



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 7, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 006-06

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 20, 2006

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

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

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

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Aisha Willits, Washington County

<paa> ya/

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

JUN 30 2006

This form must be received by DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Washington County

Local File No.: 06-150-PA (If no number, use none)

Date of Adoption: June 27, 2006 (Must be filled in)

Date Mailed: June 29, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: April 21, 2006

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." The plan amendment request removed the Agriculture and Forestry - 20 Acre District (AF-20) designation on the subject property and designated the property Exclusive Forest & Conservation (EFC).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the proposed amendment, write "N/A." SAME

Plan Map Changed from: AF-20 to: EFC

Zone Map Changed from: N/A to: N/A

Location: Tax lot 100 on Tax Map 2S2 29 Acres involved: 40.84 acres

Specified Change in Density: Previous: 1 D.U. / 80 acres New: 1 D.U. / 80 acres

Applicable Statewide Planning Goals: 1, 2, 3, 4, 11, 12

Is an Exception Proposed? Yes: [] No: [X] Was an Exception Adopted? Yes: [] No: [X]

DLCD No: 006-06(15177)

Did the Department of Land Conservation and Development receive a notice a Proposed Amendment FORTY-FIVE (45) days prior to the first evidentiary hearing? Yes: No:

If no, do the Statewide Planning Goals apply? Yes: No:

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

Affected State and Federal Agencies, Local Governments or Special Districts:
Washington County Land Use and Transportation, Washington County Sheriff, Washington County Fire District #2,
Oregon Department of Transportation, Hillsboro School District

Local Contact: Aisha Willits, Senior Planner Area Code + Phone Number: 503-846-3961

Address: Washington County DLUT, 155 N First Avenue, Suite 350-14

City: Hillsboro Zipcode + 4: 97124-3072

Email Address: Aisha_willits@co.washington.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO (2)** Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no 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 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 copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

Aischa

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: PLAN AMENDMENT 06-150-PA - CONSIDER PLAN AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM AF-20 TO EFC ON 1 PARCEL CONSISTING OF 40.84 ACRES

Presented by: Brent Curtis, Planning Manager

SUMMARY (Attach Supporting Documents if Necessary)

The applicant is requesting a plan amendment from Agriculture and Forestry – 20 Acres (AF-20) to Exclusive Forest & Conservation (EFC) for a 40.84-acre property described as Tax Lot 100 on Tax Map 2S2, Section 29. The property is located between Hillsboro Highway 219 and Mountain Home Road, southeast of Groner Road and northwest of Neill Road.

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

On June 7, 2006, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board prior to the June 27, 2006 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

The staff report for the June 27, 2006 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.
(continued)

Attachments: 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 Chair to sign Resolution and Order for Plan Amendment 06-150-PA.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000 *RO 06-151*

Agenda Item No.	4.b.
Date:	6/27/06

PROPOSED PLAN AMENDMENT FROM AF-20 TO EFC, CASEFILE 06-150-PA

June 27, 2006

Page 2

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. This may be unnecessary if no one wishes to testify against the application.

Although the Board does not have an expedited hearing process, the Board may wish to conduct the hearing similar to the Planning Commission's procedures. Under the Planning Commission's procedures, an expedited hearing process can be used under the following conditions:

- The staff report recommends approval
- The applicant has no objection
- No one in the audience wishes to testify
- There is no objection from any member of the Commission

Under the expedited process, the Planning Commission relies on the written record, opens the hearing, dispenses with a verbal staff report and places on the record the fact that neither the applicant nor anyone in the audience wishes to testify.

Staff has prepared a Resolution and Order that adopts the June 7, 2006 Planning Commission recommendation if the Board wishes to approve the application at this hearing.

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

1
2 In the Matter of a Proposed Plan) RESOLUTION AND ORDER
3 Amendment Casefile 06-150-PA)
4 for William & Marie Gregory) No. 06-151
5)

6 This matter having come before the Washington County Board of Commissioners (Board) at its
7 meeting of June 27, 2006; and

8 It appearing to the Board that the above-named applicant applied to Washington County for a
9 Plan Amendment to change the plan designation for certain real property consisting of one parcel
10 described more fully in the Notice of Public Hearing, (Exhibit "A"), attached hereto and by this reference
11 made a part hereof, from AF-20 (Agriculture and Forestry – 20 Acre District) to EFC (Exclusive Forest and
12 Conservation); and

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

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

19 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on
20 June 7, 2006, voted to recommend that the Board adopt 06-150-PA, it is therefore

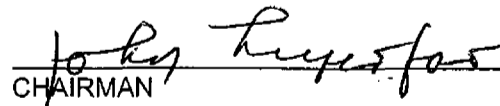
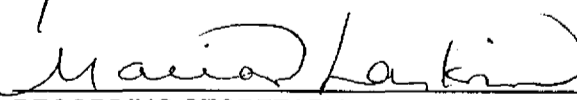
21 RESOLVED AND ORDERED that Casefile No. 06-150-PA for a Plan Amendment for property
22 described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject
23 to the conditions of approval set forth in the Summary of Decision, (Exhibit "D").

24 3 votes Aye, 0 votes Nay.

25 BOARD OF COUNTY COMMISSIONERS
26 FOR WASHINGTON COUNTY, OREGON

27 APPROVED AS TO FORM:

28 
29 _____
30 County Counsel
for Washington County, Oregon

31 
32 _____
33 CHAIRMAN
34 
35 _____
36 RECORDING SECRETARY

4.b.

PLAN AMENDMENT APPLICATION

William & Marie Gregory

Case File No. 06-150-PA

**For the June 27, 2006
Board of Commissioners' Meeting**

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: PLAN AMENDMENT 06-150-PA - CONSIDER PLAN AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM AF-20 TO EFC ON 1 PARCEL CONSISTING OF 40.84 ACRES

Presented by: Brent Curtis, Planning Manager *Brent Curtis*

SUMMARY (Attach Supporting Documents if Necessary)

The applicant is requesting a plan amendment from Agriculture and Forestry – 20 Acres (AF-20) to Exclusive Forest & Conservation (EFC) for a 40.84-acre property described as Tax Lot 100 on Tax Map 2S2, Section 29. The property is located between Hillsboro Highway 219 and Mountain Home Road, southeast of Groner Road and northwest of Neill Road.

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

On June 7, 2006, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board prior to the June 27, 2006 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

The staff report for the June 27, 2006 hearing and the applicant's submittal will be provided to the Board and the Board's clerk under separate cover.
(continued)

Attachments: 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 Chair to sign Resolution and Order for Plan Amendment 06-150-PA.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

100-601000

Agenda Item No. _____
Date: 6/27/06

PROPOSED PLAN AMENDMENT FROM AF-20 TO EFC, CASEFILE 06-150-PA

June 27, 2006

Page 2

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. This may be unnecessary if no one wishes to testify against the application.

Although the Board does not have an expedited hearing process, the Board may wish to conduct the hearing similar to the Planning Commission's procedures. Under the Planning Commission's procedures, an expedited hearing process can be used under the following conditions:

- The staff report recommends approval
- The applicant has no objection
- No one in the audience wishes to testify
- There is no objection from any member of the Commission

Under the expedited process, the Planning Commission relies on the written record, opens the hearing, dispenses with a verbal staff report and places on the record the fact that neither the applicant nor anyone in the audience wishes to testify.

Staff has prepared a Resolution and Order that adopts the June 7, 2006 Planning Commission recommendation if the Board wishes to approve the application at this hearing.

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

1
2 In the Matter of a Proposed Plan) RESOLUTION AND ORDER
3 Amendment Casefile 06-150-PA)
4 for William & Marie Gregory) No. _____
5)

6 This matter having come before the Washington County Board of Commissioners (Board) at its
7 meeting of June 27, 2006; and

8 It appearing to the Board that the above-named applicant applied to Washington County for a
9 Plan Amendment to change the plan designation for certain real property consisting of one parcel
10 described more fully in the Notice of Public Hearing, (Exhibit "A"), attached hereto and by this reference
11 made a part hereof, from AF-20 (Agriculture and Forestry – 20 Acre District) to EFC (Exclusive Forest and
12 Conservation); and

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

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

19 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on
20 June 7, 2006, voted to recommend that the Board adopt 06-150-PA, it is therefore

21 RESOLVED AND ORDERED that Casefile No. 06-150-PA for a Plan Amendment for property
22 described in Exhibit "A" is hereby approved, based on the findings in Exhibits "B" and "C", and is subject
23 to the conditions of approval set forth in the Summary of Decision, (Exhibit "D").

24 _____ votes Aye, _____ votes Nay.

25 BOARD OF COUNTY COMMISSIONERS
26 FOR WASHINGTON COUNTY, OREGON

27 APPROVED AS TO FORM:

28 _____
29 CHAIRMAN

30 _____
County Counsel
for Washington County, Oregon



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
SUITE 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124-3072
(503) 846-3519 fax: (503) 846-4412

NOTICE OF PUBLIC HEARING

PROCEDURE TYPE: III

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S):

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

PROPOSED PLAN AMENDMENT:

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

is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on: **June 7, 2006 at 1:30 PM** in the auditorium of Washington County Public Services Building, 155 N First Avenue, Hillsboro, Oregon. After the hearing the Planning Commission will decide on a recommendation to the to the Board of County Commissioners on this matter.

The Board of Commissioners will consider the request at a public hearing on: **June 27, 2006 at 6:30 PM** in the auditorium of Washington County Public Services Building, 155 N First Avenue, 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 (503) 846-8611 (voice) or (503) 846-4598 (TDD-Telecommunications Devices for the Deaf) no later than 5:00 PM, 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.

FURTHER INFORMATION, PLEASE CONTACT:

Aisha Willits, Associate Planner

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

CASE FILE NO.: 06-150-PA

APPLICANT:

William & Marie Gregory

PO Box 710

Gleneden Beach OR 97388

APPLICANT'S REPRESENTATIVE:

Lane Powell PC

601 SW Second Avenue, Suite 2100

Portland OR 97204-3158

CONTACT PERSON: John Pinkstaff

OWNERS:

William & Marie Gregory / Henry Laun

PO Box 710 / PO Box 2145

Gleneden Beach OR 97388 / Borrego Springs CA 92004

PROPERTY DESCRIPTION:

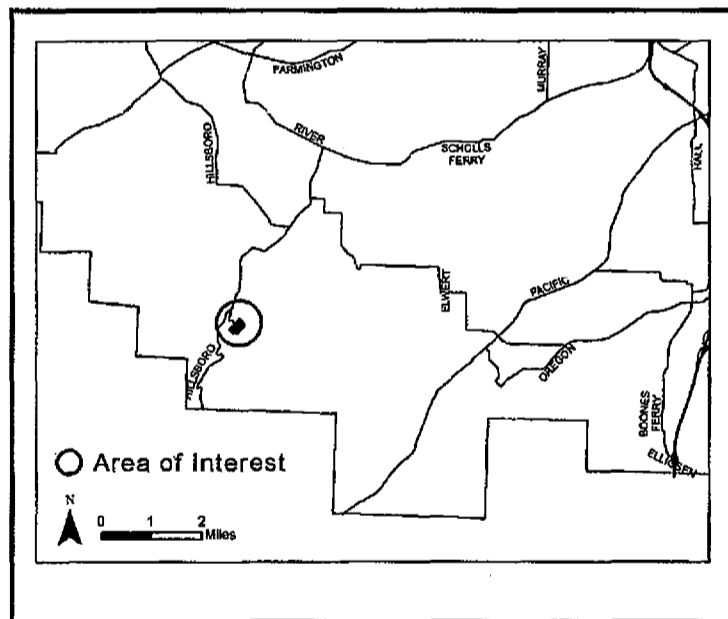
ASSESSOR MAP NO(S): 2S2, Section 29

TAX LOT NO(S): 100

SITE SIZE: 40.84 acres

ADDRESS: None

LOCATION: Between SW Mountain Home Road and Highway 219, southeast of Groner Road and northwest of Neill Road.



NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

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

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

RULES OF PROCEDURE

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

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

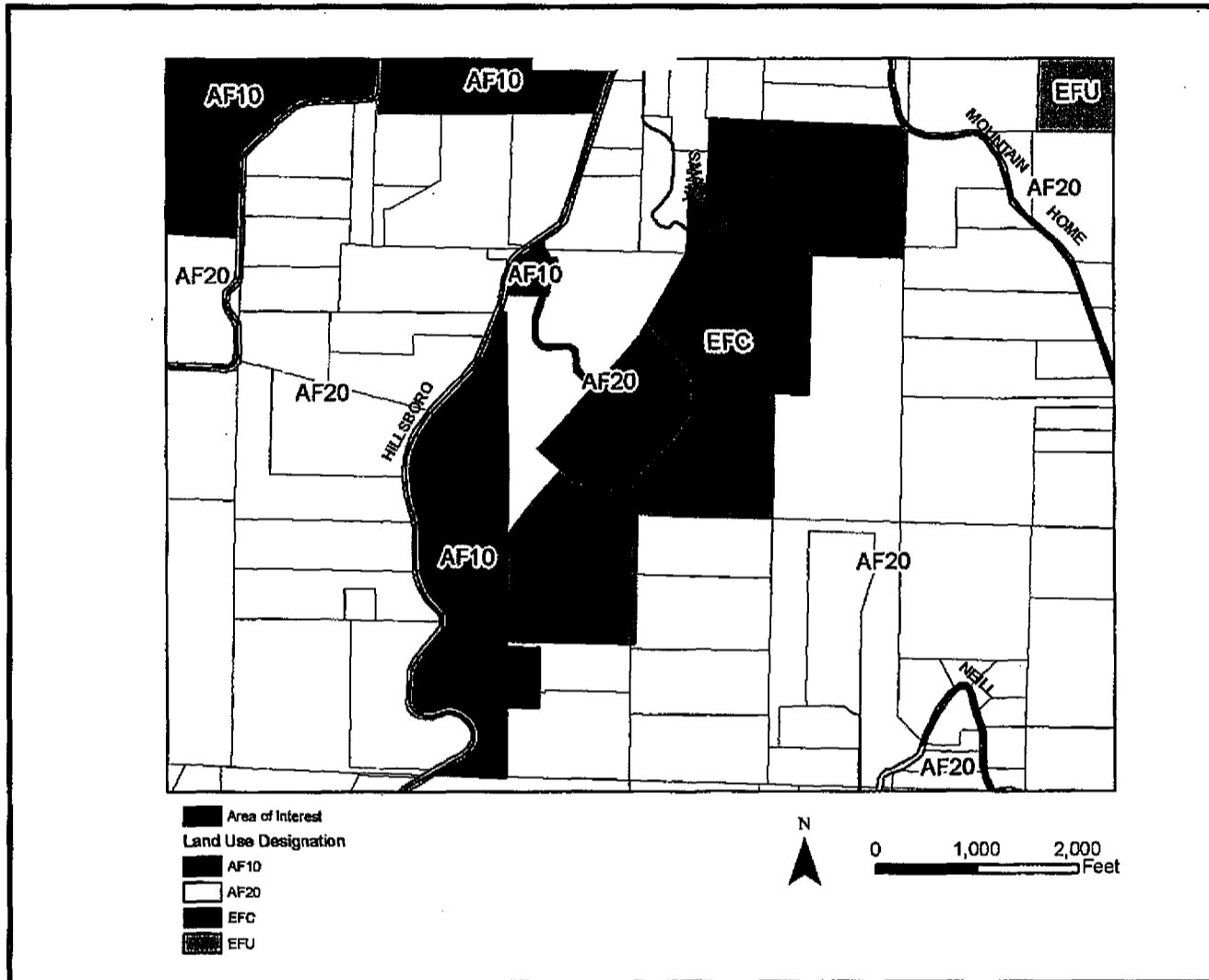
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

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

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

For further information, please contact **Aisha Willits, Associate Planner**, Department of Land Use and Transportation, at 503-846-3519.

Tax Map/Lot Number: 2S2, Section 29, Tax Lot 100
 Case File Number: 06-150-PA



Applicable Land Use Districts:

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

Applicable Goals, Policies & Regulations:

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 11, 12
- B. Washington County Rural/Natural Resource Plan Policies 1, 2, 6, 8, 10, 16, 17, 22, 23
- C. Washington County Community Development Code
 Article II: Procedures
 Article III, Sections 342-1 and 344-1
- D. Oregon Administrative Rules 660-012-0060, 660-006-0015(2), 660-033-0030(4)
- E. Washington County 2020 Transportation Plan Policies 1, 2, 4, 5, 6, 10, 19



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

STAFF REPORT

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

ASSESSOR MAP NO.: 2S2 29
TAX LOT NO(S): 100
SITE SIZE: 40.84 acres
LOCATION: Between SW Mountain Home Road and Highway 219, southeast of Groner Road and northwest of Neill Road.

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

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

Casefile No. 06-150-PA Staff Report for the June 27, 2006 Board of County Commissioners Hearing

I. APPLICABLE REGULATIONS

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 6, 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
- 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.: 06-150-PA

APPLICANTS:
William & Marie Gregory
PO Box 710
Gleneden Beach OR 97388

APPLICANT'S REPRESENTATIVE:
John Pinkstaff
Lane Powell PC
601 SW 2nd Avenue
Portland OR 97204

OWNER:
William & Marie Gregory / Henry Laun
PO Box 710 / PO Box 2145
Gleneden Beach OR 97388 / Borrego Springs CA 92004

SITE ADDRESS
Unaddressed

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Hillsboro School District
Washington County Fire District #2

III. FINDINGS

A. General

Applicant: See pages 6 - 8 of the application.

Staff: According to current tax assessment maps, the tax lot subject to this proposed plan amendment encompasses a total of 40.84 acres. The property is generally located between Highway 219 and SW Mountain Home Road, southeast of SW Groner Road and northwest of SW Neill Road (see the map on page 16 of this staff report). The property is jointly owned by William and Marie Gregory and Henry Laun.

The property was involved in a plan amendment request in 2005 (Casefile No. 05-086-PA) along with five additional parcels. The six parcels identified in 05-086-PA requested a plan designation change from AF-20 to EFC. Tax lot 100 on tax map 2S2 29 (the subject property) was the only parcel that was not granted an EFC designation as part of Casefile 05-086-PA. The subject property was denied the EFC designation at the time because the property was not in forest use and did not have forest deferral tax status. The 05-086-PA staff report stated that "Tax lot 100 is not predominantly forested and does not meet the criteria for a plan amendment from AF-20 to EFC. To meet the criteria, tax lot 100 must be converted to at least 51% forest use".

Since the final hearing on 05-086-PA, the applicant has cleared approximately half of the cherry orchard. The applicant states that twenty five acres (61% of the 40.84-acre property) of tax lot 100 have been planted with approximately 10,000 Douglas Fir seedlings. In addition, an application to switch the current farm tax deferral to forest deferral has been submitted to the county's Department of Assessment and Taxation.

Tax lot 100 has direct access to Highway 219 via a 50-foot wide roadway. Highway 219 is a state highway under the jurisdiction of the Oregon Department of Transportation (see also Section D and Attachment A of this staff report).

The applicant's submittal states that approval of this plan amendment request may result in one dwelling on the undeveloped parcel through the template dwelling process. Template dwellings are an allowed use in the EFC District. The applicant has indicated an interest in pursuing approval of a template dwelling in the event this plan amendment is approved.

State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The Planning Commission reviewed the plan amendment request at their hearing on June 7, 2006. The Commission voted 8-0 to forward a recommendation for approval to the Board of County Commissioners.

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 and guidelines. Goals applicable to this proposal are addressed under related

policies from Washington County's Rural/Natural Resource Plan Element and in Attachment A, the Transportation Report. In addition, Oregon Administrative Rules (OAR) for Goals 3 and 4 are specifically addressed below.

LCDC Goal 3, Agricultural Lands

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

OAR 660-033-0030: Identifying Agricultural Land

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

LCDC Goal 4, Forest Lands

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

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

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

Staff: The subject property is designated AF-20, which is a resource designation for farm use in Washington County. The subject property has historically been used for agricultural purposes. However, the applicant stated that half of the cherry orchard on the subject property has been removed and twenty five acres of the 40.84-acre property have been planted with 10,000 Douglas Fir seedlings. The property is presently on farm tax deferral status, and the applicants submitted evidence demonstrating that they have applied for forest deferral status with the county's Department of Assessment and Taxation. The subject site meets the definition of Goal 4 forestland because the soils exhibit high potential productivity with no serious limitations on forest management. The applicant's request is to change the designation of the subject property to EFC (Goal 4) in order to reflect its present and future use.

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 LCDDC Goal 3 or Goal 4; or

IV. compatible with surrounding land uses.

Applicant: See pages 8 – 11 of the application.

Staff: The applicant's submittal states that this plan amendment request meets the criteria set forth under Policy 1.p.8.B. Part B requires a quasi-judicial plan amendment to meet at least one of the above four criteria. In this case, the request currently meets three of the four criteria. Per the application submittal, the subject property was recently planted with approximately 10,000 Douglas Fir seedlings in order to convert the property from agricultural use to forest use. Though the subject property is not currently on forest deferral, the applicants have applied for forest tax deferral status with the county's Department of Assessment and Taxation (a copy of the deferral application is included in the casefile). The subject property features soils classified as high value soils for agricultural purposes in Oregon; the property also meets the forest land parameters set forth in Goal 4, which broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations.

The applicant addresses the surrounding parcels and land uses in the narrative for Policy 1 on pages 10 and 11 of the submittal. The surrounding parcels are primarily designated AF-20 and AF-10. Exclusive Forest and Conservation (EFC) properties are located to the northeast, east and south of the property.

North of the Subject Property

North of the property are tax lots 103 and 104 (2S2 29), 1602 and 1603 (2S2 20), and 801, 900, 901 and 902 (2S2 21). Tax lot 103 is designated AF-20, while tax lot 104 has an AF-10 designation. Both properties are in agricultural use and have farm deferral status. Tax lot 104 also supports a residential dwelling. Tax lots 1602 and 1603 are designated AF-20 and are developed with residences. The properties are in farm and forest deferral, respectively. Tax lot 801 is in residential and agricultural use and has farm deferral status. Tax lots 900, 901 and 902 were

granted EFC designations in 2005 through the approval of Casefile 05-086-PA. Tax lot 900 has been developed with a residence, however tax lots 901 and 902 are undeveloped. All three properties are in forest use and have forest deferral status.

East of the Subject Property

Two large tax lots are located east of the property. Tax lot 500 (2S2 28) was designated EFC through Casefile 05-086-PA. The property is currently undeveloped, is in farm and forest use and has both farm and forest deferral status. To the east of tax lot 500, tax lot 400 (2S2 28) is designated AF-20 and supports residential and forest uses. The property has forest deferral status.

South of the Subject Property

Three properties are located to the south of the property. Tax lot 105 (2S2 29) was designated EFC through Casefile 05-086-PA and is currently vacant. The property is in forest use, but is currently in farm deferral status. Tax lots 600 and 700 (2S2 28) are designated AF-20 and are in forest use. The properties have forest deferral status and are undeveloped.

West of the Subject Property

With the exception of tax lot 102 (2S2 29), which is designated AF-20, the tax lots to the west of the subject property and along Highway 219 are AF-10 and support residential and agricultural uses. Several of the properties have farm deferral status.

According to the applicant's submittal, uses allowed under the EFC designation are similar to those allowed in the AF-20 District. While the property has historically been utilized for agricultural uses, the property owners have replaced the majority of the cherry orchards with Douglas Fir seedlings and have applied for forest deferral status on the subject property.

To qualify for the plan amendment, the parcel involved in the plan amendment request must meet the criteria for a change from AF-20 to EFC. According to the applicant and based on a site visit by staff on April 19, 2006, tax lot 100 is approximately 61% forested and therefore meets the criteria for a plan amendment from AF-20 to EFC. In addition, the tax lot must comply with the minimum stocking requirements defined by the Forest Practices Act. Staff finds that these criteria can be met.

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

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

2. Policy 2, Citizen Involvement, states:

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

Applicant: See pages 11 & 12 of the application.

Staff: A quasi-judicial plan amendment such as this must be considered through a Type III (public hearing) review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission and Board of Commissioners public hearings on this application was sent to all property owners within 1,000 feet of the subject property. This notice was sent at least 20 days prior to the first hearing (mailed May 18, 2006). Additionally, the

County placed a legal notice of the hearing in a newspaper of general circulation (*The Hillsboro Argus*) at least ten days prior to the first hearing date (published May 26, 2006). As required by CDC Section 204-1.4, the applicant posted a sign (posted April 20, 2006) on the subject property within 21 days of acceptance of the application (accepted on April 21, 2006).

A copy of the plan amendment application was mailed to the representative for the local Citizen Participation Organization (CPO 10). Finally, the staff report was available to all interested parties seven days prior to the hearing as required by Code Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

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

3. Policy 6, Water Resources, states:

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

Applicant: See pages 12 - 20 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.

The only readily available evidence relating to groundwater conditions in specific areas is contained in water well reports (well logs) filed with the regional Watermaster's Office by well drillers at the time they drill a well. If enough wells are drilled in an area over an extended period of time, and if some of the well reports are recent, then well reports can be an indicator of any trends concerning the quantity of water being yielded by wells in the area. They do not, however, provide information concerning trends with regard to individual wells.

Policy 6 allows an applicant to use the well reports as evidence of groundwater quantity conditions in the area around a plan amendment site. If, however, opponents of an application allege, based on their experience with the production of their wells, that groundwater quantities in the area are declining, then it is the applicant's responsibility to provide evidence and/or testimony to rebut the opposition's assertion.

Opposition testimony can be rebutted by an applicant in the above-described situation by having an "expert" such as a professional geologist or hydrologist review the 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 15 - 17 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. Under the AF-20 and EFC designations, no additional parcels can be created from the site, although approval of this plan amendment request could result in one new dwelling on the subject property. Because both the AF-20 and EFC Districts are resource districts and the potential allowed uses in these districts are similar, staff believes the worst-case scenario for the development impact on the subject site under either plan designation is similar. Therefore the applicant's burden of proof is less than what would be required in other cases where the designation would allow an increase in the potential number of dwellings or new uses not permitted by the current designation.

The subject property is not located within an area identified as critical or groundwater-limited by the Oregon Water Resources Department.

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 pages 17 - 18 of the application.

Staff: Prior to the issuance of a building permit for a new dwelling, the County Health Department must approve the installation of a septic system for the 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) and 426 (Erosion Control). Compliance with these standards ensures adequate quality of surface water. The applicant will have to demonstrate land use compatibility at the point of their septic permit application. 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 modification 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 18 & 19 of the application.

Staff: According to the Rural/Natural Resource Plan Significant Natural Resources Map, the only significant natural resource on the property is a branch of Heaton Creek that crosses the 50-foot wide access easement to the subject property. No development or alteration is planned for the access easement. The stream is designated as a *Water Areas and Wetlands, Fish and Wildlife Habitat* area. The tax lot subject to this plan amendment appears to be well outside the flood plain of Heaton Creek. Any future development in the vicinity of the flood plain would require compliance with Section 421 of the Community Development Code; staff therefore finds this policy 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 19 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 19 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 19 of the application.

Staff: The property is located within the Heaton Creek drainage basin watershed. Development on the subject property will be required to comply with standards relating to drainage at the time of development review. Therefore, staff finds these strategies can be satisfied.

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

Applicant: See page 19 of the application.

Staff: The subject property does not contain water areas and wetlands recognized by the Division of State Lands. However, a branch of Heaton Creek crosses the 50-foot easement that provides access to the property. Division of State Lands regulations would apply if wetlands were to be identified on the property. Compliance with this state agency is required through CDC Section 421.

- 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 20 of the application.

Staff: Any subsequent development of the subject property will have to comply with Community Development Code sections that implement the above strategies—Sections 410 (Grading and Drainage) and 426 (Erosion Control). 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 pages 20 & 21 of the application.

Staff: The only significant natural resource on the property is a branch of Heaton Creek that crosses the 50-foot wide access easement to the subject property. No development or alteration is planned for the access easement. The stream is designated as a *Water Areas and Wetlands, Fish and Wildlife Habitat* area. The tax lot subject to this plan amendment appears to be well outside the flood plain of Heaton Creek. According to the applicant, tax lot 100 is relatively flat and

can accommodate a housing site well outside of the steep slopes along Heaton Creek southeast of the property. Any future development in the vicinity of the flood plain would require compliance with Section 421 of the Community Development Code; staff therefore finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

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

Applicable Implementing Strategies:

The County will:

- a. **Establish standards with which development in areas defined as significant fish and wildlife habitat must comply, so as to assure the conservation of this habitat.**

Applicant: See pages 21 & 22 of the application.

Staff: According to the applicant, the only portion of the subject property that is impacted by a *Water Areas and Wetlands, Fish and Wildlife Habitat* designation is the 50-foot wide access easement from Highway 219. No development or alteration of the easement is proposed by the applicant. CDC Section 422 (Significant Natural Resources), which will apply at the development review stage, provides standards for development in this area. The requirements are the same for either the AF-20 or the EFC designation. Therefore, staff finds the criterion can be satisfied.

- 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 page 21 of the application.

Staff: As mentioned above, the only portion of the subject property that is impacted by a *Water Areas and Wetlands, Fish and Wildlife Habitat* designation is the 50-foot wide access easement from Highway 219. No development or alteration of the easement is proposed by the applicant. CDC Section 422 (Significant Natural Resources), which applies at the development review stage, provides standards for development in these areas. Therefore, staff finds this 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 22 of the application.

Staff: The Habitat Protection Plan recommendations for protection of Wildlife Habitat identify the following types of wildlife habitats: **Big Game, Upland Game, Furbearers, and Nongame Wildlife**. The subject property is not located within a Wildlife Habitat zone, therefore the Habitat Protection Plan does not apply.

6. Policy 14, Plan Designations, states:

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

Applicable Implementing Strategies:

a. Designate Natural Resource lands in the following manner:

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

Applicant: See pages 22 - 25 of the application.

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

The applicant submitted evidence that the subject property was recently planted with 10,000 Douglas Fir seedlings and approximately half of the cherry orchard that existed on the site has been removed. The seedlings were planted on 25 acres of the 40.84-acre property. The applicants have applied for forest deferral status and intend to manage the property for forest use. Several surrounding properties are also forested, and most are designated EFC or AF-20. A few of the surrounding properties are in farm use or rural residential use. Canyons run northwest and southeast of the subject property, although the subject property itself is primarily flat.

According to the USDA *Soil Survey of Washington County* (SCS 1982), Laurelwood 28D soil is the only soil type on the subject property. The soil consists of the Laurelwood 28D soil type. Slopes on Laurelwood 28D soils range from 12 to 20%. Laurelwood soil is mainly suitable for woodland, irrigated crops and berries, pasture, homesites and recreation. The woodland suitability score for the Laurelwood soil type is 2o2 or 2r2. Both woodland suitability codes demonstrate "high potential productivity and no serious limitations for management". Site preparation and

replanting may be required in order to obtain full stocking. Group 2o2 and 2r2 soils are best suited for Douglas Fir, Oregon white oak and bigleaf maple production.

To qualify for the plan amendment, the parcel must meet the criteria for a change from AF-20 to EFC. Tax lot 100 did not meet the criteria for a plan amendment when proposed as part of Casefile 05-086-PA because the property was not predominantly forested. Since the Board of County Commissioners heard Casefile 05-086-PA, approximately 25 acres of the subject property's 40.84 acres has been planted with Douglas Fir seedlings. Therefore, staff finds that tax lot meets the criteria of Implementing Strategy 14.a.1.

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

Staff: The subject property is 40.84 acres and is adjacent to a 174-acre block of EFC-designated properties. Staff therefore finds the request to be consistent with this implementing strategy, which staff traditionally has applied to both quasi-judicial and legislative requests.

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

7. Policy 16, Exclusive Forest Lands, states:

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

Applicable Implementing Strategies:

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

Applicant: See page 26 of the application.

Staff: As stated previously, the subject property is 40.84 acres and is adjacent to a block of EFC land that is 174 acres in size. 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, staff traditionally has applied the "large block" criterion to both the legislative and quasi-judicial processes (see discussion under Policy 14.b. above).

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

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

Applicant: See page 27 of the application.

Staff: The AF-20 District is an exclusive farm use district. The subject property was designated AF-10 by the 1973 Comprehensive Framework Plan, but did not qualify for a Goal 2 exception in 1983 when the Rural/Natural Resource Plan was adopted. Subsequently, the site was designated AF-20 consistent with this policy. Quasi-judicial plan amendment applications to change the AF-20 Plan designation to another rural designation are permitted by Policy 1 of the Rural/Natural Resource Plan Element. The applicant has submitted evidence that documents the request is consistent with this policy.

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 28 & 29 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 Hillsboro School District, Washington County Fire District #2, and Washington County Sheriff's Office. The application includes a service analysis for the school district, describing present enrollments and capacity of the district's schools that serve the site, and an analysis for the fire district, describing station location, equipment location and response times. All three service providers have stated that service levels are adequate to serve the proposed development that could occur if this plan amendment is approved. Staff notes that the proposed amendment may result in one new single family residence.

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

Information obtained from the Hillsboro School District shows the site is located within the following school attendance areas: Groner Elementary School, Thomas Middle School and Hillsboro High School. The elementary school is located approximately 3.87 miles away. The middle school is approximately 13 miles away. Hillsboro High School is 11.24 miles away. The school district indicates there is sufficient enrollment capacity in all three schools. Staff concludes

from the information contained in the letter from the Hillsboro School District that there is adequate school capacity to serve a new single family residence on the site.

The site is within the service area of Washington County Fire District #2. According to the fire district, the nearest fire station is located approximately 5 miles away with an estimated response time of six to eight minutes. The fire district indicated that the district's service level is adequate to serve the proposed development.

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

Based on the above-described service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property if the proposed plan amendment is approved. This request, therefore, complies with Policy 22.

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

D. Washington County Transportation Plan

Applicant: See pages 30 - 34 of the application.

Staff: Findings pertaining to the County Transportation Plan and the Oregon Transportation Planning Rule can be found in Attachment A, Transportation Report for Casefile No. 06-150-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 34 - 37 of the application.

Staff: The subject property is predominantly in forestry use and the applicant has applied for forest deferral status. Tax lot 100 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 farmland and farm uses.

