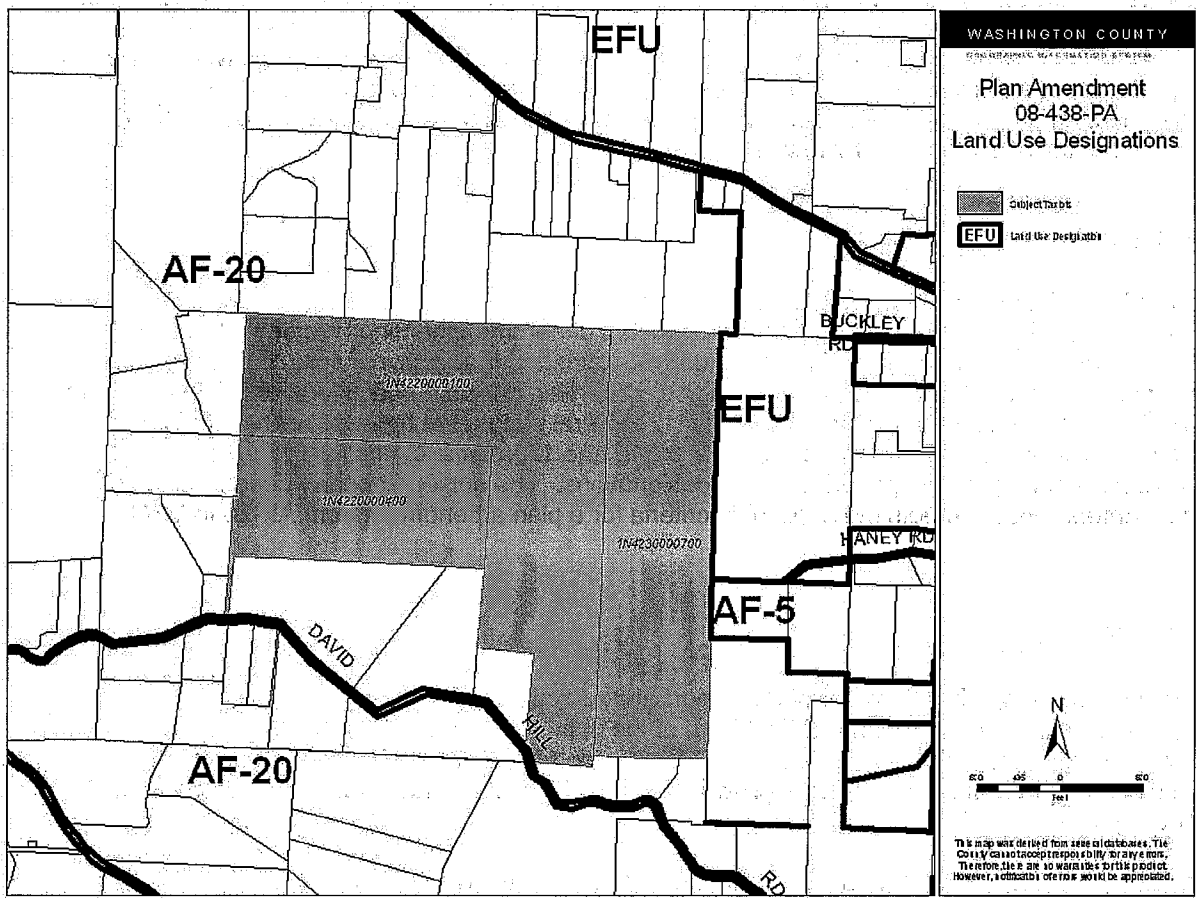
IV. SUMMARY AND CONCLUSIONS

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

V. RECOMMENDATION

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

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



March 10, 2009

**TRANSPORTATION REPORT
CASEFILE NO. 08-438-PA**

Applicant: Stimson Lumber Company
Location: On the north side of David Hill Road, east of Gales Creek Road
Tax Map/Lot: 1N4 22 Tax Lots 100 & 400, 1N4 23, Tax Lot 700
Site Size: 429 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 on the north side of David Hill Road, east of its intersection with Gales Creek Road. There are three tax lots that are included in this plan amendment request. Access to Tax lot 700, Map 1N4 23 is provided via a recorded easement which connects the tax lot to the western terminus of NW Buckley Road, a local roadway. This is the only improved access point to date. Tax lot 100, Map 1N4 22, has frontage on NW David Hill Road, a rural county local roadway. Tax lot 400, Map 1N4 22, has frontage on NW David Hill Road via a 40' wide by 665' long "flag pole." Neither tax lot 100 nor 400 have improved access points on NW David Hill Road at present.

Access to the subject property is not being evaluated as part of the plan amendment application; access is reviewed for consistency with applicable Community Development Code standards at the time of site development. All of the subject parcels appear to have a means of access to a public road via easements or direct roadway frontage.

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' David Hill 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 parcels 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. Both the existing plan designation of AF-20 and the proposed plan designation of EFC are exclusive 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 David Hill 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.

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SUMMARY OF DECISION

Stimson Lumber Company applied to Washington County for a plan amendment to change the plan designation for three parcels totaling approximately 429 acres from Agriculture and Forest (AF-20) to Exclusive Forest and Conservation (EFC). The property is more specifically described as tax lots 100 & 400 of tax map 1N4 22 and tax lot 700 of tax map 1N4 23.

At its hearing on February 4, 2009, the Washington County Planning Commission voted unanimously to recommend approval of the plan amendment application to the Board of County Commissioners. At its hearing on March 17, 2009, the Board approved the plan amendment request, subject to the following conditions:

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