



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: May 16, 2018

Department: Public Works Agenda Planning Date: May 10, 2018 Time required: None

Audio/Visual aids

Contact: Joe Fennimore Phone: 503-566-4177

Department Head Signature:

TITLE Schedule final consideration to adopt an administrative ordinance granting Zone Change/ Comprehensive Plan Amendment (ZC/CP) 17-004/Helms.

Issue, Description & Background The Marion County Hearings Officer held a duly noticed public hearing on this application on November 29, 2017, and on March 6, 2018, issued a report recommending the Marion County Board of Commissioners approve the request. The board held a duly noticed public hearing on May 9, 2018, and considered all the evidence in the record and approved the request. The ordinance and findings have been prepared and the matter needs to be scheduled for final consideration and adoption.

Financial Impacts: None.

Impacts to Department & External Agencies None.

Options for Consideration:
1. Schedule adoption of the ordinance at the next Board Session meeting.
2. Direct staff to prepare a modified ordinance.
3. Choose not to proceed with adopting an ordinance at this time.

Recommendation: Staff recommends the board schedule final consideration and adoption of the attached ordinance at the next regular Board Session meeting.

List of attachments: Ordinance

Presenter: Joe Fennimore

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Joe Fennimore - gfennimore@co.marion.or.us

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

| | | |
|----------------------|---|-----------------------|
| In the Matter of the |) | Case No. ZC/CP17-004 |
| Application of: |) | |
| Elizabeth Helms |) | Clerk's File No. 5741 |

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This matter comes before the Marion County Board of Commissioners ("Board") on the application of Elizabeth Helms (Applicant) to change the comprehensive plan designation from Primary Agriculture to Farm/Timber and to change the zone from Exclusive Farm Use (EFU) to Farm/Timber (FT) on 53 acres of land located west of the 16,200 block of Emerald Green Lane, Jefferson (T10S; R2W; Section 7B; tax lots 300, 399 and 400).

SECTION II. Procedural History

The Marion County Hearings Officer held a duly noticed public hearing on this application on November 29, 2017. On March 6, 2018, the Hearings Officer issued a report recommending the Board approve the request. The Board held a duly noticed public hearing on the application on May 9, 2018, and considered the Planning Division file, the Hearings Officer's recommendation, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Adoption of Findings and Conclusion

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Facts and Conclusions of Law contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested Comprehensive Plan designation change from Primary Agriculture to Farm/Timber is hereby **GRANTED**. The requested zone change from EFU (Exclusive Farm Use) to FT (Farm/Timber) zone is hereby **GRANTED**.

The property rezoned by this Ordinance is described in Exhibit B, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to the Marion County Zone Code 17.110.660 to reflect the new zoning.

SECTION V. Effective Date

Pursuant to Chapter 1.10 of the Marion County Code, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this _____ day of _____ ,
2018, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

EXHIBIT A

Findings of Fact and Conclusions of Law

1. The 53-acre subject property consists of three tax lots containing 42.19 acres, 0.83 acres and 10 acres, respectively, and is designated Primary Agriculture in the Marion County Comprehensive Plan (MCCP) and zoned Exclusive Farm Use (EFU) under Marion County Code (MCC) title 17.
2. The subject property is located approximately 500 feet west of the terminus of Emerald Green Lane SE. Aerial photos of the property from 1966 and 1992 show that the property is undeveloped and generally well-stocked in timber.
3. Surrounding land to the north, west, and south are zoned EFU and in various types of farm use. Land to the east is zoned AR (Acreage Residential) and contains rural residences on acreage homesites.
4. Pursuant to OAR 660-18-0020, a local government shall submit a proposed change to an acknowledged comprehensive plan to the Director of the Land Conservation and Development Department (DLCD) at least thirty-five (35) days before the first evidentiary hearing. DLCD was notified as required and did not comment on the proposed change.

STATEWIDE PLANNING GOALS

5. According to the MCCP plan amendments section, comprehensive plan amendments must be consistent with statewide planning goals.

Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

When considering a comp plan amendment, Marion County provides notice and a public hearings process before a hearings officer and the BOC that provides opportunity for citizen involvement. Goal 1 is satisfied.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Marion County has established land use regulations and created a comprehensive plan that is acknowledged to be consistent with the statewide land use planning goals adopted by the DLCD under Oregon law. Marion County's comp plan is coordinated with plans of local governments, state and federal agencies and special districts that have programs, land ownerships, or responsibilities within the area included in the plan. Implementation measures can be site specific.

Applicant proposes a site-specific comprehensive plan amendment. MCPW notified DLCD, the Jefferson Fire District, the Jefferson School District, various departments of Marion County and the Friends of Marion County of the proposed comp plan amendment.

Goal 3: Agricultural Lands. To preserve and maintain agricultural lands.

The Farm/Timber designation in the MCCP, and the implementing FT zone, is consistent with the agriculture/forest zoning described in OAR 660-033-0145 that DLCD deems to preserve and maintain agricultural land when applied pursuant to provisions of OAR 660, Division 6, specifically, OAR 660-06-0015, 660-006-0050 and 660-006-0057.

Goal 4: Forest Lands. To conserve forest lands 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 tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

OAR 660-006-0015 provides:

- (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone that conserves forest lands consistent with OAR chapter 660, division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247 (1991 Edition), the land is zoned with an Exclusive Farm Use Zone pursuant to ORS chapter 215 provided the zone qualifies for special assessment under ORS 308.370, or is an "abandoned mill site" zoned for industrial use as provided for by ORS 197.719. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR chapter 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria that clearly indicate where the zone(s) will be applied.
- (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.

Currently the subject property is inventoried as agricultural land in the MCCP. However, the property is specially assessed for forest use under ORS chapter 308A. Applicant has submitted to the record invoices, receipts and check records dated from 1999 to 2015 that demonstrate consistent expenditures related to timber production activities conducted on the property. In areas of intermingled agricultural and forest land, the Farm/Timber designation in the MCCP, and the implementing FT zone, is an appropriate land designation, and implementing zone, to protect forest lands under OAR 660-006-0015. To approve the application, the BOC is not required to take an exception

to Goal 3 because the land satisfies the definitions of agricultural land and forest land; however, the BOC must inventory the property as forest land and document in the plan the factors used to select the Farm/Timber designation.

Under the M CCP forest lands section:

An area located east and south of the city of Silverton and commonly referred to as the Silverton Hills consist[s] of a mixed pattern of farm and forest land uses. The topography of this area consists of relatively level ridge tops with intervening stream canyons. The level areas are largely devoted to farm and woodlot uses while the stream canyons and steeper ridges are devoted to forest uses. This area is a transition between the Western Cascades and the Willamette Valley floor.

* * *

Under the provisions of OAR 660-006-0050, a governing body may establish agricultural/forest zones in accordance with both Goals 3 and 4 and consistent with OAR Chapter 660, Divisions 6 and 33. The mixed nature of the farm and forest uses in this area justifies the application of an agricultural/forest zone and both Goals 3 and 4. The Farm/Timber designation is discussed in the Forest Lands section of the Marion County Comprehensive Plan and policies pertaining to this designation are also included in the forest land goal and policies section.

The Farm and Timber designation has been applied to lands in Marion County that support a mixture of both agricultural and forestry activities. Designated areas were characterized by wide varieties in terrain, soil types and land use conditions. These areas are located in the foothills of the Cascade Mountains and are characterized by steep canyons, broad ridge tops and narrow alluvial river terraces. Soil types vary considerably in agricultural productivity from Class II to VI agricultural capability. The area is predominantly Class 2 and 3 timber soils which make a majority of the area highly productive forest land. Whenever the terrain is not too steep and the soils have agricultural capability, the land is typically in farm use. Otherwise, the land is managed as woodland. As a result of the mixed terrain and soils, this area consists of a very mixed pattern of farm and forest uses, frequently including both uses on a single tract. Therefore, both the agricultural lands and forest lands goals are applied, as authorized by OAR 660-006-0050.