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

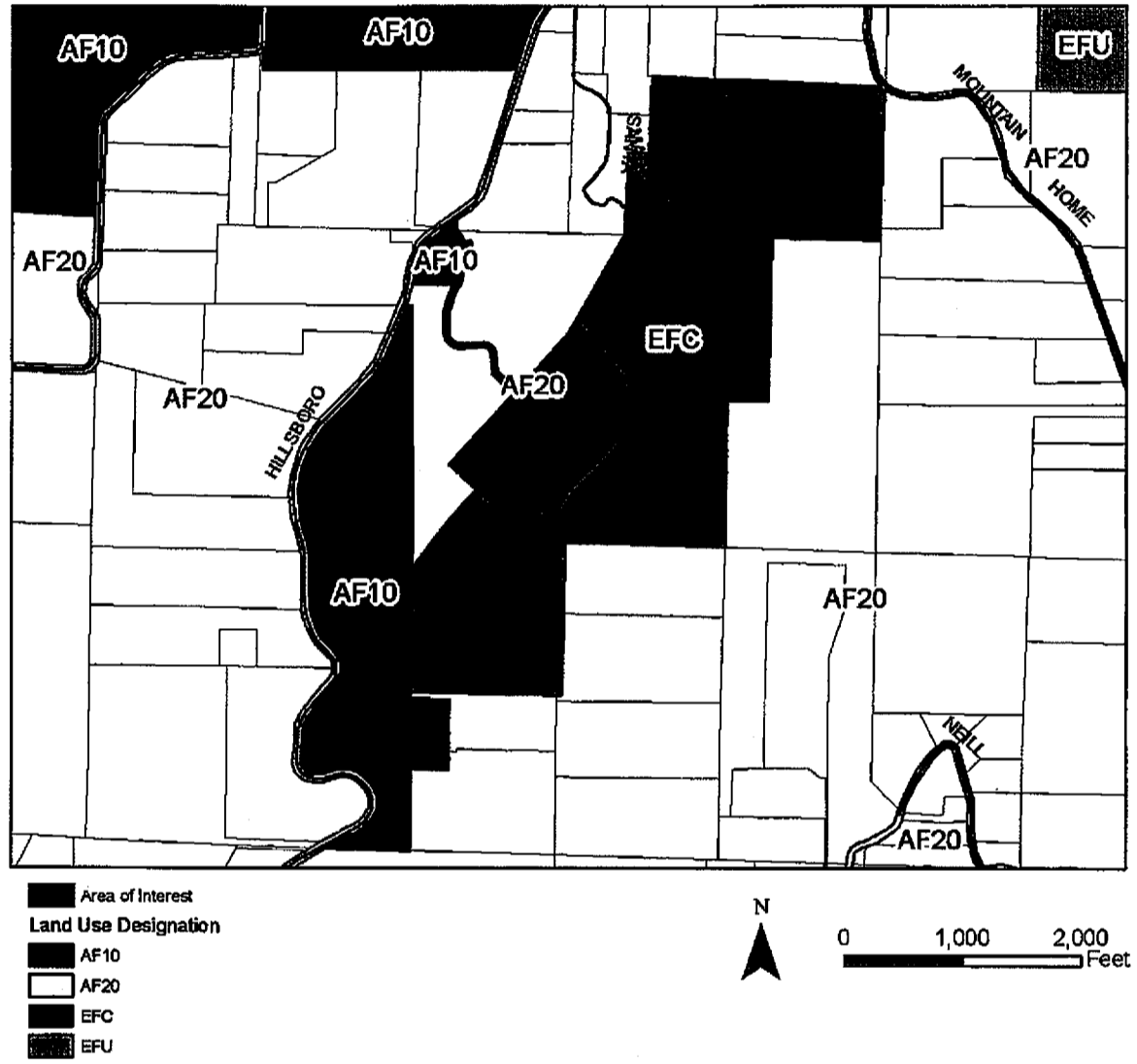
IV. SUMMARY AND CONCLUSIONS

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

V. RECOMMENDATION

Based on staff's findings in Section III of this report and Attachment A, and as summarized above under Section IV, staff recommends **APPROVAL** of the plan amendment from AF-20 to EFC. Therefore staff recommends that the Planning Commission forward to the Board of County Commissioners a recommendation for approval of the applicant's plan amendment request subject to the following condition:

Any additional amount over and above the fee deposit submitted with this application which is determined to be owing the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.



May 17, 2006

**TRANSPORTATION REPORT
CASEFILE NO. 06-150-PA**

Applicant: William & Marie Gregory
Location: South and east of Highway 219 and west of Mountain Home Road
Tax Map/Lot: 2S2 29 Tax Lot 100
Site Size: 40.84 acres

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

FINDINGS

A. General:

1. The proposed plan amendment would change the plan designation on the subject parcel from AF-20 (Agriculture/Forest) to Exclusive Forest and Conservation (EFC). The AF-20 land use district is an Exclusive Farm Use designation that is regulated pursuant to ORS 215.213. The EFC land use district is also a resource district that is regulated by the provisions of OAR 660, Division 6.
2. The subject property is located south and east of Highway 219 and west of Mountain Home Road. The subject property is accessed via a 50' wide 'flag' from the main portion of the property out to State Highway 219. Highway 219 is a state roadway under the jurisdiction of ODOT.
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' Highway 219 if it does any of the following:
 - Changes the functional classification of an existing or planned transportation facility;
 - Changes the standards implementing a functional classification system; as measured at the end of the planning period identified in the adopted TSP (year-2020);
 - Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - Would reduce the performance standards of the facility below the minimum acceptable performance standard identified in the Transportation System Plan; or
 - Would worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan. Changes the functional classification of an existing or planned transportation facility;
3. Considering the criteria above, in order to determine if a plan amendment will result in a 'significant impact' on transportation facilities, the County generally requires a comparative analysis of a 'reasonable worst-case development' of a site under current and proposed land use designations. (Note: When a state highway is affected, the county generally relies on comments that are prepared by ODOT.) Plan amendment requests may be for designations that permit more intensive land uses with greater trip generation potential. In such cases, applicants are typically required to submit traffic analyses that have been prepared by licensed traffic engineers in order to help evaluate the potential affects of proposed plan amendments on transportation facilities.
4. In this case, the proposed plan amendment is to re-designate the subject parcel from AF-20 to EFC. Applicable Oregon Administrative Rule provisions (OAR 660-033-0030(4) and 660-006-0015(2)) establish a relatively low burden of proof for plan amendments from one resource designation to another. In this instance, both the existing plan designation of AF-20 and the proposed plan designation of EFC are resource designations. LUBA has also clarified the relatively low burden required to amend one exclusive resource designation for another (see *KO-AM Realty, 20 Or LUBA 127 (1990)*). The relevant rule provisions establish that when land satisfies the definition requirements of both agricultural and forest land, an exception is not required and the local plan need only document the factors that were used to select one designation (agricultural or forest) over another.

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

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

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

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

5. Considering the finding above, the proposed plan amendment from AF-20 to EFC is not anticipated to significantly increase trip generation from the subject property. Staff therefore concludes that the proposed amendment will not significantly affect the capacity or levels of travel on the nearby transportation network, including Highway 219.
6. No changes in functional classification for Highway 219 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 Highway 219 nor 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.

DRAFT

DRAFT

**WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, JUNE 7, 2006**

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER: 1:00 P.M. – Room 140, Public Services Building

The meeting was called to order by Chairman Randall.

II. ROLL CALL

Planning Commission (PC) members present: Commissioners Randall, Logan (arrived after roll call), Dalrymple, Mandaville, Gorman, Phelan, Baty and Hirst. Commissioner Weit's absence was unexcused.

Staff present: Brent Curtis, Andy Back, Joanne Rice, Aisha Willits, Angela Brown, Planning Division; Chris Gilmore, County Counsel.

III. DIRECTOR'S REPORT

To be completed.

IV. WORK SESSION

To be completed.

V. ORAL COMMUNICATIONS- AUDITORIUM – 1:30

There was no one present who wished to testify on a non-agenda item.

VI. QUASI-JUDICIAL PLAN AMENDMENT APPLICATION HEARING, Case File NO. 06-150-PA, Applicants William & Marie Gregory, Applicant's Representative, John Pinkstaff of Lane Powell, PC

Chairman Randall determined that the proposed plan amendment met the four criteria to be conducted as an expedited hearing process. He read the rules of procedure into the record. Chairman Randall acknowledged that there was no one on the PC nor in the audience who objected to conducting the matter in an expedited procedure. As well, there was no one present who wished to testify on the matter. Chairman Randall noted that the staff report recommends approval of the proposal with conditions.

Chairman Randall opened the hearing.

Commissioner Logan disclosed a potential conflict of interest in that he had used Mr. Pinkstaff as counsel on unrelated land use matters but that this would not affect his ability to make an unbiased decision on this proposal.

Chairman Randall closed the hearing process.

DRAFT

Planning Commission Minutes
June 7, 2006
Page 2

Commissioner Phelan moved to recommend approval of 06-150-PA to the Board;
Commissioner Mandaville seconded. **VOTE: 8 – 0**

VII. PROPOSED ORDINANCE NO. 659 – An Ordinance Repealing Prior Ordinances, Adopting Applicable Regulations and Amending the Urban Planning Area Agreement and the Community Development Code to Effect Termination of the Intergovernmental Agreement for Development, Building and Other Services with the City of Tigard in the Unincorporated West Tigard and Bull Mountain Community Plan Areas
To be completed.

VIII. PROPOSED ORDINANCE NO. 660 – An Ordinance Amending the Community Development Code Element of the Comprehensive Plan Relating to Removal of the Farm Dwelling Income Indexing Standard
To be completed.

IX. ADJOURN: 1:55 P.M.

There being no further business to come before the Planning Commission, the meeting was adjourned by Chairman Randall.

Judson Randall
Chairman, Washington County
Planning Commission

Kathy Lehtola
Secretary, Washington County
Planning Commission

Minutes approved this _____ day of _____, 2006.

Submitted by Angela Brown
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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 380-14
165 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 848-3619

CASEFILE NO. 00-150-PA

OWNER/
APPLICANT NAME AND ADDRESS:
William & Marie Gregory
P.O. Box 710
Glendon Beach, OR 97388-0710

PLAN AMENDMENT APPLICATION

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S):

AF-20

PROPERTY DESCRIPTION

ASSESSOR MAP NO(S): 252 29

TAX LOT NO(S): Lot 100

SITE SIZE: 40.86 acres

ADDRESS:

LOCATION: Between SW Mountain Home Road and Highway 219, southeast of Groner Road and northwest of Neill Road.

PROPOSED PLAN AMENDMENT: From AF-20 to EFC.

APPLICANT'S REPRESENTATIVE AND ADDRESS:
John Pinkstaff
Hamis Crew Corrlan LLP
1727 NW Hoyt Street
Portland, OR 97209

OWNER'S NAME AND ADDRESS:
Henry G. Laun
P.O. Box 2145
Borrego Springs, CA 92004-2145

APPLICANT PHONE: 503-222-4402 (Pinkstaff)

OWNER PHONE: 541-764-2504 (Gregory)

ALSO NOTIFY:

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

STAFF MEMBER:

EXISTING USE OF THE SITE: Forest and abandoned cherry orchard.

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

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

05-086-PA

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.

William H. Gregory 1/30/2006
 OWNER CONTRACT PURCHASER DATE
William H. GREGORY TRUSTEE

Marie J. Gregory 1/30/2006
 OWNER CONTRACT PURCHASER DATE
MARIE J. GREGORY TRUSTEE

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 105-149.
- ◆ IF THIS APPLICATION IS SIGNED BY THE CONTRACT PURCHASER(S), THE CONTRACT PURCHASER(S) IS (ARE) CERTIFYING THAT THE CONTRACT VENDOR HAS BEEN NOTIFIED OF THE APPLICATION.

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

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WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
186 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3619

PLAN AMENDMENT APPLICATION

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S):

AF-20

PROPERTY DESCRIPTION

ASSESSOR MAP NO(S): 2S2 29

TAX LOT NO(S): Lot 100

SITE SIZE: 40.84 acres

ADDRESS:

LOCATION: Between SW Mountain Home Road and Highway 219, southeast of Groner Road and northwest of Neill Road.

PROPOSED PLAN AMENDMENT: From AF-20 to EFC.

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

STAFF MEMBER:

EXISTING USE OF THE SITE: Forest and abandoned cherry orchard.

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

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

05-086-PA

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.

Henry D. Loun 1/28/06
 OWNER CONTRACT PURCHASER DATE

Sharon L. Loun 1/28/06
 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 105-149.
- IF THIS APPLICATION IS SIGNED BY THE CONTRACT PURCHASER(S), THE CONTRACT PURCHASER(S) IS (ARE) CERTIFYING THAT THE CONTRACT VENDOR HAS BEEN NOTIFIED OF THE APPLICATION.

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

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CASEFILE NO. _____

Owner/
APPLICANT NAME AND ADDRESS:
William & Marie Gregory
P.O. Box 710
Glendon Beach, OR 97388-0710

APPLICANT'S REPRESENTATIVE AND ADDRESS:

John Pinkstaff
Ramis Crew Corrigan LLP
1727 NW Hoyt Street
Portland, OR 97209

OWNER'S NAME AND ADDRESS:

Henry G. Loun
P.O. Box 2145
Borrego Springs, CA 92004-2145

APPLICANT PHONE: 503-222-4402 (Pinkstaff)

OWNER PHONE: 541-764-2504 (Gregory)

ALSO NOTIFY: _____



WASHINGTON COUNTY
OREGON

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

The parties to this Agreement are William & Marie Gregory (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) 2S2 29 Lot 100 (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

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

Applicant Name:	<u>William H. GREGORY</u>	Applicant Name:	<u>MARIE J. GREGORY</u>
Title:	<u>TRUSTEE/OWNER</u>	Title:	<u>TRUSTEE/OWNER</u>
Company:		Company:	
Address:	<u>PO Box 710</u> <u>Gleneden Beach OR 97388</u>	Address:	<u>PO Box 710</u> <u>Gleneden Beach OR 97388</u>
Signature:	<u>William H. Gregory</u>	Signature:	<u>Marie J. Gregory</u>
Date:	<u>9/30/2006</u>	Date:	<u>11/30/2006</u>

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Revised July 21, 2004

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

RAMIS CREW CORRIGAN, LLP

1/31/06 Washington County
Plan Amendment Deposit
Gregory/Plan Amendment 42068-2
42068 2 2,100.00
1410-00-0-000 2,100.00

4015

18776

GWS

RAMIS CREW CORRIGAN, LLP
ATTORNEYS AT LAW
1727 NW HOYT ST. (503) 222-4402
PORTLAND, OREGON 97209

US BANK N.A.
MAIN OFFICE BRANCH - PORTLAND, OR

24-22
1230

18776
18776

PAY: *****TWO THOUSAND ONE HUNDRED AND NO/100 DOLLARS

DATE: 1/31/06 CHECK AMOUNT: *****2,100.00

TO THE
ORDER
OF

Washington County
Planning Division
155 N. First AVE, Suite 340-14
Hillsboro OR 97214

RAMIS CREW CORRIGAN, LLP
GENERAL ACCOUNT

Bennett Stossack

⑈018776⑈ ⑆123000220⑆153600083338⑈

RAMIS CREW CORRIGAN, LLP

1/31/06 Washington County
Plan Amendment Deposit
Gregory/Plan Amendment 42068-2
42068 2 2,100.00
1410-00-0-000 2,100.00

4015

2,100.00 18776

Receipt No. 431764

FROM: *Ramis Crew Corrigan* \$2100.00

DOLLARS

FOR RENT
 FOR *Plan amend AF-20 to EFC*

ACCT	
PAID	2100.00
DUE	

37



WASHINGTON COUNTY PRE-APPLICATION WAIVER

"STATEMENT OF UNDERSTANDING"

The Washington County Department of Land Use and Transportation staff, pursuant to Section 203-2.1B of Ordinance 264 Washington County Community Development Code, is required to meet and confer with prospective applicants to discuss the requisites for formal application for land use actions. For this purpose a regularly scheduled appointment may be reserved with the staff on a first come-first served basis throughout the year. At this meeting the applicant may discuss his proposal with staff and ask questions regarding the feasibility of approval.

As an alternative the applicant, at his own option, may wish to forego this formal process and proceed with only the benefit of the instructions included on the forms as briefly explained by staff, without the benefit of a pre-application meeting. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

I have read and understand the above statement.

Tax Map: 2S2 29 Tax Lot(s): 100

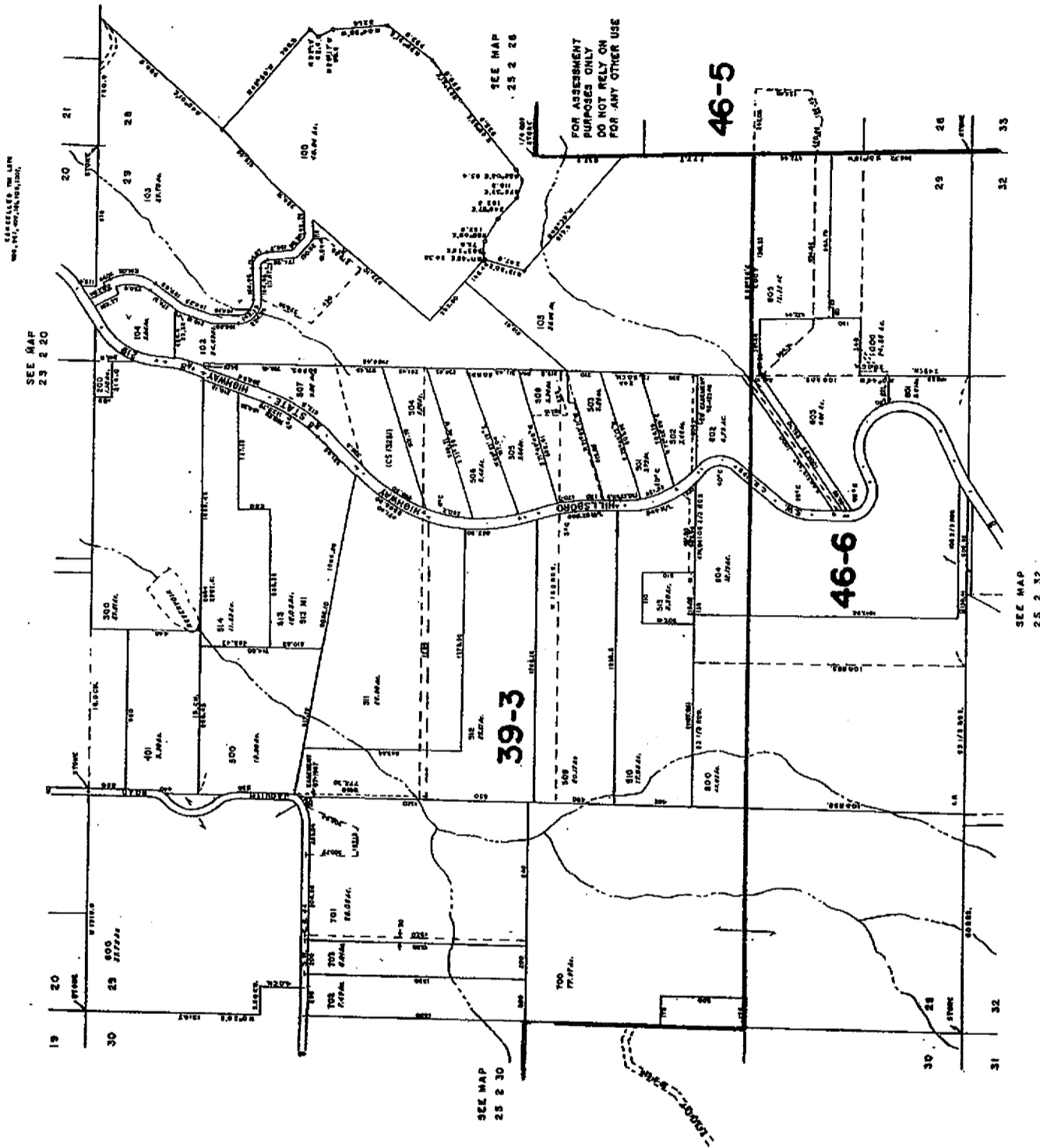
APPLICANT: William and Marie Gregory

<u>William H. Gregory</u>	<u>1/30/2006</u>
<u>Marie J. Gregory</u>	<u>1/30/2006</u>
APPLICANT'S SIGNATURE	DATE

PREAPWAJ 1/6/06

SECTION T2S R2W W.M.
 WASH. COUNTY OREGON
 SOURCE T-400

2S 2



WASHINGTON COUNTY
 DEPARTMENT OF
 ASSESSMENT & TAXATION

MAY 25 2005

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

2S 2 29

SEE MAP
 25 2 32

SEE MAP
 25 2 30

39-3

46-5

46-6

**BEFORE THE WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION**

In the Matter of an Application for)
a Comprehensive Plan Amendment to)
Change the Plan Designation from)
Agriculture and Forest District-20 (AF-20))
to Exclusive Forest and Conservation (EFC)) **APPLICATION FOR PLAN**
on 40.84 acres, Assessor Map 2S2 29)
William and Marie Gregory, Applicants.) **AMENDMENT**

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I Gregory Application For Plan Amendment

INTRODUCTION

A. REQUEST:

This is an application for a Plan Amendment from Agriculture and Forest District-20 (AF-20) to Exclusive Forest Conservation (EFC) on a parcel of land covering 40.84 acres (2S2 29 Tax Lot 100) (hereafter "Tax Lot 100" or "the Site"). The intent of this application is to add this property to the 174 acres of adjacent land that was designated EFC in 2005, filling out a 214-acre block of EFC land. (Case File No. 05-086-PA) The Board of County Commissioners approved that plan amendment excepting Tax Lot 100 because it was not then predominantly in forest use or on forest deferral. Tax Lot 100 was omitted from that approval because at that time the property was in farm use (abandoned cherry orchard) and did not meet the criteria for a change from AF-20 to EFC (intended to provide for forest uses). The notice of decision in 05-086-PA was mailed in June 2005 (**Exhibit 1**). The staff report outlined the minimum requirements for this application (in response to Rural/Natural Resource Plan Policy 1, Implementation Strategy p.8.B, as follows:

Tax lot 100 is not predominantly forested and does not meet the criteria for a plan amendment from AF-20 to EFC. To meet the criteria, tax lot 100 must be converted to at least 51% for use. (**Exhibit 1**, Staff Report at Page 5)

Since that time, the applicant has cleared cherry trees from much of the orchard and planted 10,000 Douglas fir seedlings on 25 acres (61% of the 40.84 acres) with the intent of joining the 40.84-acre subject parcel with the approved 174-acre EFC area to create a 214-acre block of EFC.

The applicant will rely on the application materials submitted in Case File No. 05-086-PA as the foundation for this application, updated and revised as necessary to direct the review to Tax Lot 100, because the application addressed the entire 214 acres, including Tax Lot 100. The facts and findings presented in 05-086-PA and the staff report in that file remain valid to support this application. Tax Lot 100 is a part of that EFC area (as proposed) and would likely have been approved as EFC with the other property at that time if it had been predominantly in forest use and on forest deferral.

The intent of the applicant is to change the plan designation of the Site from one resource

2 Gregory Application For Plan Amendment

district, Agriculture and Forestry (AF-20), to another resource district, Exclusive Forest and Conservation (EFC). EFC is a more appropriate plan designation because the Site is suitable for forest uses as defined by Statewide Planning Goal 4, and it is currently being used for forestry. It is predominantly composed of soils with high potential timber productivity with no serious forest management limitations. (Exhibit 8) The Site and nearly all surrounding properties are in forest or farm tax deferral, it is not in a predominantly agricultural area, and forest use of the Site would be compatible with the land use on surrounding properties. (Exhibit 14) The Site has a proven ability to grow trees and it is better suited to forest use than to agricultural use, although it meets the definition of both. The AF-20 designation is intended for agriculture and forest uses, but changing the designation to EFC would be match the predominant land use, forest land, on the parcels to the north and south along Heaton Creek and the forest land which comprises a portion of the parcels along the northern, eastern and southern boundaries of the subject property, including the two new tracts (174 acres) of EFC approved in Case File No. 05-086-PA.

The 40.84 acres covered by the requested plan amendment for the Site will be included with those two tracts, which are adjacent and in similar circumstance, and the applicants' response to the approval standards will consider the area as a whole, using materials compiled for the original application, as well as addressing the subject property separately.

An EFC designation could potentially allow one forest dwelling for this undeveloped parcel. Forest template dwellings are an allowed use in the EFC resource district. A forest template dwelling would be a future potential use requiring separate land use review.

B. PARCEL SIZE: The Site is 40.84 acres.

C. PLAN DESIGNATION: The Site is designated Agriculture and Forest District-20 (AF-20).

D. PROPERTY DESCRIPTION: The subject property includes one undeveloped parcel, Tax Lot 100 (40.84 acres), which includes access to Highway 219. (See Vicinity Map, Exhibit 2.)

The subject property had a cherry orchard planted by the Groner Walnut Company probably sometime in the 60's. Gregory purchased 50% interest in 1989 and transferred it to his revocable trust in 1990. The remaining 50% interest is held by Henry Laun, who has also signed

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this application. The cherries were not a very profitable crop because of weather and the poor market for the cherries. The parcel was actively farmed from its acquisition in 1977 to the early 90's. It was then leased for five years but the operator was unable to make a profit. During the summer and fall of 2005, cherry trees were cleared from much of the parcel, and in January 2006, some 10,000 Douglas fir seedlings were planted on approximately 25 acres (62% of the Site).

The applicant's hope is to include the subject property in the new EFC area with the two adjacent tracts approved in Case File 05-086-PA, referred to therein and herein as the Ganger tract and the Gregory tract. The subject property was one of three parcels in the latter tract.

The adjacent Ganger tract is located at Assessor Map No. 2S2 21, Tax Lots 900, 901 and 902. There is currently one existing dwelling on one of the 20-acre parcels (Lot 900), and the other two parcels (Lots 901 and 902) are undeveloped. The property has been logged and restocked. It was logged of all salable timber in 1958, again in 1990 and in 1992. The property was restocked in 1992 and interplanted in 2000 with douglas fir and western red cedar. Approximately 55 of the 62 acres are restocked and on forest tax deferral. The remaining property is in hay (2 acres), walnuts (4 acres) and the home site.

The adjacent EFC portion of the Gregory tract is located adjacent to the subject property at Assessor Maps No. 2S2 28, Tax Lot 500 and 2S2 29, Tax Lot 105. There are no dwellings on the property. Tax Lot 500 (71.70 acres) contains 40 acres of timber and 30 acres of an old walnut orchard, which the applicant intends to remove. Tax Lot 105 (39.96 acres) contains a 16-acre stand of timber, 13 acres of filbert trees, 10 acres in cherry trees, and a pond and wet land of about one acre fed by springs. County assessor records show that the Gregory land is in forest or farm tax deferral: Tax Lot 500 is in Farm and Woodlands deferral; Tax Lot 105 is in farm deferral. (See Exhibit 14.) The applicant has requested a switch to forest deferral for the subject property.

An EFC plan designation would potentially allow one forest template dwelling on this property. The applicant proposes to sell the undeveloped parcel for development with forest template dwelling if the subject request for a Plan amendment to EFC is allowed. The county staff has advised the applicant's representative that it appears that Tax Lot 100 would meet the forest template dwelling criteria for minimum number of parcels and dwellings which existed on

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January 1, 1993 under the development code. (See CDC § 430-37.2 F(4), requiring at least 11 other lots and at least three dwellings within the template.)

The home would be served by an on-site domestic water well. The exact home site is not known at this time, nor is that information required for this application. There is a sizable area suitable for a home site on the parcel, located well away from the steep slopes and riparian concerns in vicinity of the creek. (See Exhibits 7 & 13.) The exact location of the future forest template dwelling site will be selected by the purchaser and will be required to meet the fire safety siting standards under the code. A conceptual site plan shows possible home site areas on the Gregory tract (Tax Lot 100 is highlighted) that would meet forest dwelling siting standards. (Exhibit 13)

E. SOILS

The subject property is mapped entirely with Laurelwood silt loam soil 28D (12-20% slopes) that is well-suited to timber production. Based on detailed soil data based on the Natural Resources Conservation Service classification system, the soil has a site index of 157 for Douglas fir production, is in woodland suitability group 2o2 (high potential productivity; no serious limitations; best suited for Douglas fir). (See Exhibit 8) The soils on the Gregory tract, including the subject property, were evaluated in 1985 by staff with the Washington County Soil and Water Conservation District. (Exhibit 8)

F. UTILITIES AND SERVICES

Access:

Tax Lot 100 has direct access to Highway 219 along a 50-foot wide roadway (as described in the deed.) (See Exhibit 12.) The subject property has adequate permanent access to the public road system.

Services: An individual sewage disposal (septic) system would serve the future dwelling. The property will receive its water from on-site domestic water well. Service provider responses are located in the Appendix.

School: Hillsboro School District

Fire: Washington County Fire District No. 2

Police: Washington County Sheriff

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I. APPLICABLE REGULATIONS:

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 5, 6, 7, 11 and 12
- B. Oregon Administrative Rules, OAR 660-06-015(2) and 660-33-030(4)
- C. Washington County Rural/Natural Resource Plan Policies 1, 2, 6, 8, 10, 16, 17, 22
- D. Washington County 2020 Transportation Plan Policies 1, 2, 4, 5, 6, 10 and 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)

II. AFFECTED JURISDICTIONS:

Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Washington County Fire District No. 2
Hillsboro School District
Washington County Sheriff

III. COMPLIANCE WITH APPLICABLE APPROVAL CRITERIA

A. General.

The Site (Tax Lot 100) contains 25 acres of Douglas fir seedlings (Exhibits 4 & 15) and the remains of a cherry orchard, believed to be about 40 years old. As described earlier, cherry trees have been removed from much of the property. The only part of the property that is identified on the Rural/Natural Resources Plan Map is where a small creek crosses the existing 50-foot wide strip of land that provides access to the property from Highway 219.

In either the AF-20 or EFC District, a development review process is required before new dwellings could be constructed. Due to the Site's size, soils, and topography, it will probably be easier for the Site to meet the EFC dwelling standards than the AF-20 dwelling standards.

This plan amendment involves lands designated under statewide planning goals addressing agricultural lands (Goal 3) or forest lands (Goal 4). Therefore, it is the Board of County Commissioner's responsibility to make the final decision on this application. The Planning Commission's hearing will be for the purpose of making a recommendation to the Board on this matter. The Board will conduct a separate hearing before making the final

decision.

B. Compliance with LCDC Statewide Planning Goals

The Washington County Rural/Natural Resource Plan Element of the Comprehensive Plan and related implementing ordinances have been found by LCDC to be in conformance with statewide land use planning goals. Goals applicable to this proposal, with the exception of Oregon Administrative Rules (OAR) for Goals 3 and 4 which are addressed here, are addressed under related policies for the Washington County Rural/Natural Resource Plan and Transportation Plan.

LCDC Goal 3, Agricultural Land

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 requirements:

Identifying Agricultural Land

660-33-030(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.

The subject property is designated AF-20, which is an exclusive farm use zone. Thus the Site has been inventoried and designated as agricultural land pursuant to Goal 3. The applicant is proposing to designate the Site as EFC (Goal 4). The applicant's findings in this narrative document the factors used to select a Goal 4 designation.

LCDC Goal 4, Forest Lands

This goal requires lands to be conserved by maintaining the forest land base, and to protect the state's forest economy by making possible economically efficient forest practices. The purpose is to 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 requirements:

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Plan Designation Outside an Urban Growth Boundary

660-06-015(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.

The subject property is designated AF-20, which is an exclusive farm use zone. Thus the Site has been inventoried and designated as agricultural land pursuant to Goal 3. The applicant is proposing to designate the Site as EFC (Goal 4). The applicant's findings document the factors used to select a Goal 4 designation.

C. Washington County Comprehensive Plan (Rural/Natural Resource Plan Element)

1. Policy I. The Planning Process, states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH AN ONGOING 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 SEMIANNUAL 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:

o. Require that all plan amendments:

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

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Response: Any applicable site requirements will be addressed concurrently with the plan policies. To approve this request, it must be found to be in conformance with all applicable policies and strategies of the Rural/Natural Resource Plan Element. These are addressed in the following sections:

- p. Require that plan map amendments meet the following criteria:*
- 8. Amendments from Mixed Agriculture and Forestry-20 to Exclusive Farm Use or Exclusive Forest and Conservation shall be based upon:*
 - 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*

Response: The Case File No. 05-086-PA staff report outlined the minimum requirements for the applicant under Implementation Strategy p.8.B, as follows:

To qualify for the plan amendment, not only the property (the six contiguous tax lots), but also each parcel involved in the plan amendment request must meet the criteria for a change from AF-20 to EFC. Tax lot 100 is not predominantly forested and does not meet the criteria for a plan amendment from AF-20 to EFC. To meet the criteria, tax lot 100 must be converted to at least 51% for use. In addition, all lots must comply with the minimum stocking requirements defined by the Forest Practices Act. (Emphasis added.)(Exhibit 1, Staff Report at p. 5)

Since that time, the applicant has cleared cherry trees from much of the orchard and planted 10,000 Douglas fir seedlings on 25 acres (61% of the 40.84 acres) with the intent of joining with the approved EFC area. The number of seedlings planted exceed the minimum stocking requirements defined by the Forest Practices Act¹

¹ The Forest Practices Act is located in ORS 527.610, *et seq.* ORS 527.745(1)(a) requires reforestation of "at least 200 healthy conifer or suitable hardwood seedlings" be established per acre. ORS 527.745(2) states that "in no case shall the board (State Board of Forestry) require the establishment of more than 200 healthy conifer or suitable hardwood seedlings per acre." The 10,000 seedlings established on Tax Lot 100 amount to 400 seedlings per acre on the 25 acres or approximately 250 seedlings per acre if computed over the entire 40 acres of land. The applicant intends to reforest the remainder of the property next winter. (See Exhibit 5.)

Subject Property. The subject property meets all of the criteria. First, half of the Site, approximately 25 acres has been replanted in 2006 with Douglas fir seedlings. (Criterion I) (See Exhibits 4 & 15.) Second, the applicant has applied to the Department of Assessment and Taxation to change the tax deferral on the property from farm use to forest use (Criterion II) (See Exhibit 5, forest deferral application.) Third, the subject land also meets the definition of Goal 4 (Criterion III) which broadly defines forest lands (the soils have a high potential productivity and no serious management limitations). Fourth, the predominant land use of surrounding parcels consists of parcels which are also in resource use, in mixed farm and forest use, described as follows.

Vicinity. The Site is located in the middle of a large area of resource lands. Nearly all of the properties located in Sections 20, 21, 28 and 29 in this vicinity are qualified as forest land, farm land or small woodland for deferral of property taxes. (Exhibit 14) The pattern of the land use and the tax deferrals is that the forest areas generally follow the creeks, including Heaton Creek, which flows through the Site and the vicinity. (See Exhibit 2)

North

The forested area extends north from the Site between Mountain Home Road and the Hillsboro Highway 219. The Ganger tract on Tax Lots 900, 901 and 902 is in forest deferral. Forest or mixed farm and forest tax deferrals are found in Section 21, Tax Lots 700, 702, 704 and 707, before yielding to farm deferrals farther north. (See Exhibits 14 & 3 - North.)

East

The land immediately east of the Ganger tract is mixed farm/forest deferral (2S2 21 Tax Lot 1000 and 2S2 28 Tax Lot 202). The land east of the Gregory tract is in forest deferral or forest use (2S2 28 Tax Lots 203, 400, 405, 600 and 700), while others farther east are in mixed farm/forest deferral. (2S2 28 Tax Lots 200, 300). There is considerable farm use east of Mountain Home Road in this area. (See Exhibits 14 & 3 - East.) In addition the forest use continues on parcels to the east of Tax Lot 105 (2S2 28 Tax Lots 400, 405, 600, 700, 800 and 900 are on Forestland or Small Woodlands tax deferral). (Exhibit 14).

West

The land west of the Site is in mixed farm and forest use. West of the highway the land is

primarily in farm deferral in the northern portion (2S2 20, west/northwest of the Ganger tract), and in forest or mixed farm/forest deferral in the southern portion (2S2 29, west of the Gregory tract). The AF-10 area east of Hillsboro Highway has generally smaller parcels (2S2 29), most with dwellings, but most are also in farm deferral. (See Exhibits 14 & 3 - West.)

South

The forest land continues to follow the Heaton Creek valley south of the Gregory tract (2S2 28). There is farm use between branches of the creeks to the southeast. Parcels south of Tax Lot 105 are on farm deferral (2S2 29 Tax Lots 803, 805 & 1000). (See Exhibits 14 & 3 - South.)

Overall, the vicinity is a mixture of forest and farm use, with many existing dwellings sharing the land with the resource uses.² Changing the designation to EFC would be compatible with the predominant land use, forest land, on the parcels to the north and south along Heaton Creek and the forest land which comprises a portion of the parcels along the northern, eastern and southern boundaries of the subject property. (Criterion IV).

(These findings also pertain to Statewide Planning Goals, Land Use Planning, Goal 3, Agricultural Lands, and Goal 4, Forest Lands.)

2. Policy 2, Citizen Involvement, states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE CITIZEN PARTICIPATION IN ALL PHASES OF THE PLANNING PROCESS AND TO PROVIDE OPPORTUNITIES FOR CONTINUING INVOLVEMENT AND EFFECTIVE COMMUNICATION BETWEEN CITIZENS AND THEIR COUNTY GOVERNMENT.

