



Received by OWRD

SEP 10 2024

Salem, OR

August 28, 2024

Water Rights Program Manager  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Oregon Parks and Recreation Department Water Right Application

To whom it may concern:

Please find enclosed a groundwater permit application for the Oregon Parks and Recreation Department (OPRD). The OPRD is requesting to appropriate up to 0.45 cfs from four proposed points of appropriation. The required application documents and fee of \$3,820 are enclosed.

Please contact me if you have any questions. You can reach me at 541-257-9005 or at [omcmurtrey@gsiws.com](mailto:omcmurtrey@gsiws.com)

Sincerely,  
GSI Water Solutions, Inc.

A handwritten signature in black ink that reads "Owen McMurtrey". The signature is written in a cursive style.

Owen McMurtrey  
Water Resources Consultant

Enclosures: Groundwater Permit Application and Attachments

Check in the amount of \$3,820

Application for a Permit to Use  
**Groundwater**

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**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL*

**Organization**

NAME <b>OREGON PARKS AND RECREATION DEPARTMENT ATTN: ALAN FREUDENTHAL</b>		PHONE <b>971-446-1944</b>	FAX
MAILING ADDRESS <b>725 SUMMER STREET NE, SUITE C</b>			CELL
CITY <b>SALEM</b>	STATE <b>OR</b>	ZIP <b>97301</b>	E-MAIL* <b>ALAN.FREUDENTHAL@OPRD.OREGON.GOV</b>

**Agent** – The agent is authorized to represent the applicant in all matters relating to this application.

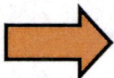
AGENT / BUSINESS NAME <b>GSI Water Solutions, Inc. - Attn: Owen McMurtrey</b>		PHONE <b>541-740-5619</b>	FAX
MAILING ADDRESS <b>1600 SW Western Blvd., Suite 240</b>			CELL
CITY <b>CORVALLIS</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL* <b>omcmurtrey@gsiws.com</b>

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



**I (we) affirm that the information contained in this application is true and accurate.**

Guy Rodriguez (Sep 6, 2024 18:07 PDT)

Applicant Signature

Region Director

Print Name and Title if applicable

09/06/24

Date

Applicant Signature

Print Name and Title if applicable

Date

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**The Oregon Parks and Recreation Department (OPRD) owns the land where the well is located and most of the lands where water will be used within the park. The United States government owns two tax lots (081E350000300 and 081E030000400) in the park, but OPRD has written authorization from the Bureau of Land Management permitting access to use those lands as part of the park.**

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 SEP 10 2024  
 Salem, OR

**Mailing Address:**  
**1717 Fabry Road, SE**  
**Salem, OR 97306**

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

**See Attachment D for the legal descriptions of the properties where water is to be diverted, conveyed and used.**

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
STEEL TANK WELL 2	NORTH FORK SILVER CREEK	0.29 MILE	440 FT
NORTH WELL 1	NORTH FORK SILVER CREEK	0.29 MILE	440 FT
NORTH WELL 2	SOUTH FORK SILVER CREEK	0.3 MILE	16 FT
NORTH WELL 3	LOWER NORTH FALLS	0.3 MILE	36 FT

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

**The well log for Steel Tank Well 2 (MARI 54465) is included in Attachment B.**

SEP 10 2024

Salem, OR

**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested: 0.45 CFS** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH (FEET)	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
STEEL TANK WELL 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 54465	<input type="checkbox"/>	8 IN.	0 - 797	732 - 792	0 - 173, 173 - 233, 233 - 276	453 (10/28/1999)	BASALT	797		
NORTH WELL 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	8 IN. (EST)	0 - 950 (EST)	732 - 792, 850 - 950 (EST)	0 - 173, 173 - 233, 233 - 276 (EST)	-	BASALT	950 (EST)		
NORTH WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	8 IN. (EST)	0 - 401 (EST)	336 - 396 (EST)	0 - 173, 173 - 233, 233 - 276 (EST)	-	BASALT	401 (EST)		
NORTH WELL 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	8 IN. (EST)	0 - 491 (EST)	426 - 486 (EST)	0 - 173, 173 - 233, 233 - 276 (EST)	-	BASALT	491 (EST)		

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

**Note: Estimated well construction for North Well 1 reflects possible construction of a new well adjacent to the existing Steel Tank Well 2 constructed to a greater depth. Estimates are loosely based on construction of MARI 55530. Estimated construction of North Well 2 and North Well 3 is based on MARI 54465 with adjustments to proposed well construction to reflect differences in ground surface elevation. The applicant understands that additional communication may be needed for proposed new wells with respect to special well construction standards.**

**SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

**Upper Columbia - OAR 690-033-0115 thru -0130**

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

SEP 10 2024

Yes  No

Salem, OR

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing**

recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, you will be required to provide the following information, if applicable.**

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

N/A

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SEP 10 2024

Salem, OR

**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Commercial (State Park) Use	January 1 to December 31	323

**For irrigation use only: N/A**

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary:        Acres                      Supplemental:        Acres                      Nursery Use:        Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **(Exempt Uses: Please note that 15,000 gallons per day for single or group domestic purposes and 5,000 gallons per day for a single industrial or commercial purpose are exempt from permitting requirements.)**
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and type): **The Steel Tank Well 2 is equipped with an estimated 50 HP Submersible pump. The new wells are also expected to be equipped with similar pumps.**

Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. **Water is pumped from the well into an above-ground tank. Water is conveyed from the tank throughout the park's potable water system. Three proposed wells (North Well 1, 2, and 3) will also be connected to this existing system.**

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

**N/A – the water is for commercial (state park) use within the Silver Falls State Park.**

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

**The water use appropriated under this water right will be metered and monitored. Wells will be constructed in a manner to prevent damage to aquatic life and riparian habitat. No discharge of contaminated water will occur, and no adverse impacts on public uses of surface water are anticipated.**

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Construction has begun.
- Date construction will be completed: Within 5 years of permit issuance.
- Date beneficial water use will begin: Within 5 years of permit issuance.

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SEP 10 2024

Salem, OR

## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: **The water will be conveyed to the park from the well in a closed distribution system. No erosion or runoff will occur.**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: **N/A - No excavation or clearing of banks will be required.**

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List: **N/A**

**SECTION 9: WITHIN A DISTRICT**

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name N/A	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **(See Attachment C)**
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **(See Attachment D)**
- Fees - Amount enclosed: **\$3,820**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items **(See Attachment A)**:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery – **N/A**
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use) – **N/A**

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SEP 10 2024

Salem, OR

# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

## 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

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SEP 10 2024

## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

Salem, OR

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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SEP 10 2024

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## **Attachment A**

Application Map

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**Groundwater Permit Application – Oregon Parks and Recreation Department**

## Vokhidjon Kakhramonov

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**From:** RATCLIFFE Katie S \* WRD <katie.s.ratcliffe@water.oregon.gov>  
**Sent:** Tuesday, August 27, 2024 9:07 AM  
**To:** Vokhidjon Kakhramonov  
**Subject:** RE: Map scale waiver for Oregon Parks and Recreation Department (OPRD)

Good morning Vokhidjon.

I approve use of this map scale for this application for the purposes of application intake. Please include a copy of this email with application submittal so that our Customer Service Group has it in hand. If we end up needing a closer level of detail of any area of the map when the caseworker does their review, we will let you know. Please note that I have not checked the map against the other requirements of OAR 690-310-0050.

Katie

### Katie Ratcliffe

Water Rights Section Manager  
Oregon Water Resources Department  
Phone: 971-338-8105 (work cell)  
[katie.s.ratcliffe@water.oregon.gov](mailto:katie.s.ratcliffe@water.oregon.gov)

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**From:** Vokhidjon Kakhramonov <vkakhramonov@gsiws.com>  
**Sent:** Monday, August 26, 2024 12:55 PM  
**To:** RATCLIFFE Katie S \* WRD <katie.s.ratcliffe@water.oregon.gov>  
**Subject:** RE: Map scale waiver for Oregon Parks and Recreation Department (OPRD)

You don't often get email from [vkakhramonov@gsiws.com](mailto:vkakhramonov@gsiws.com). [Learn why this is important](#)

Dear Katie

I attached draft maps for your review.  
Please let me know if you need any additional information.

Regards,  
Vokhidjon

### **Vokhidjon Kakhramonov**

#### **Water Resources Analyst**

mobile: 541.272.5717  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)

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**From:** Vokhidjon Kakhramonov  
**Sent:** Monday, August 26, 2024 11:37 AM  
**To:** [Katie.S.RATCLIFFE@water.oregon.gov](mailto:Katie.S.RATCLIFFE@water.oregon.gov)  
**Subject:** Map scale waiver for Oregon Parks and Recreation Department (OPRD)

Received by OWRD

SEP 10 2024

Salem, OR

Dear Katie

Good morning

I'm writing to request a map scale waiver (per 310-0050 (2)(c)) for two groundwater permit applications to be submitted on behalf of OPRD at Silver Falls State Park. The maps use a scale of 1 inch = 4,400 ft in order to fit the entire service area. Let me know if there is anything else I can provide.