The variable terrain and crop capabilities have contributed to the existing land use pattern that is a transition area

between the predominately large-scale farms on the low land to the west and the large-scale commercial timber operations on the higher elevations to the east. The most common management units in the FT areas range from 20 to 40 acres. Ownership fragmentation and the alternating farm and timber character make it unlikely that these smaller farm and timber tracts will be consolidated to achieve larger management units.

A minimum parcel size of 80 acres is applied to the Farm/Timber land in Marion County. This minimum was chosen because it is consistent with the existing parcel sizes in this area being managed for timber and agriculture production on a commercial basis. Also, the minimum parcel size is consistent with both OAR 660-06-0026 and 660-33-0100, and it exceeds the recommendations of the State Department of Fish and Wildlife for the protection of significant deer and elk habitats. This area is primarily located within the peripheral deer and elk habitat as identified by the State Department of Fish and Wildlife. With development limited to such low densities, the watershed, open space and other resource values found on forest lands will be protected.

We begin a Farm/Timber site evaluation by looking at the *Soil Survey of Marion County Area, Oregon*, which identifies county soil types and classifications. According to the Survey, the subject property contains the following soils:

| Tax Lot | Soil name | Soil type | Acres | Parcel % | Farm soil class | High Value |
|---------|---|-----------|-------|----------|-----------------|------------|
| 400 | HAZELAIR SILT LOAM, 6 to 20% slopes | HaD | 6.3 | 14.9% | 4 | No |
| 400 | HAZELAIR SILTY CLAY LOAM, 2 to 15% slopes, eroded | HcD2 | 0.1 | 0.2% | 6 | No |
| 400 | SANTIAM SILT LOAM, 0 to 3% slopes | SnA | 0.1 | 0.1% | 2 | Yes |
| 400 | SANTIAM SILT LOAM, 3 to 6% slopes | SnB | 8.7 | 20.7% | 2 | Yes |
| 400 | SANTIAM SILT LOAM, 6 to 15% slopes | SnC | 27.0 | 64.1% | 2 | Yes |
| 300 | SANTIAM SILT LOAM, 3 to 6% slopes | SnB | 7.9 | 78.6% | 2 | Yes |

| | | | | | | |
|-----|--|-----|-----|-------|---|-----|
| 300 | SANTIAM SILT LOAM, 6 to 15% slopes | SnC | 2.1 | 21.4% | 2 | Yes |
| 399 | SANTIAM SILT LOAM, 3 to 6% slopes | SnB | 0.8 | 100% | 2 | Yes |

| | | |
|-----------------------|-------------|-------------|
| TOTALS | 52.8 | 100% |
| High Value | 46.4 | 88% |
| Non High Value | 6.4 | 12% |

Soil Survey class II farm soils are high value soils, as defined in OAR 660-033-0020(8). Class VI soil types and the Class IV soil type that was identified on the subject property are not high value soils; however, non high value soils only constitute 12% of the soils on the subject property.

There are 15,000+ Farm/Timber designated acres in Marion County (MCCP, page I-14), most of it in the Silverton Hills, coexistent with the peripheral big game habitat area. In ZC/CP 11-002 and ZC/CP 03-5, the BOC recognized that land outside the Silverton Hills area may qualify for Farm/Timber designation if it has sufficient Farm/Timber characteristics. The Farm/Timber area is described as an area of stream canyons and broad ridge tops. This description describes the subject property well. The variable topography makes integration with neighboring farm parcels less likely. At 53 acres, the property is less than the minimum parcel size, but the three tax lots, if combined, would be closer to satisfying the minimum parcel size and slightly larger than the 20- to 40-acre common Farm/Timber parcel size.