Response: A quasi-judicial plan amendment such as this must be considered through a Type III procedure. In accordance with Section 204-4 of the Community Development Code (CDC), a notice of the public hearing on this application will be sent to all owners of record of property within 1000 feet of the subject property. This notice must be sent at least 20 days prior to the hearing and a legal notice of hearing must be placed in a newspaper of general circulation at least

² Our review of assessor records for tax lots located in 2S2 Sections 20, 21, 27, 28, 29 and 33 (in this vicinity) indicates at least 50 dwellings on nearly 90 lots.

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ten days prior to the first hearing date. The applicant must post a public notice sign on the subject property within 20 days of the application. A copy of the application must also be mailed to the CPO, if any, for the area. Finally the staff report must be available.

(These findings 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.

Response: In the case of plan amendments, Policy 6 has been interpreted to mean that, over time, development activities in Washington County should not negatively affect the quantity or quality of surface 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 compliance with this policy should include, if possible, assessments of groundwater quantity and quality reflecting a period of time.

The only readily available evidence relating to groundwater conditions in specific areas is contained in water well reports (well logs) filed with the regional Watermaster's Office by well drillers at the time they drill a well. If enough wells are drilled in an area over an extended period of time, and if some of the well reports are recent, then well reports can be an indicator of any trends concerning the quantity of water being yielded by wells in the area. They do not, however, provide information concerning trends with regard to individual wells.

Policy 6 allows an applicant to use the well reports as evidence of groundwater quantity conditions in the area around a plan amendment site. If, however, opponents of an application allege, based on their experience with the production of their wells, that groundwater quantities in the area are declining, then it is the applicant's responsibility to provide evidence and/or testimony to rebut the opposition's assertion.

Opposition testimony can be rebutted by an applicant in the above-described situation by having an "expert" such as a professional geologist or hydrologist review the well logs and opposition testimony and provide an opinion on the groundwater situation. Expert testimony that

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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 with 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.

Forest Practices

The county's Policy 6 is to maintain or improve surface and ground water quality and quantity. The restoration of forest use on the subject property rather than resuming agricultural use will improve quality water quality on the Site and neighboring property.

The Gregory Reforestation Plan is described in the application for tax deferral designation as forestland:

The parcel was a cherry orchard. Cherry trees were cleared on about half of the property. The ground cover is grass. The property slopes to the south east.

10,000 Douglas Fir seedlings were planted on about 25 acres in January 2006. Some of the seedlings were planted in the cleared area and others were planted between the old cherry trees. The number of trees planted exceeds the number required for the entire 40 acres but some areas were not planted at this time because additional work remained to be done on the part of the area being cleared.

The clearing project should be completed this year so that the remainder of the land can be planted next winter. (Exhibit 5 - Forest Deferral Application) (See also Exhibits 4 & 15.)

The adjacent portions of the newly designated EFC Gregory tract includes 16-acre timber stand on Tax Lot 105 and about 40 acres of forest on Tax Lot 500. Gregory intends to remove an old walnut orchard and reforest more than 30 acres of Tax Lot 500.

None of the orchards on the Gregory tract have been farmed in recent years, including the old cherry orchard on the subject property. The cherry trees are either dead or dying. Coupled with natural reforestation methods, this means improved water quality in the area. When the orchards were being worked, there was regular application of pesticides, herbicides and fungicides, usually sprayed from a tractor. Gregory, who operated a timber business for many

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years³, believes in organic forestry, the fewer the herbicides, the better. Forestry is a great improvement over other types of agriculture, he said. Control of vegetation will be the main concern in helping the fir seedlings grow, he said. This will be done by annual aerial spraying with herbicide to keep the competing vegetation (grass) down.

Gregory believes most of his property was logged in the 1940s, early in the ownership of the Groner Walnut Company. There are old stumps with springboard holes, evidence of early logging techniques (chainsaws arrived in the 1950s). Now there is evidence that the land will eventually return to the forest, if nothing more is done: fir trees are invading the orchards. There are even some 30-foot tall fir trees in the walnut orchard on Tax Lot 500, which was abandoned about 20 years ago. Natural fir reforestation is also at work on the cherry orchard on the western portion of Tax Lot 105, which was abandoned several years ago, and on the filbert orchard on the eastern portion of that lot, which was abandoned about 10 years ago. Young firs in the filbert orchard are 4-5 years old. As Gregory puts it, "You don't have to do a heck of a lot to make these trees grow."

The proposed change from one resource district to another will not alter the management practices on this property. The reforestation of Tax Lot 100 will enlarge the continuous forest that runs on a north-south axis through the Ganger/Gregory tracts. (See Exhibit IA -Vicinity Land Use aerial photograph.) Tax Lot 100 at the edges slopes to south east toward the creek areas on adjacent property. The commitment to forest use on property that is well-suited to growing a Douglas fir forest can be expected to lead to improved water quality in the Heaton Creek drainage, especially when compared to years past when the cherry orchard was being actively farmed and maintained, when there were regular applications of pesticides, herbicides and fungicides.

For these reasons, the current forest practices will serve to maintain or improve the

³ Gregory was the owner, president and CEO of Gregory Forest Products from 1981-1992. The company owned two sawmills, a veneer plant and a plywood operation in Glendale, Oregon and a veneer plant in Klamath Falls. The company bought most of their logs from federal agencies, but it also owned and managed about 40,000 acres of timber land in southern Oregon on both side of the Cascades. Douglas fir was the primary resource on the west side; in Klamath Falls the resource was white fir and pine. Gregory Forest Products was one of the leading timber companies in Oregon during tough times for the industry, with about 500 employees and \$100 million in sales annually. Gregory was a hands-on executive and was involved in all the company's timber buying and forest management decisions.

surface or ground water quality and quantity as required by Policy 6.

Listed below are specific findings that address the applicable implementing strategies for this Plan policy.

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 (½) 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.***

Response: The primary intent of this implementing strategy is to ensure, to the extent practicable, that ground water supplies are adequate to accommodate new development and that new wells will not seriously interfere with existing wells in the area. Under the EFC or AF-20 designation, no additional parcels can be created from the Site. Because both the AF-20 and the EFC Districts are resource districts, and potential allowed uses in either district are similar, staff believes the worst-case scenario is the same for either designation, and the applicant's burden of proof is less than what would be required in other cases.

The subject property is not located within the Cooper Mountain-Bull Mountain Critical
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Ground Water Area or a limited ground water area.

This application includes the 166 well logs for wells in 2S2, Sections 20, 21, 22, 28 and 29 from the 2005 application for Case File No. 05-086-PA. (See Exhibit 9.) There have been four new wells and one well alteration in these sections since that application. (See Exhibit 9A.) The well logs are summarized as follows:

<u>time period</u>	<u># of wells</u>	<u>average depth</u>	<u>average gpm</u>
Before 1980	82	261 ft.	19.60 gpm
1980-1990	51	312 ft.	33.84 gpm
1990 to present	37	334 ft	27.25 gpm

The logs indicate that well depths are variable and yields are relatively moderately high in the area. On average, it appears that new wells have been drilled deeper over time. However, while new wells may be getting deeper, the average yields appear to be relatively constant. The increase in well depth for more recent wells may be due to improvements in drilling equipment which generally results in deeper wells. Although there are a few low-yielding wells (less than 10 gpm), the well log data indicated that they occur randomly over time. This would seem to indicate that the low yields have more to do with localized geology in the area rather than overdrafting the aquifer. Another indicator of groundwater depletion would be increasing numbers of well deepening. According to the 171 well logs submitted, only 20 were for the purpose of drilling an existing well deeper, and of those, four were before 1980, 10 were between 1980-1990, and six were from 1990 to present.⁴ This would indicate that there has not been a generalized lowering of the groundwater table over time.

There does not seem to be any pattern to well depths and yields; new depths and yields are similar to older wells. The existing wells appear to have adequate yields. The well log data seems to indicate that the low-yielding wells occur with about the same frequency regardless of the year drilled. This would seem to indicate that the low yields have more to do with the geology of the area rather than overdrafting the aquifer. The applicant has submitted sufficient evidence to conclude that groundwater supplies are adequate to accommodate five additional

⁴ The five most recent well deepening, from 1997 to present, produced moderately high to high yields (18, 27, 50, 27 and 50 gpm).

dwellings and that the use of five additional wells for domestic purposes will not seriously interfere with existing wells in the area.

The Gregory tract has 1994 and 1996 permits to appropriate groundwater seasonally and store it in a reservoir, for agricultural uses. Some of the water was intended for use on Tax Lot 100 (for the cherry orchard, which also extended into Tax Lot 105 .) The manmade pond on Tax Lot 105 is home to an undetermined number of beavers, who are active loggers near the pond. The pond is spring fed, and dammed at the north. The water in the pond also serves as water supply for a neighbor. The pond could be a source of water fire suppression. (Exhibit 10)

Overall. The applicant concludes from the well log data that the water table in the area is being maintained. As indicated earlier, because the AF-20 and EFC Districts are both resource districts and the potential allowed uses in both districts are similar, the worst-case scenario for the 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 proposed Plan designation would allow an increase in the potential number of dwellings or new uses not permitted by the current designation. In summary, there is sufficient evidence to conclude that groundwater supplies are adequate to accommodate one dwelling on the Site and that one new well will not seriously interfere with existing wells in the area.

- b. Ensure adequate quality of surface 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;*

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Response: Prior to the issuance of a building permit for any new dwelling, the County Health Department must approve the installation of a septic system for the 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) and 426 (Erosion Control). Compliance with these standards ensures adequate quality of surface water. Therefore, this criterion is satisfied.

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

Response: No stream channels cross Tax Lot 100, which is relatively flat compared to the other lands in the Ganger and Gregory tracts. (See **Exhibit 7** - Topographic Map.) According to the Rural/Natural Resource Plan Significant Natural Resources Map, Heaton Creek and tributaries run through the Ganger tract and the southern portion of the Gregory tract. The creek areas are designated Water Areas and Wetlands, and Fish and Wildlife Habitat. Flood plain extends onto the Ganger tract on Tax Lots 901 and 902, according to Washington County's adopted flood plain maps. The creek bed and steeply sloped banks are designated a drainage hazard area (DHA) on most of the creek areas on both the Ganger and Gregory tracts. None of these designations are applied to the subject property (Tax Lot 100). (See **Exhibit 11**- Flood Plain Map.)

The contour map submitted by the applicant and a site visit indicate there is ample space on the property to construct a dwelling well away from the creek. (**Exhibits 7 and 13**) Therefore, this criterion is satisfied.

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

Response: According to Washington County's adopted flood plain maps and the Rural/Natural Resource Plan Significant Natural Resources Map, Heaton Creek and tributaries run through the Ganger tract and the southern portion of the Gregory tract, but they are not located on Tax Lot 100, except where the existing access drive crosses the 50-foot wide strip of land that provides access to the property from Highway 219. (**Exhibit 11**) Review of the contour map submitted by the applicant and a site visit confirm that all of Tax Lot 100 is well

away from the creek, except for the access road. (Exhibit 7) Therefore, this criterion is satisfied.

- 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.*

Response: Heaton Creek passes through the adjacent properties of the new EFC area, but does not flow on Tax Lot 100. Review of the contour map submitted by the applicant indicates there is ample space on the property to construct a dwelling well away from the creeks.

(Exhibits 7 & 13) This criterion does not apply to this property.

- 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.*

Response: 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.*

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

- h. *Notify and initiate appropriate coordination with the City of Gaston and the U.S. Bureau of Reclamation prior to the approval of any land use actions in the area of the proposed Tualatin Project Phase II.*

Response: This Site is not within the area proposed for Tualatin Project Phase II.

- i. *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.*

Response: The property is located within the drainage basin of Heaton Creek, a tributary of the Tualatin River. Any development on the Site will be subject to the Community Development Code requirements for grading and drainage.

- j. *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.*

Response: There is no water area or wetlands on the subject property, except where a branch of the creek crosses the 50-foot wide access tail that leads to the main bulk of the property. The proposed plan amendment does not alter that area. The contour maps submitted by the applicant indicates there is ample space on the property to construct a dwelling well away from the water areas and wetlands on adjacent properties. (Exhibits 7 and 13) Therefore, this criterion does not

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apply.

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

Response: Any subsequent development of the Site, other than that subject to the Forest Practices Act, will have to comply with CDC sections that implement the above strategies - Sections 410 (Grading and Drainage), and 426 (Erosion Control).

(These findings also pertain to Statewide Planning Goals 5 and 6.)

4. Policy 8, Natural Hazards, states:

IT IS THE POLICY OF WASHINGTON COUNTY TO PROTECT LIFE AND PROPERTY FROM NATURAL DISASTERS AND HAZARDS.

Response:

The county's Policy 8 is to protect life and property from natural disasters and hazards. The county's Policy 10 is to protect and enhance significant fish and wildlife habitat.

Tax Lot 100 is the parcel least likely to have such impacts in the Gregory and Ganger tracts included in the 2005 application. There is no flood plain and a small area with steep slopes on Tax Lot 100. The designated Water Areas and Wetlands & Fish and Wildlife Habitat generally follow the creeks and the steep slopes on either side of the creeks.

Tax Lot 100 is relatively flat, when compared to the steep slopes along the creeks on neighboring property. For this reason, there is ample room for development on this lot without approaching the steeper slopes along Heaton Creek. (See Exhibit 7.) As shown in Exhibit 13, the potential home sites on Tax Lot 100 are located several hundred feet from the steepest areas.

Floods and earth movements are the two major natural disasters in Washington County. There is no flood plain located on Tax Lot 100, and the Site is uphill from the Heaton Creek (the flood plain to the north in the Ganger tract is about 400 feet below the Site). The property is also much higher in elevation than the creek drainage on land adjacent downhill to the northwest. It is highly unlikely that the property will flood. As shown on the topographic map, the subject property is not severely sloped, except near the eastern border with Tax Lot 500 and thus is not likely to be subject to earth movements. (See Exhibits 7 & 11.) There is little risk of natural

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disasters on the subject property.

Therefore, this criterion can be met.

(These findings also pertain to Statewide Planning Goal 7, Areas Subject to Natural Disasters and Hazards.)

5. Policy 10, Fish and Wildlife Habitat, states:

IT IS THE POLICY OF WASHINGTON COUNTY TO PROTECT AND ENHANCE SIGNIFICANT FISH AND WILDLIFE HABITAT.

Applicable Implementing Strategy:

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.*

Response: The only portion of the Site designated as significant fish and wildlife habitat by the Rural/Natural Resource Plan is where a branch of a creek crosses the 50-foot wide access piece of the property. As noted elsewhere in the narrative, a future home site will be located well away from the designated areas. CDC Section 422 (Significant Natural Resources), which will apply at the development review stage, provides standards for development in this area. The requirements are the same for either the AF-20 or the EFC designation.

- 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.*

Response: There is no riparian area of significant water area on Tax Lot 100. According to the Rural/Natural Resource Plan Significant Natural Resources Map, Heaton Creek and tributaries do not run through Tax Lot 100, excepting the branch that crosses the 50-foot wide road portion of the lot, which contains an existing driveway. The area designated Water Areas and Wetlands is in the flood plain portion on the Ganger tract, and Water Areas and Wetlands & Fish and Wildlife Habitat on the remainder of the creeks. The contour maps submitted by the applicant indicate there is ample space on the property to construct a dwelling well away from the adjacent property. Development on Tax Lot 100 will not alter the natural vegetation on

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adjacent lands. (See Exhibits 2, 7 and 13.) Therefore, this criterion is 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.*

Response: The Habitat Protection Plan recommendations for protection of Wildlife Habitat identify the following types of wildlife habitats: **Big Game, Upland Game, Furbearers, and Nongame Wildlife.**

The Habitat Protection Plan also identifies seven geographic areas as Sensitive Habitat Areas. The subject property is not located within one of the seven Sensitive Habitat Areas for Big Game.

Even if the property were within the Habitat Protection Plan, which it is not, this request would change the agriculture land use designation (AF-20) to the forestry land use designation (EFC) on the Site. According to the Habitat Protection Plan, both designations are compatible with big and upland game habitats. This request is therefore consistent with this recommendation in the Plan.

(These findings also pertain to Statewide Planning Goal 5.)

6. Policy 14, Rural Lands, 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 Strategy:

Designate Natural Resource lands in the following manner:

- a.
 1. ***Lands which meet the definition 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:

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- A. *Soil types as related to Goals 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.*

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

According to The Soil Survey of Washington County Oregon, 1982, Laurelwood soil 28D covers the entire Site. This soil is in woodland suitability groups 2o2 and 2r2, with high potential productivity (site index 157), especially for Douglas-fir.⁵ The applicant has applied to the county assessor for forest land designation, and has planted more than 25 acres with Douglas fir seedlings. The management goal is to return the entire parcel to forest use, including in the future a forest template dwelling.

The elevation of Tax Lot 100 ranges from 500 feet along the southeast boundary to nearly 700 feet in the southwest corner of the parcel. (See Exhibit 7.)

The predominant land use of surrounding parcels consists of parcels which are also in resource use, in mixed farm and forest use. (See Exhibit 3.) Nearly all of the property surrounding the Site is in resource deferral, and the land to the north, east and south of the Site is

⁵ The Site has the following soils:

	<i>Soil</i>	<i>Map Unit</i>	<i>(Slopes %)</i>	<i>Class</i>	<i>Acres</i>	<i>% of Site</i>	<i>High value HVF or NonHVF</i>
I.	<i>Laurelwood 28D</i>		<i>12-20%</i>	<i>IIIe-2</i>	<i>40.84 ac.</i>	<i>100%</i>	<i>HV</i>

in forest , woodlands or mixed farm and forest deferral. (Exhibit 14) The forested area extends north from the Site between Mountain Home Road and the Hillsboro Highway 219. Forest or mixed farm and forest tax deferrals are found in Section 21, Tax Lots 700, 702, 704 and 707. Forest use continues on parcels to the east of Tax Lot 105 (2S2 28 Tax Lots 400, 405, 600, 700, 800 and 900 are on Forestland or Small Woodlands tax deferral) The forest land continues to follow the Heaton Creek valley south of the Gregory tract (2S2 28).

As shown on Exhibit 13, there are more deferrals for farm use west of the Site along Highway 219, although forest use picks up on the west side of that highway.

Changing the designation to EFC would be compatible with the predominant land use, forest land, on the parcels to the north and south along Heaton Creek and the forest land which comprises a portion of the parcels along the northern, eastern and southern boundaries of the subject property. The change would also be compatible with the resource uses in the area. Even the smaller parcels along Highway 219 are in farm deferral and are adjacent to other forest use across Highway 219. (Exhibit 14)

The plan amendment area of 40.84 acres would complete a block of EFC land totaling 214 acres, which is sufficiently large to accommodate and maintain forest use. The characteristics of the Site are better suited to forest use than agricultural use. The plan change to EFC will maintain the current mixed forest use and farm use, and does not pose a conflict with adjacent uses particularly considering forest uses border the property on all sides. The Site meets the criteria for an EFC designation.

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.***

Response: The Site was designated AF-20, consistent with Implementing Strategy a. 2.

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

Response: The subject property in this quasi-judicial process is 40.84 acres in size in a single tax lot, but the subject property will join an existing EFC area to make a block of 214 acres, containing six adjacent tax lots. Implementing Strategy (b) refers to the legislative process, not the quasi-judicial process. Under a plain reading of the provisions, it applies only to legislative, not quasi-judicial, applications. The strategy refers to minimum area of designations for the

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initial adoption of comprehensive plan. The apparent purpose of the provision was to assure that the County would not automatically redesignate Agriculture and Forest 5 and 10 land to EFC without consent of the owner unless it was a large enough block of land to be capable of commercial forest use. This application is a quasi-judicial plan amendment requested by the owner. The 40.84-acre property is a large enough block of land to encourage and maintain the existing forest use on the property, as described in the applicant's reforestation plan. (Exhibit 5.)

Therefore the County can find that this implementing strategy does not set a minimum standard of 76 acres for quasi-judicial EFC designations, which require the consent of the land owner. Rather, the strategy is a limitation on the County's authority to initiate restrictive resource zoning through the legislative process. This protects the land owner from the potential for oppressive government zoning regulation. If the landowner requests the EFC designation for a block of land smaller than 76 acres, and the property can meet the standards set for designating land as EFC, then the land should be designated EFC. In addition, the quasi-judicial process provides assurances that the public interest in land use designations will be protected by adding standards that the land owner must meet that the government would not have to meet in the legislative process. Thus the County can find that this quasi-judicial application is not inconsistent with Implementing Strategy (b).

Finally, the subject 40.84 acre parcel by itself and as part of a 214-acre block can support commercial forest management, consistent with Policy 16, Implementing Strategy (i) (discussed below), which seeks to maintain forest land "in blocks large enough to encourage and maintain commercial forest activities." Soils are suitable for forest land. (See Exhibit 8.) The other 174 acres in the Ganger and Gregory tracts satisfied this standard in the 2005 plan amendment (Case File 05-086-PA). The addition of Tax Lot 100, now committed to long term forest use, enhances the solid basis for the designation of these 214 acres as EFC.

For these reasons, the County can find that this application will preserve the 40.84 acre parcel as part of the whole 214-acre block of resource land, which is large enough to encourage and maintain commercial forest activities.

(These findings also pertain to Statewide Planning Goal 3, Agricultural Land and Goal 4, Forest Lands.)

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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.*

Response: Implementing Strategy (i) refers to the “legislative process” of adopting the original comprehensive plan, but it also applies to the quasi-judicial process initiated at the request of a land owner. The Site in this quasi-judicial process is 40.84 acres in size. This implementing strategy does not impose a minimum size for the blocks of forest land, nor does it impose a requirement that a given block of forest land be adjacent to other blocks of forest land.

In this case, the property is clearly large enough at 40.84 acres to encourage and maintain commercial forest activities on the property, for the reasons detailed in the Ganger tract forest management plan. The Ganger tract forester in Case File 05-086-PA stated that the forest management plan is viable for the three 20-acre parcels, with a dwelling on each parcel. Tax Lot 100 is twice that size, and already planted with Douglas fir seedlings on more than 25 acres. The parcel has excellent forest land soils, and ample room for a dwelling and forest production. Overall, this parcel is now part of the 214-acre block of forest land, most of which was designated EFC in 2005.

The subject property is contiguous to 174 acres of EFC land. The fact that it also abuts AF-20 and AF-10 designated land does not alter the ability of this property to comply with Implementing Strategy (i) and to qualify for designation as EFC land. The addition of Tax Lot 100 complies with the county’s Policy 16 by enlarging the size of an existing block of land in the EFC District.

For this reason, the proposed EFC designation satisfies Implementing Strategy (i).

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(These findings also pertain to Statewide Planning Goal 4, Forest Lands.)

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 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.

Response: Quasi-judicial plan amendment applications to change the AF-20 Plan designation to another rural designation are permitted by Policy 1 of the Rural/Natural Resource Plan Element. Consistent with the requirements of Policy 1, the applicant has submitted evidence which documents the request is consistent with all four review criteria of Policy I Implementing Strategy p. 8.

The Site was designated AF-20, consistent with Policy 17 and Policy 14. Because requested Plan designation (EFC) is a resource Plan designation (as the AF-20 designation is), it is not necessary to take an exception to Statewide Planning Goals 3 and 4. Therefore, it is not necessary to address the exception provisions of Statewide Planning Goal 2 and OAR 660-04.

Applicable Implementing Strategies:

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

Response: The AF-20 District was adopted as an exclusive farm use district when the 1983 Rural/Natural Resource Plan was adopted. During the process to develop the 1983 Rural/Natural Resource Plan, the Site did not qualify for a Goal 2 Exception. Subsequently, the Site was designated AF-20 consistent with Policies 14 and 17. Policy 1 permits changes from the AF-20 designation when the proposed request is consistent with the applicable review criteria of Policy 1.

(These findings also pertain to Statewide Planning Goal 3, Agricultural Land.)

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

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.

Applicable Implementing Strategy:

- a. *Review the adequacy of the following public services and facilities in conjunction with new development.*
- a. *Schools*
 - b. *Fire and Police Protection*

Response: Copies of statements of service availability from three service providers to the area are included in the applicant's submittal. These statements are from the Hillsboro School District, Washington County Rural Fire District No. 2, and the Washington County Sheriff's Office. All three service providers have responded with evidence that shows that their service levels are adequate to serve the Site. The application includes service analysis by the school district describing present enrollments and capacity of the schools that serve the area, and an analysis by the fire district describing station location, equipment location, and response times. (The information is consistent with the service provider responses in Case File No. 05-086-PA, which addressed five potential dwellings, including one on Tax Lot 100.) Because the AF-20 and EFC Districts are both resource districts and the potential allowed uses are similar, the worst-case development scenario for the Site under either Plan designation is similar.

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 hearing 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." This may be interpreted to refer to the provider's assessment that an adequate or inadequate level of service can be provided. Without the above-described statements and analyses, the county cannot conclude that all the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property if the proposed plan amendment is approved.

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In the previous application, the Hillsboro School District indicated that the schools that serve the property all have capacity to handle the five additional dwellings that could result from approval of that application. Four were approved, and therefore there would be capacity to handle a fifth dwelling. Little has changed since that time. The District reports an enrollment of 206 *elementary* students with a capacity of 362; 544 *middle school* students with a capacity of 800; and 1478 *high school* students with a capacity of 1650. The District uses a student population average per dwelling to measure potential impact on the District. According to the District statistics, the potential dwelling could impact the school system with 0.29 elementary students, 0.12 middle school students and 0.11 high school students. There is school bus service on Highway 219 and Mountain Home Road. The school response information also includes a map showing the location of the three schools that would serve any residents of this property, along with a memorandum describing the approximate distances from the subject property.

The Washington County Sheriff 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 the rural area.

The Site is within Washington County Fire District No. 2. The nearest fire station is located four to five miles away. Estimated emergency response time is 6-8 minutes. The district reports that an average 4 to 10 personnel, two 1,000 gallon pumpers and a 1,000-gallon tender would be available for an initial response to a fire on the subject property. The Lieutenant who signed the form states that the addition of one dwelling will not cause a serious impact on the current services of the District (unless structures are very close together) and that service levels are adequate to serve the Site. The district responses states that a true plot plan is needed and that the applicant needs to meet Washington County driveway standards, which were included in the response. That last comment would apply when a dwelling is proposed on this property.

Based on the above-described statements and analyses, the County can find that the applicant has demonstrated that the affected service providers can provide an adequate level of service to development that may occur on the subject property if the proposed plan amendment is approved.

(These findings also pertain to Statewide Planning Goal 11.)

D. Washington County 2020 Transportation Plan

The proposed plan amendment from one resource district to another will not have a significant impact on the county's transportation system. The uses allowed in the proposed designation, the EFC district (an exclusive forest and conservation zone), are similar to the uses allowed in the existing designation, the AF-20 district (an exclusive farm use zone). Therefore, the intensity of potential land uses is not substantially different, and the proposed plan amendment does not indicate detrimental effects on the capacity or level of service of the road system.

The property has a 50-foot wide access connection to State Highway 219. There is no local street serving the Site. The subject property is newly committed to forest uses, with the potential for one new dwelling.

Nonetheless the applicant will address **Washington County 2020 Transportation Plan**, Policies 1, 2, 4, 5, 6, 10 and 19.

1. **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.

Response:

The proposed plan amendment does not conflict with Policy 1.0 because it is not expected to have a detrimental effect on the capacity or level of service of the transportation facilities in the vicinity.

2. **2.0 System Safety Policy**

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

Response:

The proposed plan amendment itself will not affect the transportation system. The primary concern when addressing this policy is whether there is likely to be adequate sight distance at the point of access from the subject property to the nearest public road. Tax Lot 100 has a direct access connection to State Highway 219, a 50-foot wide stem of land that connects the main bulk of the parcel to the highway. Any traffic safety impacts associated with future

development of the property would be dealt with at the time development is proposed, in compliance with Policy 2.0.

3. **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.

Response:

The proposed plan amendment itself will not affect the transportation system. Any future development of the property would be subject to the county's Traffic Impact Fee, in compliance with Policy 4.0

4. **5.0 System Implementation and Plan Management Policy**

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

Response:

The proposed plan amendment does not conflict with Policy 5.0 because it is not expected to have a detrimental effect on the capacity or level of service of the transportation facilities in the vicinity.

5. **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.

Response:

The proposed plan amendment is consistent with Policy 6.0 because it is not expected to have a detrimental effect on the capacity or level of service of the transportation facilities in the vicinity.

6. **10.0 Functional Classification Policy**

It is the policy of Washington County to ensure the roadway system is designed and

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operates efficiently through use of a roadway functional classification system.

Response:

The proposed plan amendment will not affect the Functional Classification of the Hillsboro Highway (State Highway 219, classified an arterial), which provides access directly to Tax Lot 100. The change from one resource district to another remains consistent with the county transportation planning for this area. (See discussion under Policy 19.0 below.)

7. 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.

Response:

This policy requires that the proposal comply with the state Transportation Planning Rule (OAR Chapter 660, Division 12) ("TPR").

According to Oregon Administrative Rules (OAR) Section 660-12-060, Plan and Land Use Regulation Amendments (a subsection of the Oregon Transportation Rule):

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall 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. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;***
- (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;***
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or***
- (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.***

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

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

(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.

(4) 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.

Response: Due to the size of the parcel (40 acres in an 80-acre district) and because the existing and proposed Plan designations are resource designations, the Site cannot be partitioned. Only one new dwelling would be possible on this property. Consequently, transportation issues are limited. The property is served by State Highway 219.

The key question is whether the proposal will “significantly affect” the planned transportation system in the area. As discussed above under Policy 10, the proposed plan amendment will not alter the functional classification of the road system, and the change from one resource district to another will maintain the same sort of allowed land uses originally considered by transportation planners. As stated in response to several other transportation policies, the proposal is not expected to have a detrimental effect on the capacity or level of service of the transportation facilities in the vicinity.

For these reasons, approval of the proposed plan amendment would not significantly affect a transportation facility as defined in OAR 660-12-060(2), the requirements of subsection

660-12-060 (1) of the TPR do not apply, and the proposal complies with Policy 19.0.⁶

(These findings also pertain to Statewide Planning Goal 12, Transportation.)

E. Washington County Community Development Code

1. Section 204-4 (Type III Actions) includes requirements for providing notice of Type III actions including a notice of the public hearing to all owners of record of property within 1000 feet of the subject property, a legal notice of the hearing in a newspaper of general circulation, a posted public notice sign on the subject property and marking to the CPO if any.

2. If this plan amendment is approved, the subject property will be designated EFC and will be subject to the requirements of this district. The EFC District implements Goal 4, and the AF-20 and EFU Districts implement Goal 3. The findings under Policies 1 and 14 show that the request qualifies as EFC land.

3. Section 342 Exclusive Forest & Conservation District

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.

Response to Section 342-1:

Tax Lot 100 is a part of the EFC area approved in 2005. The Ganger and Gregory tracts approved in Case File No. 05-086-PA comprise 174 acres. Tax Lot 100 was removed from this group because at the time (June 2005) it was considered to be in farm use, not forest use. With

⁶This conclusion is consistent with prior reviews of similar plan amendments by the county transportation staff. (See for example, the Transportation Report in Casefile No. 04-379-PA).

the clearing of the cherry trees and the planting of 10,000 Douglas fir seedlings on some 25 acres of the 40 acre parcel, Tax Lot 100 has cured that fault and is now committed to forest use. The proposed plan amendment to designate 40.84 acres as EFC enhances the strong move toward forestry approved on 174 acres in 2005, and will create a combined 214-acre block of designated EFC forest land.

Tax Lot 100 has good forest use soils and terrain, and at 40 acres, is large enough to be individually managed for forest production. The evidence submitted shows that even if a forest template dwelling is proposed on this parcel, there is ample room to provide a home site and a forest management area while protecting the creeks and significant environmental areas designated for protection by the county on adjacent lands.

The applicant has applied to the county assessor for designation of Tax Lot 100 as forestland (forest deferral). In doing so, the existing farm use deferral will be abandoned. Much of the long-dormant (with dead and dying trees) cherry orchard, has been cleared and Douglas fir planted. The applicant is looking to forestry as the reliable sustainable resource use of this property.

Although the EFC District allows agriculture to continue on this property, it is clear from the soils that this property is better-suited to forest production. The old orchard is easily replaced with the merchantable tree species such as Douglas fir.

The designation of Tax Lot 100 as EFC will have no impact on the creek banks and lowlands on adjacent parcels in the 174-acres of the Ganger and Gregory tracts. As noted in the 2005 approval and elsewhere in this application, there is ample land available for possible home sites on both tracts (including Tax Lot 100) that are well removed from the creek areas, assuring continued fish and wildlife protection.

For these reasons, the 40.84-acre Site is well-suited for the proposed Exclusive Forest and Conservation plan designation, and should be added to the existing EFC area for a total block of 214 acres.

4. Section 344 (Exclusive Agriculture and Forest AF-20 District)

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.

Response Section 344-1:

The subject property and the Gregory and Ganger tracts have been in mixed forest and farm uses for many years. The trend is to reforest the orchard areas because the orchards on both ownerships have not been profitable and the soils are very well suited to forestry. For this reason, EFC is a better fit for this property than AF-20.

The Gregory tract has considerable acreage in cherry, filbert and walnut orchards and the remainder in forest, but as noted earlier, the orchards are no longer productive. According to the owner, the cherry orchard on Tax Lot 100 was planted in the 1960 by the Groner Walnut Company. The current ownership beginning in 1977 farmed or leased the orchard until the late 1990s. The cherry crop was not profitable because of weather and the difficulty in marketing the cherries.

In January of 2006, the applicant planted 10,000 Douglas fir seedlings on 25 acres of Tax Lot 100, after clearing much of the old cherry orchard. The soils on the property are suited for growing Douglas fir trees.

The addition of this 40.84 acre parcel to the existing 174 acres EFC block makes sense because of similar soils and a similar commitment to forest uses.

For these reasons, the exclusive farm use zone embodied in the AF-20 plan designation does not fit the subject property as well as the proposed EFC plan designation.

5. Section 421 Flood Plain and Drainage Hazard Area Development

Response Section 421:

The standards set forth in Section 421 relate to development applications and are not

applicable to this application because no development is proposed. Section 421-1.2 requires persons seeking a Development Permit on flood plains or drainage hazard areas to submit certain information with the development application.

There is no flood plain or drainage hazard area on Tax Lot 100. (Exhibit 7) For these reasons, Section 421 does not apply to this proposal.

6. Section 422 Significant Natural Resources

Response to Section 422:

Section 422 is intended to permit limited and safe development in areas with significant natural resources. Section 422-1 No development is proposed with this application.

The probable home site area on this property is located well away from the designated significant natural resource areas on Tax Lots 901 and 902 in the Ganger tract and Tax Lots 500 and 105 in the Gregory tract.

A branch of Heaton Creek that crosses the 50-foot wide access tail of Tax Lot 100 is mapped as Water Areas and Wetlands & Fish and Wildlife Habitat. However, there is an existing driveway across this area that provides access to Tax Lot 100. As shown on the aerial photographs, the land on Tax Lots 102 and 103 is in farm use and the property is generally cleared. (Exhibit 3)

If there is development proposed on this property in the future, the standards of Section 422 would apply under the existing or proposed plan designations. (Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E applies the same standards to EFU, EFC and AF-20 districts. Section 422-3.1.C)

The riparian corridor on the adjacent properties (Tax Lots 500 and 105) has not been cleared in the development of orchards on these lands, as shown by the aerial photographs. The riparian corridors consist of steep banks centered on the creeks. Although trees grow well on the steep slopes, the terrain is not suitable for orchards or other farming practices. In addition, state forest practice laws require vegetated buffers along creeks and streams. This application does not propose any alteration of or encroachment on the designated natural resource areas on the property.