Thank you  
Regards,  
Vokhidjon

**Vokhidjon Kakhramonov**

**Water Resources Analyst**

mobile: 541.272.5717

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)

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SEP 10 2024

Salem, OR

Steel Tank Well 2	MARI 54465
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SEP 10 2024

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**Attachment B**

Well log

STATE OF OREGON  
WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

(1) OWNER:

Name: Oregon State Parks and Recreations  
Address: 1115 Commercial St NE  
City: Salem State: OR Zip: 97301

(2) TYPE OF WORK:

New Well  Deepening  Alteration/recondition  Abandonment

(3) DRILL METHOD:

Rotary Air  Rotary Mud  Cable  Auger  
 Other: \_\_\_\_\_

(4) PROPOSED USE:

Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other Oregon State Park

(5) BORE HOLE CONSTRUCTION:

Special Construction approval  Yes  No  
Depth of Completed Well 797  
Explosives Used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			sacks or pounds
Diameter	From	To	Material	From	To	
12"	0'	173'	Cement	0	173	98
12"	173'	233	BF/Bent	173	233	53
12"	233'	276'	Cement	233'	276'	10
12"	276'	797'	---	---	---	---

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
Backfill placed from 173 to 233 Material Chips  
from 276 to 286 Material Chips  
Gravel placed from \_\_\_\_\_ to \_\_\_\_\_ Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	0'	797'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LINER:				Steel	Plastic	Welded	Threaded
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of Shoe(s): \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method: Torch  
 Screen Type: \_\_\_\_\_ Material: \_\_\_\_\_

From	To	Slot Size	No.	Diameter	Tele/pipe size	Casing	Liner
732'	792'	1/4X4	456	8"	P	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump  Bailer  Air  Flowing Artesian

Yield gpm	Drawdown	Drill Stem at	Time
50		795	1 hr.

Temperature of water 52 Depth Artesian Flow Found ---  
Was a water analysis done? --- By whom: ---  
Did any strata contain water not suitable for intended ---  
Depth of Strata: ---

MAR 1  
54465

NOV 15 1999

WELL ID # L 22910  
START CARD # 111202

(9) LOCATION OF WELL by legal description:  
County: Marion Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
Township: 8S Range: 1E  
Section: 13 NE 1/4 NW 1/4  
Tax Lot: N/A Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Street Address of Well (or nearest address) \_\_\_\_\_  
HWY 214

(10) STATIC WATER LEVEL:

453 Ft. below land surface Date 10-28-99  
Artesian pressure \_\_\_\_\_ lb. per sq. in. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 85'

From	To	Est. Flow Rate	SWL
85'	105'	1 GPM	59
199'	225'	No Return	199
736'	767'	60 GPM	453

(12) WELL LOG:

Ground Elevation: \_\_\_\_\_

Material	From	To	SWL
Top Soil Red Clay	0'	44'	
Siltstone	44'	50'	
Siltstone with Basalt Layers	50'	65'	
Basalt Black, Gray	65'	75'	
Basalt and Claystone mix	75'	85'	
Siltstone Gray	85'	94'	59'
Sandstone Gray Silty	105'	115'	
Sandstone Brown	115'	120'	
Claystone Brown	120'	130'	
Claystone	130'	140'	
Sandstone Gray Silty	140'	150'	
Sandstone Tan Silty	150'	171'	
Claystone White, Tan	171'	185'	
Lost Circulation no returns	185'	225'	199'
Claystone Gray	225'	255'	
Basalt with Claystone Gray, Black	255'	285'	
Basalt Black Med Hard	285'	365'	
Basalt Black Hard	365'	520'	
Basalt Black Very Hard	52'	579'	
Basalt Black with Claystone Stringers	579'	620'	
Basalt Black Medium Hard	620'	736'	
Basalt Black Fractured H2O	736'	767'	453
Basalt Black Hard	767'	797'	

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Date Started: 9/29/99 Salem, OR Completed: 10/28/99

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Steve Zimmerman WWC Number 1620  
Date 10/31/99

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date \_\_\_\_\_

RECEIVED

DEC 13 1999



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## **Attachment C**

Land Use Information Form

---

Groundwater Permit Application – Oregon Parks and Recreation Department

# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.oregon.gov/OWRD

NAME Oregon Parks and Recreation Department Attn: ALAN FREUDENTHAL			PHONE 971-446-1944	
MAILING ADDRESS 725 SUMMER STREET NE, SUITE C				
CITY Salem	STATE OR	ZIP 97301	EMAIL ALAN.FREUDENTHAL@OPRD.OREGON.GOV	

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See Attached table and map				2900	Farm Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Commercial (State Park)
				400	Timber Conservation	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				1000	Farm Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				100	Farm Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				101	Farm Timber	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				102	Farm Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				1000	Farm Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				100	Timber Conservation	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
				300	Timber Conservation	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Marion County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

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## B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water  
  Water Right Transfer  
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License  
  Exchange of Water  
  Allocation of Conserved Water

Source of water:  
 Reservoir/Pond  
 Ground Water  
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.45  
 cubic feet per second  
 gallons per minute  
 acre-feet

Intended use of water:  
 Irrigation  
 Commercial (State Park)  
 Industrial  
 Domestic for \_\_\_\_\_ household(s)  
 Municipal  
 Quasi-Municipal  
 Instream  
 Other: \_\_\_\_\_

Briefly describe:

Oregon Parks and Recreation Department is applying for a permit to use 0.45 cfs of groundwater for Commercial (State Park) use at Silver Falls State Park.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Legislative Amendment	LA98-008/ORD DOC 2224	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Conditional Use (for expansions)	MCC 17.137.050.4	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Silver Falls State Park was approved by Legislative Amendment LA98-008 and subsequent Board of Commissioners Ordinance 2224. The Ordinance is attached. Any expansions of Park Facilities will require a Conditional Use permit.

Name: Alexander Seifer Title: Assistant Planner  
 Signature: *Alexander Seifer* Date: 8/28/2024  
 Governmental Entity: Marion County Phone: 503-588-5038

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: SEP 10 2024

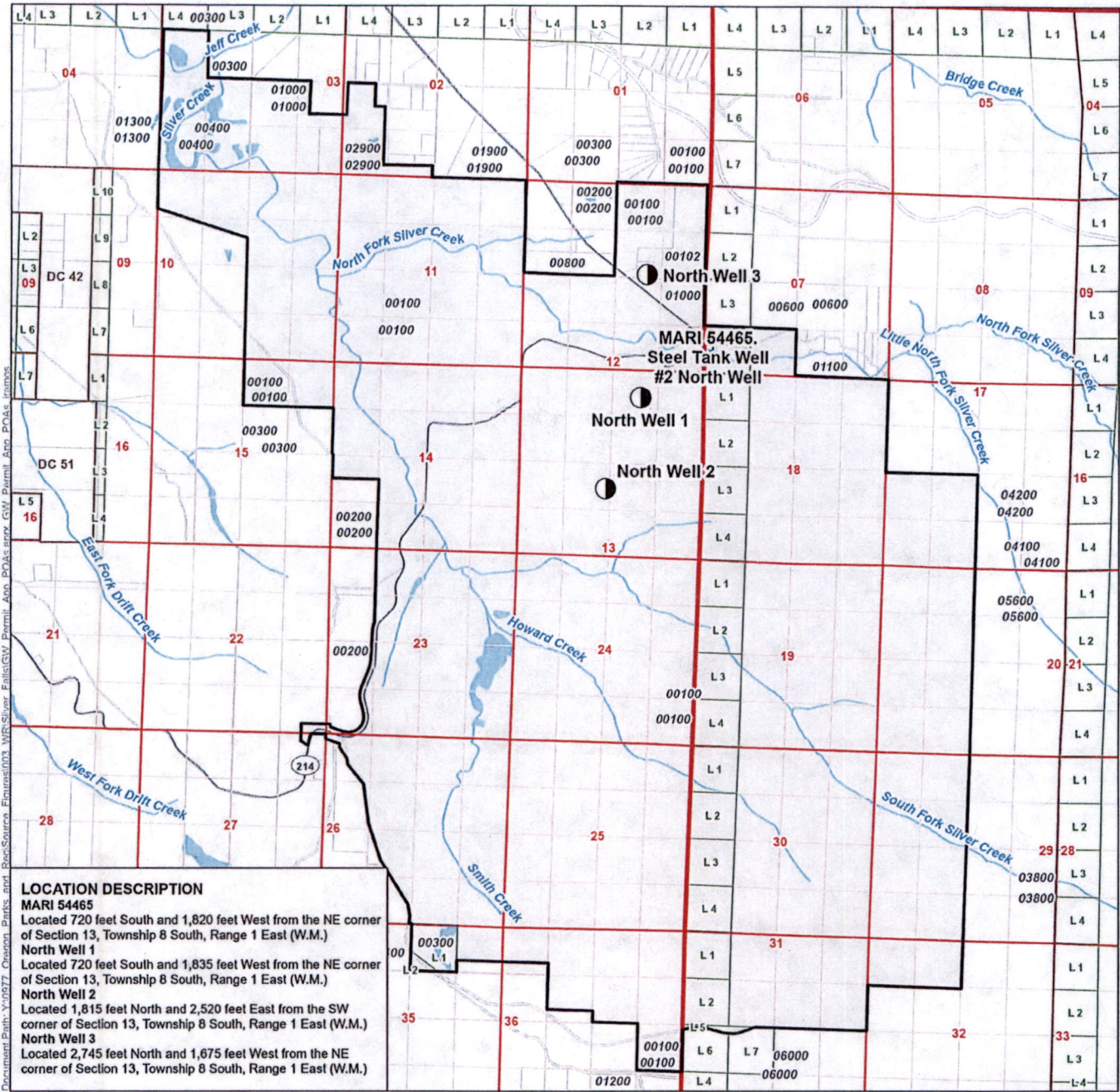
Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