Designated Farm/Timber areas contain mixed soils. Consistent with this, the subject property contains five different soil types, and a majority of the soils are good for farm and forest use. The property shares sufficient characteristics to allow Farm/Timber designation and zoning. **OAR 660-006-0015 is satisfied.**

OAR 660-006-0050 provides:

- (1) *Governing bodies may establish agriculture/forest zones in accordance with both Goals 3 and 4, and OAR chapter 660, divisions 6 and 33.*
- (2) *Uses authorized in Exclusive Farm Use Zones in ORS Chapter 215, and in OAR 660-006-0025 and 660-006-0027, subject to the requirements of the applicable section, may be allowed in any agricultural/forest zone. The county shall apply either OAR chapter 660, division 6 or 33 standards for siting a dwelling in an agriculture/forest zone based on the predominant use of the tract on January 1, 1993.*

- (3) *Dwellings and related structures authorized under section (2), where the predominant use is forestry, shall be subject to the requirements of OAR 660-006-0029 and 660-006-0035.*

Farm/Timber designation in the MCCP, and the implementing FT zone, is an agriculture/forest zone established in accordance with Goals 3 and 4 and with OAR chapter 660, divisions 6 and 33, consistent with the zoning described in OAR 660-006-0050. Currently, the subject property is inventoried as agricultural land in the acknowledged plan. However, the property is specially assessed for forest use under ORS chapter 308A. Applicant has submitted to the record invoices, receipts and check records dated from 1999 to 2015 that demonstrate expenditures related to timber production activities conducted on the property over several decades. **OAR 660-006-0050 is satisfied.**

OAR 660-006-0057 provides:

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

The area to be considered for re-designation and rezoning consists solely of the subject property. According to the *Soil Survey*, 88% of the soils on the property are suitable for farm or forest use. Consistently, the property has been managed for forest use and, because the slopes extend to 20% on portions of the property, the property cannot be wholly productively managed solely for farm or forest use. **OAR 660-006-0057 is satisfied.**

Goal 4 is satisfied.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

This goal is concerned with MCCP-identified goal 5 resources. No MCCP-identified goal 5 resources are on or near the subject property. Goal 5 is not applicable.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

The Farm/Timber designation serves to conserve and protect land for resource use. Forest use is regulated under the Forest Practices Act. The current and proposed land designations impose substantial limitations on the siting of dwellings on the subject property and the change in designation is unlikely to increase the emission of particulates or noise from residential use. Existing regulations serve to maintain or improve the quality of air, water and land resources. Goal 6 is satisfied.

Goal 7: Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

The subject property is not in an MCCP identified geologic hazard area. Goal 7 is not applicable.

Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

No goal 8 resources are identified on the subject site or implicated by this application. This goal is not applicable.

Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

This goal addresses commercial and industrial development, primarily in urban areas. OAR chapter 660, Division 009 applies only to comprehensive planning for areas within urban growth boundaries. Goal 9 is not applicable.

Goal 10: Housing. To provide for the housing needs of citizens of this state.

OAR 660-008-0000 is intended to define standards for compliance with Goal 10. OAR 660-008 deals with providing an adequate number of needed housing units, and efficient use of buildable land within urban growth boundaries. The subject property is not within an urban growth boundary. Goal 10 does not apply.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Electric and telephone utilities are available in the area. Public water and sewer services are not required, or the need for those services is not increased, by the proposed change in the land use designation of the subject property. Though cycles of intensive management activities that generate traffic impacts differ between the two resource comp plan designations, the plan change is not likely to generate new or more intensive traffic impacts, because the property is currently managed for forest uses.

Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.

Under OAR 660-012-0060(1), if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

(b) *Change standards implementing a functional classification system; or*

(c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP [transportation system plan]. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

(A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

(B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

(C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Applicant requests plan and zone changes that are consistent with the current management of the subject property. Approval of the request would apply a different set of standards to qualify the property for residential use and might allow one dwelling that would, if allowed, generate 10 potential traffic trips per day. Traffic use generated by forest management activities would be minimal, except during harvest. Applicant does not propose changing the functional classification of the road or standards implementing them. Marion County Public Works did not express a concern about the plan and zone amendment significantly affecting the existing transportation facility by allowing uses or levels of development that would be inconsistent with roads serving the property. Goal 12 is satisfied.

Goal 13: Energy Conservation. To conserve energy.