For these reasons, Section 422 does not apply to this proposal.

37 *Gregory Application For Plan Amendment*

IV. SUMMARY AND CONCLUSION:

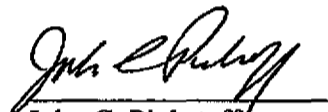
The subject property is an existing resource district. The OAR 660-06-015(2) states:

(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.

The findings explain the factors used to select the EFC designation. The proposed change conforms with applicable policies and strategies of the Rural/Natural Resource Plan and the proposed change conforms with the Transportation Plan and the Transportation Planning Rule.

Based on the foregoing, the Applicant requests approval of the Application.

Respectfully Submitted,



John C. Pinkstaff
Of Attorneys for Applicant

G:\gws\Gregory\Lot 100 narrative 033006.wpd

APPENDIX

SERVICE PROVIDER RESPONSES

- Washington County Fire District #2
- Hillsboro School District
- Washington County Sheriff

EXHIBIT 1	Notice of Decision & Staff Report 05-0-86-PA
EXHIBIT 2	Vicinity Map
EXHIBIT 3	Aerial photographs of Site and Vicinity
EXHIBIT 4	Documentation of fir seedling planting
EXHIBIT 5	Application for forest land tax deferral
EXHIBIT 6	Assessor Records
EXHIBIT 7	Topographic Map
EXHIBIT 8	Soils Information (Map, Soil Survey excerpts, Soils evaluation)
EXHIBIT 9	Vicinity Well Logs (2005) (LOCATED IN THE CASE FILE COPY ONLY)
EXHIBIT 9A	Well Logs Update (2006) (LOCATED IN THE CASE FILE COPY ONLY)
EXHIBIT 10	Subject Property Water Right
EXHIBIT 11	County Flood Plain Map
EXHIBIT 12	Deed
EXHIBIT 13	Conceptual Site Plan
EXHIBIT 14	Resource Tax Deferral Map
EXHIBIT 15	Photographs

STATEMENTS OF SERVICE AVAILABILITY

HILLSBORO SCHOOL DISTRICT 1J

WASHINGTON COUNTY SHERIFF

WASHINGTON COUNTY FIRE DISTRICT #2



WASHINGTON COUNTY
 Dept. of Land Use & Transp.
 Land Development Services
 155 N. First Ave., Suite 350-13
 Hillsboro, OR 97124
 Ph. (503) 846-5751 Fax (503) 846-2908
 WWW.CO.WASHINGTON.ORG

**REQUEST FOR STATEMENT
 OF SERVICE AVAILABILITY FOR
 SCHOOLS**

PRE-APPLICATION DATE: Waived

PLEASE RETURN THIS FORM TO:
APPLICANT/OWNER

COMPANY: _____
 CONTACT: William & Marie Gregory
 ADDRESS: Post Office Box 710
Glendon Beach, OR 97388-0710
 PHONE: 541.764.2504

OWNER:
 NAME: Henry G. Lam
 ADDRESS: Post Office Box 2145
Borrego Springs, CA 92004
 PHONE: _____

Property Desc: Tax Map(s): _____ Lot Number(s): _____
282 29 100

SCHOOL DISTRICT NO. LJ

Site Size: 40.84 acres
 Site Address: None
 Nearest cross street (or directions to site):
Between SW Mountain Home Road & Highway 219,
Southeast of Grover Road & northeast of Reilly Rd.

PROPOSED PROJECT NAME: _____
 PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)
Plan Amendment AP-20 to EFC

EXISTING USE: Farm & Forest PROPOSED USE: Potential for 1 SF dwelling.

IF RESIDENTIAL: _____ IF INDUSTRIAL/COMMERCIAL: _____ IF INSTITUTIONAL: _____
 NO. OF DWELLING UNITS: 1 TYPE OF USE: _____ NO. SQ. FT. _____
 SINGLE-FAM. X MULTI-FAM. _____ NO. OF SQ. FT. (GROSS FLOOR AREA) _____ NO. STUDENTS/EMPLOYEES/ANNEXES _____

ATTENTION SERVICE PROVIDER

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

See Attached 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: _____ POSITION: Superintendent DATE: 3/20/06

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.
 If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Additionally, provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:
 1. Amount of bonded indebtedness; 2. Use of double shifting; 3. Extended school periods; 4. Bussing to undersized facilities; 5. Year-around school; 6. Construction of new facilities; 7. Portable Classrooms; 8. Impact Fees; 9. Any combination of these or other alternatives.

SIGNATURE: _____ POSITION: _____ DATE: _____
 Service Pro Schools 12/15/05

~~Out-of-District
 Newberg~~

Hilbi
 Thomas
 Groner

Hillsboro School District 1J
 3083 NE 45th Place
 Hillsboro OR 97124
 503-844-1800 FAX 503-844-1779

March 20, 2006

Henry G. Laun
 P. O. Box 2145
 Borrego Springs, CA 92004

SERVICES AVAILABLE RESPONSE FORM

At the time of this response, the proposed development is located within the following attendance areas with the enrollment as noted:

Please note that this information does not reflect that the service level is or is not adequate to serve the proposed project.

SCHOOL	LEVEL	ENROLLMENT	
		October 2005	Capacity
Groner	Elementary	208	362
Thomas	Middle School	544	800
Hilhi	High School	1,478	1,650

The Hillsboro School District assumes the following student population average per dwelling. These averages are based on the Beaverton School District's statistics with slight modifications for differences in multi-family development.

Students Per Dwelling	
.46	preschool children per dwelling
.29	elementary students per dwelling
.12	intermediate students per dwelling
.11	high school students per dwelling
.52	total school-age students per dwelling

Assuming the above averages this development of Tax Map 2S2 29, Lots #100 could impact these schools as follows:

SCHOOL	LEVEL	STUDENTS
Groner	Elementary School	.29
Thomas	Middle School	.12
Hilhi	High School	.11

RAMIS
CREW
CORRIGAN &
BACHRACH, LLP
ATTORNEYS AT LAW

1727 N.W. Hoyt Street
Portland, Oregon 97209

(503) 222-4402
Fax: (503) 243-2944

MEMORANDUM

TO: Washington County Staff
FROM: Will Selzer
DATE: March 22, 2005
RE: Distance from Public Schools to the Site

I spoke with Yvonne Chasteen at Hillsboro School District No. 1J today concerning the distance from the subject property to the three schools that serve the area, Groner Elementary School, J.B. Thomas Middle School, and Hillsboro High School.

Chasteen said the district is not equipped to calculate that distance. She said she would fill out as much of the form as she could, then superintendent Lyon would sign it. She said this is a new form to her, and the district may need to come up with a way to measure distances.

She said the district has maps and addresses of the schools on the internet, and she suggested that using Map Quest might provide the required information. I followed her suggestions.

Chasteen said the district has bus service on both Highway 219 and Mountain Home Road. I used the address for one of the Ganger parcels, and plugged in the address for each of the schools in turn. The Gregory parcels would be about one mile farther.

<i>Site Address</i>	<i>School</i>	<i>Address</i>	<i>Approx. Distance</i>
20000 SW Santa Maria Drive	Groner Elementary	23405 SW Scholls Ferry Road	3.87 miles
	J.B. Thomas Middle	645 NE Lincoln Street	13.00 miles
	Hillsboro High	3285 SE Rood Bridge Road	11.24 miles

G:\gws\Gregory\distance to schools.wpd



WASHINGTON COUNTY
Dept. of Land Use & Transportation
Land Development Services Division
155 N. 1st Avenue, #350-13,
Hillsboro, OR 97124
Ph. (503) 848-8781 Fax (503) 848-2809
http://www.co.washington.or.us

Request For Statement Of Service
Availability For Sheriff / Police Services

PRE-APPLICATION DATE: Waived

OWNER(S):

NAME: William & Marie Gregory

ADDRESS: Post Office Box 710

Glenaden Beach, OR 97388-0710

PHONE: 541.764.2504

Property Desc.: Tax Map(s): Lot Number(s):

282 29 100

Site Size: 40.84 acres

Site Address:

Nearest cross street (or directions to site):

Between SW Mountain Home Road & Highway 219,

Southeast of Groner Rd. & northeast of Neill Rd.

WASHINGTON COUNTY SHERIFF

PROPOSED PROJECT NAME:

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

Plan Amendment AP-20 to EFC

EXISTING USE: Farm & Forest PROPOSED USE: Potential for 1 SF dwelling.

IF RESIDENTIAL: IF INDUSTRIAL/COMMERCIAL: IF INSTITUTIONAL:

NO. OF DWELLING UNITS: 1 TYPE OF USE: NO. SQ. FT.:

SINGLE FAM. X MULT-FAM. NO. OF SQ. FT. (GROSS FLOOR AREA) NO. STUDENTS/EMPLOYEES/MEMBERS:

ATTENTION SERVICE PROVIDER

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

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

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

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

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

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: 2-3-06

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 11/23/04



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Land Development Services Division
 155 N. 1st Avenue, #350-13,
 Hillsboro, OR 97124
 Ph. (503) 846-8781 Fax (503) 846-2908
 http://www.co.washington.or.us

Request For Statement Of Service Availability

- WATER DISTRICT: _____
- FIRE DISTRICT: #2
- TRI-MET
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF _____
- CLEAN WATER SERVICES

PRE-APPLICATION DATE: Waived

Service Provider: **PLEASE RETURN THIS FORM TO:**
APPLICANT/Owner

COMPANY: _____
 CONTACT: William & Marie Gregory
 ADDRESS: Post Office Box 710
Glenden Beach, OR 97388-0710
 PHONE: 541.764.2504

OWNER(S): Owner

NAME: Henry G. Laun
 ADDRESS: Post Office Box 2145
Borrego Springs, CA 92004
 PHONE: _____
 Property Desc.: Tax Map(s): 252 29 Lot Number(s): 100

Site Size: 40.84 acres
 Site Address: None
 Nearest cross street (or directions to site):
Between SW Mountain Home Road & Highway 219,
Southeast of Groner Road & northeast of Neill Rd.

PROPOSED PROJECT NAME: _____

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

Plan Amendment AF-20 to EFC

EXISTING USE: Farm & Forest PROPOSED USE: Potential for 1 SF dwelling

IF RESIDENTIAL: NO. OF DWELLING UNITS: 1 TYPE OF USE: _____ NO. SQ. FT. _____
 SINGLE FAM. MULTI-FAM. _____ NO. OF SQ. FT. (GROSS FLOOR AREA) _____ NO. STUDENTS/EMPLOYEES/MEMBERS: _____

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

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.
 (Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.
Will need a true Plot Plan. Also need to meet Washington County Drive way Standards.

SIGNATURE: [Signature] POSITION: Lieutenant DATE: 2/3/06

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.
 Please indicate why the service level is inadequate.

SIGNATURE: _____ POSITION: _____ DATE: _____

Service1 11/23/04



**WASHINGTON COUNTY
OREGON**

Date: 2/3/06
1/1

Washington County Fire District Service Analysis

RE: Plan Amendment, changing from AF-20 to KFC, 2S2 29 Tax Lot 100
(land use district) (map location)

Fire District: #2

Dear Washington County Fire District,

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

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

1. What is the location (in miles from the parcel(s) referenced above) of the fire station?
4 TO 5 MILES FROM STATION
2. What will be the average emergency response time to the parcel(s) referenced above?
Average Response time is 6 to 8 minutes
3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?
Average of 4 to 10 personnel, TWO 1000 gal pumps, 1 3000 gallon TENDER
4. Will the addition of one single family dwellings cause any serious impact on the current services provided?
NO Real impact unless structures are very close to each other.

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

SIGNATURE: [Signature] DATE: 2/3/06
POSITION: Lieutenant

\\LUT1\DATA\SHARED\Plan\WPSHARE\Plan Amendments\Master\Misc format\fire questions.doc

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



**WASHINGTON COUNTY FIRE DEFENSE BOARD
FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING
NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**



Chapter 1 General

1.1 Title. These regulations shall be known as the *“WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS,”* may be cited as such and will be referred to herein as *“this standard.”*

1.2 Scope. This standard applies to the portion of a private street (driveway) constructed as an all weather surface to be used as a required fire apparatus access road serving not more than two single-family dwellings located outside an urban growth boundary (UGB). The portion of the private street (driveway) required to be accessible by fire apparatus shall be that portion which extends from the public road to within a minimum of 150 feet of all portions of the exterior wall of the first story of the dwelling, as measured by an approved route around the exterior of the dwelling. A private street (driveway) used as a fire apparatus access road may include portions of an existing private street (driveway) and/or easement across another properties.

1.2.1. This standard does not apply to the following cases:

1. A private street (driveway) serving three or more dwelling units located outside a UGB. Such private street (driveway) shall be constructed to standards provided in the *Washington County Fire Code Applications Guide*.
2. A private street (driveway) serving

any type of structure located within a UGB.

Chapter 2 Definitions

2.1. Definitions. For the purposes of this standard, the following definitions shall apply:

“Access road” means a road constructed to an acceptable code or standard that allows adequate access by fire apparatus and other emergency vehicles.

“All-weather surface” means a built up layer of gravel placed over a prepared road bed to support heavy vehicular traffic. An “all-weather surface” constructed in accordance with this standard shall be gravel, or gravel topped with either asphaltic concrete (AC) or cementitious concrete (CC) that is constructed in accordance with this standard.

“CDC” means the *Washington County Community Development Code* as adopted by the county commissioners and administered by Washington County Land Development Services.

“Driveway” means an access road that serves not more than two dwelling units.

“GVW” means gross vehicle weight.

“Measured length” means the total length of the portion of a private street (driveway) required to be used as an access road shall be determined by measuring from the public road, along the path of fire apparatus travel, to the terminus.

“Private street” means any way that provides ingress to, or egress from, property by means of

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

vehicles or other means, or that provides travel between places by means of vehicles, and over which the public has no right of use as a matter of public record (CDC Section 409).

“PSF” means pounds per square foot.

“PSI” means pounds per square inch.

“OSSC” means the *Oregon Structural Specialty Code* as adopted by the State of Oregon Building Codes Division and the *Washington County Building Code*.

“Public road” means any road maintained by Washington County Land Use and Transportation, Department Operations & Maintenance Services Division or the Oregon Department of Transportation.

“Road bed” means a prepared surface of native soil from which the vegetative layer has been removed or a surface constructed of clean, compacted fill over which the all-weather surface is placed.

“Single-family dwelling” means one dwelling unit per structure. A duplex shall be considered as two dwelling units.

“Surcharge” means a load imposed on a retaining wall by an adjacent vehicular way or a load imposed by an adjacent, sloped ascending grade.

“Terminus” means the point in a private street (driveway) used as an access road where the access road ends. A private street (driveway) that is not constructed to this standard may extend beyond the terminus.

“UGB” means urban growth boundary.

Chapter 3 Permits

3.1 Building permit required. A building permit is required in each of the following cases:

1. The construction of a bridge that is not in the public right of way.
2. The construction or installation of a culvert or utility vault in a private street (driveway).
3. The installation of underground piping in a private street (driveway).

Exception: The pipe is not greater than six (6) inches in diameter and is buried a minimum of 12 inches, measured from the top of the pipe.

4. The construction of a site retaining wall that supports a surcharge, regardless of wall height.
5. The construction of a site retaining wall which does not support a surcharge and is greater in height than four (4) feet measured from the bottom of the footing to the top of the wall.
6. Gates, gate posts, and if provided, associated fencing greater than six (6) feet in height.

3.2 Grading permit required. The building official may require a grading permit for a private street (driveway) for any of the following reasons:

1. Importation of quantities of fill or rock onto the site
2. Exportation of quantities of spoils from the site
3. Creation of a cut or fill
4. Surface drainage alteration

The property owner is responsible for contacting the building official before commencing any of the activities listed in this section to verify whether

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

or not a grading permit is required.

Chapter 4 Required Engineering

4.1 Engineered design requirements. All portions of a private street (driveway) used as an access road shall be designed by a registered engineer when required by the provisions of this standard. The engineer of record (EOR) shall prepare, stamp and wet sign all construction drawings, calculations, specifications, and special inspection and/or structural observation matrices submitted to the building official for review and approval.

4.2 Completion letter. The EOR shall provide a letter of satisfactory completion to the fire official and the building official when any work designed by the EOR has been completed in accordance with the requirements of the OSSC and this standard.

4.3 Engineering costs. Neither the fire official, nor the building official shall be responsible for costs incurred when this standard requires that an engineer be employed for either consultation or design work.

Chapter 5 Access Road Design

5.1 Distance to dwelling. In the case of a dead end access road, the terminus of the portion of a private street (driveway) used as an access road shall extend to within a minimum of 150 feet of all portions of the exterior wall of the first story of the dwelling as measured by an approved route around the exterior of the dwelling in accordance with Figure 5.1.

In the case where one private street (driveway) serves two dwellings consecutively, a portion of the access road

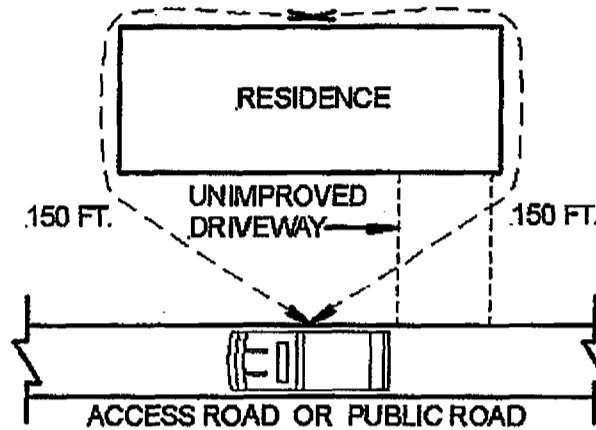


FIGURE 5.1 Distance to Dwelling

shall pass within a minimum of 150 feet of all portions of the exterior wall of the first story of the first dwelling as measured by an approved route around the exterior of the dwelling. The access road shall terminate at, or pass by the second dwelling, as the case may be, in accordance with the requirements of this section.

5.2 Horizontal clear width. The portion of a private street (driveway) used as an access road shall have an unobstructed width of not less than 20 feet except for an approved gate(s). The minimum clear width may be modified due to adverse topographic conditions when approved by the fire official.

Exception: The horizontal clear width at a turnout shall be not less than 30 feet.

5.3 Vertical clearance. The portion of a private street (driveway) used as an access road shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

5.4 All-weather surface width. A fire apparatus access road all-weather surface shall be a minimum of 12 feet in width. The minimum access road all-weather surface width may not be diminished by the fire official or building official, for any reason.

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

5.5 Distinguishability. The access road all-weather surface shall be easily distinguishable from the adjacent terrain.

5.6 Approach and departure angles. Corners with radiuses shall be provided on a private street (driveway) used as an access road in accordance with this section.

5.6.1 Intersection with a public road. An access road shall be designed with a minimum 25 foot turning radius at its intersection with the public road. Both sides of the apparatus access road shall be provided with the minimum radius to provide fire apparatus ingress and egress from any direction.

5.6.2 Intersection at a turnaround. The intersection of a turnaround and the access road shall be designed with a minimum 25 foot radius on each side. The entrance to a private street (driveway) used as an access road

5.6.3 Turnouts. Approach and departure angles at a turnout require a minimum 25 foot radius on each end of the turnout. See Figure 5.9.

5.7 Curves, corners and switchbacks. A curve, corner or switchback located within the length of a private street (driveway) used as an access road shall have an inside turning radius of not less than 25 feet and outside turning radius not less than 37 feet measured from the same center point, unless otherwise approved by the fire official.

5.8 Turnarounds. An approved turnaround is required if the portion of the private street (driveway) used as an access road has a dead end and a length greater than 150 feet.

Turnarounds shall be configured in accordance with Figure 5.8, unless otherwise approved by the fire official.

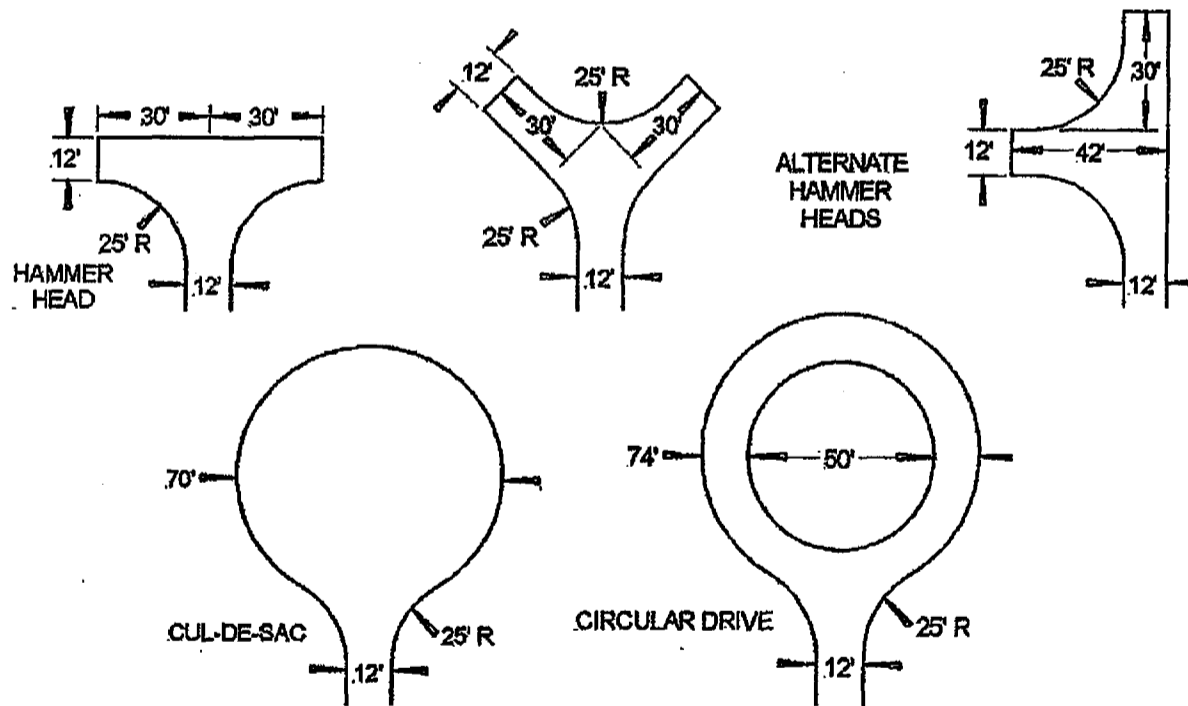


FIGURE 5.8 Turnarounds

Department of Land Use and Transportation • Building Services
155 N First Avenue, Suite 350-12, Hillsboro, OR 97124-3072
Phone: 503-846-3470 Fax: 503-846-3993

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

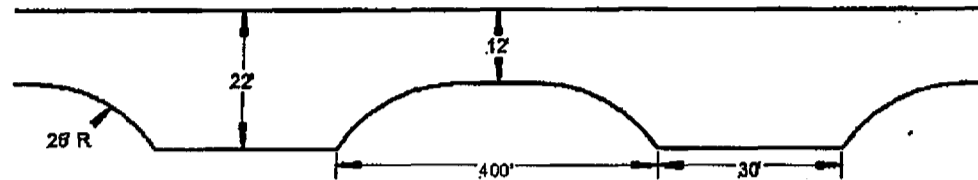


FIGURE 5.9 Turnouts

5.9 Turnouts. An approved turnout is required if the portion of the private street (driveway) used as an access road has a measured length greater than 200 feet. See Figure 5.9.

5.9.1 Spacing. In the case where an access road is greater than 200 feet in measured length, a turnout shall be provided at a maximum spacing of $\frac{1}{2}$ the driveway length, or 400 feet, whichever is less. Multiple turnouts shall have a maximum separation distance of 400 feet. Wherever visibility is limited, additional turnouts may be required by the fire official.

5.9.2 Width. Turnouts shall be a minimum of ten (10) feet in width (in addition to the required minimum road bed width of 12 feet).

5.9.3 Length. Turnouts shall be a minimum of 45 feet in length.

5.10 Grade. The grade of the portion of a private street (driveway) used as an access road shall not exceed an average grade of 10% with discretion due to local topographic features. A maximum grade of 15% for a length of no more than 200 feet may be allowed when approved by the fire official. A maximum sustained 12% grade may be approved by the fire official.

Exception: When automatic fire sprinklers are installed in the dwelling served by the access road, a sustained

maximum grade of 15% may be allowed by the fire official. The approval of fire sprinklers as an alternate shall be allowed in accordance with the provisions of ORS 455.610(5). A fire sprinkler permit application and fire sprinkler installation plans shall be submitted to the building official before an automatic fire sprinkler system may be installed.

5.10.1 Turnarounds. Turnarounds shall have a maximum 5% grade, with exception for crowning that provides water run-off.

5.11 Drainage. Proper drainage design shall be utilized to ensure the portion of the private street (driveway) used as an access road maintains its accessibility through normal weather events. The design elements may include, but not be limited to crowning, ditches, culverts, bank stabilization, etc.

5.12 Bridges, culverts, vaults and underground piping. A proposed bridge, culvert, vault, or underground piping located within the measured length of the portion of a private street (driveway) used as an access road shall be designed, constructed, and maintained in accordance with this section. Bridges, culverts, vaults, and underground piping shall be designed by a registered engineer to support the minimum design loads specified in Chapter 16 of the OSSC.

Exceptions:

1. Pre-manufactured culverts such as corrugated steel, pre-cast or extruded

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

2. concrete, or PVC plastic having a diameter of two (2) feet or less when installed in accordance with the manufacturers installation recommendations, and rated to support a minimum wheel load of 12,500 lbs. And a GVW of 50,000 lbs.
3. Underground utility piping not greater than six (6) inches in diameter when the pipe is buried a minimum of 12 inches, measured from the top of the pipe.

5.12.1 Existing bridges, culverts, vaults and underground piping. At the discretion of the fire official, or the building official, an existing bridge, culvert, vault, or underground piping installed without the benefit of review and approval by either the fire official or building official, may consider the bridge, culvert, vault, or underground piping unsafe for the passage of fire apparatus. The fire official, or the building official may then require that a registered engineer submit written verification that said access road elements can support the design loads required in this standard.

5.13 Retaining walls. Retaining walls shall be designed and constructed in accordance with the Chapter 16 of the OSSC.

Chapter 6 All-weather Surface Construction

Road bed preparation. In preparation for the all-weather surface, the road bed of the portion of a private street (driveway) to be used as an access road shall be in accordance with this section.

6.1.1 Native soil. Native soil shall be stripped of the vegetative layer.

6.1.2 Fill. Fill shall be relatively free of boulders, construction debris and vegetation which might otherwise hinder the utilization of such materials as fill. Fill shall be compacted to a minimum of 2,000 PSF.

6.2 All-weather surface construction. The all-weather surface of the portion of a private street (driveway) to be used as an access road shall be constructed using one of the following methods:

1. A minimum layer of one and one-half (1½) inch minus crushed rock, not compacted and spread to a minimum uniform depth of eleven (11) inches. A compaction report prepared by a registered geotechnical engineer shall be provided when this method is used. The compaction report shall state that the road bed is compacted to a minimum of 2,000 PSF, or
2. A minimum layer of one and one-half (1½) inch minus crushed rock, spread and compacted to a minimum uniform depth of nine (9) inches. A compaction report prepared by a registered geotechnical engineer shall be provided when this method is used. The compaction report shall state that the road bed is compacted to a minimum of 2,000 PSF, or
3. A minimum layer of one and one-half (1½) inch minus crushed rock, spread and compacted to a minimum uniform depth of four (4) inches when topped with:
 - a. A minimum thickness of two and one-half (2½) inches of asphaltic concrete (AC), or
 - b. A minimum thickness of four (4) inches of cementious concrete (CC).

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FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

A compaction report prepared by a registered geotechnical engineer shall be provided when this method is used. The compaction report shall state that the road bed is compacted to a minimum of 2,000 PSF, or

4. A layer of approved geotextile fabric applied over the road bed and covered with at least the minimum thickness, and type of rock required by the geotextile fabric manufacturer. The crushed rock shall be compacted to the geotextile manufacturer's recommendations. A road bed compaction report is not required when this method is used.

6.2.1 Alternate. If different materials, a different method of construction, lesser compaction, a lesser thickness of gravel, or a lesser thickness of AC/CC are proposed for the all-weather surface, an engineered design shall be prepared by a registered engineer and submitted to the fire official and the building official for their review and approval.

6.2.1.1 Design load capacity. When an engineered design is provided, the EOR shall design the all-weather surface to support a minimum wheel load of 12, 500 lbs. and a G.V.W of 75,000 lbs.

6.3 Determination of adequacy. In addition, the fire official and the building official may require an engineered design if, upon inspection of the road bed as constructed, the fire official and the building official determine that the road bed is inadequate to support fire apparatus.

Chapter 7 Security Gates

7.1 Security gates. The installation of a security gate across a private street (driveway) used as an access road shall be approved by the fire official and the building official.

7.2 Installation requirements. Security gate installations shall meet the following requirements:

1. Minimum 12 feet net clear gate opening width.
2. Minimum set back of 30 feet from the intersection at the public road
3. Opened by swinging or sliding
4. Operated manually by one person
5. A locking device (if provided) approved by the fire official

7.3 Emergency operation. Security gates shall have an approved means of emergency operation that shall be maintained for as long as the gate remains in place.

Chapter 8 Signage

8.1 Signage. Private streets (driveways) used as an access road shall be signed in accordance with this section. When a private street (driveway) continues beyond the access road terminus, or intersects with an access road, and that private street (driveway) is not constructed in accordance with this standard, that portion shall be posted in accordance with Section 8.4, and when applicable, Section 8.5.

8.2 Address signage. Address numbers shall be posted at the entrance to a private street (driveway) used as an access road. Address numbers shall be:

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

1. In contrast with the background
2. Arabic numerals or English alphabet letters
3. In contrast with the background
4. In contrast with the background
5. Arabic numerals or English alphabet letters
6. A minimum of four (4) inches in height, with a minimum stroke width of one-half (0.5) inch

Exception: Addressing, in the form of building numbers or other approved identification, may be used in lieu of posting the driveway entrance when the numbers are positioned on the building to be plainly visible and legible from the public road fronting the property.

8.3 No parking signs. A "NO PARKING" sign shall be posted at each turnaround (when required by the fire official), turnout and bridge.

1. The sign shall be rectangular in shape.
2. Sign dimensions shall be 12 inches wide and 18 inches high.
3. Sign lettering shall be red and the background shall be reflective white.
4. The sign's message shall be as shown in Figure 8.3.
5. The sign shall be mounted at seven (7) feet above grade, measured to the bottom of the sign.

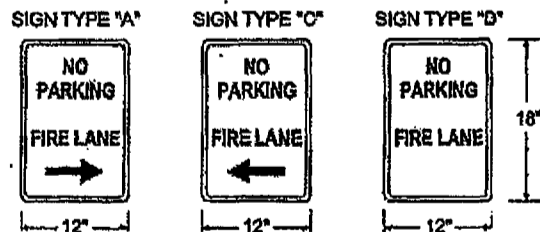


FIGURE 8.3 No Parking Signs

8.4 Terminus sign. A sign indicating the location of the access road terminus shall be provided in the case where the private street (driveway) extends beyond the terminus of the access road and the private street (driveway) is not constructed to the requirements of this standard.

1. The sign shall be rectangular in shape.
2. Sign dimensions shall be 12 inches wide and 18 inches high.
3. Sign lettering shall be red and the background shall be reflective white.
4. The sign shall state "NO FIRE APPARATUS ACCESS BEYOND THIS POINT."
5. The sign shall be mounted at seven (7) feet above grade, measured to the bottom of the sign.

8.5 Maximum weight signs. Maximum weight signs shall be posted at all bridges, culverts, vaults, and underground piping located on a private street (driveway) when they are not capable of supporting the design loads required in this standard.

1. The sign shall be rectangular in shape.
2. Sign dimensions shall be 12 inches wide and 18 inches high.
3. Sign lettering shall be black and the background shall be reflective white.
4. The sign shall state the actual service load capacity of the bridge, culvert, vault, or underground piping.
5. The sign shall be mounted at seven (7) feet above grade, measured to the bottom of the sign.

Chapter 9 Maintenance

9.1 Maintenance. During construction, and for the life of the dwelling, all aspects of the approved portion of a private street (driveway) used as an access road shall be maintained as

**WASHINGTON COUNTY FIRE DEFENSE BOARD FIRE DEPARTMENT ACCESS ROAD STANDARD
FOR PRIVATE STREETS (DRIVEWAYS) SERVING NOT MORE THAN TWO SINGLE-FAMILY DWELLINGS**

approved by the fire official and the building official. This includes, but is not limited to, the continual pruning of trees and brush to maintain the horizontal and vertical access road clearances, filling of pot holes and ruts and draining of standing water. Approved bridges, culverts, vault, underground piping, and security gates shall also be maintained to be fully operational at all times. Addressing and other required signage shall be maintained in a legible state at all times.

SITE INFORMATION

PROPERTY LOCATION: _____

DATE OF INSPECTION: _____

OWNER NAME: _____

ADDRESS: _____ PHONE: _____

CITY: _____ ST: _____ ZIP: _____

CONTRACTOR: _____

ADDRESS: _____ PHONE: _____

CITY: _____ ST: _____ ZIP: _____

LEGAL DESCRIPTION: _____

FIRE DISTRICT APPROVAL

WASHINGTON COUNTY FIRE DISTRICT NO. 2
31370 NW COMMERCIAL STREET
NORTH PLAINS, OREGON 97133
TELEPHONE: (503) 647-9900
FAX: (503) 647-9351

PRELIMINARY APPROVAL

The plot plan and/or access road noted above has been reviewed for conformity to the standards included with this form. The plan, as reviewed, satisfactorily meets the standards. The issuance of a building permit for a structure to be served by this roadway is acceptable to this office pending approval of the completed roadway prior to final occupancy. Driveway must be posted with residence address.

FINAL APPROVAL

This access road noted was reviewed for conformity to the standards and issuance of a building permit on _____. The completed road, as inspected, satisfactorily meets the standards. The issuance of a final occupancy for a structure to be served by this roadway is acceptable to this office. Driveway must be posted with residence address.

NOT APPROVED

The access road noted above, as inspected this date, does not meet the standards for the following reasons: _____

The access criteria must be improved prior to access approval by this office.

SIGNATURE: _____ DATE: _____

TITLE: _____

EXHIBIT 1

Notice of Decision & Staff Report 05-0-86-PA



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
SUITE 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124-3072
(503) 846-3519 fax: (503) 846-4412

NOTICE OF BOARD OF COMMISSIONERS' DECISION (Plan Amendment)

CASE FILE NO.: 05-086-PA

APPLICANT:

Janice Ganger
6811 SE Eileen Lane
Hillsboro OR 97123

APPLICANT:

William & Marie Gregory
PO Box 710
Glenden Beach OR 97388-0710

APPLICANT:

Henry Laun
14052 SW Stampfer Road
Lake Oswego OR 97034

APPLICANT'S REPRESENTATIVE:

Ramis Crew Corrigan & Bachrach LLP
1727 NW Hoyt Street
Portland OR 97209

CONTACT PERSON: John Pinkstaff

PROCEDURE TYPE: III

CPO: 10

COMMUNITY PLAN: Rural/Natural Resource

EXISTING LAND USE DISTRICT(S):

AF-20 (Agriculture & Forestry - 20 Acres)

LOCATION: Between SW Mountain Home Road and Highway 219, southeast of Groner Road and northwest of Neill Road.

OWNERS: Applicants

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 2S2 21 / 2S2 28 / 2S2 29

TAX LOT NO(S): 900, 901, 902 / 500 / 105

SITE SIZE: 176 Acres

ADDRESS: 20000 SW Santa Maria Drive and four unaddressed parcels.