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**Table 1. Silver Falls State Park tax lots**

<b>Tax account</b>	<b>Tax lot</b>	<b>Acres</b>	<b>Owner</b>
<u>539540</u>	081E020002900	76.87	STATE OF OREGON-PARKS & REC
<u>539583</u>	081E030000400	200	UNITED STATES OF AMERICA
<u>539584</u>	081E030001000	80	STATE OF OREGON-PARKS & REC
<u>539706</u>	081E120000100	79.63	STATE OF OREGON-PARKS & REC
<u>539707</u>	081E120000101	5.97	STATE OF OREGON-PARKS & REC
<u>539709</u>	081E120000102	73.55	STATE OF OREGON-PARKS & REC
<u>539704</u>	081E120001000	37.35	STATE OF OREGON-PARKS & REC
<u>539985</u>	081E140000100	8462.32	STATE OF OREGON-PARKS & REC
<u>539982</u>	081E350000300	40	UNITED STATES OF AMERICA

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Document Path: Y:\0277 - Oregon - Parks and Recreation - Falls\GIS\Barrill - App - Place - Janos

**LOCATION DESCRIPTION**  
**MARI 54465**  
 Located 720 feet South and 1,820 feet West from the NE corner of Section 13, Township 8 South, Range 1 East (W.M.)  
**North Well 1**  
 Located 720 feet South and 1,835 feet West from the NE corner of Section 13, Township 8 South, Range 1 East (W.M.)  
**North Well 2**  
 Located 1,815 feet North and 2,520 feet East from the SW corner of Section 13, Township 8 South, Range 1 East (W.M.)  
**North Well 3**  
 Located 2,745 feet North and 1,675 feet West from the NE corner of Section 13, Township 8 South, Range 1 East (W.M.)

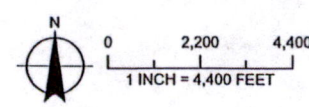
- LEGEND**
- Point of Appropriation
  - Place of Use (POU)
  - All Other Features**
  - Tax Lot
  - Donation Land Survey (DLC)
  - Government Lot (GL)
  - Major Road
  - Watercourse
  - Waterbody

**Groundwater Permit Application**  
**in the Name of OPRD**  
**Proposed Place of Use/Points of Appropriation**  
 Township 8 South, Range 1 and 2 East (W.M.)  
**Marion County**

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**DISCLAIMER**  
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: August 26, 2024  
 Data Sources: BLM, ESRI, OWRD, USGS



*Byron  
File*

BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON

AUG 24 11 35 AM '99

In the Matter of the )  
Amendments of the Marion )  
County Comprehensive Plan )  
by Incorporating the 1999 )  
Silver Falls State Park )  
Master Plan and related )  
Comprehensive Plan and )  
Zone Changes involving )  
three properties within )  
the Park )

Case No. ALAN W. DAVIDSON  
MARION COUNTY CLERK

Clerk's File No. 4774

SEP 10 2024

COMPREHENSIVE PLAN AMEND-  
MENT AND ZONE CHANGE

Salem, OR

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1114

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 the Oregon Parks and Recreation Department (OPRD) to adopt amendments to the Marion County Comprehensive Plan by incorporating the 1999 Silver Falls State Park Master Plan, and to amend the Comprehensive Plan by changing the designation on two parcels from Primary Agriculture to Timber Conservation and to correspondingly change the zone on these two parcels from EFU (EXCLUSIVE FARM USE) to TC (TIMBER CONSERVATION). This application includes a request to change the zone on a third parcel from FT (FARM TIMBER) to TC. This request also includes an exception to Statewide Goal 4 (Forest Lands)

SECTION II. Procedural History

On October 28, 1998, the Board of Commissioners adopted Resolution 98-35R initiating the legislative review process and referred the action to the Marion County Planning Commission for a public hearing and recommendation. On March 16, 1999, the Planning Commission held a public hearing and took testimony from interested persons, Planning Division staff and the OPRD staff. After deliberation, the Planning Commission voted unanimously to recommend approval of the actions requested. The Planning Commission's recommendation to adopt the new master plan was forwarded to the OPRD for consideration and adoption. On June 2, 1999, we received notice from OPRD that they had adopted the master plan in the form it was presented to the Planning Commission with only minor edits as identified in the letter dated June 2, 1999. The master plan was then returned to the Board of Commissions for final consideration as an amendment to the Marion County Comprehensive

Plan together with a request to amend the Comprehensive Plan designation and/or zoning on three parcels, all of which are located within the park boundary.

SECTION III. Authorization

This Ordinance is enacted pursuant to the authority granted to general law counties by ORS Chapter 203, and complies with the requirements in ORS Chapters 215 and 197.

SECTION IV. Adoption of Findings and Conclusion

The amendments to the Marion County Comprehensive Plan made hereunder are based on consideration and analysis of the provisions of ORS Chapter 197 and 215 and Section 110.820 (b) of the Marion County Rural Zoning Ordinance. Due consideration was given to testimony in the hearing record. The Board finds that adoption of the 1999 Silver Falls State Park Master Plan as a part of the Marion County Comprehensive Plan together with the related Plan and Zone changes are in compliance with the Statewide Land Use Goals, with the applicable Goals and Policies in the Marion County Comprehensive Plan, and with ORS 215. This decision is also based on the Findings and Conclusions in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION V. Action

The requested amendment to the Marion County Comprehensive Plan to incorporate the 1999 Silver Falls State Park Master Plan as an element of the Comprehensive Plan is hereby **GRANTED**.

The recommended amendment to the Comprehensive Plan designation from Primary Agricultural to Timber Conservation and the corresponding zone change from EFU to TC on parcels #1 and #2, as shown on Exhibit B, attached hereto and by this reference incorporated herein is **GRANTED**. The recommended zone change from FT to TC on parcel #3, as shown on Exhibit B herein, is **GRANTED**.

SECTION V. Effective Date

Pursuant to Ordinance 669, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

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SIGNED and FINALIZED this 24<sup>th</sup> day of August,  
1999 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Patricia M. Mize

Chair

Angela E. Phipps

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.

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# EXHIBIT A

## Findings and Conclusions

### Goal Findings

#### Goal 1: Citizen Involvement

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

Goal 1 requires that state agencies "coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities."

#### Findings:

- The Silver Falls Master Plan complies with Goal 1.
- Procedures which fulfill Goal 1's requirements for citizen involvement and local government coordination in state park master planning are set forth in OAR Chapter 736 Division 18 and OAR Chapter 660 Division 34. Those procedures have been followed in the Silver Falls master planning process. The required procedures provide opportunities for citizens to be involved in each phase of master plan development. (See Chapter 1 of the Master Plan for details.)
- Adoption and implementation of the Master Plan is accomplished in coordination with Marion County's land use approval process, which utilizes the County's established citizen involvement program.

#### Goal 2: Land Use Planning

Goal 2 is: "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 base for such decisions and actions."

Goal 2 sets forth basic requirements for all "land use plans" and the process by which they are developed and adopted.

Goal 2 requires that state agency "plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties."

Further, Goal 2 provides a process for taking "exception" to statewide goals.

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### **Findings:**

- The Silver Falls Master Plan complies with Goal 2.
- The Master Plan has been developed according to OPRD's established master planning process and criteria required by OAR Chapter 736 Division 18, which assure an adequate factual base for park planning decisions and actions.
- OPRD has followed the local government coordination procedures required by OAR Chapter 736 Division 18 and OAR Chapter 660 Division 34. Those procedures assure consistency with Marion County's comprehensive plan.
- The goal exception process provided by Goal 2 and OAR Chapter 660 Division 4 has been followed for elements of the Master Plan that require exceptions.

### **Goal 3: Agricultural Lands**

Goal 3 is: "To preserve and maintain agricultural lands."

Goal 3 requires that agricultural lands be "preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700."

Goal 3 further provides: "Counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices."