If the plan change is approved, the subject property will continue to be managed for forest use. Significant limitations apply to residential uses in all resources zones. However, the plan change to Farm/Timber will change the approval standards for residential use and may allow the property to qualify for residential use that is not allowed under the current plan designation. Additional homesites for which the property is qualified to facilitate continued management of the property for forest use would not waste energy. Goal 13 is satisfied.

Goal 14: Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Changing the MCCP designation to Farm/Timber and zoning to FT does not urbanize the subject property. Goal 14 is satisfied.

Goals 15-19, Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The subject site is not within the Willamette River Greenway, or near any ocean or coastal related resources. These goals do not apply.

Statewide planning goals are met.

MCCP AMENDMENT

6. The MCCP contains no specific plan amendment review criteria, but an amendment must be consistent with applicable MCCP policies discussed below.

Forest Land and Farm/Timber Land Policy 1: Protect the resource values of those areas designated as Forest Lands by applying a Timber Conservation [TC] zone consistent with OAR 660 Division 6.

Applicant seeks to have the subject property designated Farm/Timber and zoned FT. Policy 1 will not apply to the property because the property will not be zoned TC.

Forest Land and Farm/Timber Land Policy 2: Protect the forest resource value of those areas designated as Farm/Timber Lands by applying a Farm/Timber zone consistent with OAR 660 Division 6.

Forest Land and Farm/Timber Land Policy 3: Protect the agricultural resource value of those areas designated as Farm/Timber Lands by applying a Farm/Timber zone consistent with OAR 660 Division 33.

Applicant requests to have the subject property designated Farm/Timber and zoned FT. The property contains high value soils. FT zoning recognizes the property's management for forest use while protecting it for agricultural use. Policies 2 and 3 are satisfied.

Forest Land and Farm/Timber Land Policy 4: Non-forest and non-farm uses included in OAR 660-06-0025 and OAR 660-33-0120 may be allowed when the activity meets criteria that ensure there will be no significant adverse impacts on farm or forest practices occurring on nearby lands or increase risks associated with fire.

Applicant does not request to conduct non-forest or non-farm use in this application. A request to conduct a use in OAR 660-06-0025 or 660-33-0120 would be required to comply with state land use laws and local land use regulations, including special fire protection standards. Policy 4 is satisfied.

Forest Land and Farm/Timber Land Policy 5: Subdivision development is prohibited and other land divisions creating new dwelling sites are not compatible with the protection and efficient management of Forest Lands and Farm/Timber Lands and are discouraged.

Applicant does not request to divide the subject property in this application. Subdivision is not allowed under the proposed designation and zoning. The property consists of three tax lots that are, individually and collective, below the minimum parcel size of 80 acres applied to the Farm/Timber land in Marion County and deemed to be optimum for efficient resource management. Policy 5 is satisfied.

Forest Land and Farm/Timber Land Policy 6: Division of forest lands and agricultural lands into parcels smaller than 80 acres may be permitted only for those non-forest uses specified in OAR 660 06 0026(2) and those non-farm uses specified in OAR 660 33 0120.

Applicant does not request to divide the subject property in this application. The minimum parcel size in the FT zone is 80 acres. The property consists of three tax lots that total 53 acres, less than the minimum parcel size deemed to be optimum for efficient resource management. Land division is not requested or allowed. Policy 6 is satisfied.

Forest Land and Farm/Timber Land Policy 7: Lot line adjustments may be appropriate provided tracts over 80 acres are not reduced below 80 acres. Tracts capable of significant timber or agricultural production but already below 80 acres should not be reconfigured in a manner that makes them less suitable for timber or farm management.

Applicant does not request a property line adjustment in this application. If the plan and zone changes are approved, a request to adjust a property line related to the subject proper would be required to comply with applicable MCCC policies and MCC criteria. Policy 7 is satisfied.

Forest Land and Farm/Timber Land Policy 8: Strict criteria should be applied to ensure that any dwellings and accessory structures permitted on existing parcels will not interfere with accepted forest or farm management practices on adjacent lands, have adequate road access, fire protection and domestic water supply, and do not increase fire hazards.

Applicant does not request to site a dwelling in this application. If the plan and zone changes are approved, a request to site a dwelling on the subject property would be reviewed for compliance with applicable MCC criteria. Policy 8 is satisfied.