PROPOSED PLAN AMENDMENT: Comprehensive plan amendment from AF-20 to EFC for five of the six subject parcels.

DATE OF NOTICE MAILING: June 10, 2005

A SUMMARY OF THE DECISION OF THE BOARD OF COMMISSIONERS IS ON THE ATTACHED SHEET.

THE COMPLETE ORDER, FINDINGS, AND FILES ARE ON RECORD AT THE DEPARTMENT OF LAND USE AND TRANSPORTATION AND ARE AVAILABLE FOR REVIEW AT THE COUNTY.

THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) BY FILING A NOTICE OF INTENT TO APPEAL WITH LUBA WITHIN 21 DAYS OF THE DATE THIS DECISION IS FINAL. THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE HOLDS THAT THE DECISION IS FINAL ON THE DATE OF MAILING UNLESS A PETITION FOR RECONSIDERATION IS TIMELY FILED. CONTACT YOUR ATTORNEY IF YOU HAVE QUESTIONS REGARDING AN APPEAL TO LUBA.

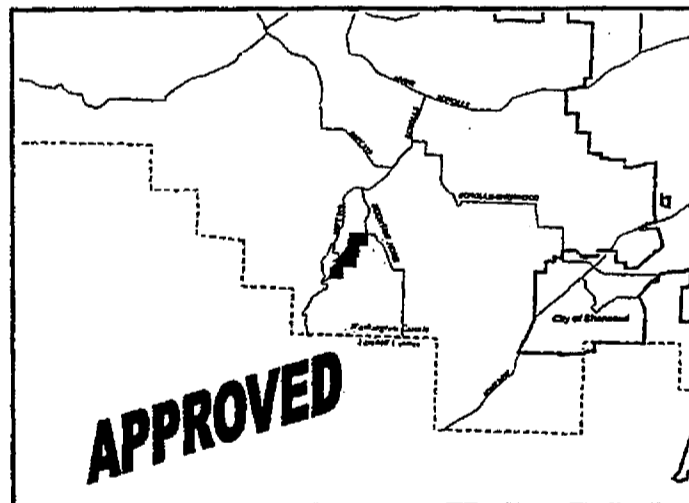
A PETITION FOR RECONSIDERATION MAY BE FILED BY A PARTY WITHIN SEVEN (7) CALENDAR DAYS OF THE DATE THIS NOTICE WAS PROVIDED. THE PETITION SHALL STATE THE ALLEGED ERRORS NECESSITATING RECONSIDERATION. ONLY THOSE PERSONS WHO MADE AN APPEARANCE OF RECORD (INCLUDING SUBMISSION OF WRITTEN COMMENTS OR TESTIMONY) ARE ENTITLED TO FILE A PETITION FOR RECONSIDERATION OF THE DECISION. IF A PETITION FOR RECONSIDERATION IS TIMELY FILED, THE DECISION WILL BE FINAL IF RECONSIDERATION IS NOT GRANTED BY THE BOARD.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Aisha Willits, Associate Planner

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

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.

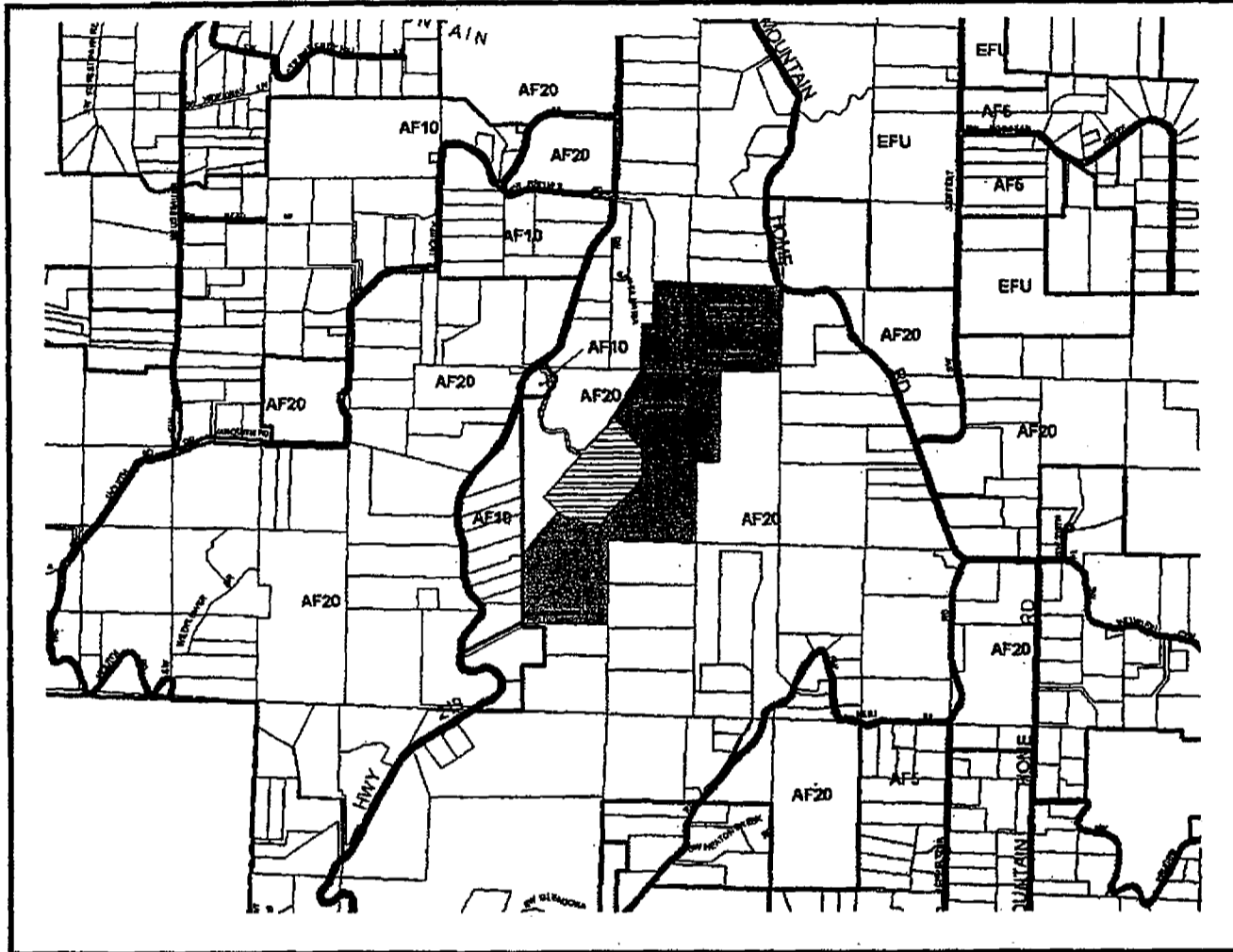
SUMMARY OF DECISION

Janice Ganger, William and Marie Gregory, and Henry Laun applied to Washington County for a plan amendment to change the plan designation for an approximately 214-acre group of parcels from Agriculture & Forest – 20 Acre District (AF-20) to Exclusive Forest Conservation District (EFC).

At their meeting on May 18, 2005, the Washington County Planning Commission unanimously agreed to forward a recommendation for approval to the Board of County Commissioners for all parcels except 2S2 28, tax lot 100. On June 7, 2005, The Board approved the plan amendment request from AF-20 to EFC for the following parcels: **2S2 21, tax lots 900, 901 and 902; 2S2 28, tax lot 500; and 2S2 29, tax lot 105** (entirety of the applicant's request, with the exception of 2S2 28, tax lot 100). The approval was subject to the following condition:

1. Any additional amount over and above the fee deposit submitted with this application which is determined to be owing the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.

Tax Map/Lot Number: 2S2 21, Tls 900, 901 & 902; 2S2 28, TL 500; 2S2 29, TL 105
 Case File Number: 05-086-PA



Legend: Area Approved
 Area Not Approved



Scale: 1"=1500'

Applicable Land Use Districts:

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

Applicable Goals, Policies & Regulations:

- A. LCDDC Statewide Planning Goals 1, 2, 3, 4, 11 & 12
- B. Washington County Rural/Natural Resource Plan Policies 1.p.8, 2, 6, 8, 10, 14.a.1., 16, 17 & 22
- C. Washington County Community Development Code Article II: Procedures Article III, Sections 342-1, 344-1
- D. Oregon Administrative Rules 660-006-0015(2), 660-033-0030(4), 660-012-0060
- E. Washington County 2020 Transportation Plan Policies 1, 2, 4, 5, 6, 10 & 19



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

STAFF REPORT

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

ASSESSOR MAP NO.: 2S2 21 / 2S2 28 / 2S2 29
TAX LOT NO(S): 900, 901, 902 / 500 / 100, 105
SITE SIZE: 214 acres
LOCATION: Between SW Mountain Home Road
and Highway 219, south of Groner Road.

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

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

CASEFILE NO.: 05-086-PA

APPLICANTS:
Janice Ganger
350 SW 225th Avenue
Hillsboro OR 97123

William & Marie Gregory
PO Box 710
Gleneden Beach OR 97388-0710

Henry G. Laun
14052 SW Stampher Road
Lake Oswego OR 97034

APPLICANT'S REPRESENTATIVE:
John Pinkstaff
Ramis Crew Corrigan & Bachrach LLP
1727 NW Hoyt Street
Portland OR 97209

OWNER:
Applicants

SITE ADDRESS
20000 SW Santa Maria Drive and five unaddressed
parcels.

Casefile No. 05-086-PA Staff Report for the May 18, 2005 Planning Commission Hearing

I. APPLICABLE REGULATIONS

- A. LCDC Statewide Planning Goals 1, 2, 3, 4, 6, 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
- C. Rural / Natural Resource Plan Policies: 1p.8, 2, 6, 8, 10, 14.a.1., 16, 17 & 22
- 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)

II. AFFECTED JURISDICTIONS

Washington County Sheriff
Washington County Department of Land Use and Transportation
Washington County Department of Health and Human Services
Hillsboro School District
Washington County Fire District #2

III. FINDINGS

A. General

Applicant: See page 1 of the application.

Staff: The plan amendment application was accepted on March 10, 2005. According to current tax assessment maps, the six tax lots subject to this plan amendment (hereby referred to as the "property") encompass a total of 214.66 acres. The property is generally located between Highway 219 and SW Mountain Home Road, southeast of SW Groner Road and northwest of SW Neill Road (see the map on page 17 of this staff report). The property consists of three separate ownerships. The Ganger tract consists of approximately 62 acres on map 2S2 21, tax lots 900, 901 and 902. The Gregory tract is approximately 110 acres and is comprised of tax lot 105 on tax map 2S2 29 and 500 on map 2S2 28. The Gregory/Laun parcel is approximately 40 acres and consists of tax lot 100 on map 2S2 29.

The current land use designation for the property is AF-20, and the applicant is requesting a plan amendment to change the designation to EFC. According to the Rural/Natural Resource Plan Map, Heaton Creek runs through all but one of the tax lots that make up the subject property. Heaton Creek is designated as Water Areas, Wetlands and Fish and Wildlife Habitat on the Rural/Natural Resource Plan. The significant natural resource designation of Water Areas and Wetlands is also indicated on a portion of tax lots 901 and 902.

The Ganger tract is primarily forested, while the Gregory tract is in mixed agricultural and forestry use. The Ganger tract supports various forest tree species, including Douglas Fir and Western Red Cedar. According to the applicant's narrative, the tract was logged in 1958, 1990, and 1992. Approximately 55 of the 62 acres have been restocked; the remaining acreage supports a hay pasture (2 acres), a walnut orchard (4 acres), and a home site on tax lot 900. The tract is primarily in forest deferral, with a portion of the tract in farm deferral, according to Washington County Assessment and Taxation's records.

Access to tax lot 900 on the Ganger tract is via Santa Maria Drive. Tax lots 901 and 902 on the Ganger tract share a 40-foot access easement to Mountain Home Road. On the Gregory tract, tax lot 500 is provided access via a private easement to Santa Maria Drive; while tax lots 100 and 105 have direct access to Highway 219 via 50-foot wide roadways. Santa Maria Drive is a private access easement. Mountain Home Road is identified on the Functional Classification Map as a county rural local road, and Highway 219 is a state highway under the jurisdiction of the Oregon Department of Transportation (see also Section D and Attachment A of this staff report).

The applicant's submittal states that approval of this plan amendment request may result in up to five additional dwellings on the undeveloped parcels. The applicants have indicated their intent to pursue land use review for template dwellings if the plan amendment request is approved. Under current standards, ownership of two contiguous parcels is interpreted as a "tract" of land. A single tract of land may be eligible for one single family residence. The Ganger tract is already

developed with a residence and would not be eligible for additional homes while under the same ownership. The Gregory tract and the Gregory/Laun parcel may be eligible for one dwelling each.

Several calls from the public were received regarding this plan amendment request. Only one of the callers voiced objections to the plan amendment. The caller, a resident adjacent to tax lot 105, and located west of the tax lot and east of Highway 219, expressed concern that improvement of the unimproved access to tax lot 105 would negatively impact the water resource on that tax lot. The caller was also concerned about the conversion of the existing orchards to timber. He said he did not approve of replacing the orchards with timber because the trees would block the view from his property.

Staff explained that the location of the access point to tax lot 105 would be addressed during the development review stage, as would any potential impacts to resources on the parcel (see response to Policies 6, 8 and 10 on pages 6 – 10 of this staff report). With regard to the replacement of the orchards with timber, staff explained that there were no regulations to prevent the property owner from doing so, and that the properties involved with the plan amendment request were not designated as scenic view areas, therefore no restrictions to preserve views could be placed on the subject properties.

State law requires the Board of County Commissioners to make the final decision for plan amendments on resource lands. The purpose of the Planning Commission hearing is to provide a recommendation to the Board for consideration of this plan amendment request at their hearing on June 7, 2005.

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 and guidelines. Goals applicable to this proposal are addressed under related policies from Washington County's Rural/Natural Resource Plan Element and in Attachment A, the Transportation Report. In addition, Oregon Administrative Rules (OAR) for Goals 3 and 4 are specifically addressed below.

LCDC Goal 3. Agricultural Lands

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

OAR 660-033-0030: Identifying Agricultural Land

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

LCDC Goal 4. Forest Lands

This goal requires forest lands be conserved by maintaining the forest land base, and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest land consistent with sound management of soil,

air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture. OAR Chapter 660, Division 6 sets forth the following requirement:

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

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

Staff: The subject property is designated AF-20, which is a resource designation for farm use in Washington County. According to the applicant, with the exception of 5 acres, the Ganger tract is in forest use. The tract was logged in 1958, 1990 and 1992, and restocked in 1992 and 2000. Approximately half of the 214-acre group of properties is on high-value soil. The Gregory and Laun properties have historically been used for agricultural purposes. However, the applicant indicated an interest in replacing orchards on both tracts with timber. According to County tax records, the property included within the Ganger tract has been on forest deferral since at least 1991. The Gregory tract is in mixed farm and forest deferral. The subject site meets the definition of Goal 4 forestland because the soils exhibit high potential productivity with no serious limitations on forest management. The applicant's request is to change the designation of the subject property to EFC (Goal 4) in order to reflect its established use.

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 11-14 of the application.

Staff: The applicant's submittal states that this plan amendment request meets the criteria set forth under Policy 1.p.8.B. Part B requires a quasi-judicial plan amendment to meet at least one of the above four criteria. In this case, the request meets all four criteria. Half of the subject property is currently managed for commercial forest use, and has been under forest deferral since 1991. The other portion of the subject property will be converted from agricultural use to forest use and may then apply to convert the current farm deferral to forest deferral. The subject property features soils classified as high value soils for agricultural purposes in Oregon; the property also meets the forest land parameters set forth in Goal 4, which broadly defines forest lands as soils that have a high potential for productivity and no serious management limitations. A description of the tax deferral status of each tax lot involved in the plan amendment request is provided below:

Tax lot	Type of Deferral	Acres
900	Farm	5.8
	Forest	15
901	Forest	20.68
902	Forest	20.68
100	Farm	40.84
105	Farm	39.96
500	Farm	33.5
	Forest	38.2

The applicant addresses the surrounding parcels and land uses in the narrative for Policy 1 on pages 11-14 or Policy 14 on pages 28-32 of the submittal. The surrounding parcels are primarily designated AF-20 and AF-10. Exclusive Forest and Conservation (EFC) properties are located to the northeast of the property. Directly north of the property are tax lots 801, 705, 702, 706 (2S2 21) and 1603 (2S2 22). All five properties are designated AF-20 and support residential, agricultural and forest uses.

According to the applicant's submittal, uses allowed under the EFC designation are similar to those allowed in the AF-20 District. While the Gregory tract has historically been utilized for agricultural uses, the property owners have indicated an interest in replacing the existing orchards with timber.

To qualify for the plan amendment, not only the property (the six contiguous tax lots), but also each parcel involved in the plan amendment request must meet the criteria for a change from AF-20 to EFC. Tax lot 100 is not predominantly forested and does not meet the criteria for a plan amendment from AF-20 to EFC. To meet the criteria, tax lot 100 must be converted to at least 51% forest use. In addition, all tax lots must comply with the minimum stocking requirements defined by the Forest Practices Act. Staff finds that for all tax lots involved in this plan amendment request, with the exception of tax lot 100, these criteria can be met.

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

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

2. Policy 2, Citizen Involvement, states:

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

Applicant: See page 14 of the application.

Staff: A quasi-judicial plan amendment such as this must be considered through a Type III (public hearing) review procedure. In accordance with Section 204-4 of the Community Development Code (CDC), notice of the Planning Commission and Board of Commissioners public hearings on this application was sent to all property owners within 1,000 feet of the subject property. This notice was sent at least 20 days prior to the first hearing (mailed April 28, 2005 – a notice with corrected information regarding the subject property's size and location was mailed May 2, 2005). Additionally, the County placed a legal notice of the hearing in a newspaper of general circulation (*The Hillsboro Argus*) at least ten days prior to the first hearing date (published May 5, 2005). As required by CDC Section 204-1.4, the applicant posted a sign (posted March 31, 2005) on the subject property within 21 days of acceptance of the application (accepted on March 10, 2005).

A copy of the plan amendment application was mailed to the representative for the local Citizen Participation Organization (CPO 10). Finally, the staff report was available to all interested parties seven days prior to the hearing as required by Code Section 203-6.2. Staff finds these efforts satisfy the requirements of Policy 2.

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

3. Policy 6, Water Resources, states:

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

Applicant: See pages 14-23 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.

The only readily available evidence relating to groundwater conditions in specific areas is contained in water well reports (well logs) filed with the regional Watermaster's Office by well drillers at the time they drill a well. If enough wells are drilled in an area over an extended period of time, and if some of the well reports are recent, then well reports can be an indicator of any

trends concerning the quantity of water being yielded by wells in the area. They do not, however, provide information concerning trends with regard to individual wells.

Policy 6 allows an applicant to use the well reports as evidence of groundwater quantity conditions in the area around a plan amendment site. If, however, opponents of an application allege, based on their experience with the production of their wells, that groundwater quantities in the area are declining, then it is the applicant's responsibility to provide evidence and/or testimony to rebut the opposition's assertion.

Opposition testimony can be rebutted by an applicant in the above-described situation by having an "expert" such as a professional geologist or hydrologist review the 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 15-17 in the application.

Staff: As indicated by implementing strategy a.5., plan amendments between the three resource districts, AF-20, EFU and EFC, are not required to submit well logs. Under the AF-20 and EFC designations, no additional parcels can be created from the site, although approval of this plan amendment request could result in one or more new dwellings on the subject property. Because both the AF-20 and EFC Districts are resource districts and the potential allowed uses in these districts are similar, staff believes the worst-case scenario for the development impact on the subject site under either plan designation is similar. Therefore the applicant's burden of proof is less than what would be required in other cases where the designation would allow an increase in the potential number of dwellings or new uses not permitted by the current designation.

The subject property is not located within an area identified as critical or groundwater-limited by the Oregon Water Resources Department.

- 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 18 of the application.

Staff: Prior to the issuance of a building permit for a new dwelling, the County Health Department must approve the installation of a septic system for the 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) and 426 (Erosion Control). Compliance with these standards ensures adequate quality of surface water. The applicant will have to demonstrate land use compatibility at the point of their septic permit application. 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 modification 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 18 and 19 of the application.

Staff: According to the Rural/Natural Resource Plan Significant Natural Resources Map, Heaton Creek and a few of its tributaries flows through portions of tax lots 900, 901, 902, 500 and 105. Heaton Creek does not cross tax lot 100. Based upon the creek's location and the topography present on the property, the applicant believes that there is adequate space in which to site single family dwellings on the undeveloped tracts. At such time as the applicant requests development approval for a dwelling, they will be required to address development standards relating to significant natural resource areas, drainage, and grading. Therefore, staff finds these strategies can be satisfied.

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

Applicant: See page 19 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 20 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 20 of the application.

Staff: The property is located within the Heaton Creek drainage basin watershed. Development on the subject property will be required to comply with standards relating to drainage at the time of development review. Therefore, staff finds these strategies can be satisfied.

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

Applicant: See page 20 of the application.

Staff: The subject property does not contain water areas and wetlands recognized by the Division of State Lands. However, Division of State Lands regulations would apply if wetlands were to be identified on the property. Compliance with this state agency is required through CDC Section 421.

- 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 20 of the application.

Staff: Any subsequent development of the subject property will have to comply with Community Development Code sections that implement the above strategies—Sections 410 (Grading and Drainage) and 426 (Erosion Control). 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 pages 23 and 24 of the application.

Staff: A portion of Heaton Creek and a few of its tributaries run through tax lots 900, 901, 902, 500 and 105. Where the creek runs through the various properties, the Rural/Natural Resource Plan designates those areas as significant for *Water Areas and Wetlands, Fish and Wildlife Habitat*. Tax lots 901 and 902 are partially within the flood plain of Heaton Creek. Any future development in the vicinity of the flood plain would require compliance with Section 421 of the Community Development Code; staff therefore finds this policy can be satisfied.

5. Policy 10, Fish and Wildlife Habitat

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

Applicable Implementing Strategies:

The County will:

- a. **Establish standards with which development in areas defined as significant fish and wildlife habitat must comply, so as to assure the conservation of this habitat.**

Applicant: See page 25 of the application.

Staff: A portion of Heaton Creek and a few of its tributaries run through tax lots 900, 901, 902, 500 and 105. Where the creek runs through the various properties, the Rural/Natural Resource Plan designates those areas as significant for *Water Areas and Wetlands, Fish and Wildlife Habitat*. Tax lots 901 and 902 are partially within the flood plain of Heaton Creek. CDC Section 422 (Significant Natural Resources), which will apply at the development review stage, provides standards for development in this area. The requirements are the same for either the AF-20 or the EFC designation. Therefore, staff finds the criterion can be satisfied.

- 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 page 25 of the application.

Staff: A portion of Heaton Creek and a few of its tributaries run through tax lots 900, 901, 902, 500 and 105. Where the creek runs through the various properties, the Rural/Natural Resource Plan designates those areas as significant for *Water Areas and Wetlands, Fish and Wildlife Habitat*. Tax lots 901 and 902 are partially within the flood plain of Heaton Creek. CDC Section

422 (Significant Natural Resources), which applies at the development review stage, provides standards for development in these areas. Therefore, staff finds this 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 pages 25-26 of the application.

Staff: The Habitat Protection Plan recommendations for protection of Wildlife Habitat identify the following types of wildlife habitats: **Big Game, Upland Game, Furbearers, and Nongame Wildlife**. The subject property is not located within a Wildlife Habitat zone, therefore the Habitat Protection Plan does not apply.

6. Policy 14, Plan Designations, states:

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

Applicable Implementing Strategies:

a. **Designate Natural Resource lands in the following manner:**

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

Applicant: See pages 28-32 of the application.

Staff: Implementing Strategy a.1. sets forth criteria to determine if a site should have an exclusive farm (EFU) 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 site is primarily forested and not currently managed for farm use. The Ganger tract has been in forest use for several decades and was harvested in 1958, 1990 and 1992. Several surrounding properties are also forested, although most are designated AF-20. A few of the surrounding properties are in farm use or rural residential use. A canyon runs through the subject property, with the west and east sides of the property meeting towards the center of the land where Heaton Creek runs through a number of the tax lots. According to a report developed by Mark Smith, a professional certified forester, because of its good soil and high site class, the property would provide an excellent area for growing commercial lumber.

According to the USDA *Soil Survey of Washington County* (SCS 1982), one primary soil type exists on the subject property. The soil consists of Laurelwood soil types over approximately 90% of the subject property, Wapato silty clay loam on about 4% of the subject property, and Cornelius and Kinton silt loams on the remaining area. Slopes on the three soil types range from seven to 60%. With the exception of the Wapato soil in the creekbed, woodland suitability for the various soil types is 2o2 or 2r2. Both woodland suitability codes demonstrate "high potential productivity and no serious limitations for management". Site preparation and replanting may be required in order to obtain full stocking. Group 2o2 and 2r2 soils are best suited for Douglas Fir, Oregon white oak and bigleaf maple production.

Soil capability units are varied on the subject property. The soils are mainly suitable for woodland, irrigated crops and berries, pasture, homesites and recreation. To qualify for the plan amendment, each parcel involved in the plan amendment request must meet the criteria for a change from AF-20 to EFC. With the exception of tax lot 100, all of the tax lots involved in this plan amendment request are predominantly forested. To meet the criteria for a change from AF-20 to EFC, tax lot 100 must be converted to at least 51% forest use. In addition, all tax lots must comply with the minimum stocking requirements defined by the Forest Practices Act. Staff finds that all tax lots, with the exception of tax lot 100, meet the criteria of Implementing Strategy a.1. can be satisfied.

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

Staff: The subject property is approximately 214 acres and therefore meets the criteria for designation as a "large block" of 76 acres or more. However, tax lot 100, which consists of approximately 40 acres, does not meet the criteria for a plan amendment from AF-20 to EFC. Staff therefore finds the remaining properties subject to this plan amendment, comprised of approximately 174 acres, to be consistent with this implementing strategy, which staff traditionally has applied to both quasi-judicial and legislative requests.

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 32 and 33 of the application.

Staff: As stated previously, the portion of the subject property that meets the criteria from AF-20 to EFC (all tax lots, with the exception of tax lot 100) is approximately 174 acres. The request therefore meets the "large block" criteria and would make the property a block of EFC land larger than 76 acres. Although Implementing Strategy i. refers to the legislative process, staff traditionally has applied the "large block" criterion to both the legislative and quasi-judicial processes (see discussion under Policy 14.b. above).

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 33 and 34 of the application.

Staff: The AF-20 District is an exclusive farm use district. The subject property was designated AF-10 by the 1973 Comprehensive Framework Plan, but did not qualify for a Goal 2 exception in 1983 when the Rural/Natural Resource Plan was adopted. Subsequently, the site was designated AF-20 consistent with this policy. Quasi-judicial plan amendment applications to change the AF-20 Plan designation to another rural designation are permitted by Policy 1 of the Rural/Natural Resource Plan Element. The applicant has submitted evidence that documents the request is consistent with this policy.

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 34 - 36 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 Hillsboro School District, Washington County Fire District #2, and Washington County Sheriff's Office. The application includes a service analysis for the school district, describing present enrollments and capacity of the district's schools that serve the site, and an analysis for the fire district, describing station location, equipment location and response times. All three service providers have stated that service levels are adequate to serve the proposed development that could occur if this plan amendment is approved. Staff notes that the proposed amendment may result in between two to five new single family residences.

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

Information obtained from the Hillsboro School District shows the site is located within the following school attendance areas: Groner Elementary School, Thomas Middle School and Hillsboro High School. The elementary school is located approximately 3.87 miles away. The middle school is approximately 13 miles away. Hillsboro High School is 11.24 miles away. The school district indicates there is sufficient enrollment capacity in all three schools. Staff concludes from the information contained in the letter from the Hillsboro School District that there is adequate school capacity to serve up to five single family residences on the site.

The site is within the service area of Washington County Fire District #2. According to the fire district, the nearest fire station is located 5 miles away with an estimated response time of eight to ten minutes. The fire district indicated that the district's service level is adequate to serve the proposed development.

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

Based on the above-described service statements and analyses, staff finds that all the affected service providers in the area can provide an adequate level of service to development that may occur on the subject property if the proposed plan amendment is approved. This request, therefore, complies with Policy 22.

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

D. Washington County Transportation Plan

Applicant: See pages 36 - 41 of the application.

Staff: Findings pertaining to the County Transportation Plan and the Oregon Transportation Planning Rule can be found in Attachment A, Transportation Report for Casefile No. 05-086-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 41 - 45 of the application.

Staff: According to the applicant, the subject property is currently in forestry use. Tax lot 100 is currently in farm use, and does not meet the criteria for a change from AF-20 to EFC. Placing an EFC designation on the remaining tax lots subject to this plan amendment request would be consistent with the EFC District's purpose of preserving farmland and farm uses.

forestry

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May 11, 2005
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These findings for the Community Development Code also pertain to Statewide Planning Goals 3 and 4.

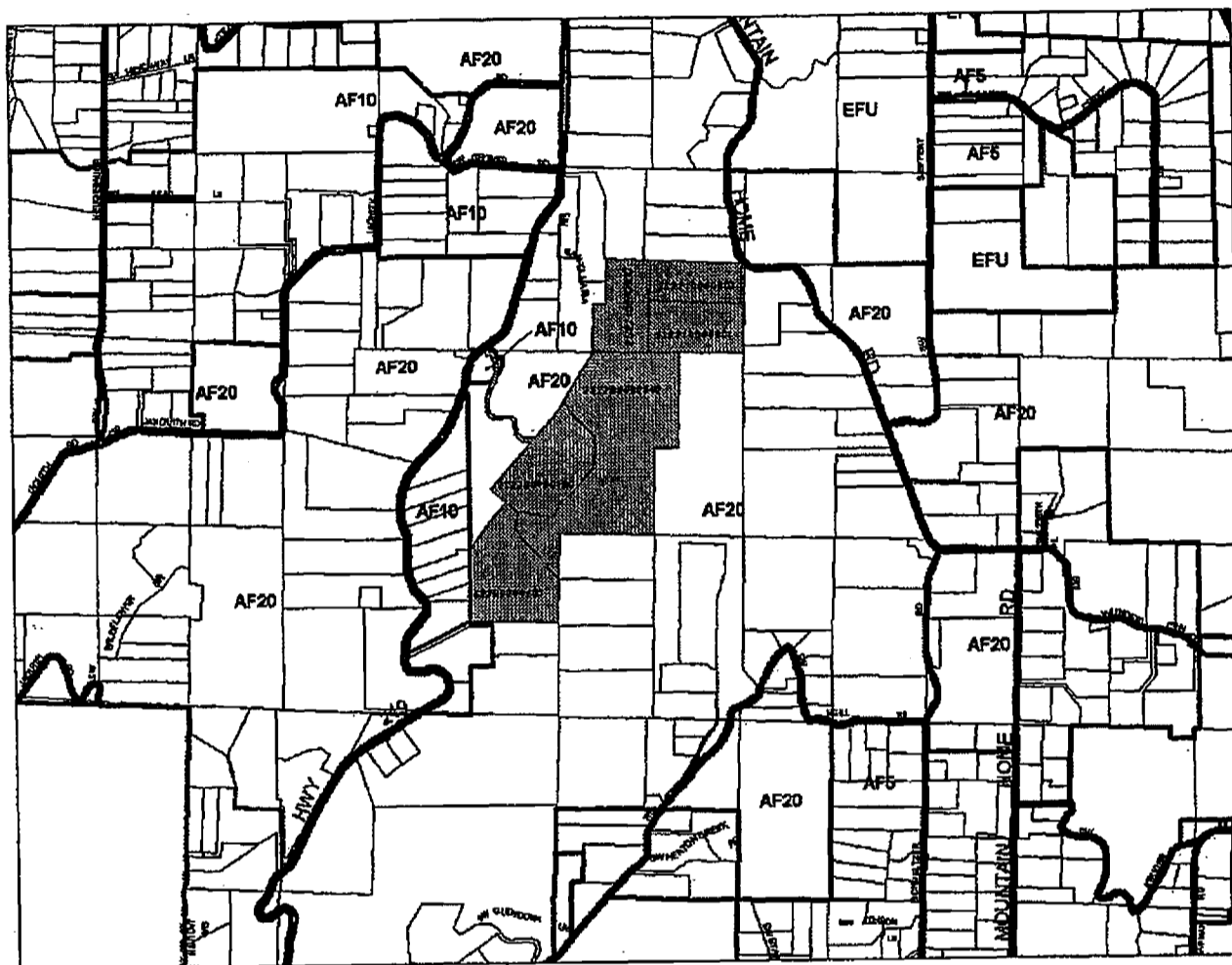
IV. SUMMARY AND CONCLUSIONS

Staff considered the evidence provided by the applicant and all of the factors relevant to a plan amendment from AF-20 to EFC. The factors were listed under Implementing Strategy p.8. for Policy 1 of the Rural/Natural Resource Plan. This consideration included the review of soils, the present and past use of the property, the use of the surrounding properties, possible farm crops or forest uses, the physical characteristics of the site, and the property's tax deferral status. Pursuant to Plan Policies 14, 16 and 17, staff also considered the intent and purpose of the existing and proposed land use designations. With the exception of tax lot 100, the properties subject to this request appear to meet 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 for the following parcels: **2S2 21, tax lots 900, 901 and 902; 2S2 28, tax lot 500; and 2S2 29, tax lot 105** (entirety of the applicant's request, with the exception of 2S2 28, tax lot 100). Therefore staff recommends that the Planning Commission forward to the Board of County Commissioners a recommendation for approval of the applicant's plan amendment request subject to the following condition:

Any additional amount over and above the fee deposit submitted with this application which is determined to be owing the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.



Legend:



Subject Property

Scale: 1" = 1,500'

April 29, 2005

**TRANSPORTATION REPORT
CASEFILE NO. 05-086-PA**

Applicant: Janice Ganger, Trustee

Location: South and east of Highway 219 and west of Mountain Home Road

Tax Map/Lot: 2S2 21/900, 901, 902; 2S2 28/500; 2S2 29/100, 105.

Site Size: 214.66 Acres (total of all six parcels)

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 parcels 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 properties are located south and east of Highway 219 and west of Mountain Home Road. The subject properties are accessed via existing easements to Mountain Home Road (tax lots 901, 902) and State Highway 219 (tax lots 500, 900, 100, 105). Mountain Home Road is a rural local road under Washington County jurisdiction. Highway 219 is a state roadway under the jurisdiction of ODOT.
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 660-012-060, 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. Pursuant to the OAR, the proposed plan amendment would 'significantly affect' Highway 219 or Mountain Home Road if it does any of the following:

- Changes the functional classification of an existing or planned transportation facility;
 - Changes standards implementing a functional classification system;
 - 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 level identified in the TSP.
2. 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.
3. 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 660-33-030(4) and 660-06-015(2)) establish a relatively low burden of proof for plan amendments from one resource designation to another. In this instance, both the existing plan designation of AF-20 and the proposed plan designation of EFC are resource designations. LUBA has also clarified the relatively low burden required to amend one exclusive resource designation for another (see *KO-AM Realty, 20 Or LUBA 127 (1990)*). The relevant rule provisions establish that when land satisfies the definition requirements of both agricultural and forest land, an exception is not required and the local plan need only document the factors that were used to select one designation (agricultural or forest) over another.

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

Under the existing AF-20 designation, a farm-related dwelling (or even multiple farm dwellings) *may be* permitted if the relevant approval criteria are satisfied. Establishment of a dwelling on a lawfully created lot, parcel or tract of land under the proposed EFC land use designation is also permitted subject to satisfaction of relevant approval criteria. Since both designations provide for the same use, albeit subject to different review standards, there is no significant difference in potential

trip generation as a result of possible use of the eligible subject properties for dwellings.