### **Findings:**

- The Silver Falls Master Plan complies with Goal 3.
- Two minor portions of Silver Falls State Park, along its western boundary, are designated "Primary Agriculture" and zoned "Exclusive Farm Use" (EFU) pursuant to Goal 3. Another minor portion along the north eastern boundary is designated "Farm and Timber" and zoned "Farm Timber" (FT).
- The existing uses of one EFU-zoned area and the FT-zoned area are limited to natural resource management activities, which are consistent with Goal 3. The remaining EFU-zoned area is also used for natural resource management, but also includes an existing scenic viewpoint with a parking area along State Highway 214 near its junction with Silver Ridge Road.
- The Master Plan proposes no changes in the EFU and FT-zoned areas, except for minor betterment of the scenic viewpoint. The changes proposed for this viewpoint involve reconfiguration and resurfacing of the access and parking, but no increase in the capacity or the developed area.

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- OPRD proposes to change the comprehensive plan designations and zoning for the EFU and FT-zoned areas. At the time of Master Plan adoption, the designations and zoning for these areas will be changed from Primary Agriculture/EFU and Farm and Timber/FT to Timber Land/TC, to be consistent with the rest of the park. At a later date following Master Plan adoption, OPRD may propose a new plan designation and zone for the entire park, as discussed under the Goal 4 findings below.

- The new plan designations and zoning and the use of these lands will continue to comply with Goal 3, since no changes in land use or in the degree of protection afforded agricultural lands and farming practices will occur.

#### **Goal 4: Forest Lands**

Goal 4 is: "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."

Goal 4 also provides, "forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."

Uses which may be allowed subject to the standards set forth in Goal 4 and its administrative rules include "uses related to and in support of forest operations" and "uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational uses that are appropriate in a forest environment".

State park uses that are allowable in forest zones are specified in OAR 660-034-0035.

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#### **Findings:**

Salem, OR

- Most of Silver Falls State Park is currently designated "Timber Land" and zoned "Timber Conservation" (TC), pursuant to Goal 4. As discussed under the Goal 3 findings above, one area of the park is currently designated "Farm and Timber" and zoned "FT" and two other areas are designated "Primary Agriculture" and zoned "EFU".

- As discussed under the Goal 3 findings above, OPRD proposes changes in the comprehensive plan designations and zoning for the park lands currently zoned EFU and FT. As a result, upon adoption of the Master Plan, the entire park will be designated "Timber Land" and zoned TC. At a later date following Master Plan adoption, OPRD may propose a new plan designation and zone for the entire park, as discussed below.

- In the future, OPRD may propose that Marion County adopt a new "Park" designation and

accompanying "Park" zone for Silver Falls. This new designation and zone will be designed to comply with Goal 4 (and all other goals).

- All of the proposals in the Master Plan that involve new park uses or significant changes in existing uses are for lands that are currently zoned TC.
- In the County's TC zone, "parks" may be allowed through the County's conditional use permit process. However, the County's ordinance does not define "park" and therefore does not specify what kinds of park uses may be allowed in a TC-zoned park.
- LCDC has recently adopted new rules that specify the kinds of park uses that may be allowed in forest zones without Goal 4 exceptions. The allowable uses are listed in OAR 660-034-0035.
- All of the uses proposed by the Master Plan and the uses that already exist in the park comply with Goal 4 and OAR 660-034-0035, except as discussed below.
- Certain kinds of park uses which currently exist or are proposed by the Master Plan are not allowed by OAR 660-034-0035, and therefore do not comply with Goal 4. These uses include the existing and proposed visitor lodging facilities, the existing swimming pools, the existing Youth Camp infirmary, the existing and proposed recreation halls, and the existing and proposed meeting halls that exceed 2000 square feet. These kinds of uses in the park predate the adoption of the County's plan and the statewide goals, but the existing uses were never acknowledged through the goal exception process. OPRD is taking exception to Goal 4 for these existing and proposed uses through Marion County's process for adoption of the Master Plan. The Master Plan will comply with Goal 4 upon the County's approval of the goal exception.

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 is: "To protect natural resources and conserve scenic and historic areas and open spaces."

Goal 5 requires local governments to "adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations".

Inventories of certain resources are required by Goal 5. Among these are: riparian corridors, which include water and riparian areas and fish habitat; wetlands; wildlife habitat; and cultural areas. In addition, Goal 5 encourages local governments and state agencies to maintain current inventories of certain resources. Among these are: historic resources; open space; and scenic views and sites.

OAR Chapter 660 Division 23 sets forth the process for developing resource inventories and assessments and programs to achieve Goal 5.

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### **Findings:**

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- The Silver Falls Master Plan complies with Goal 5. There are no Goal 5 requirements that are

applicable through adoption of the Silver Falls State Park Master Plan. However, the level of resource protection applied through the Master Plan provisions equals or exceeds the protection intended by Goal 5.

- The Goal 5 resources that occur within Silver Falls State Park are: riparian corridors, wetlands, wildlife habitat, cultural areas, historic resources, open space, and scenic views and sites.

- Marion County has not completed the Goal 5 requirements set forth in OAR 660 Division 23 for the Goal 5 resources that occur at Silver Falls. However, the County has scheduled periodic review tasks to complete Goal 5 requirements for certain resources in the near future, including wildlife habitat and riparian corridors.

- OPRD intends to work with Marion County during periodic review in their efforts to complete the Goal 5 process for the resources at Silver Falls.

- Neither Goal 5 or OAR 660 Division 23 set forth requirements that are applicable through adoption of the Master Plan in the absence of adopted local government Goal 5 programs.

- When the County's comprehensive plan was acknowledged prior to adoption of the Goal 5 rules, the County adopted some comprehensive plan policies to address certain Goal 5 resources, including wildlife habitat, scenic areas, historic sites and open space. The Master Plan complies with these policies.

- In the master planning process for Silver Falls, OPRD has addressed the Goal 5 resources in the park under the requirements of OAR 736 Division 18. These master planning requirements result in a level of resource protection, applied through the Master Plan provisions, that equals or exceeds the protection intended by Goal 5. However, the process required under OAR 736 Division 18 for determining the appropriate resource protection measures is not the same as the process required of local governments by OAR 660 Division 23 (the Goal 5 rules). Therefore, the Master Plan does not fulfill Marion County's Goal 5 obligations for these resources within the park, and does not constitute a "Goal 5 program" unless and until it is adopted by the County through the process required by OAR 660 Division 23.

- Resource inventories which have been completed for the Master Plan can be used by the County in their Goal 5 process. These inventories have not been adopted by the County under the provisions of OAR 660 Division 23. The inventoried resources include the following:

- Wildlife Habitat Types and Conditions
- Protected Species
- Water Features and Hazards
- Wetlands
- Scenic Values and Recreation Settings
- Historic Resources
- Vegetation Types and Conditions
- Current Ecosystem Pattern

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## **Goal 6: Air, Water and Land Resources Quality**

Goal 6 is: "To maintain and improve the quality of the air, water and land resources of the state."

Goal 6 provides: "All waste and process discharges from future development, when combined with such discharges from existing developments, shall not threaten to violate, or violate, applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources."

"Waste and process discharges" is defined as "solid waste, thermal, noise, atmospheric or water pollutants, or products therefrom."

### **Findings:**

- The Silver Falls Master Plan complies with Goal 6. The uses proposed in the Master Plan will not violate, or threaten to violate, environmental quality standards or exceed the carrying capacities, degrade, or threaten the availability of air, water and land resources.
- There are no known environmental quality concerns associated with Silver Falls State Park uses.
- The most significant discharges from existing and planned uses at Silver Falls include treated sewage effluent, runoff from roads and parking lots, and emissions from vehicular traffic.
- The Master Plan proposes new sewage treatment and disposal facilities that will replace existing subsurface systems. The new facilities must be sited, designed, and operated according to DEQ standards.
- New roads and parking lots proposed in the Master Plan are sited to avoid surface water features except where crossings are necessary. Under the guidance of the Master Plan objectives, runoff is managed through proper grading and retention and filtration facilities, which are designed during the site engineering phase; and riparian vegetation is protected to the maximum extent possible except where encroachment is necessary for crossings or stream-related recreational facilities.
- Vehicular emissions in this area do not approach levels where air quality is of concern.
- There is no solid waste disposal at Silver Falls. Solid waste and recyclables generated in the park are collected, transported and disposed of under contract with United Disposal Service.

## **Goal 7: Areas Subject To Natural Disasters and Hazards**

Goal 7 is: "To protect life and property from natural disasters and hazards."

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Goal 7 provides: "Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disasters and hazards."

"Areas of natural disasters and hazards" is defined as "areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas."