Forest Land and Farm/Timber Land Policy 9: If special siting and fire hazard protection requirements are imposed, dwellings may be appropriate on existing parcels with low cubic foot per acre per year productivity, on parcels with timber management limitations due to the proximity of dwellings and a highly parcelized ownership pattern, or on existing parcels of 160 acres or more created prior to January 1, 1994. Dwellings allowed under OAR 660-06-0027(1)(a), (e) and (f), as limited in the TC zone, are consistent with this policy.

Applicant does not request to site a dwelling in this application. MCC 17.139.070 contains special siting and fire hazard protection requirements for the FT zone. If the plan and zone changes are approved, a request to site a dwelling on the subject

property would be required to meet any applicable requirements of OAR 660, Division 6 and MCC 17.139. Policy 9 is satisfied.

Forest Land and Farm/Timber Land Policy 10: The siting of dwellings in the Farm/Timber zone must meet the applicable criteria in either OAR 660, Division 6 or 33 based on the predominant use of the tract on January 1, 1993.

Applicant does not request to site a dwelling in this application. Aerial photos from 1966 and 1992 show the subject property predominantly stocked in timber, and the property continues to be managed for forest use and stocked in timber. Approval of the application does not require a finding of the predominant use of the property on January 1, 1993. Policy 10 is satisfied.

Rural Development Policy 2. "Strip-type" commercial or residential development along roads in rural areas shall be discouraged.

The proposal would add one homesite along Ridgeway Drive. Ridgeway Drive is already lined with rural residential uses. No perceivable strip-type residential development would result from the proposed comprehensive plan designation and ten-acre lot/parcel size restriction. General rural development policy 2 is satisfied.

Applicable M CCP policies are met.

ZONE CHANGE

7. *Under MCC 17.123.060, approval of a zone change application or initiated zone change shall include findings that the change meets the following criteria:*

A. *The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan.*

With approval of the request that changes the M CCP designation from Special Agriculture to Farm/Timber, the proposed FT zone will be consistent with the Farm/Timber plan designation. This criterion is met.

B. *The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.*

The area surrounding the subject property is zoned EFU and AR, and is in mixed farm and residential use. The property has been in forest use since at least 1966 without conflict with neighboring farm or residential uses. Resource uses are on three sides. At 53 acres, the property is similar in size to other Farm/Timber parcels in the area. FT zoning of the property is appropriate considering area uses, density and development in the area. This criterion is met.

C. *Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.*

Electric and telephone utilities are available in the area. Public water and sewer services are not required, or the need for those services is not increased, by the proposed change in the land use designation of the subject property. Though cycles of intensive management activities that generate traffic impacts differ between the two resource comp plan designations, the plan change is not likely to generate new or more intensive traffic impacts, because the property is currently managed for forest uses. This criterion is met.

D. The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors.

In the land use planning system, the de facto aim is the conservation of resource lands. Through planning, land is made available for development of non-resource uses only in amounts necessary to meet the anticipated need for the proposed uses. The BOC does not limit the amount of resource land that can be conserved, and a request to re-designate land from one resource designation to another results in the continuation of resource protection. The BOC considered this criterion in two similar cases. In a 2003 case, the BOC found the focus of that application was site-specific long-term resource management, and other FT zoned lands in the Silverton Hills equally did not address saving the specific site for timber production. The BOC applied an FT zone. In 2011, the BOC reconfirmed that interpretation using the site-specific approach, and again found MCC 17.123.060(D) satisfied. The approach is implicitly accepted by the DLCDC and is consistent with the grant of authority to re-designate land from one resource designation to another without requiring an exception. The subject property contains sufficient characteristics of the FT zone, and FT zoning can be applied to protect the property for FT uses. This criterion is met.

E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.

The FT zone is the only zone allowed under the Farm/Timber designation. This criterion is met.

EXHIBIT B

The following described property is rezoned from EFU (EXCLUSIVE FARM USE) to FT (FARM/TIMBER). ZC 17-004/Helms