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

4. Considering the finding above, the proposed plan amendment from AF-20 to Exclusive Forest and Conservation is not anticipated to significantly increase trip generation from the affected parcels and tracts. Staff therefore concludes that the proposed amendment will not significantly affect the capacity or levels of travel on Mountain Home Road or the nearby transportation network, including Highway 219.
5. No changes in functional classification for either Mountain Home Road or Highway 219 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 six 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 any of the affected properties, 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 Mountain Home Road or Highway 219 nor 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 660-012-060). 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

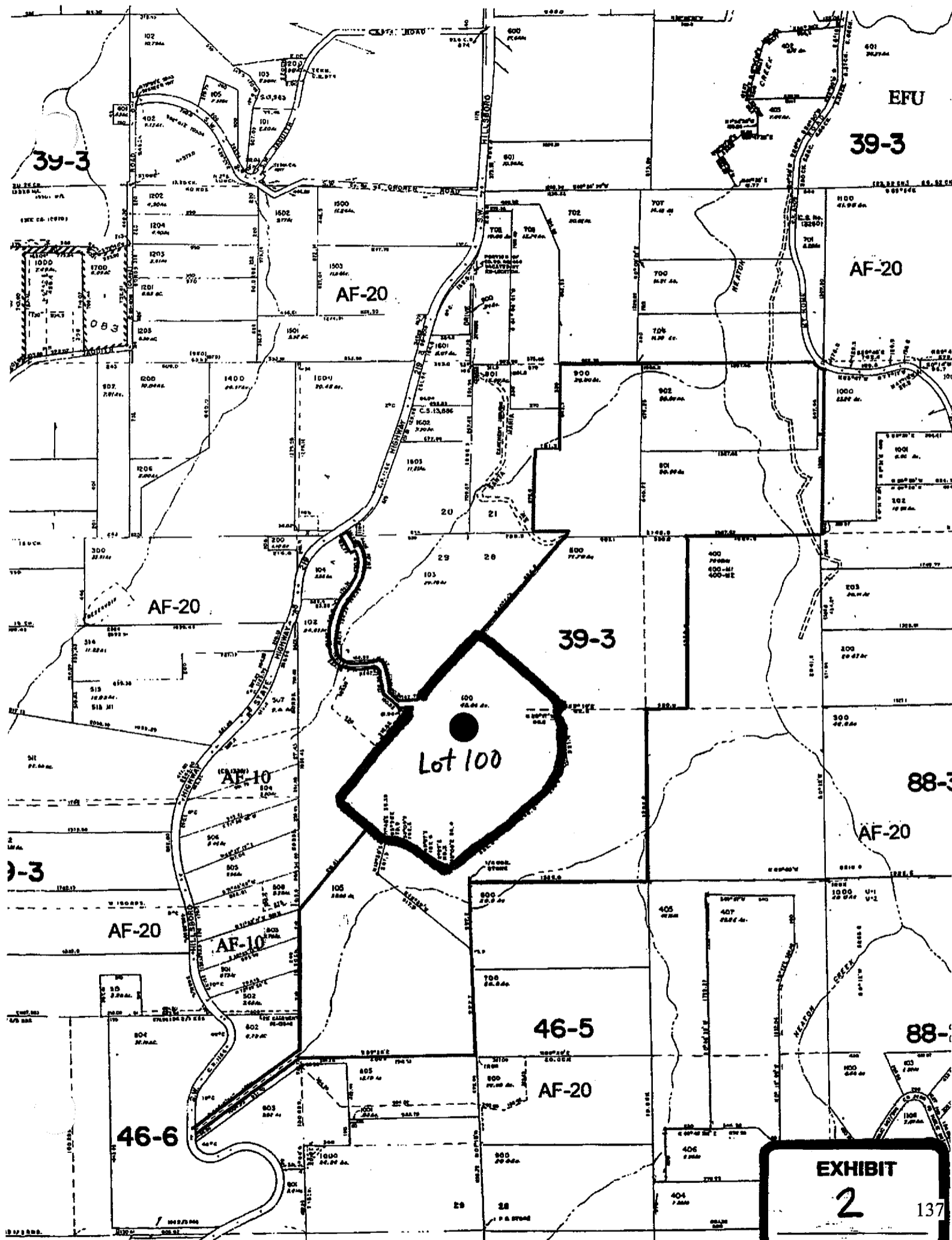
Based on the findings in this report, staff concludes that this proposed plan amendment (AF-20 to EFC) will not "significantly affect" a transportation facility as defined in OAR 660, Division 12. Under the proposed Exclusive Forest and Conservation plan designation, there will not be an increase in potential trip generation from future

Casefile 05-086-PA / Janice Ganger, Trustee
Attachment "A" – Plan Amendment Transportation Report
Page 5 of 4

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.

S:\Ping\Wpshare\Gregg\CountyPlanAmendments\05086ResrcPA.doc

EXHIBIT 2
Vicinity Map



39-3

EFU
39-3

AF-20

AF-20

AF-20

39-3

Lot 100

88-3

AF-20

3-3

AF-20

AF-10

46-5

88-5

AF-20

46-6

EXHIBIT

2

137

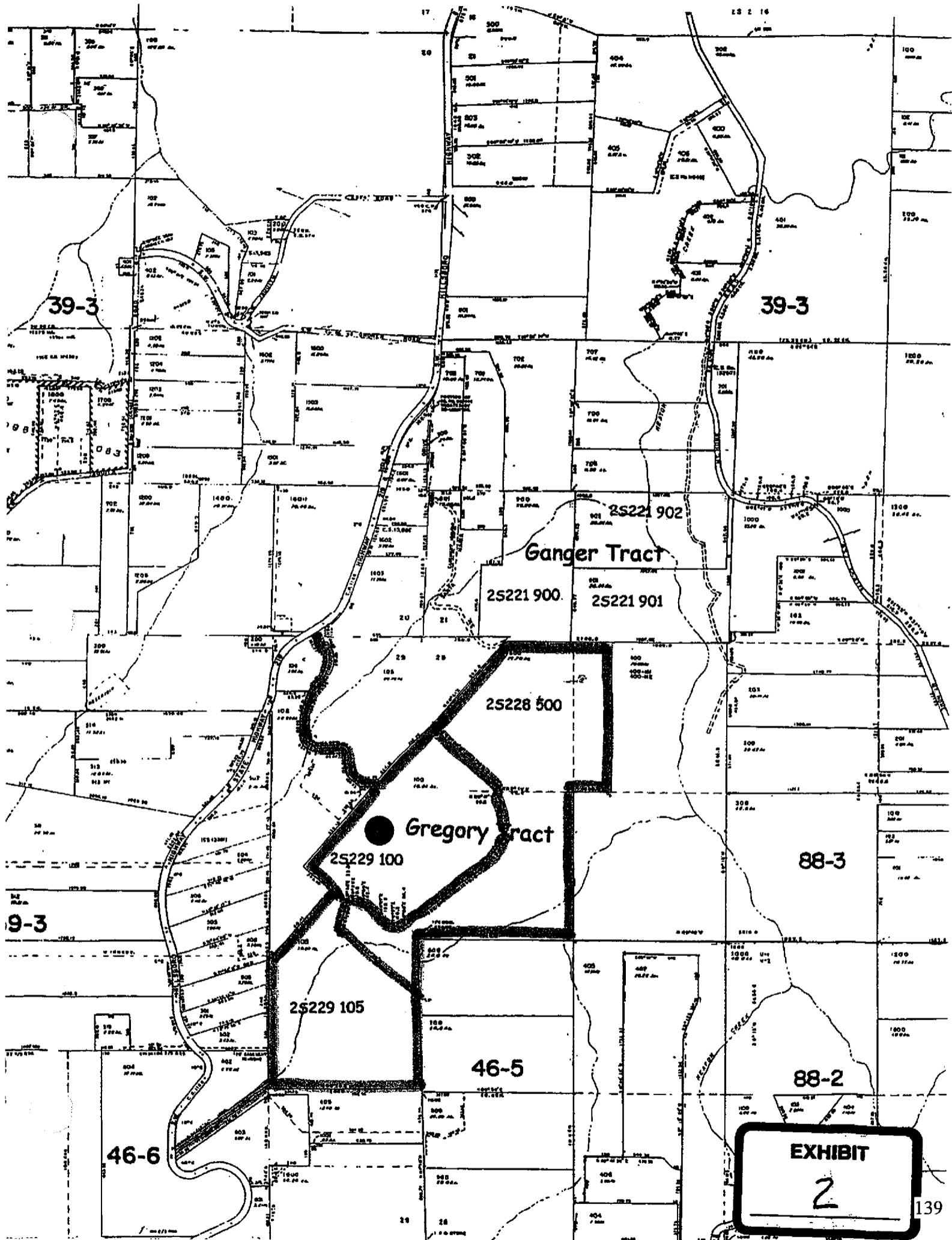
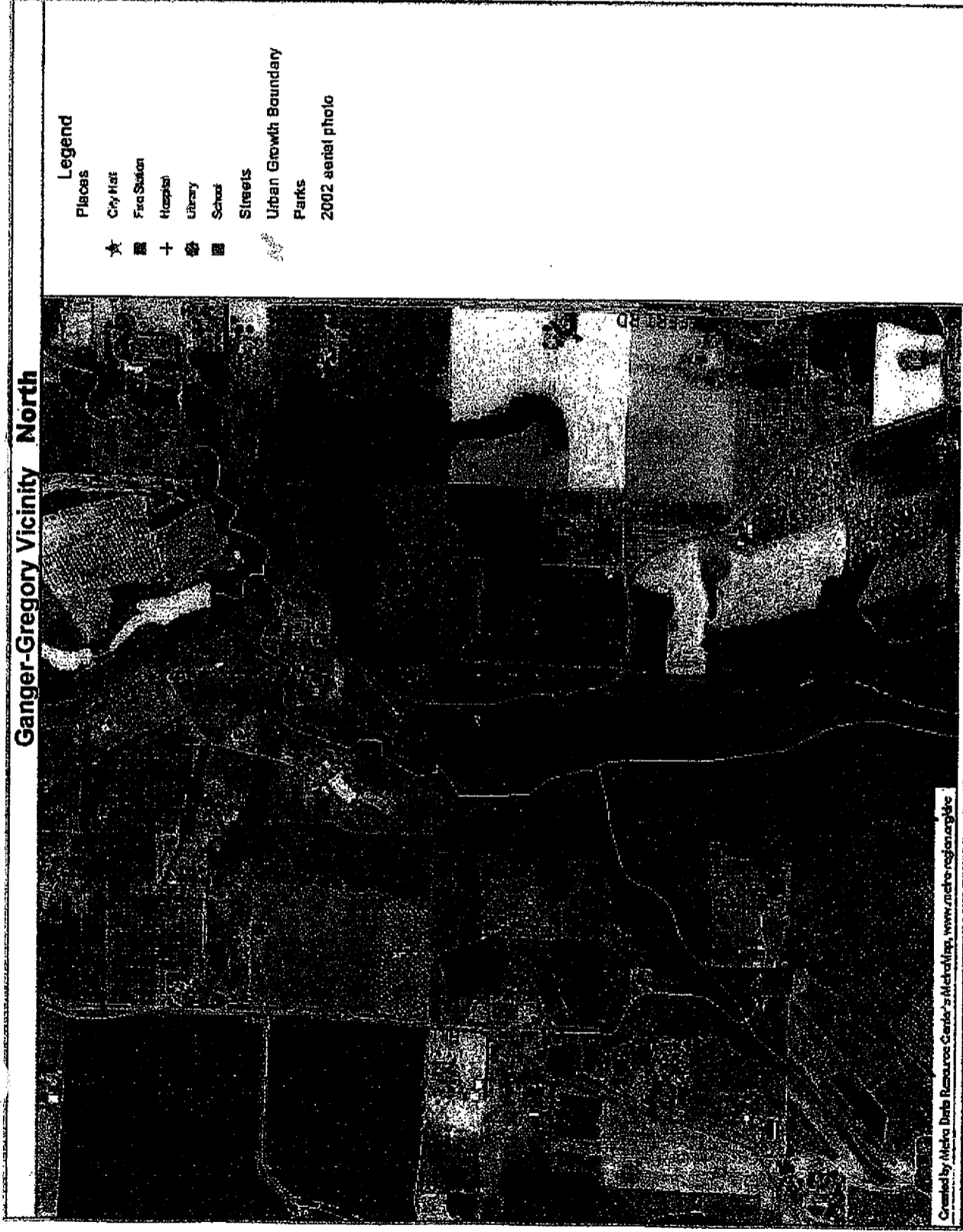
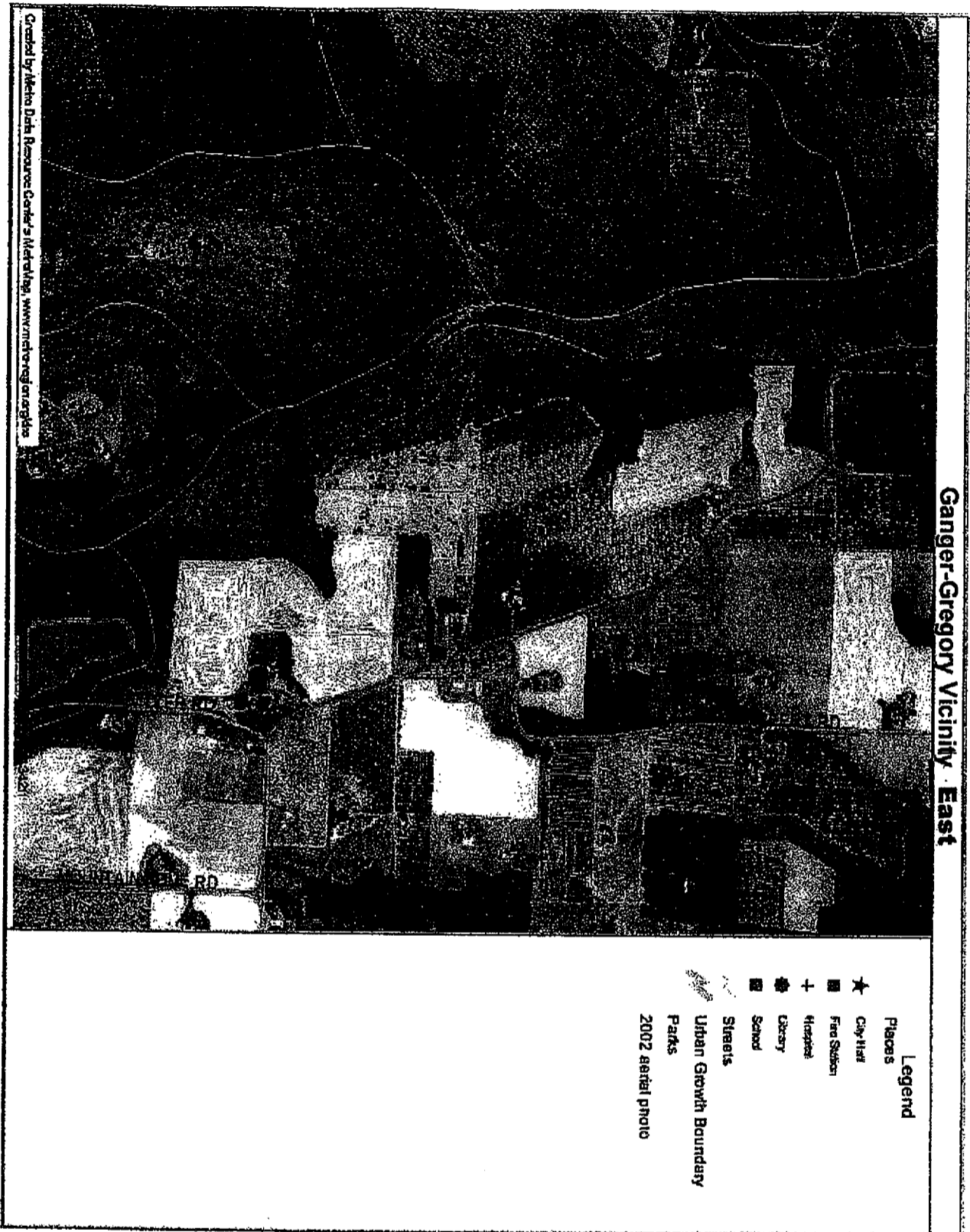


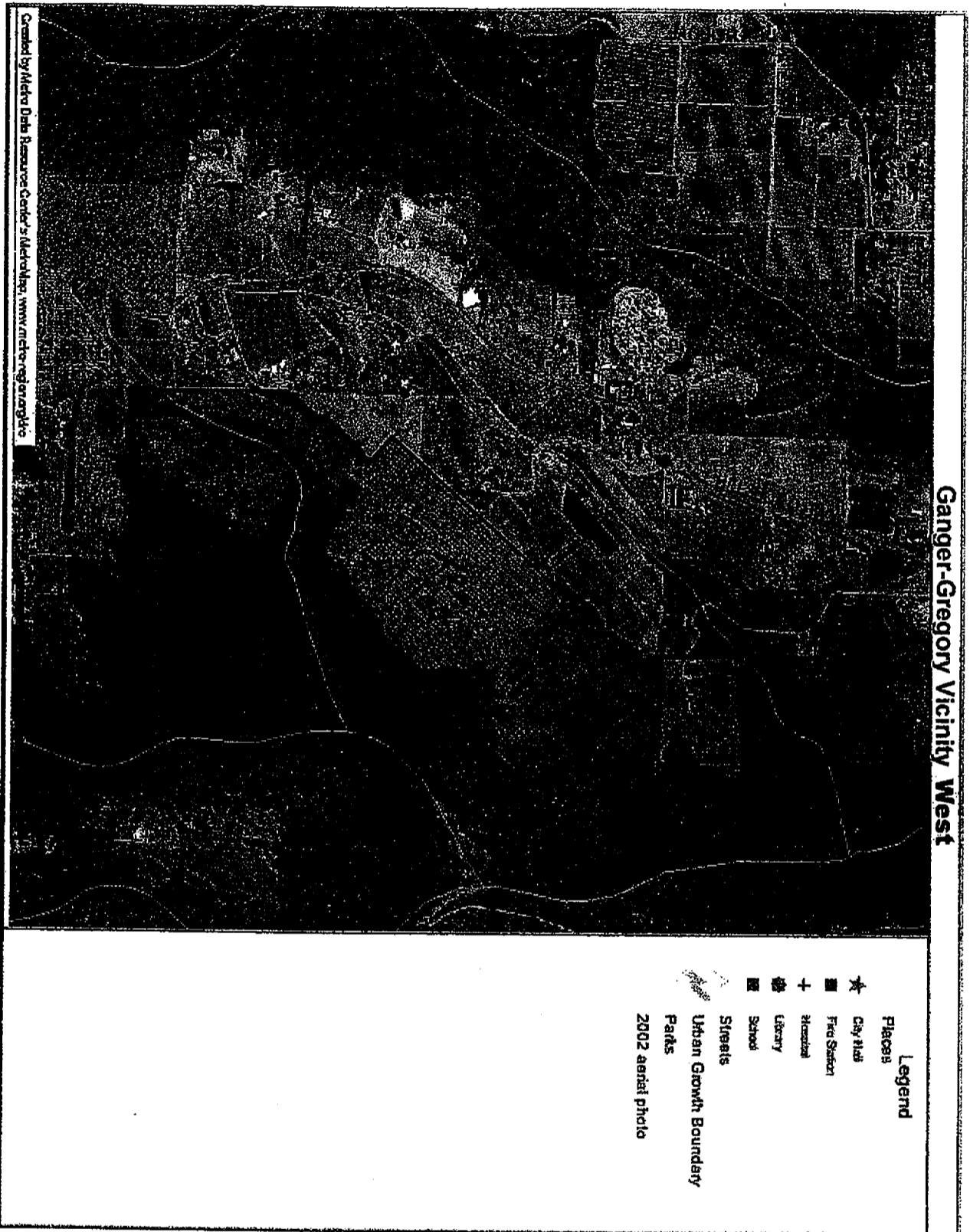
EXHIBIT
2

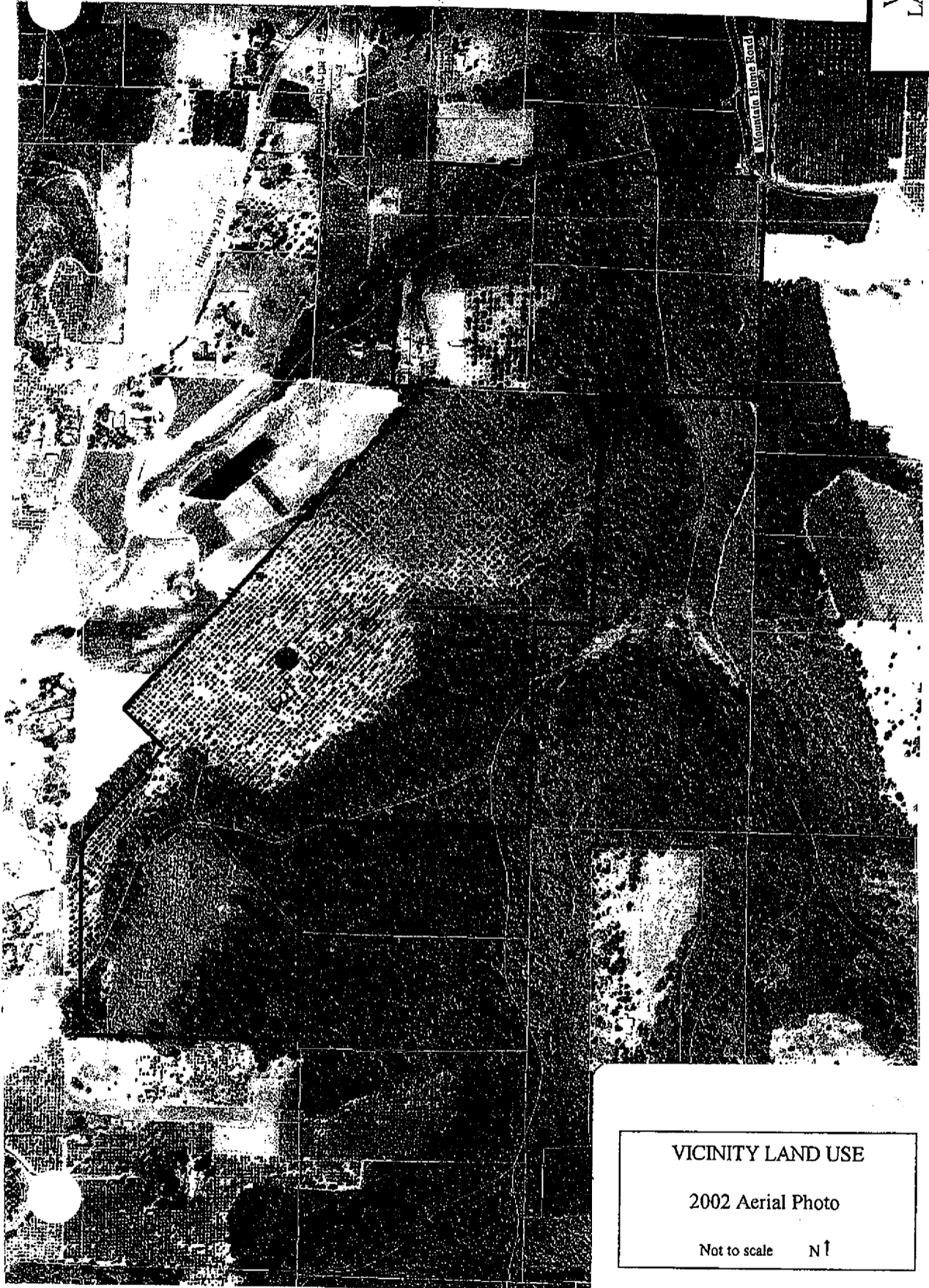
EXHIBIT 3
Aerial photographs of Site and Vicinity











VICINITY
LAND USE
2002 Aerial Photo

VICINITY LAND USE
2002 Aerial Photo
Not to scale N↑

EXHIBIT 4
Documentation of fir seedling planting



Typical Seedling

Documentation of Fir Seedling Planting

1. Check #9236 dated 9/20/2005, \$5000 to All Around Tractor (for cherry tree removal, Cherry Hill)
2. Check #9261 dated 10/27/2005, \$7500 to All Around Tractor (for cherry tree removal, Cherry Hill)

Note: Checks are best quality available from the bank.

3. Invoice #5535 from Ken Whitehead Reforestation LLC for \$1,675 (50% down on 10,000 seedlings)
4. Invoice #4504 from Ken Whitehead Reforestation LLC for \$4,355 (50% cost of trees + planting 10,000 trees)
5. Map showing location of planting area (approx. 25 acres)

WILLIAM H. GREGORY
MARIE J. GREGORY
P.O. BOX 729
GLENDELL BEACH, OR 97024

DATE 11/15/85
AMOUNT \$ 9236

Bill Gregory Trustee

\$ 5000.00



Wells Fargo Bank, N.A.
400 Southmen Blvd.
Portland, OR 97201
Wellington

WELLS FARGO BANK
CHECK NUMBER 101

MEMO *Gregory Trust*

William H. Gregory

REF#0441314398 CK# 9236 5000.00

WILLIAM H. GREGORY
MABEL J. GREGORY
PO BOX 710 BR-364-3004
CLENDEN BENCH OR WYANDOMIS

24-100-0113
100-00000000000000000000
DATE 12/27/85
9261

All Proceeds Trust
for the benefit of Mabel J. Gregory
57500000



WELLS FARGO BANK, N.A.
415 SEVENTH ST. AVENUE
PORTLAND, OR 97204

United
Check
Bank 1977

MEMO *Mrs. Mabel J. Gregory*
11230068001008653745109261
100007500000

REF#0445076032 CK# 9261 7500.00

Keith Whitehead Reforestation LLC
 9000 Bewley Cr. Rd.
 Tillamook, OR 97141

INVOICE NO.
 5535

R *W* *H*
 11770 10/1/05

SOLD TO: *Bill Gregory*
 ADDRESS: *P. O. Box 710*
 CITY, STATE, ZIP: *Glendale Beach 97388*

SHIP TO:
 ADDRESS:
 CITY, STATE, ZIP

CUSTOMER'S ORDER: _____ SOLD BY: _____ TERMS: _____ F.O.B. _____ DATE: *1-30/05*

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	<i>Coast of Trees</i>	<i>10,000 1-1</i>	<i>335.3350 00</i>
4	<i>30' down 10'</i>		<i>1675.00</i>
7	<i>Forest Year</i>		
10			<i>116.00</i>

Due Now

10520 01070 10020 12/12

INVOICE
7L721 G2001 ~~RED FORM~~ 030901

Keith Whitehead Reforestation LLC
9000 Bewley Cr. Rd.
Tillamook, OR 97141

INVOICE NO.
4504

SOLD TO: *Bill Gregory*
ADDRESS: *PO Box 710*
CITY, STATE, ZIP: *Glenden Beach OR*

SHIP TO:
ADDRESS:
CITY, STATE, ZIP:

CUSTOMER'S ORDER: _____ **SOLD BY:** _____ **TERMS:** _____ **F.O.B.:** _____ **DATE:** *1-18-06*

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	<i>50% cost of trees</i>	<i>10,000</i>	<i>67500</i>
3			
4	<i>Planted</i>	<i>10,000 trees</i>	<i>25¢</i>
5			<i>2500.00</i>
6	<i>Shipping</i>		<i>180.00</i>
7			
8			
9			
10	<i>Frank's Total</i>		<i>\$4355.00</i>

GREGORY PROPERTY
2S, 2W, SEC. 28 + 29

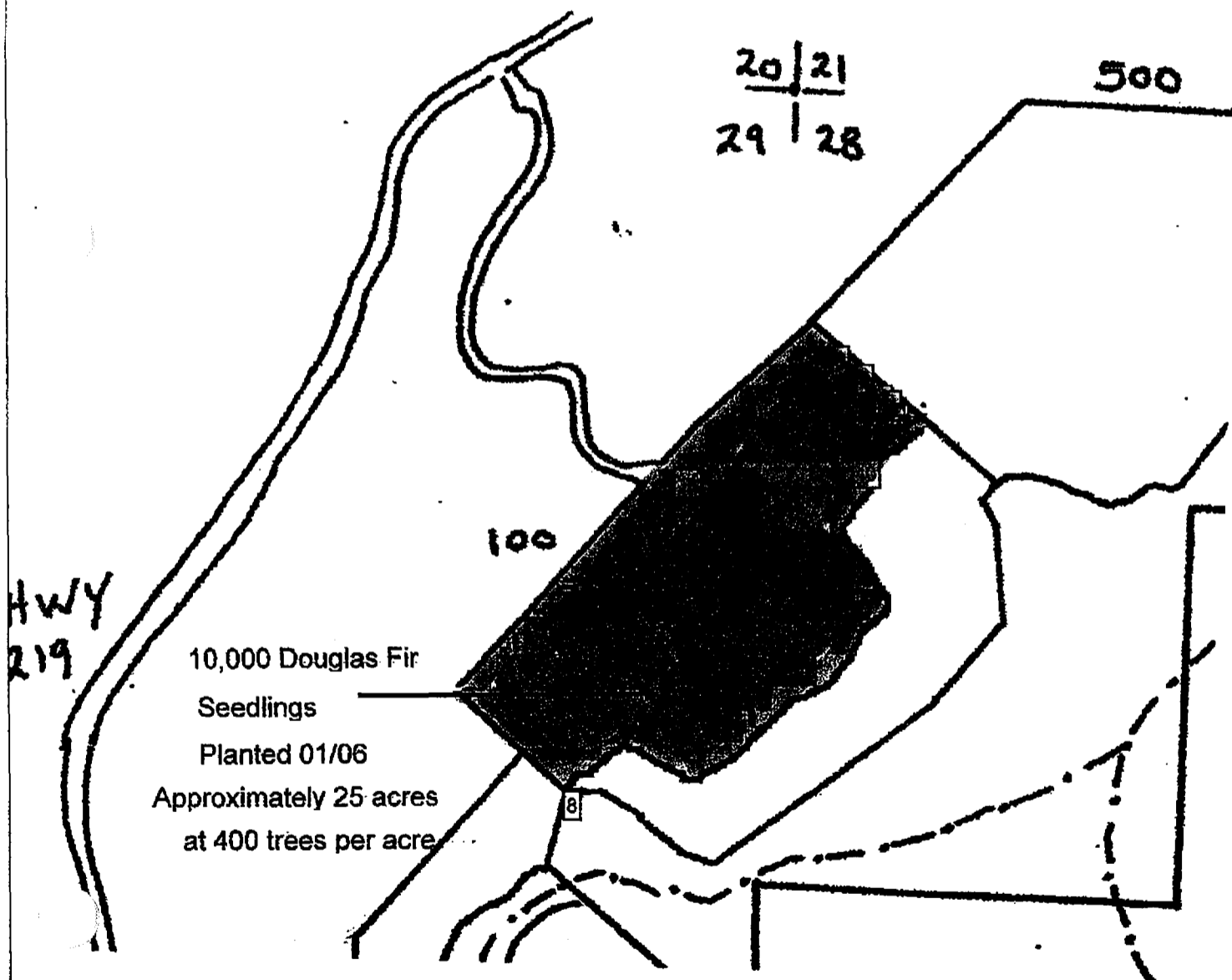


EXHIBIT 5
Application for forest land tax deferral

**APPLICATION FOR
DESIGNATION OF LAND AS FORESTLAND**

and for special assessment as provided by
ORS 321.358 to 321.367 in western Oregon
and ORS 321.805 to 321.825 in eastern Oregon

For Assessor's Use Only	
Date Received	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date: _____	By: _____

INSTRUCTIONS:

- Your application must be filed with the county assessor's office by April 1.
- Additional requirements, instructions, and general information are located on page 3. Read and complete both sides of this form.

Filed with the WASHINGTON County Assessor for the tax year beginning July 1, 2006.

Name <u>WILLIAM H. GREGORY</u>	Telephone Day: <u>(541) 764-2504</u> Evening: <u>(541) 764-2504</u>
Street Address <u>PO BOX 710</u>	City <u>Gleneden Beach</u> State <u>OR</u> ZIP Code <u>97383</u>

DESCRIPTION OF PROPERTY

Fill in the boxes below to show the property you want to have designated as forestland. If you are applying for only a portion of the land described, please indicate the area by providing a sketch on page 2 of this form.

Assessor's Account Number	Map and Tax Lot or Parcel Number	Date Acquired (see #2 on page 3)	Acres Applied For
<u>R 574220</u>	<u>25229-00100</u>		<u>40.84</u>

Total Applied For: 40.84 acres

Additional requirements on the back →

DECLARATION

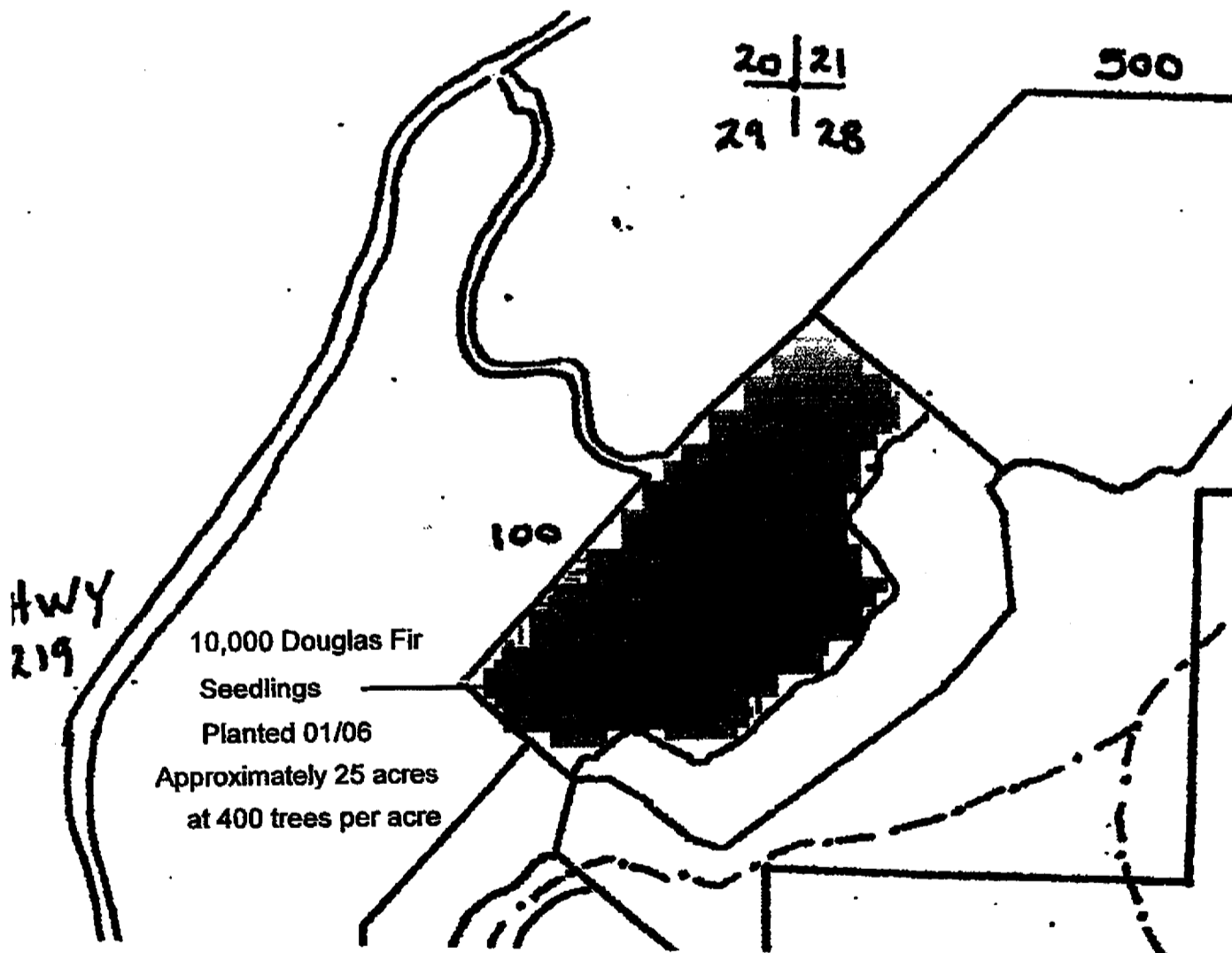
As owner of the above described land, I indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be designated as forestland. I declare under the penalties of false swearing (ORS 305.990(4)) that I have examined this application (and any accompanying documents), and to the best of my knowledge, it is true, correct, and complete.