**Findings:**

- The Silver Falls Master Plan complies with Goal 7. In the master planning process, known hazard areas have been identified, and park uses and facilities have been planned to be sited to avoid such areas, or are designed to prevent losses that could result from such hazards in situations where the uses or facilities depend on locations where such hazards exist.
- Known hazards at Silver Falls include minor stream flooding, unstable slopes, earthquakes, weak foundation soils, windfalls, and forest fires.
- There are no published flood hazard maps for Silver Falls, and flood hazard studies by FEMA have resulted in no designated 100-year flood areas in the park. Marion County's Flood Hazard Overlay Zone has also not been applied to any areas within the park.
- Areas in the park that are subject to minor flooding have been avoided in the development proposals except where encroachment into such areas is necessary for bridge crossings or stream-related recreation facilities.
- Known fault zones and areas with unstable slopes have been avoided in the siting of development proposals, except where trails cross such areas.
- Weak foundation soils have either been avoided in the development proposals or the development is planned to be engineered to mitigate related hazards.
- To address windfall hazards, OPRD has a park system-wide program for management of hazard trees which is applied at Silver Falls. Under this program, trees in and around park use areas, facilities and roads are surveyed annually. Reconnaissance of these areas also occurs following major storms and other potentially catastrophic events. Trees are observed for conditions which predispose them to failure and potential to cause damage to property or injury to people. Potentially hazardous trees are mapped and monitored, treated or removed as needed.
- Wildland fire hazard protection at Silver Falls is provided by the Oregon Department of Forestry (DOF). OPRD pays an annual assessment to DOF for protection. Fire roads are located throughout the park. A number of surface water features are or will be accessible for fire suppression, including two existing recreational impoundments, several other storage ponds currently planned or under construction, and two existing swimming pools. Structural fire protection is provided by the Dukes

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### **Goal 8: Recreational Needs**

Goal 8 is: "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."

Goal 8 provides: "The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans."

OAR 660 Division 34 interprets Goal 8 as it pertains to state and local government coordination on state park planning.

### **Findings:**

- The Silver Falls Master Plan complies with and implements Goal 8. The Master Plan helps to address outdoor recreation needs as intended by the goal and in keeping with OPRD's mandated role in state park planning.
- The purpose of the Silver Falls Master Plan is to plan for protection and public enjoyment of the resources that occur in the park. The Master Plan identifies and provides for the protection of the park's natural, cultural, scenic and recreational resources and provides for the most appropriate recreation-related uses for the park based on resource constraints, public recreation needs, and OPRD's role as a public recreation provider.
- OAR 736 Division 18 defines OPRD's responsibilities in addressing outdoor recreation needs through state park planning as intended by ORS 390.180 and Goal 8.
- The procedures required by OAR 736 Division 18 have been followed in formulating the Master Plan. OPRD has assessed recreation needs and opportunities, the availability of recreational resources and facilities, the capabilities of park resources to accommodate use without degradation of important resources or recreational experience, opportunities to establish partnerships with other recreation providers, the relationship of the park to surrounding land uses, and other relevant factors described under OAR 736-018-0015.
- OPRD has involved the general public, interested organizations and public agencies in formulating the Master Plan as provided by OAR 736-018-0015 and 736-018-0028. In coordinating with Marion County, OPRD has followed the procedures required by OAR 660 Division 34 and OAR 736-018-0028.

### **Goal 9: Economic Development**

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

Goal 9 provides: "Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements."

#### **Findings:**

- Goal 9's provisions are designed to be applied through local government comprehensive plans. The Silver Falls Master Plan must comply with Goal 9 by complying with Marion County's comprehensive plan policies that address the goal.
- The Master Plan complies with Goal 9 through its compliance with Marion County's Comprehensive Plan.
- By providing for recreational and tourist activity, the Master Plan contributes to the variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens, as intended by the goal.

### **Goal 10: Housing**

Goal 10 is: "To provide for the housing needs of citizens of the state."

Goal 10 provides: "Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

#### **Findings:**

- Goal 10's requirements are applicable to local government comprehensive plans, and are not directly applicable to state park planning. Marion County's Goal 10 policies are also not directly applicable to the Silver Falls Master Plan.
- Although neither Goal 10's or the County plan's requirements are directly applicable, the Master

Plan meets the general intent of Goal 10 by providing for a portion of the housing needs of park staff.

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SEP 10 2024

### **Goal 11: Public Facilities and Services**

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Goal 11 is: "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."

Goal 11 provides: "Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served."

"Public facility" is defined under OAR 660-011-0005 to include sewer, water, storm sewer and transportation facilities.

Goal 11 defines "rural facilities and services" as "facilities and services suitable and appropriate solely for the needs of rural lands."

In contrast, "urban facilities and services" is defined by Goal 11 as "appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services."

OAR 660 Division 11 interprets Goal 11 and includes provisions that limit the facilities and services that may be provided in rural areas.

### **Findings:**

- The Master Plan complies with Goal 11. As intended by the goal, and consistent with the definition of "rural facilities and services", the facilities and services provided and planned for Silver Falls are "suitable and appropriate solely for the needs of rural lands". In this case, the facilities and services are appropriate for only the park.
- Water, sewer and storm sewer facilities currently provided and planned for the park by OPRD are appropriate for and limited to the needs of the park. Police and fire protection and solid waste collection are provided by rural service providers at levels characteristic of rural development. The park lacks other services that are typically needed in urban areas.
- Three interconnected water systems provide water for domestic use, irrigation and fire suppression within the park. Numerous water system improvements are proposed in the Master Plan. All of the existing and proposed water system components are located within the park boundaries and are designed to serve only the park uses.
- Storm water runoff in the park is managed through small separate on-site facilities which typically

consist of catch basins, drainage swales and retention ponds.

- The Master Plan includes provisions for new sewerage facilities that will replace the existing subsurface septic and drainfield systems. New facilities are needed because the existing systems lack the capacity to serve the planned park development and are near or beyond their functional life expectancy. Both the existing and planned sewerage facilities are contained entirely within the park boundaries and are designed to serve the park uses only.

- Structural fire protection is provided to the park by the Drakes Crossing Rural Fire District.

- Law enforcement is provided by the County Sheriff's Department and the Oregon State Police as needed in coordination with the enforcement roles of park staff.

- Solid waste collection and disposal is provided by United Disposal Service.

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SEP 10 2024

### **Goal 12: Transportation**

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

Goal 12 requires the development of transportation plans by local governments and ODOT.

OAR 660 Division 12 sets forth detailed requirements for local government and ODOT transportation plans.

### **Findings:**

- The Master Plan complies with Goal 12 through its compliance with the transportation plans of Marion County and ODOT.

- The main vehicular access to and through the park is by State Highway 214. County roads serve some areas of the park. OPRD owns the majority of park access roads that connect with Highway 214 within the park. The park also has an extensive system of bike and hiking trails which is planned for expansion.

- The Master Plan is consistent with ODOT's transportation plan. Coordination with ODOT has occurred in the development of the master plan, and will continue through the public and agency notice period for master plan adoption. Further coordination with ODOT will be required during the engineering design phase prior to construction of road improvement projects that affect Highway 214.

- The Master Plan is consistent with the transportation policies of Marion County's comprehensive plan. Coordination with the County will continue through the local comprehensive plan amendment process for adoption of the Master Plan. Further coordination with the County will be required during the design engineering phase prior to construction of road improvement projects that affect

County roads.

- The Master Plan development concepts provide for various circulation improvements for vehicular, bicycle, pedestrian and equestrian travel. These provisions meet the intent of Goal 12 to provide and encourage a safe, convenient and economic transportation system.

### **Goal 13: Energy Conservation**

Goal 13 is: "To conserve energy."

Goal 13 provides: "Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

#### **Findings:**

- The Master Plan complies with Goal 13. Various elements of the Master Plan contribute to energy conservation.
- The Master Plan groups key park facilities and provides for pedestrian and bike travel, thereby reducing motor vehicle use within the park.
- Under the guidance of the Master Plan objectives, new buildings are generally designed for energy efficiency, and must meet energy codes.
- Rehabilitation and remodeling of certain existing facilities is planned to include measures that will improve energy efficiency.
- Residential accommodations for permanent, seasonal and temporary park staff are provided for in the Master Plan, which will alleviate the need for daily travel to and from the park by employees.
- Various types of overnight visitor accommodations are provided for in the Master Plan, which may also reduce daily travel to and from the park.
- Recycling is encouraged through provision of collection facilities in the park.

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SEP 10 2024

Salem, OR

### **Goal 14: Urbanization**

Goal 14 is: "To provide for an orderly and efficient transition from rural to urban land use."

Goal 14 requires local governments to separate urbanizable land and urban land uses from rural land and rural land uses using adopted urban growth boundaries.

The land use goals provide definitions for "rural land", "urban land" and "urbanizable land." The

SEP 10 2024

Salem, OR

most relevant is the definition of "rural land", defined as follows:

"Rural lands are those which are outside of the urban growth boundary and are: (a) non-urban agricultural, forest or open space lands or, (b) other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use."

**Findings:**

- The Master Plan complies with Goal 14. Silver Falls is located on rural lands, and the existing and planned park uses are rural uses.
- The land use goals do not specifically define rural land uses. However, the Master Plan for the park matches the definition of "rural lands." As planned, the park is comprised of "open space lands" with "sparse" rural development and "hardly any public services."
- The kinds of uses planned for the park have all historically existed in the park. The park and its historic uses are acknowledged as rural uses in Marion County's Rural Comprehensive Plan.
- All of the development planned for the park is directly associated with, or is incidental to, public recreational use of the unique Silver Falls resources. This direct association with the setting sets the uses apart from uses that occur in urban areas and other rural areas. The park uses provide for the public's enjoyment of the park's natural, cultural, scenic and recreational resources. Park uses and facilities are planned, sized, designed and located to accommodate park visitors only.
- The density and intensity of planned park uses and facilities are characteristically rural. Under OPRD mandates, the capabilities of the park resources to tolerate recreational use without resource degradation determines the level of development and use that may be accommodated. Therefore, the ultimate buildout of the park is limited to sparse development of uses that fit within the limits of the setting. Approximately 93 percent of the park will ultimately remain free of development except for low-intensity uses such as trails and their accessories. Areas that have been found to be suitable for more intensive park development - such as visitor lodging, meeting and dining halls and other park retreat facilities, interpretive buildings, day use areas, campgrounds, and park administration buildings - comprise only 7 percent of the park's total land area, which includes existing development. However, the development proposed by the Master Plan does not utilize all of this suitable area for the plan's 10 to 20 year planning horizon. Therefore, based on the Master Plan proposals, such uses will occupy less than 7 percent of the park's total land area.
- The character of the park development also sets it apart from urban uses. In keeping with the park's historic character, the park structures are designed to blend with the natural surroundings in their relative sizes, locations, development densities and rustic appearance. While forested open space is a predominant park-wide characteristic, open space is also emphasized in the design of each separate development area within the park.
- The park infrastructure provides services at rural levels as intended by both Goals 14 and 11. The

sewerage and water facilities are contained within the park and are planned and designed to serve only the uses within the park. Police and fire protection and other emergency services and solid waste collection are provided by rural service providers at levels characteristic of other rural developments. The park lacks other services that are typically needed in urban areas.

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SEP 10 2024  
Salem, OR

## **Goal 4 Exception for Three Retreat Areas in Silver Falls State Park**

An exception to Statewide Goal 4 is required for a number of existing and proposed uses in three areas of Silver Falls State Park. The three exception areas encompass portions of the Silver Creek Youth Camp, the Smith Creek Retreat and the North Falls Retreat. (The exception areas are depicted by the attached maps.) Park uses that are allowed in forest zones are specified in OAR 660-034-0035. The uses which require this exception are not authorized by that rule. These specific uses, and the factors which justify the goal exception, are discussed below for the three exception areas.

### **Historical Perspective of the Exception Areas and Park Retreat Uses**

Silver Falls State Park is considered the crown jewel of Oregon's state park system. From a historical perspective, this is easy to understand considering that the park was originally proposed for designation as a national park in the 1930's. The Silver Creek Youth Camp and the Smith Creek Retreat were two of the three youth camps planned for the park by the National Park Service in 1934. The North Falls Retreat was originally a camp for federal workers involved in the reclamation and recreational development of what is now Silver Falls State Park.

The park was originally the town site of Silver Falls City, a lumber town established in the late 19th century. By the 1920's, most of the old growth Douglas Fir trees in the area had been cut, and the surrounding landscape was near barren. Several elements of President Franklin D. Roosevelt's New Deal programs enabled the reclamation and recreational development of such marginal lands. These programs included the Emergency Conservation Act, Works Progress Administration (WPA), Civilian Conservation Corps (CCC) and Recreational Demonstration Areas (RDA). Of the 40 RDA's developed between 1933 and 1942, the west coast had only two: the Woodlands in California and Silver Falls in Oregon. After 10 years of National Park Service development, 5989 acres were transferred to the State of Oregon to become the original Silver Creek Falls State Park in the late 1940's.

The Silver Creek Youth Camp is a largely intact remanent of the national system of RDA's, and is considered eligible for listing in the National Register of Historic Places. The Youth Camp's cabin clusters and most of the central buildings are original, although the dining hall has been modified and the administration building replaced.

The Smith Creek Retreat was originally designed and built as a youth camp like the Silver Creek Camp. Of the original buildings, only a few cabins, the administration building and the dining hall remain in useable condition. This youth camp became a conference center in the 1970's with the addition of new lodging and meeting facilities.

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SEP 10 2024

Salem, OR



The North Falls Retreat was originally a camp for the WPA and CCC work gangs. Of the original camp buildings, only the former chapel building remains. In the 1970's, the chapel was converted to a meeting hall, and a group tent and RV camp replaced the dormitories, dining hall and other original buildings.

### Legal Basis For "Irrevocably Committed" Goal Exceptions

Exceptions to statewide goals are authorized by Goal 2, Part II, and OAR 660 Division 4. Three kinds of goal exceptions are possible depending on the circumstances surrounding the land uses for which the goal exception is required. The "irrevocably committed" exception has been chosen in this case, because the land uses in and around the three exception areas preclude the primary use of forest lands intended by Goal 4.

Goal 2 Part II and OAR 660-004-0028(1) provide: "A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable." OAR 660-004-0028(3) further provides: "It shall not be required that local governments demonstrate that every use allowed by the applicable goal is impossible."

OAR 660-004-0028(4) requires findings of fact that support the "irrevocably committed" exception and a statement of reasons explaining why the facts support a conclusion that uses allowed by the applicable goal are impracticable in the exception area. Pursuant to OAR 660-004-0028(2) and (6), the findings of fact must describe the characteristics of the exception area, the characteristics of the adjacent lands, the relationship between the exception area and the adjacent lands, and other relevant factors. Specifically, OAR 660-004-0028(6) requires that the following factors be addressed:

- (a) Existing adjacent uses;
- (b) Existing public facilities and services;
- (c) Parcel size and ownership patterns of the exception area and adjacent lands;
- (d) Neighborhood and regional characteristics;
- (e) Natural or manmade features or other impediments separating the exception area from adjacent resource land that effectively impede practicable resource use of all or part of the exception area;
- (f) Physical development; and
- (g) Other relevant factors.

## Factors Pertaining to the Silver Creek Youth Camp

The Silver Creek Youth Camp is located along the upper reaches of Silver Creek's south fork. The camp includes four clusters of small camper cabins with a total visitor lodging capacity of about 240 persons, and a core area where the camp's central facilities are located for camp administration and group gatherings, dining and recreation. The amended Silver Falls State Park Master Plan proposes restoration and rehabilitation of many of the existing facilities, and the addition of certain new facilities, as discussed below.

**The exception area** encompasses the core area of the Youth Camp and includes approximately 16.5 acres. As discussed in detail below, included within the exception area boundary are: 1) the existing uses which Goal 4 does not allow; 2) other existing uses; 3) the proposed uses which Goal 4 does not allow; and 4) other proposed uses.

### Uses to be Authorized by the Goal 4 Exception

This goal exception applies to both the existing and proposed uses that are not allowed by Goal 4. The existing uses that are not allowed by Goal 4 are discussed under the "Physical Development" section below.

The improvements proposed for the Youth Camp are needed to better accommodate the existing level of retreat use, improve the functionality of the retreat, and extend the season of use. No increase in visitor capacity is planned. The needed improvements include the following uses which are not allowed by Goal 4:

**Proposed Meeting Hall:** OPRD is proposing to convert the existing dining hall into a meeting hall following construction of the proposed new dining hall. The existing dining hall cannot seat the full occupancy of the youth camp, and is in need of repairs to meet health and safety standards. A Goal 4 exception is required because the existing building to be converted exceeds the meeting hall size allowed by OAR 660-034-0035.

**Proposed Recreation Hall:** OPRD is proposing to add a new recreation hall to the Youth Camp. This facility will supplement two existing buildings now used for indoor recreation activities, meet the current need for indoor recreation space at the retreat, and help extend the season of retreat use. It will accommodate multiple activities such as badmitten, ping pong, shuffleboard and half-court basketball.

### Physical Development Within the Exception Area Boundary

The existing uses which are not allowed by Goal 4 and which are within the exception area boundary include a swimming pool, two small recreation halls and the infirmary. Other existing uses within the exception area boundary include the dining hall, 3 camper cabins for staff, an outdoor program area, a swimming area in the creek, an open play field, and the associated roads,

parking and trails.

### Existing Adjacent Uses

As discussed above, the existing uses which are not allowed by Goal 4 are included within the exception area boundary along with other existing uses. Outside of the exception area boundary, the existing uses include the Youth Camp's four clusters of camper cabins and associated roads, parking and trails. Each of these 4 clusters includes 8 camper cabins, a toilet building and a small meeting hall.

### Existing Facilities and Services

Water is provided to the central facilities in the Youth Camp's core area, and to the toilet buildings in the camper cabin clusters, from the park's surface water collection and distribution system. The sewage disposal system for the Youth Camp consists of multiple septic tanks and drain fields. The Silver Falls State Park Master Plan includes provisions for replacement and upgrading of various components of the sewer and water systems.

### Existing Impediments Separating the Exception Area From Adjacent Resource Lands

Natural and manmade features separate the majority of the exception area from adjacent resource lands. Most of the exception area is isolated between the Youth Camp's access roads and Silver Creek. The developed facilities inside and outside of the exception area, described above, are also impediments.