Forestland Owner's Signature <u>X William H. Gregory</u>	Date <u>3/3/2006</u>
---	-------------------------

FOR ASSESSOR'S USE ONLY

Comments: _____

GREGORY PROPERTY
2S, 2W, SEC 28 + 29



**Reforestation Plan for
Tax Lot 2S229-100**

The parcel was a cherry orchard. Cherry trees were cleared on about half of the property. The ground cover is grass. The property slopes to the south east.

10000 Douglas Fir seedlings were planted on about 25 acres in January 2006. Some of the seedlings were planted in cleared area and others between the old cherry trees. The number of trees planted exceeds the number required for the entire 40 acres but some areas were not planted at this time because additional work remained to be done on the part of the area being cleared.

The clearing project should be completed this year so that the remainder of the land can be planted next winter.

EXHIBIT 6
Assessor Records

7/1/03 TO 6/30/04 REAL PROPERTY TAX STATEMENT

WASHINGTON COUNTY OREGON * 155 N FIRST AVE., RM 130 * HILLSBORO, OREGON 97124

PROPERTY DESCRIPTION

MAP: 2S229-00100

ACCOUNT NO: R574220

SITUS: 0

CODE AREA: 039.03

AC 10.84, ZONED FARMLAND-POTENTIAL ADDITIONAL
TAX LIABILITY

2003-2004 CURRENT TAX BY DISTRICT:

COMMUNITY COLLEGE-PORTLAND 5.29
ESD-NW REGIONAL 2.88
SCHOOL-HILLSBORO 93.08
EDUCATION TAXES: \$101.25

LAUN, HENRY
GREGORY, WILLIAM H & MARIE J
PO BOX 710
GLENEDEN BEACH, OR 97388

WASHINGTON COUNTY 42.05
WASHINGTON COUNTY - LOL 7.67
PORT OF PORTLAND 1.31
FIRE-WASH CO RFPD #2 20.99
GENERAL GOVERNMENT TAXES: \$72.02

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND-RMV PORTION	0	0
SPEC USE PORTION	18,170	18,710
STRUCTURE	0	0
TOTAL VALUE	18,170	18,710
TAXABLE VALUES:		
ASSESSED VALUE	18,170	18,710
PROPERTY TAXES:	\$209.84	\$213.62

BOND-WASHINGTON COUNTY 4.45
BOND-PCC 4.28
BOND-SD #1J-HILLSBORO 31.62
BOND TAX: \$40.35
2003-04 TAX (Before Discount) \$213.62

APPEAL DEADLINE December 31, 2003
Value Questions Call 503-846-8741
Tax Questions Call 503-846-8801
Other Questions Call 503-846-8741

PROPERTY TAX PAYMENT OPTIONS
(See back of Statement for payment instructions.)

Pay	Due	Discount	Net Amount Due
In Full	11/17/03	6.41	\$207.21
2/3	11/17/03	2.85	\$139.57
1/3	11/17/03	NONE	\$71.21

PLEASE MAKE PAYMENT TO: Washington County Tax

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
(See back for explanation of taxes marked with an asterisk (*).
Delinquent Tax Total is included in payment options to the left.)
TOTAL (After Discount): \$207.21



EXHIBIT 7
Topographic Map

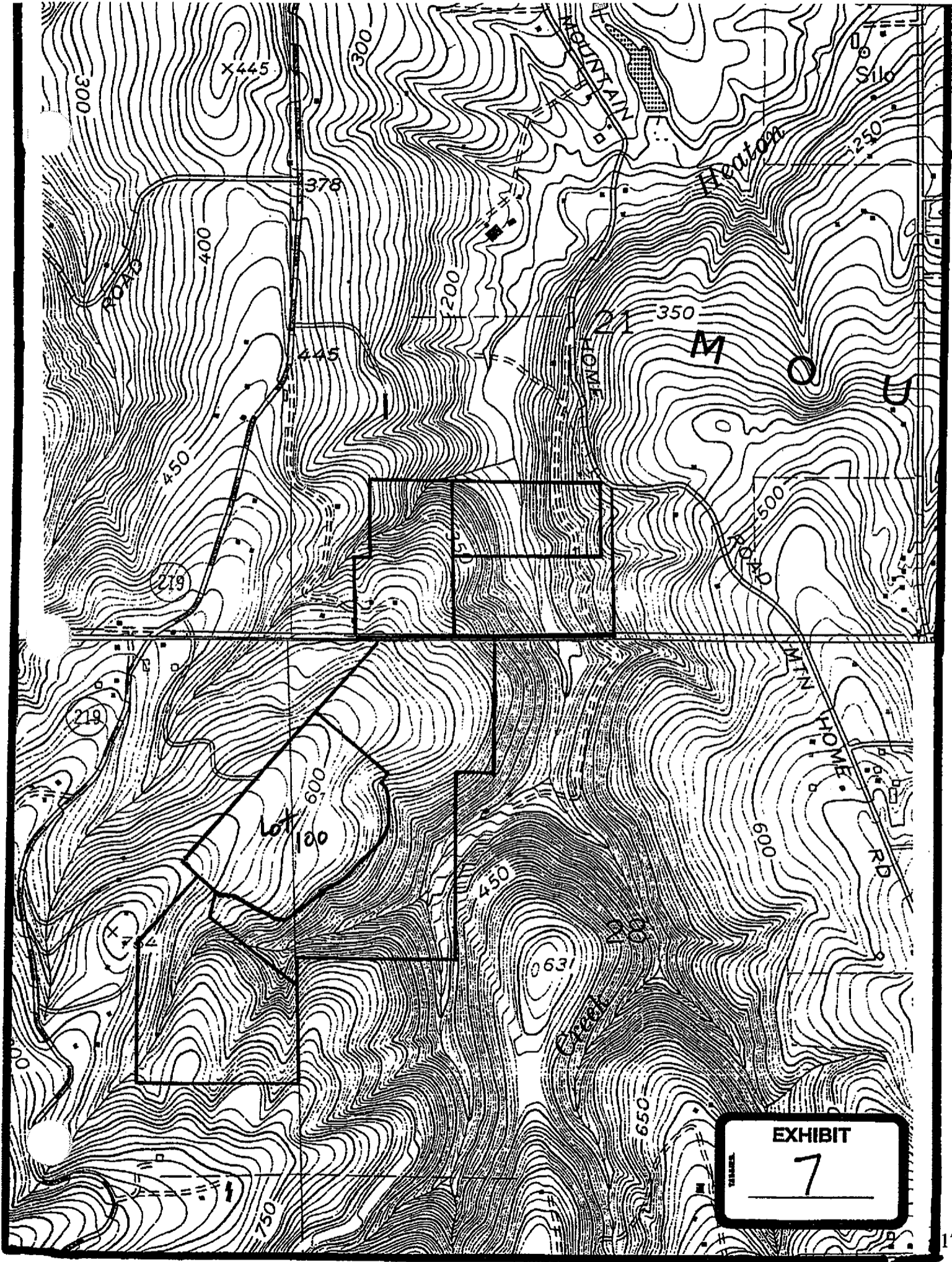
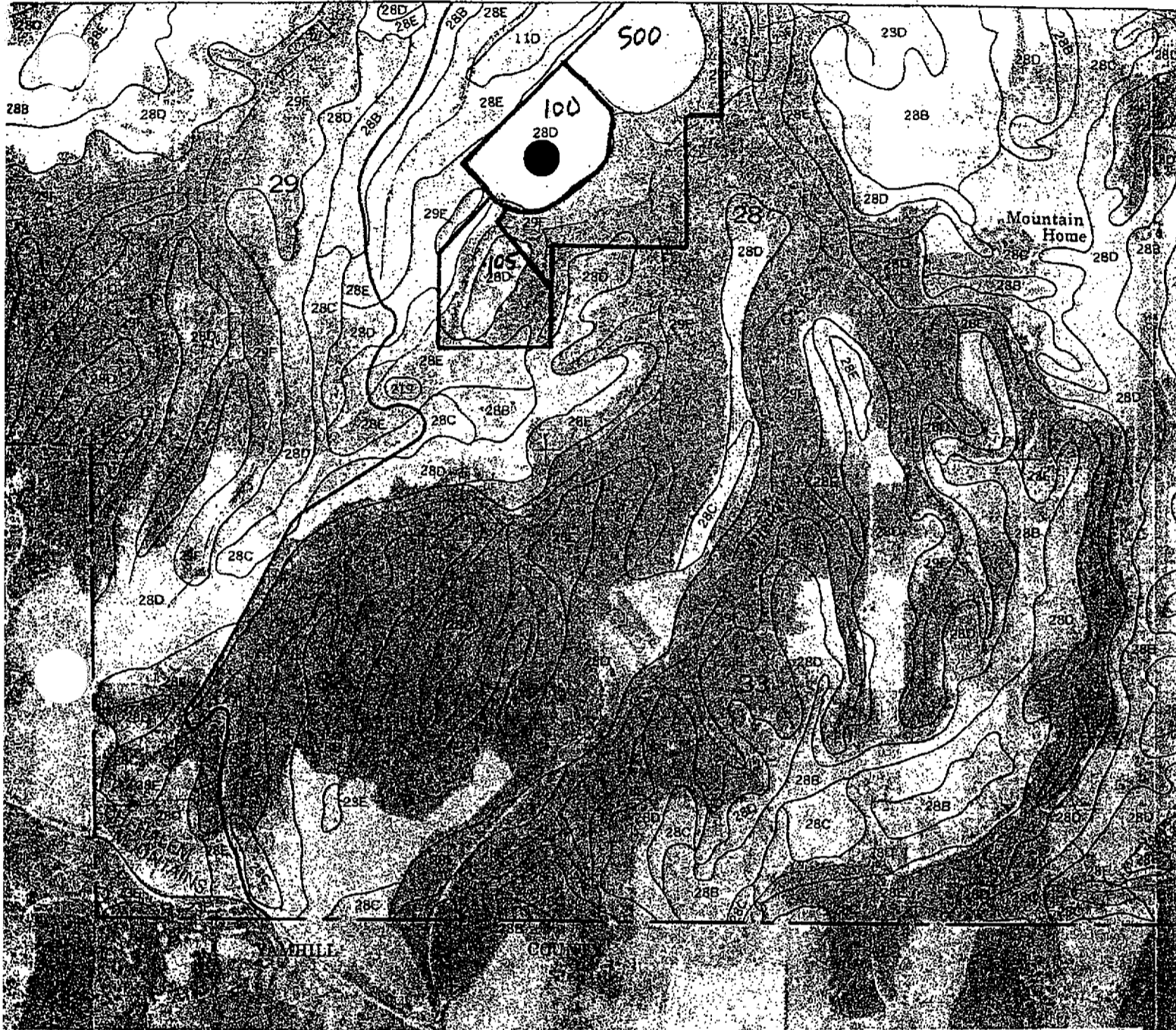


EXHIBIT 8

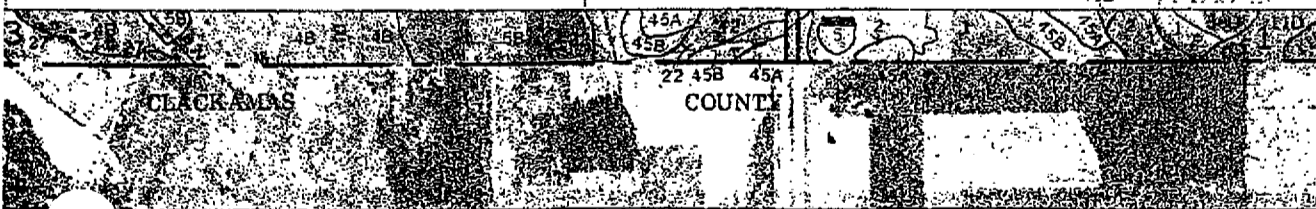
Soils Information
(Map, Soil Survey excerpts, Soils Evaluation)

WASHINGTON COUNTY, OREGON - SHEET NUMBER 48

46)



(Joins sheet 49 lower right)



(Joins inset B, sheet 7)

1000 AND 5000 FOOT SPACED TACKS

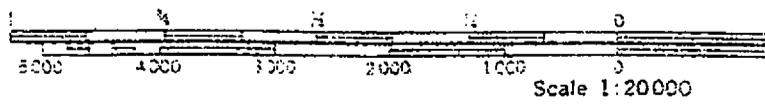
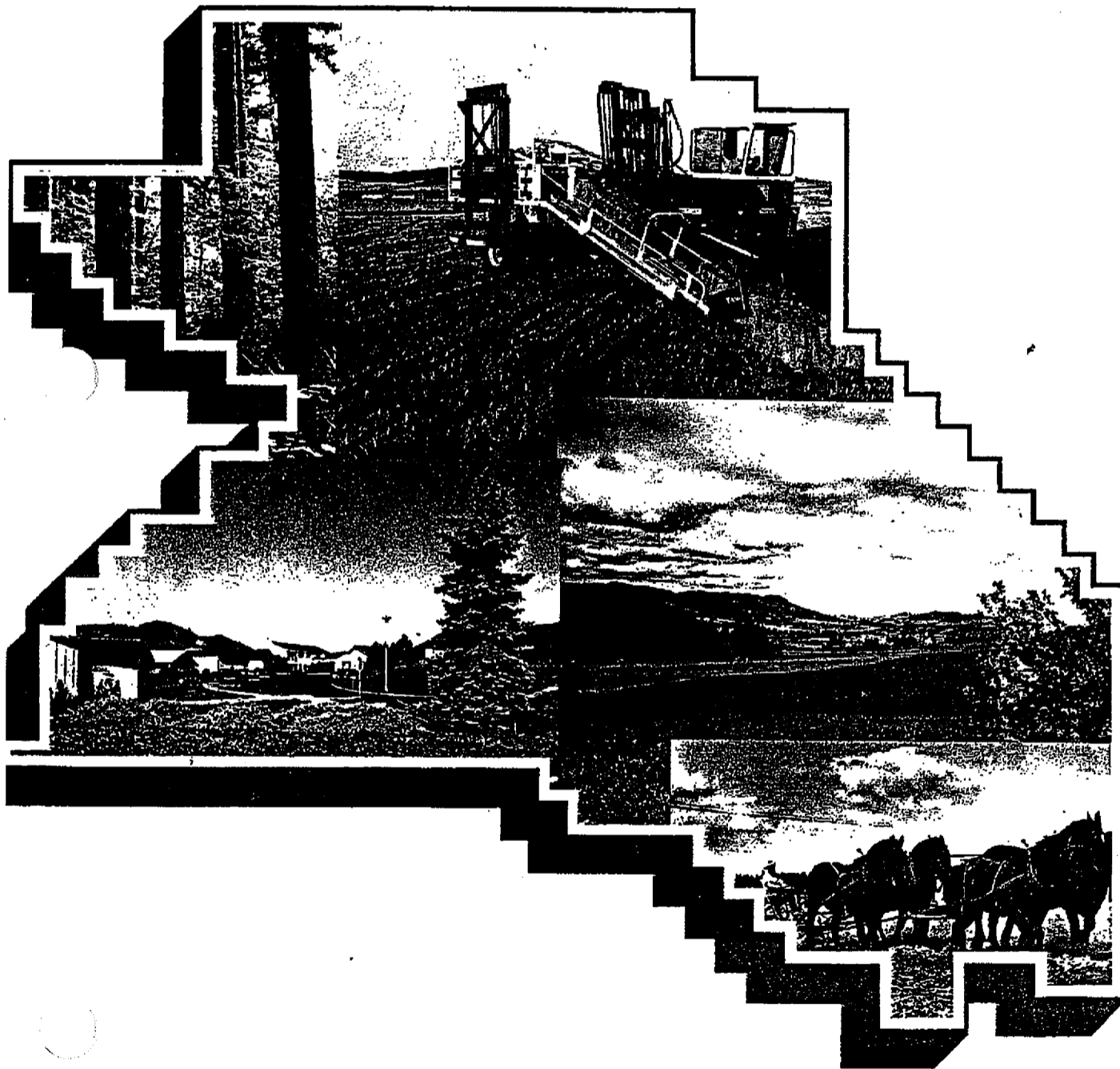


EXHIBIT
8

179

SOIL SURVEY OF Washington County, Oregon



United States Department of Agriculture
Soil Conservation Service

In cooperation with



TABLE 3.—Woodland management and productivity—Continued

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

slight if the expected soil loss is small; *moderate* if some measures are needed to control erosion during logging and road construction; and *severe* if intensive measures or special equipment and methods are needed to prevent excessive loss of soil.

Ratings of equipment limitation reflect the characteristics and conditions of the soil that restrict use of the equipment generally needed in woodland management or harvesting. A rating of *slight* indicates that use of equipment is not limited to a particular kind of equipment or time of year; *moderate* indicates a short seasonal limitation or need for some modification in management or equipment; *severe* indicates a seasonal limitation, a need for special equipment or management, or a hazard in the use of equipment.

Seedling mortality ratings indicate the degree that the soil affects expected mortality of planted tree seedlings when plant competition is not a limiting factor. The ratings are for seedlings from good planting stock that are properly planted during the proper period with sufficient moisture. A rating of *slight* indicates that the expected mortality of the planted seedlings is less than 25 percent; *moderate*, 25 to 50 percent; and *severe*, more than 50 percent.

Considered in the ratings of windthrow hazard are characteristics of the soil that affect the development of tree roots and the ability of soil to hold trees firmly. A rating of *slight* indicates that trees in wooded areas are not expected to be blown down by commonly occurring winds; *moderate*, that some trees are blown down during periods of excessive soil wetness and strong winds; and *severe*, that many trees are blown down during periods of excessive soil wetness and moderate or strong winds.

The potential productivity of merchantable trees on a soil is expressed as site index. This index is the average height, in feet, that dominant and codominant trees of a given species attain in 100 years. The site index ratings are related to potential board foot production in table 4 (5).

Trees to plant are those that are suitable for commercial wood production and that are suited to the soils.

Understory vegetation consists of grasses, forbs, shrubs, and other plants within the reach of grazing

or browsing wildlife. A well-managed woodland can produce significant amounts of understory vegetation for the support of wildlife.

The density of the forest canopy is a major influence in that it affects the amount of light that understory plants receive during the growing season.

Woodland suitability groups

In the following paragraphs, the woodland suitability groups in Washington County are discussed. The names of soil series represented are mentioned in the description of each woodland suitability group, but this does not mean that all soils in a given series are in the group. The woodland suitability group for any soil suitable for woodland can be found by referring to table 3, where management for woodland is discussed by soil.

Woodland suitability group 2o1

This woodland group consists of Astoria, Hembre, Melby, Olyic, Pervina, and Tolke soils. These are well drained silt loams and silty clay loams that formed in residuum and colluvium from sedimentary or igneous rock or from mixed eolian materials high in volcanic ash. Slope is 2 to 30 percent. Elevation is 300 to 2,800 feet. Annual precipitation is 60 to 110 inches. Runoff is slow to rapid, and the hazard of erosion is slight to severe. Water-supplying capacity is 18 to 26 inches. Roots penetrate to a depth of 30 inches to more than 60 inches.

The soils in this group have high potential productivity and no serious management limitations. They generally are best suited to Douglas-fir. Other adapted species include western redcedar, bigleaf maple, and red alder; western hemlock above 2,000 feet; and noble fir above 2,600 feet.

Construction of water bars and the seeding of cuts and fills help to protect roads and landings from erosion.

Woodland suitability group 2o2

This group consists of Cornelius, Kinton, Laurelwood, and Melbourne soils. These are well drained silt loams and silty clay loams that formed on old alluvium, residuum, and colluvium weathered from sedimentary or igneous rock and silty eolian material. Slope is 2 to 30 percent. Elevation is 200 to 1,500 feet. Annual precipitation is 40 to 60 inches. Runoff is slow to rapid, and the hazard of erosion is slight to severe. Water-supplying capacity is 17 to 28 inches. Roots penetrate to a depth of 40 inches to more than 60 inches.

The soils in this group have high potential productivity and no serious limitations for management. They generally are best suited to Douglas-fir. Other adapted species include Oregon white oak and bigleaf maple.

Construction of diversions and seeding of cuts and fills are needed in places to protect roads and landings from erosion.

Some areas of the soils of this group have been extensively cleared for pasture and cultivation.

TABLE 4.—Mean annual growth of Douglas-fir (coast form)

[Board feet per acre (Scribner rule) for trees 12 inches or more in diameter]

Total age (years)	Site class 2 Site index 170	Site class 3 Site index 140	Site class 4 Site index 110
20			
30	87	4	
40	298	112	5
50	540	248	66
60	714	396	140
70	820	506	201
80	878	571	250
90	900	609	290
100	902	626	314

WASHINGTON COUNTY
SOIL AND WATER CONSERVATION DISTRICT
 257 WEST MAIN STREET • HILLSBORO, OREGON • 648-3014

CASE FILE NO.: _____

DATE RECEIVED: 3-5-85

DATE RETURNED: 3-13-85

APPLICANT: William Gregory
4800 SW Garfield Drive
Bend, OR 97005

ACRES: 40.84

OWNER: _____

LAND USE DISTRICT:
AF-20

PROPOSED DEVELOPMENT ACTION: Explore Possibilities

LOCATION: East of Hwy 219 about 3 miles south of Scholls 2N2-29 TL-100

SOIL DESCRIPTIONS: (MAP ATTACHED)

MAP SYMBOL	SERIES NAME	TEXTURE	SLOPE %	DRAINAGE CLASS	DEPTH TO WATER TABLE	SOIL CAPABILITY UNIT	WOODLAND SITE INDEX	LIMITATIONS	APPROX. ACRES
28D	Laurclwood	Silt Loam	12-20	Well Drained	Over 5'	TTL e	157	Slope	40.84

FLOOD PLAIN OR DRAINAGE HAZARD AREA: No

NATURAL AREA: No

PRESENT LAND USE: Orchard

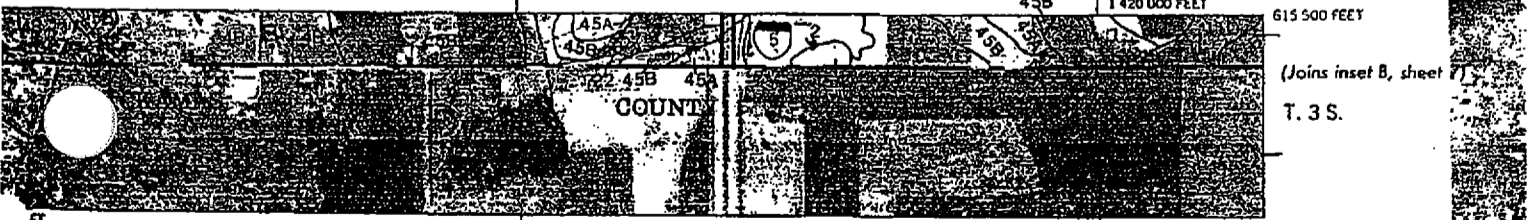
COMMENTS OR RECOMMENDATIONS:

Ralph B. Cleveland
 District Engineer

WASHINGTON COUNTY, OREGON - SHEET NUMBER 48



(Joins sheet 49 lower right)



1000 AND 5000-FOOT GRID TICKS



WASHINGTON COUNTY
OREGON

Date: June 8, 2006

To: Casefile 06-150-PA

From: Planning Division

Subject: WELL LOG DATA SHEETS – Exhibits 9 and 9A

Well records/water well reports were submitted by the applicant as supporting evidence for plan amendment Casefile 06-150-PA. Casefile 06-150-PA, as a “resource-to-resource” plan amendment, does not require well records per Policy 6 of the Rural/Natural Resource Plan.

Copies of the individual well log reports are included in the casefile, but are not part of the official record for this request. They are available for review by the public upon request.

EXHIBIT 9

Vicinity Well Logs (2005)

**(THIS EXHIBIT IS LOCATED
IN THE CASE FILE COPY ONLY.)**

EXHIBIT 9A

Well Logs Update (2006)

**(THIS EXHIBIT IS LOCATED
IN THE CASE FILE COPY ONLY.)**

EXHIBIT 10

Subject Property Water Right

STATE OF OREGON
COUNTY OF WASHINGTON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM GREGORY
21975 SW HILLSBORO H 219
NEWBERG, OREGON 97132

(503) 526-5607

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73833

SOURCE OF WATER: AN UNNAMED DRAINAGE, TRIBUTARY OF HEATON CREEK

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73834, PERMIT 51972, FOR AGRICULTURAL USES.

AMOUNT/VOLUME ALLOWED FOR STORAGE: 2.4 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH APRIL 30

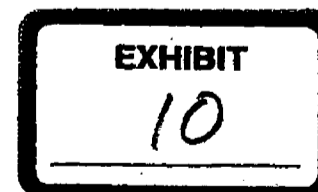
DATE OF PRIORITY: JANUARY 3, 1994

The area submerged by the reservoir, when full, will be 0.91 acre and the maximum depth of water will be 6.5 feet. The maximum height of the dam shall not exceed 7.0 feet.

DAM LOCATION: NE 1/4 SE 1/4 SECTION 29, TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.; 1870 FEET NORTH AND 1060 FEET WEST FROM THE SE CORNER SECTION 29

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4
SECTION 29
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.



Application R-73833 Water Resources Department

PERMIT R-11658

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

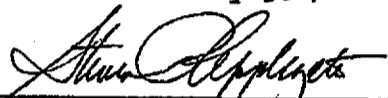
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of water shall be made on or before October 1, 1999.

Issued February 23, 1996



for Water Resources Department
Martha O. Pagel
Director

Application R-73833
Basin 02

Water Resources Department
Volume 22 Heaton Creek & Misc.

PERMIT R-11658
District 18

**MAP TO ACCOMPANY
WATER RIGHT APPLICATION
IN THE NAME OF
BILL GREGORY**

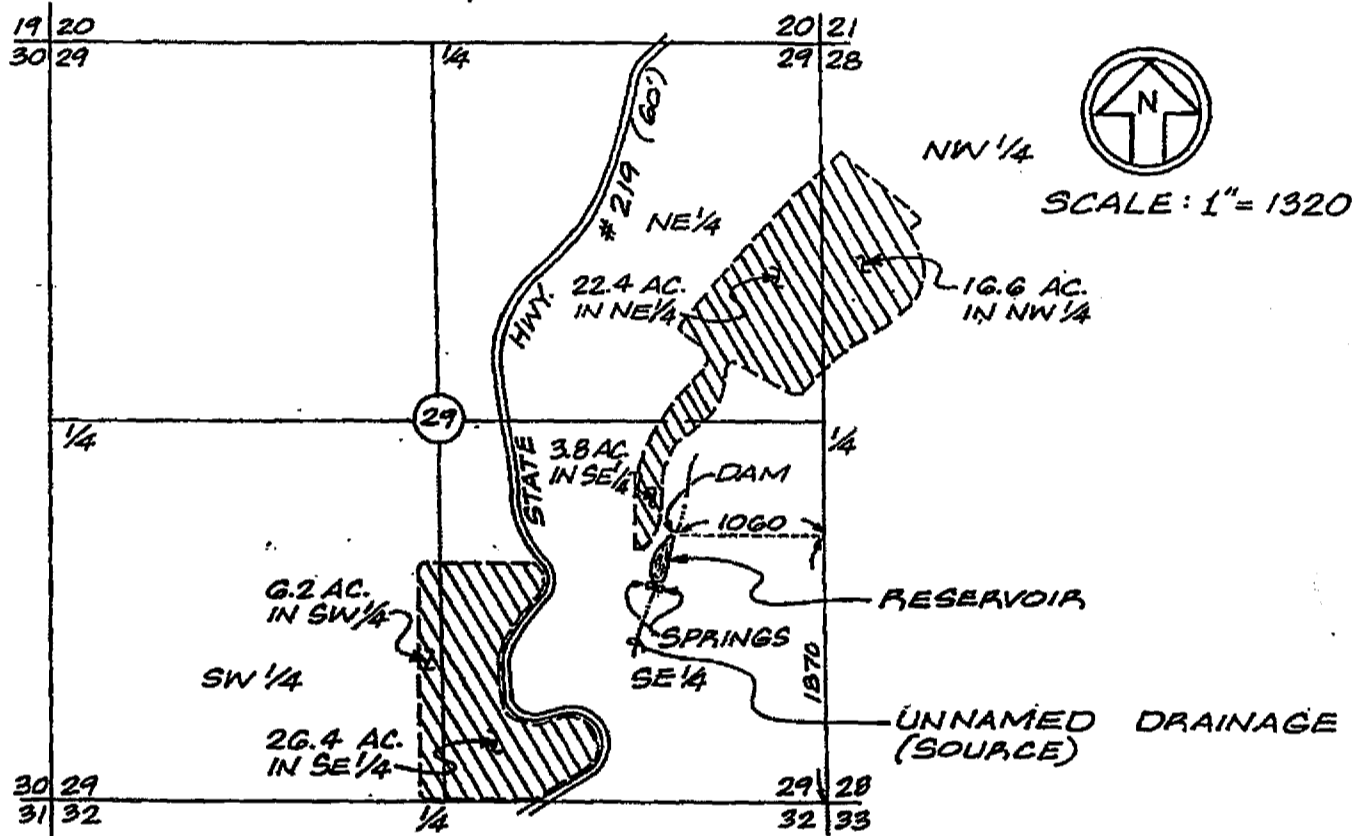
27 73

JUL 1 1994

**TO APPROPRIATE GROUND WATER
AND CONSTRUCT A RESERVOIR**

WATER DIVISION
SALEM, OREGON


IN THE NW 1/4 OF SECTION 28, & THE
NE 1/4, SE 1/4 & SW 1/4 OF SECTION 29,
T. 2 S., R. 2 W., W.M., WASHINGTON
COUNTY, OREGON

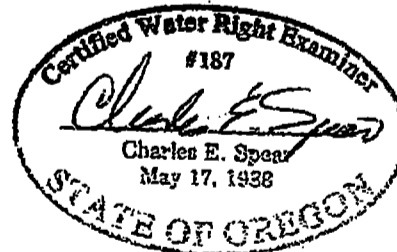


POINT OF DIVERSION
1870' NORTH & 1060' WEST OF
THE SE CORNER OF SECTION 29

**Application No. 73834
Permit No. 51972**

LEGEND

 ORCHARD
75.4 AC. (TOTAL)



NOTE:

THIS MAP DOES NOT INTEND TO
PROVIDE DIMENSIONS FOR THE
EXACT LOCATION OF PROPERTY
OR BOUNDARY LINES.