### Planned Uses That Will Separate the Exception Area From Adjacent Resource Lands

The Silver Falls State Park Master Plan proposes other new park facilities in and around the exception area, in addition to the planned uses which require this goal exception (discussed above). These other new facilities will be additional impediments that separate the exception area from the adjacent resource lands. The planned uses include a new dining hall and two new shower buildings within the exception area, and a new caretaker residence and maintenance shop outside of the exception area along its west boundary.

### Factors Pertaining to the Smith Creek Retreat

The Smith Creek Retreat, commonly known as the Silver Falls Conference Center, is located along the upper reaches of Smith Creek. The main retreat center includes group cabins, small cabins and central facilities for meetings, dining, recreation and administration. The Upper Smith Creek unit of the retreat has small cabins and a small meeting hall. The amended Silver Falls State Park Master Plan proposes additional facilities as discussed below.

The exception area encompasses most of the existing retreat facilities and includes approximately 21.4 acres. As discussed in detail below, included within the exception area boundary are: 1) the existing uses which Goal 4 does not allow; 2) other existing uses; 3) the proposed uses which Goal 4 does not allow; and 4) other proposed uses.

#### Uses to be Authorized by the Goal 4 Exception

This goal exception applies to both the existing and proposed uses that are not allowed by Goal 4. The existing uses that are not allowed by Goal 4 are discussed under the "Physical Development" section below.

The new facilities proposed for the retreat are needed to help accommodate the current need for retreat space, improve the functionality of the retreat, and extend the season of use. The following proposed facilities are not allowed by Goal 4:

**Proposed Meeting Halls:** OPRD is proposing to add a new main meeting hall and to convert the existing dining hall into a meeting hall. The proposed new main meeting hall will serve as the primary meeting space for the Smith Creek Retreat. It will also be designed to function as the primary meeting space for larger retreats that may utilize facilities both within the Smith Creek Retreat and at the park's other retreats. The existing dining hall will be converted into a meeting hall following the construction of the proposed new dining hall. A Goal 4 exception is required for these 2 proposed meeting halls because they are each larger than the size allowed by OAR 660-034-0035.

**Proposed Visitor Lodging:** OPRD is proposing to add 5 new group cabins to the retreat. Four of the new group cabins will be located at the main retreat center and one will be at the Upper Smith Creek unit of the retreat. This will increase the total lodging capacity for the retreat from 74 persons to a new total of 130 persons. (This number accounts for the removal of two existing small cabins.) As an alternative to the one group cabin proposed at the Upper Smith Creek unit, OPRD may instead add 4 new small cabins and relocate two existing small cabins to this location. This alternative will result in the same increase in visitor capacity.

**Proposed Recreation Hall:** OPRD is proposing to add a new recreation hall to the retreat. This facility will replace a small existing building currently used for recreation activities and office space, meet the current need for indoor recreation space at the retreat, and help extend the season of retreat use. The new recreation hall will accommodate multiple activities such as badmitten, ping pong, shuffleboard and half-court basketball.

#### Physical Development Within the Exception Area Boundary

The existing uses which are not allowed by Goal 4 and which are within the exception area boundary include 4 group cabins, 10 small cabins, a meeting hall which exceeds the size allowed by OAR 660-034-0035, a swimming pool, and a combination recreation hall and office. Other

existing uses within the exception area boundary include a dining hall, a meeting hall which is under the size allowed by OAR 660-034-0035, a caretaker residence, a volleyball court, an open play field, and the associated roads, parking and trails.

#### Existing Adjacent Uses

As discussed above, the existing uses which are not allowed by Goal 4 are included within the exception area boundary along with other existing uses. Outside of the exception area boundary, the existing uses include the maintenance building, access roads and trails.

#### Existing Facilities and Services

Water is provided to the retreat facilities from the park's surface water collection and distribution system. The sewage disposal system for the retreat consists of multiple septic tanks and drainfields. The Silver Falls State Park Master Plan includes provisions for replacement and upgrading of various components of the sewer and water systems.

#### Existing Impediments Separating the Exception Area From Adjacent Resource Lands

Natural and manmade features separate the majority of the exception area from adjacent resource lands. The northern portion of the exception area is isolated between wetlands to the north, Smith Creek to the south and east, and the main access road to the west. Most of the central portion of the exception area lies between an existing recreation trail to the east and Smith Creek and the access road to the west. The southern end of the exception area is located along the access road. The developed facilities inside and outside of the exception area, described above, are also impediments.

#### Planned Uses That Will Separate the Exception Area From Adjacent Resource Lands

The Silver Falls State Park Master Plan proposes other new park facilities in and around the exception area, in addition to the planned uses which require this goal exception (discussed above). These other new facilities will be additional impediments that separate the exception area from the adjacent resource lands. These planned uses include a new dining hall in the northeast corner of the exception area and a new caretaker residence along the access road at the northwest corner of the exception area.

#### Factors Pertaining to the North Falls Retreat

The North Falls Retreat is located near to the park's north entrance. The existing retreat consists of a meeting hall, associated parking and an open play field. The adjacent group RV and tent camp is sometimes used by overnight groups as part of the retreat. The amended Silver Falls State Park Master Plan proposes additional facilities as discussed below.

**The exception area** encompasses the existing retreat facilities and includes approximately 17.2 acres. As discussed in detail below, included within the exception area boundary are: 1) the existing uses which Goal 4 does not allow; 2) other existing uses; 3) the proposed uses which Goal 4 does not allow; and 4) other proposed uses.

Uses to be Authorized by the Goal 4 Exception

This goal exception applies to both the existing and proposed uses that are not allowed by Goal 4. The existing uses that are not allowed by Goal 4 are discussed under the "Physical Development" section below.

The new facilities proposed for the retreat are needed to help to accommodate the current need for retreat space at the park, improve the functionality of this retreat, and extend the season of retreat use. The new facilities will accommodate some retreat groups that may otherwise be turned away when the Smith Creek Retreat is full. The following proposed facilities are not allowed by Goal 4.

Proposed Visitor Lodging: OPRD is proposing to add 4 group cabins, which will have a total capacity of 48 persons.

Physical Development Within the Exception Area Boundary

The existing meeting hall, which is not allowed by Goal 4, is within the exception area boundary. Other uses within the exception area boundary include the access road, parking area, and an open play field which is sometimes used for group tent camping.

Existing Adjacent Uses

As discussed above, the existing use which is not allowed by Goal 4 is within the exception area boundary along with other existing uses. Outside of the exception area boundary, the existing uses include a group RV and tent camping area to the west and a waste water dump station to the north.

Existing Facilities and Services

Water is provided to the meeting hall and the campground toilet building from the park's surface water collection and distribution system. The sewage disposal system for the meeting hall, toilet building and RV wastewater dump station consists of multiple septic tanks and one drain field. The Silver Falls State Park Master Plan includes provisions for replacement and upgrading of various components of the sewer and water systems.

Received by OWRD

SEP 10 2024

Salem, OR

### Existing Impediments Separating the Exception Area From Adjacent Resource Lands

Natural and manmade features separate the exception area from adjacent resource lands. The access road that serves the retreat and adjacent group camp marks the north boundary of the exception area. The existing waste water dump station is located along this road. North of this road are wetlands. Highway 214 is located approximately 300 feet to the northeast. The North Fork Silver Creek canyon is located approximately 400 feet to the south. Immediately west of the exception area is the group camp.

### Planned Uses That Will Separate the Exception Area From Adjacent Resource Lands

The Silver Falls State Park Master Plan proposes other new park facilities in and around the exception area, in addition to the planned uses which require this goal exception (discussed above). These other new facilities will be additional impediments that separate the exception area from the adjacent resource lands. The planned uses include additional group camp loops and associated structures west of the exception area, a camp host site on the north edge of the exception area, a caretaker residence in the northeast corner of the exception area, a park entrance gateway station on the entrance road to the northeast, new trailhead facilities to the east, and a deck and gazebo addition to the existing meeting hall in the southeast corner of the exception area.

## Factors Pertaining to All Three Exception Areas

### Parcel Sizes and Ownerships

Parcel sizes and ownership are irrelevant to this exception. The three exception areas are small parts of an 8700 acre state park parcel which is owned by OPRD. The lands surrounding the park are predominantly large resource land parcels.

### Neighborhood and Regional Characteristics

Silver Falls is Oregon's largest state park. It is located in eastern Marion County. Over 93 percent of the park land is forested open space with some low intensity recreational use. The park has several other recreational development areas in addition to the three park retreats described above. These other developed areas are described in the Silver Falls State Park Master Plan and are shown on the attached map of the park.