SURVEYED OCTOBER 19, 1994
REVISED JUNE 21, 1994
CHARLES E. SPEAR
831 N.E. BIRCHAIRE L.
HILLSBORO, OREGON 9

STATE OF OREGON
COUNTY OF WASHINGTON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM GREGORY
21975 SW HILLSBORO H 219
NEWBERG, OREGON 97132

(503) 526-5607

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73834

SOURCE OF WATER: AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-73833, PERMIT R-11658, TRIBUTARY OF HEATON CREEK

PURPOSE OR USE: AGRICULTURAL USES ON 75.4 ACRES OF CHERRY ORCHARD

AMOUNT/VOLUME ALLOWED FOR STORAGE: 2.4 ACRE-FEET STORED WATER ONLY

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 3, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4 SECTION 29, TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.; 1870 FEET NORTH AND 1060 FEET WEST FROM THE SE CORNER SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 16.6 ACRES
SECTION 28
NE 1/4 22.4 ACRES
SW 1/4 6.2 ACRES
SE 1/4 30.2 ACRES
SECTION 29
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This permit does not provide for the appropriation of water for maintaining the water level of the pond or for maintaining a suitable fresh water condition.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued February 23, 1996



Water Resources Department
for Martha O. Pagel
Director

Application S-73834 Water Resources Department
Basin 02 Volume 22 Heaton Creek & Misc.
MGMT.CODE 6EW

PERMIT 51972
District 18

EXHIBIT 11
County Flood Plain Map

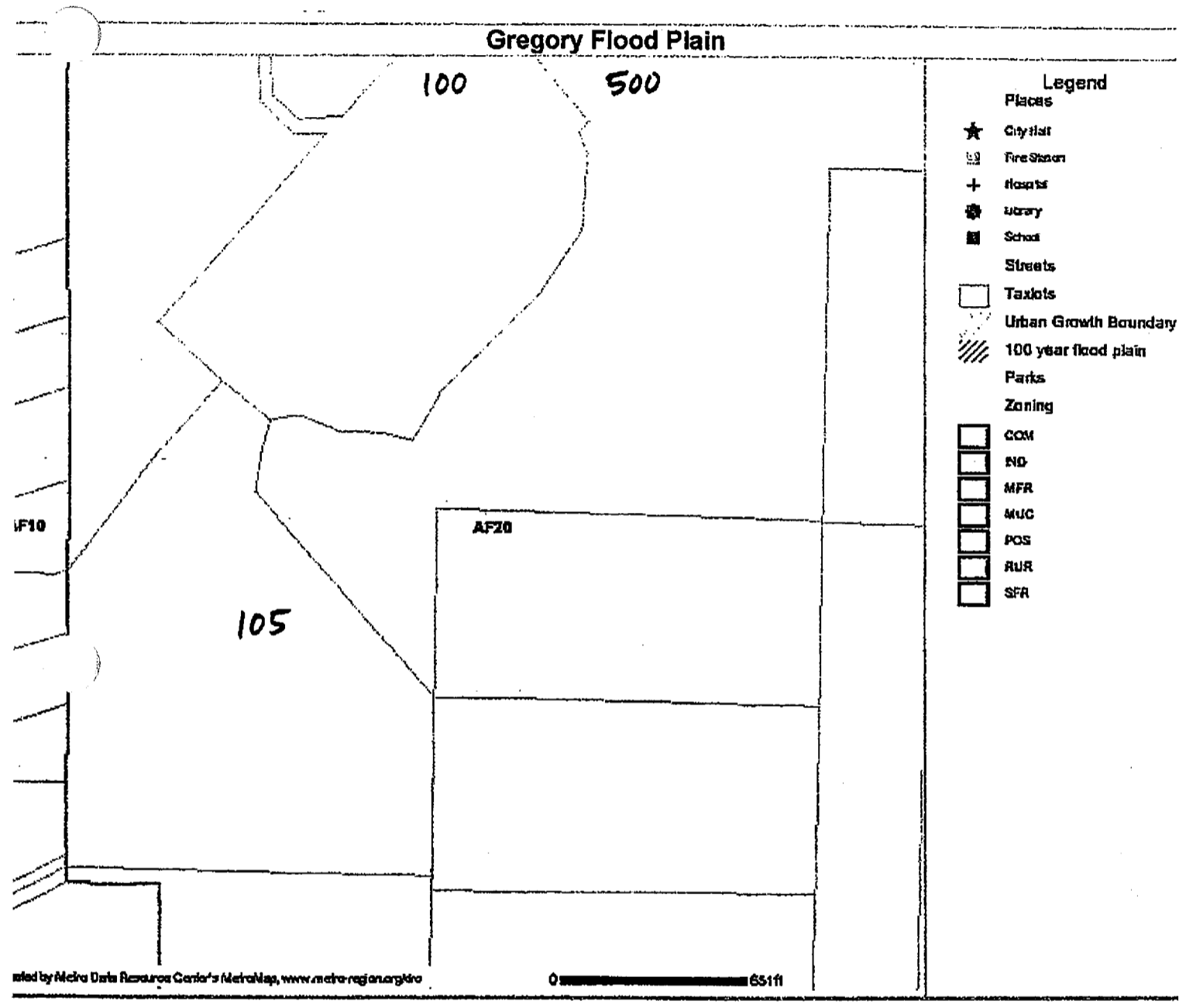


EXHIBIT
11

205

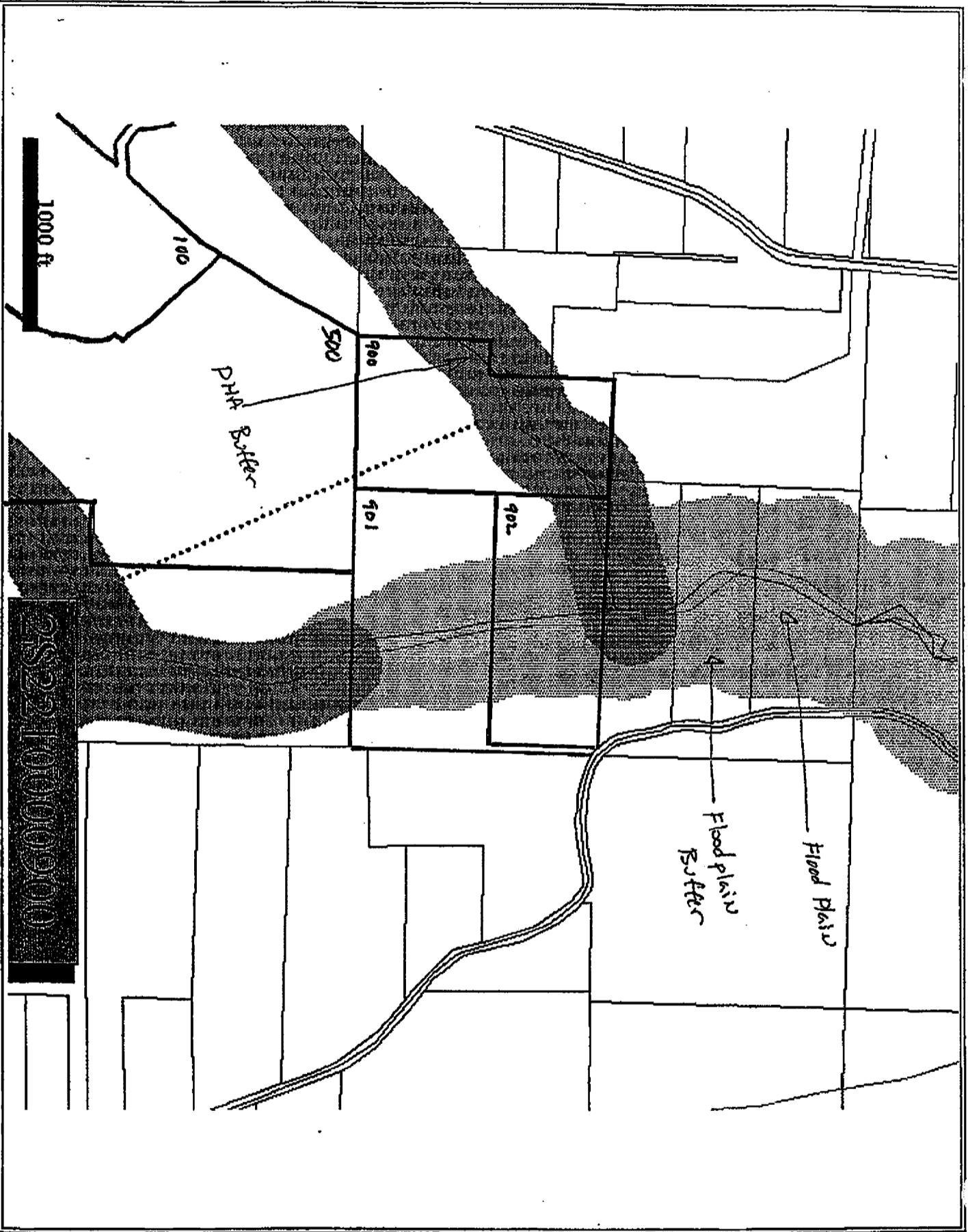


EXHIBIT
11

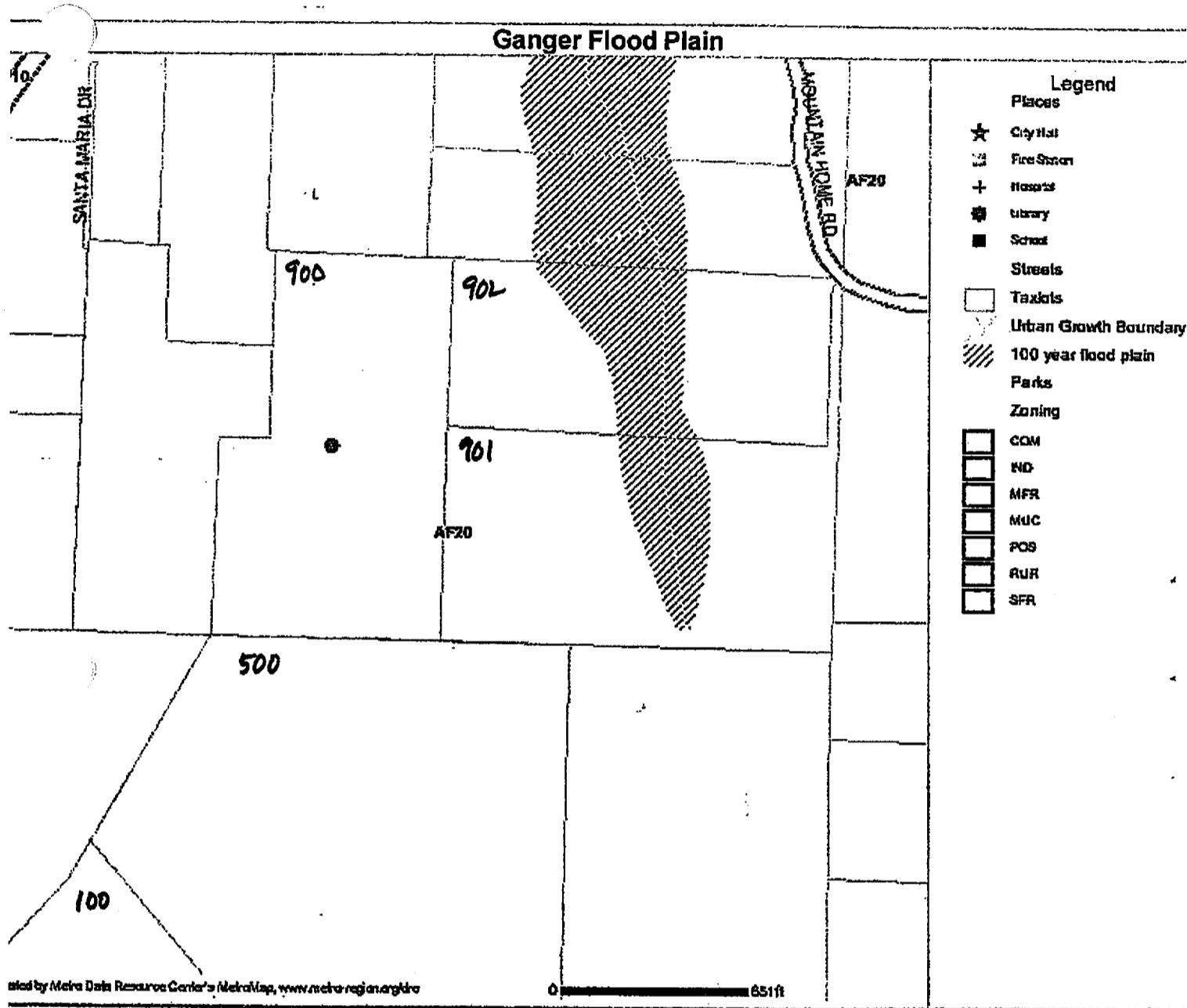


EXHIBIT
11

207

EXHIBIT 12

Deeds

Map 252 29 - 02/08

1500
600
200

Cherry Hill

BARGAIN AND SALE DEED

90-04448
Washington County

DATED: as of January 22, 1990
BETWEEN: William H. Gregory as to a one-half undivided interest GRANTOR
TO: William H. Gregory and Marie J. Gregory, Trustees
Under Trust Agreement Dated December 2, 1988 For GRANTEE
Benefit of William H. Gregory

Grantor hereby conveys to Grantee, his one-half interest as a tenant
in common, in the property described on the attached Exhibit A.

This transfer is made without consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO
THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING
DEPARTMENT TO VERIFY APPROVED USES.

William H. Gregory
William H. Gregory, Grantor

STATE OF OREGON)
) ss.
County of Douglas)

The foregoing instrument was acknowledged before me this 22nd day
of January, 1990, by William H. Gregory.



M. Wilcox Lantz
Notary Public for Oregon
My commission expires: 8-23-91

Until a change is requested, all tax statements shall be sent to the following
address: P.O. Box 4400, Beaverton, OR 97076

After recording, return to: William H. Gregory, P.O. Box 4400, Beaverton, OR
97076

1-3

EXHIBIT A

Beginning at a re-entrant corner on the easterly line of the First Tract described in a Deed of J. A. Rowell as recorded on page 171 in Book 143, Deed Records, which bears N. 89° 31' E. 750.90 feet and S. 40° 01' W. 994.80 feet from the northwest corner of section 28, T2S, R2W, W. M., Washington County, Oregon; thence following the boundary of said Rowell tract, S. 49° 56' E. 786.0 feet to an iron pipe, S. 33° 19' W. 62.60 feet to an iron pipe, S. 29° 17' E. 96.60 feet to an iron pipe; S. 04° 55' E., 321.40 feet to an iron pipe, S. 36° 31' West, 332.60 feet to an iron pipe, S. 53° 21' W. 290.0 feet to an iron pipe, S. 48° 53' W. 532.60 feet to an iron pipe, S. 58° 06' W. 65.40 feet to an iron pipe, N. 76° 57' W. 116.30 feet to an iron pipe, N. 48° 57' W. 162.60 feet to an iron pipe, N. 58° 09' W. 162.80 feet to an iron pipe, N. 83° 28' W. 79.90 feet to an iron pipe and S. 71° 48' W. 36.35 feet to an iron pipe; thence leaving the boundary of said Rowell tract, N. 53° 13' 30" W. 198.41 feet to an iron rod on the easterly boundary of the tract described in Contract of Sale to Michael J. Capri as recorded on page 194 in Book 902, said Deed Records; thence following the boundary of said Capri tract, N. 50° 11' 08" W. 293.60 feet to an iron rod and N. 40° 09' 28" E. 939.10 feet to an iron rod at the easterly northeast corner of said tract; thence continuing N. 40° 09' 28" E. 69.34 feet to an iron rod at the southeast corner of the Mary Barbagelata tract as described on page 280 in Book 902, said Deed Records; thence along the easterly boundary of said Barbagelata tract, N. 40° 09' 28" E. 264.31 feet to an iron rod and N. 45° 50' 25" E. 416.95 feet to the place of beginning. Subject to that easement of the same date as this Agreement recorded in Book 1163, Pages 429 through 432, Deed Records of Washington County, Oregon.

Together with a 50.0 foot wide parcel, lying southerly and westerly and adjacent to the following described line:

Beginning at the most Southerly corner of that certain tract of land conveyed to Mary Barbagelata by Warranty Deed recorded December 20, 1972 in Book 902, Page 280, Records of Washington County, Oregon; thence South 86°17'55" West, 142.75 feet; thence North 49°58'35" West, 110.24 feet; thence North 05°59'55" West, 156.70 feet; thence along the arc of a 101.40 foot radius curve left, through a central angle of 87°23'45", 154.67 feet; thence South 86°36'20" West 184.96 feet; thence along the arc of an 87.55 foot radius curve right, through a central angle of 93°40'15", 143.13 feet; thence North 0°16'35" East, 158.16 feet; thence North 17°23'35" East, 194.57 feet; thence North 35°48'55" East, 189.59 feet; thence along the arc of a 268.45 radius curve left, through a central angle of 62°06'56", 291.03 feet; thence North 26°18'01" West, 44.06 feet to a point South 26°18'01" East, 50.0 feet from an iron rod on the North line of Section 29, Township 2 South, Range 2 West, which bears South 89°38'57" West, 835.0 feet from the Northeast corner of said section 29; thence South 63°41'59" West, 50.0 feet to the Westerly right-of-way line of said roadway; thence North 26°18'01" West along said Westerly right-of-way line, 141.23 feet to an iron rod on the Southeasterly right-of-way line of State Highway 219. Subject to the rights and duties disclosed in the Deed recorded in Book 902, Page 280, Deed Records, Washington County, Oregon and in the contract recorded in Book 902, Page 194, Deed Records, Washington County, Oregon, and further subject to an easement recorded in Book 1081, Pages 659 through 662, Deed Records of Washington County, Oregon. 2

100%
00%

Cherry Hill ...

89-62995
Washington County

BARGAIN AND SALE DEED

DATED: as of December 20, 1989
BETWEEN: G. Robert Brian as to a one-half undivided interest GRANTOR
TO: William H. Gregory GRANTEE

Grantor hereby conveys to Grantee, his one-half undivided interest in the property described on the attached Exhibit A.

This transfer is made without consideration in fulfillment of that Assignment recorded March 22, 1982, document number 82007059, Washington County Deed Records.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

G. Robert Brian
G. Robert Brian, Grantor

STATE OF OREGON)
County of Washington) ss.

The foregoing instrument was acknowledged before me this 20th day of December, 1989, by G. Robert Brian.



[Signature]
Notary Public for Oregon
My commission expires: 5-12-92

Until a change is requested, all tax statements shall be sent to the following address: P.O. Box 4400, Beaverton, OR 97076

After recording, return to: William H. Gregory, P.O. Box 4400, Beaverton, OR 97076

1-2

EXHIBIT A

Beginning at a re-entrant corner on the Easterly line of the First Tract described in a Deed to J. A. Rowell as recorded on Page 171 in Book 143, Deed Records, which bears North 89° 31' East, 750.90 feet and South 40° 01' West, 994.80 feet from the Northwest corner of Section 28, Township 2 South, Range 2 West, Willamette Meridian, Washington County, Oregon; thence following the boundary of said Rowell Tract, South 49° 56' East, 786.0 feet to an iron pipe, South 33° 19' West, 62.60 feet to an iron pipe, South 29° 17' East, 96.60 feet to an iron pipe; South 04° 55' East, 321.40 feet to an iron pipe, South 36° 31' West, 332.60 feet to an iron pipe; South 53° 21' West, 290.0 feet to an iron pipe, South 48° 53' West, 532.60 feet to an iron pipe, South 58° 06' West, 65.40 feet to an iron pipe, North 76° 57' West, 116.30 feet to an iron pipe, North 48° 57' West, 162.60 feet to an iron pipe, North 58° 09' West, 162.80 feet to an iron pipe, North 83° 28' West, 79.90 feet to an iron pipe and South 71° 48' West, 36.35 feet to an iron pipe; thence leaving the boundary of said Rowell tract, North 53° 13' 30" West, 198.41 feet to an iron rod on the Easterly boundary of the tract described in Contract of Sale to Michael J. Capri as recorded on Page 194 in Book 902, said Deed Records; thence following the boundary of said Capri tract, North 50° 11' 08" West, 293.60 feet to an iron rod and North 40° 09' 28" East, 939.10 feet to an iron rod at the Easterly Northeast corner of said tract; thence continuing North 40° 09' 28" East, 69.34 feet to an iron rod at the Southeast corner of the Mary Barbagelata tract as described on Page 280 in Book 902, said Deed Records; thence along the Easterly boundary of said Barbagelata tract, North 40° 09' 28" East, 264.31 feet to an iron rod and North 45° 50' 25" East, 416.95 feet to the place of beginning.

TOGETHER WITH a 50.0 foot wide roadway lying Southerly and Westerly and adjacent to the following described line:

Beginning at the most Southerly corner of that certain tract of land conveyed to Mary Barbagelata by Warranty Deed recorded December 20, 1972 in Book 902, Page 280, Records of Washington County, Oregon; thence South 86° 17' 55" West, 142.75 feet; thence North 49° 58' 35" West, 110.24 feet; thence North 05° 59' 55" West, 156.70 feet; thence along the arc of a 101.40 foot radius curve left, through a central angle of 87° 23' 45", 154.67 feet; thence South 86° 36' 20" West 184.96 feet; thence along the arc of an 87.55 foot radius curve right, through a central angle of 93° 40' 15", 143.13 feet; thence North 0° 16' 35" East, 158.16 feet; thence North 17° 23' 35" East, 194.57 feet; thence North 35° 48' 55" East, 189.59 feet; thence along the arc of a 268.45 radius curve left, through a central angle of 62° 06' 56" 291.03 feet; thence North 26° 18' 01" West, 44.06 feet to a point South 26° 18' 01" East, 50.0 feet from an iron rod on the North line of Section 29, Township 2 South, Range 2 West, which bears South 89° 38' 57" West, 835.0 feet from the Northeast corner of said section 29; thence South 63° 41' 59" West, 50.0 feet to the Westerly right-of-way line of said roadway; thence North 26° 18' 01" West along said Westerly right-of-way line, 141.23 feet to an iron rod on the Southeasterly right-of-way line of State Highway 219.---

STATE OF OREGON }
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said County, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



Doc : 89062995
Rect: 24368 18.00
12/27/1989 03:41:56PM

800

Original Single Copy 11/22/22 CC: Hank

89-62529

WARRANTY DEED

Washington County

JOHN A. ROWELL, FRANCIS T. ROWELL, FRANCES J. STEINMETZ, MILBURN ZIEGLER, VELMA ZIEGLER and FRANK E. LILLIGARD, Grantors, convey and warrant to HENRY G. LAUN and G. ROBERT BRIAN, as tenants in common, Grantees, the following described real property free of encumbrances except as specifically set forth herein situated in Washington County, Oregon, to-wit:

Beginning at a re-entrant corner on the easterly line of the First Tract described in a Deed of J. A. Rowell as recorded on page 171 in Book 143, Deed Records, which bears N. 89° 31' E. 750.90 feet and S. 40° 01' W. 994.80 feet from the northwest corner of section 28, T2S, R2W, W. M., Washington County, Oregon; thence following the boundary of said Rowell tract, S. 49° 56' E. 786.0 feet to an iron pipe, S. 33° 19' W. 62.60 feet to an iron pipe, S. 29° 17' E. 96.60 feet to an iron pipe; S. 04° 55' E., 321.40 feet to an iron pipe, S. 36° 31' West, 332.60 feet to an iron pipe, S. 53° 21' W. 290.0 feet to an iron pipe, S. 48° 53' W. 532.60 feet to an iron pipe, S. 58° 06' W. 65.40 feet to an iron pipe, N. 76° 57' W. 116.30 feet to an iron pipe, N. 48° 57' W. 162.60 feet to an iron pipe, N. 58° 09' W. 162.80 feet to an iron pipe, N. 83° 28' W. 79.90 feet to an iron pipe and S. 71° 48' W. 36.35 feet to an iron pipe; thence leaving the boundary of said Rowell tract, N. 53° 13' 30" W. 198.41 feet to an iron rod on the easterly boundary of the tract described in Contract of Sale to Michael J. Capri as recorded on page 194 in Book 902, said Deed Records; thence following the boundary of said Capri tract, N. 50° 11' 08" W. 293.60 feet to an iron rod and N. 40° 09' 28" E. 939.10 feet to an iron rod at the easterly northeast corner of said tract; thence continuing N. 40° 09' 28" E. 69.34 feet to an iron rod at the southeast corner of the Mary Barbagelata tract as described on page 280 in Book 902, said Deed Records; thence along the easterly boundary of said Barbagelata tract, N. 40° 09' 28" E. 264.31 feet to an iron rod and N. 45° 50' 25" E. 416.95 feet to the place of beginning. Subject to that easement of the same date as this Agreement recorded in Book 1163, Pages 429 through 432, Deed Records of Washington County, Oregon.

Together with a 50.0 foot wide parcel, lying southerly and westerly and adjacent to the following described line:

Page 1 - Warranty Deed

After Recording Return To:
Cherry Hill Farm
P.O. Box 4400
Beaverton, OR 97076

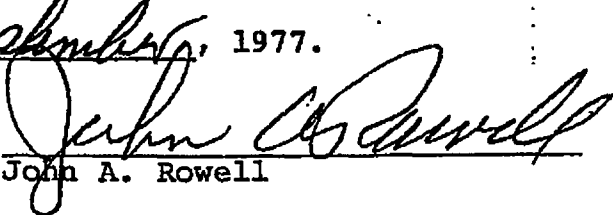
1-4


Beginning at the most Southerly corner of that certain tract of land conveyed to Mary Barbagelata by Warranty Deed recorded December 20, 1972 in Book 902, Page 280, Records of Washington County, Oregon; thence South 86°17'55" West, 142.75 feet; thence North 49°58'35" West, 110.24 feet; thence North 05°59'55" West, 156.70 feet; thence along the arc of a 101.40 foot radius curve left, through a central angle of 87°23'45", 154.67 feet; thence South 86°36'20" West 184.96 feet; thence along the arc of an 87.55 foot radius curve right, through a central angle of 93°40'15", 143.13 feet; thence North 0°16'35" East, 158.16 feet; thence North 17°23'35" East, 194.57 feet; thence North 35°48'55" East, 189.59 feet; thence along the arc of a 268.45 radius curve left, through a central angle of 62°06'56", 291.03 feet; thence North 26°18'01" West, 44.06 feet to a point South 26°18'01" East, 50.0 feet from an iron rod on the North line of Section 29, Township 2 South, Range 2 West, which bears South 89°38'57" West, 835.0 feet from the Northeast corner of said section 29; thence South 63°41'59" West, 50.0 feet to the Westerly right-of-way line of said roadway; thence North 26°18'01" West along said Westerly right-of-way line, 141.23 feet to an iron rod on the Southeasterly right-of-way line of State Highway 219. Subject to the rights and duties disclosed in the Deed recorded in Book 902, Page 280, Deed Records, Washington County, Oregon and in the contract recorded in Book 902, Page 194, Deed Records, Washington County, Oregon, and further subject to an easement recorded in Book 1081, Pages 659 through 662, Deed Records of Washington County, Oregon.

The said property is free from encumbrances except any taxes, municipal liens, water rents, and public charges levied or imposed upon said property after May 3, 1977, all liens and encumbrances created by Grantees or their assigns and any liability for any farm use tax deferral resulting from any change of use of the property by Grantees or their assigns.

The true consideration for this conveyance is \$85,000.00.

DATED this 28 day of September, 1977.


John A. Rowell


Francis T. Rowell

Frances J. Steinmetz
Frances J. Steinmetz

Milburn Ziegler
Milburn Ziegler

Velma Ziegler
Velma Ziegler

Frank E. Lilligard
Frank E. Lilligard

STATE OF OREGON)
County of Umult.) ss.

Personally appeared the above named JOHN A. ROWELL and
acknowledged the foregoing instrument to be his voluntary
act and deed.

Before me: 9/28/77

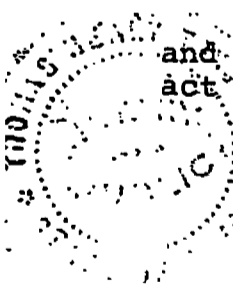


Thomas H. Ferguson
Notary Public for Oregon
My Commission Expires: 4/1/78

STATE OF OREGON)
County of Umult.) ss.

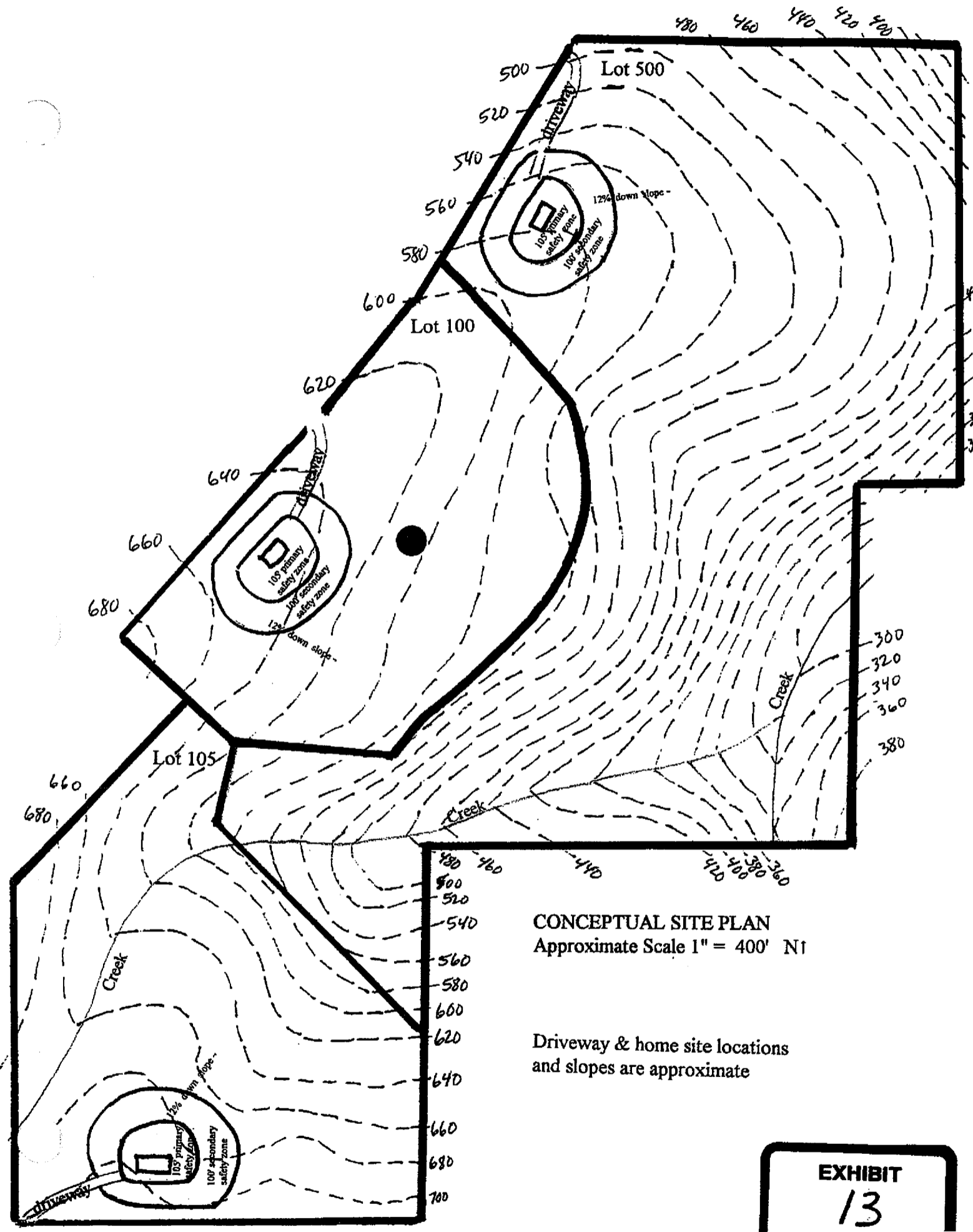
Personally appeared the above named FRANCIS T. ROWELL
and acknowledged the foregoing instrument to be his voluntary
act and deed.

Before me: 9/28/77



Thomas H. Ferguson
Notary Public for Oregon
My Commission Expires: 11/1/78

EXHIBIT 13
Conceptual Site Plan






CONCEPTUAL SITE PLAN
 Approximate Scale 1" = 400' N1

Driveway & home site locations
 and slopes are approximate

EXHIBIT
 13

EXHIBIT 14
Resource Tax Deferral Map

Resource Tax Deferral Map

-  Forest or Woodlands
-  Farm & Forest or Woodlands
-  Farm

(Site is outlined in red.)

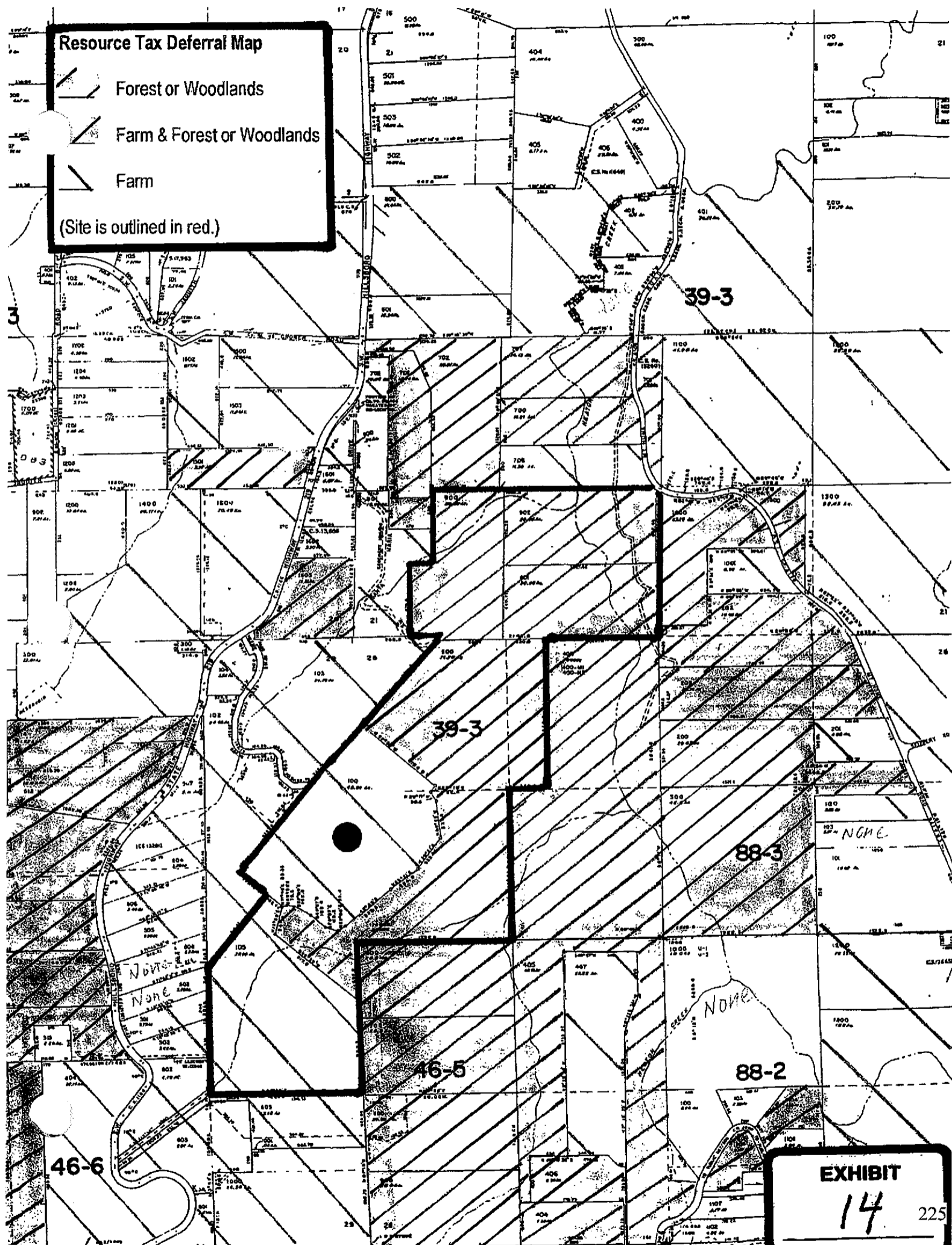


EXHIBIT
14 225

EXHIBIT 15

Photographs



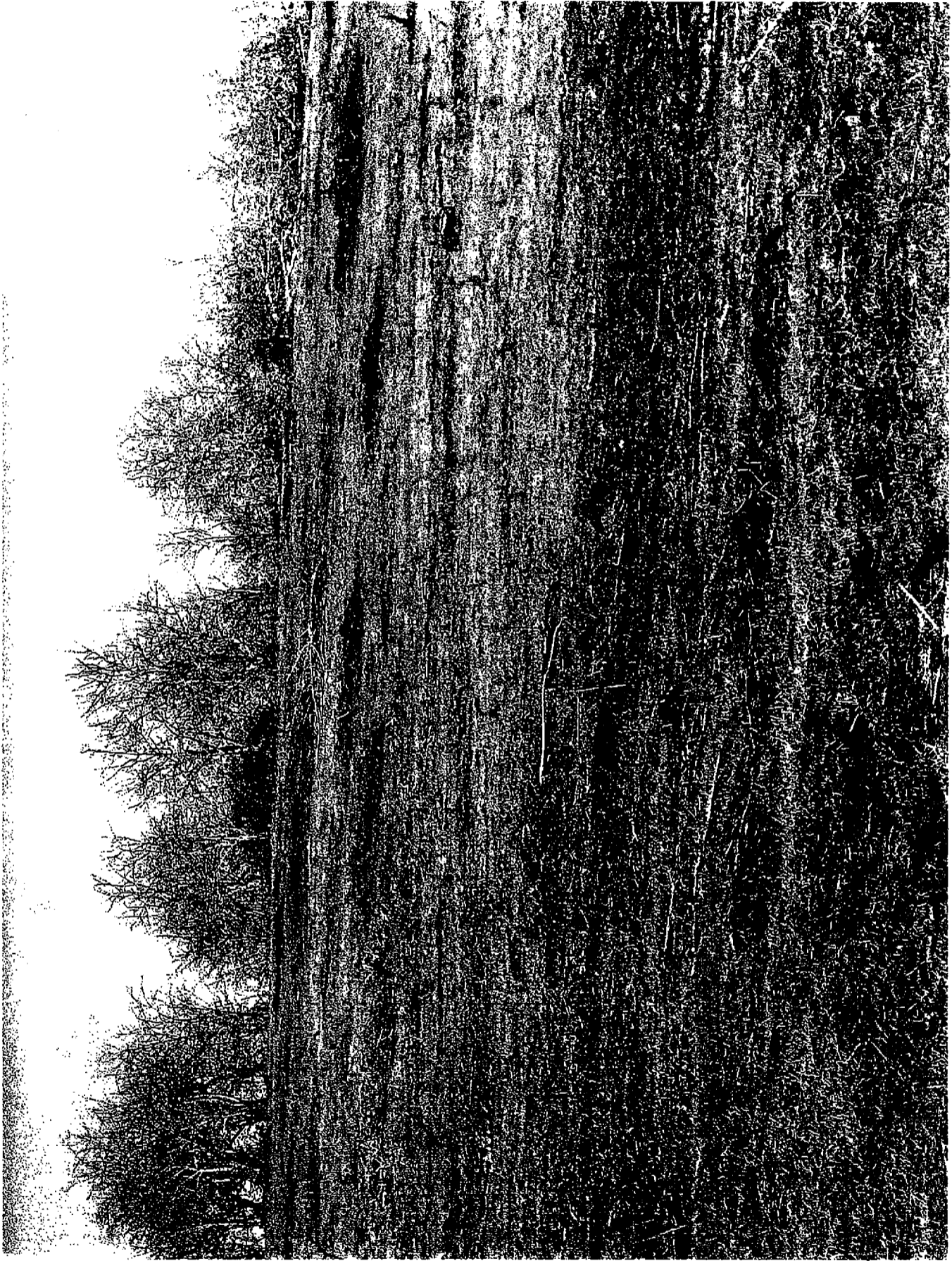
Handwritten text, possibly a date or location, such as "1900" and "1900/11".



Cloud over road N



Cloud over looking 5



Cleared area looking NW



Plow in Old Orchard





Planting in Old Orchard