Surrounding the state park are public and privately owned resource lands in predominantly large parcels. Lands to the north and west of the park include a mix of agriculture and forest uses including grass seed, Christmas tree, nursery stock, hay and commercial timber production, and pasture. Lands to the south and east of the park are used primarily for commercial timber production. These resource land activities are accompanied by the residential uses allowed under

the farm and forest land zoning. An area zoned for rural residential uses is located approximately one half mile northeast of the park. Drakes Crossing is the nearest rural service center, located approximately 3 miles north from the park's north entrance. Several small incorporated cities are located within short distances. Silverton is located along Highway 214 approximately 15 miles to the northwest, and Stayton, Sublimity and Aumsville are located similar distances along Highway 22 to the southwest. The City of Salem is less than 20 miles west.

Other Relevant Factors

In addition to the factors discussed above, the ownership, management and use of the park lands surrounding the exception areas make forest uses impracticable. Silver Falls has been a public park since the 1930's, and has been managed and used for public outdoor recreation since that time. Under OPRD's mission, statutes and administrative rules, state parks are managed for the protection and public enjoyment of their natural, cultural, scenic and recreational resources. Commercial forestry is contrary to these mandates and incompatible with state park uses. The exclusion of commercial forest uses throughout the park further separates the exception areas from surrounding resource land uses.

Conclusion

The three exception areas are irrevocably committed to park retreat uses, including uses which are not allowed by Goal 4. Commercial forestry, which is Goal 4's primary purpose for forest lands, is incompatible with the physical development and public recreation uses within and around the exception areas. Other uses that are allowed by Goal 4, including some state park uses, are also incompatible with the retreat uses.

Most of the lands within the exception areas are separated from adjacent resource lands by natural and manmade impediments such as streams, wetlands, topography, roads and other existing development. Future uses planned for these areas will be additional impediments.

In addition, commercial forestry is contrary to the public purpose and OPRD mandates for state parks. This fact sets state parks apart from other designated forest resource lands and makes commercial forestry - the primary purpose of Goal 4 - impracticable throughout the park.

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# Responses to Applicable Marion County Rural Comprehensive Plan Policies

## Parks and Recreation Policies

### General Policies

**2. There shall be a balance between day use facilities for social interactions and natural, scenic areas for serenity and solitude.**

Findings: The need for this balance is recognized and provided for in the Master Plan.

**3. Whenever possible, public agencies should consider leasing land to private enterprises for public activities which are compatible with the area and open space to and for the benefit of the public.**

Findings: OPRD enters into agreements with private concessionaires for the provision of recreation services at Silver Falls.

**4. Parks and open space areas should retain natural vegetation as much as possible to provide habitat for wildlife.**

Findings: A primary purpose of the Master Plan is to provide for the long term management and enhancement of the park-wide ecosystem through various measures including, but not limited to, protection, management and enhancement of natural vegetation.

### Regional Parks

**16. Due to regional service of these parks, it should be the State's responsibility to provide them.**

Findings: OPRD is mandated to provide for the state and regional recreation needs through the provision of state parks and their facilities. Silver Falls is one of the state's primary recreation areas for this region. The purpose of the Master Plan, in part, is to plan and provide for public recreational uses at Silver Falls.

**17. Site selection should take into consideration topographic and physical features, water areas, wooded areas, etc.**

Findings: Silver Falls was established as a state park because of the unique natural, cultural and

scenic resources it offers. The siting of park uses and facilities planned for in the Master Plan is based on an extensive analysis of resource opportunities and constraints, considering topography, water areas, plant communities, wildlife habitat and numerous other factors.

### Trails

#### **25.a. Trails should take advantage of natural resources and scenic beauty.**

Findings: The trail system at Silver Falls is designed to provide access to the parks natural and scenic resources.

#### **25.c. Trails should connect with other trails and/or make a complete loop to give the user the opportunity to return to the starting point by a different route.**

Findings: The Silver Falls trails form a system of loops that offer different routes of varying lengths and scenic views. The Master Plan provides for future trail connections and extensions to provide access to more areas of the park. Opportunities to connect with trails on adjacent lands have been considered.

#### **26. Parking should be provided at the trail head.**

Findings: Parking is provided with existing and planned trail heads at locations which provide access to different sections of the trail system and the park.

#### **27. Trails shall be designed to discourage off-road vehicles.**

Findings: Off-road vehicles are not allowed on the Silver Falls trails, except vehicles used by park staff for resource management, visitor supervision, trail repair and emergency purposes.

#### **28. Trails shall be designed to keep damage to private property and natural and unique resources to a minimum.**

Findings: The park trails do not affect private property. Trails are sited to avoid intrusion into neighboring lands by trail users, and are designed to prevent degradation of natural, cultural and scenic resources. Any future trail connections through adjacent lands would require agreements with affected land owners.

#### **29. Planning of trails shall be in coordination with other agencies to tie in with their plans, enhancing the State of Oregon's trail system.**

Findings: Formulation of the Master Plan has included coordination with interested agencies, and opportunities to connect with other trails have been addressed.

**33.a. Bicycle paths must have a hard surface.**

Findings: Existing and planned trails that are specifically designated for bicycles are hard surfaced. However, at the discretion of park managers, unpaved trails may be used by mountain bikers in some circumstances.

**33.b. Equestrian and footpaths should not be paved.**

Findings: Silver Falls equestrian and foot trails are not paved, with the exception of footpaths that provide for handicapped access or which are located within more intensive recreational development areas, such as the South Falls day use area.

**36. Physical separation of bike paths from motorized traffic is desirable and should be done whenever possible. However, when physical separation is not feasible, bike lanes should be clearly marked on the roadway.**

Findings: Designated bike paths are separated from roadways except where they intersect with the roads. These crossings are marked as such.

**Historical Sites**

**51. The County shall encourage identification of all buildings, sites, and county parks with historic significance to show those areas as places of public interest and to pay tribute to that history.**

Findings: The Master Plan identifies and provides for preservation and interpretation of historic resources at Silver Falls, which supports the County's policy.

**52. The County will encourage the State to acquire, renovate and maintain areas of regional or statewide interest.**

Findings: The Master Plan provides for the renovation and maintenance of resources at Silver Falls, which is an area of regional and statewide interest.

**Open Space**

**58. Encourage preservation of lands adjacent to major streams as open space.**

Findings: The Master Plan provides for the preservation of park lands as open space along Silver, Smith and Howard Creeks and their tributaries, except where development is planned within existing development areas along the creeks.

**59. Tree preservation and planting to separate conflicting uses and provide scenic and recreational opportunities should be encouraged whenever possible.**

Findings: The Master Plan provides for preservation and maintenance of forest vegetation which provides buffers between park uses and between park uses and adjacent lands.

**60. Scenic, natural and historic sites should be preserved and utilized as open space.**

Findings: The Master Plan provides for the preservation of Silver Falls State Park as a scenic, natural, historic and open space resource.

**Parks and Recreation Objectives - East Marion Area**

**Regional Parks**

**- Encourage the State to expand such facilities as picnicking, paths and trails at Silver Falls.**

Findings: The Master Plan provides for expansion of recreation facilities and opportunities at Silver Falls consistent with identified recreation needs, the preservation of recreational experience, and the protection of important natural, cultural and scenic resources.

**Environment Policies**

**Water Quality**

**1. The location, type and density of rural development shall take into consideration, and not exceed, the physical capacity of the land and water to accommodate the use without adverse affects on water quality and quantity.**

Findings: The Master Plan provides for sparse development of uses that are carefully sited and designed to avoid natural resource impacts. Development is sited to avoid water-sensitive areas except where bridge crossings or stream-related recreational facilities are needed. Through consultation with interested agencies, appropriate measures are employed to prevent impacts on water quality and quantity.

**5. Minimize soil erosion and sedimentation by encouraging soil conservation techniques.**

Findings: Erosion control measures are employed at Silver Falls as general land management practices, through protection and management of natural vegetation, and through special techniques as needed during site construction.

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**10. Wastewater discharge and other point and non-point discharges within the watersheds of public water supply systems shall be carefully regulated to ensure a continuing supply of adequate quality and quantity of water. This policy shall also apply in the immediate watershed of those waters used for public recreation.**

Findings: The park is located along Silver Creek and encompasses a large portion of its watershed, which supplies water to the City of Silverton. Silver Creek and two of its tributaries within the park are also used for public recreation.

The Master Plan includes provisions for new and improved sewage disposal systems that will replace the existing subsurface septic and drainfield systems. Discharges from the existing and new sewerage systems are regulated under DEQ standards.

Other discharges include runoff from roads and parking areas, and water-borne sediment from site construction. Road and parking runoff is managed on-site using catch basins and retention and filtration facilities. Appropriate measures are employed during site construction to prevent sedimentation.

### **Fish and Wildlife Habitat Policies**

**1. New roads requiring County approval shall be located to avoid identified habitat areas whenever possible. Bridges, roads and access rights-of-way should be designed to avoid restriction of channel capacity and minimize removal of shoreline vegetation.**

Findings: Under the Master Plan's development guidelines, new and reconfigured access roads and parking areas are sited to avoid significant habitat areas whenever possible. Where stream crossings are necessary, channel integrity is maintained and care is taken to minimize riparian vegetation removal and to replant disturbed areas following construction. Interested agencies are always consulted to determine appropriate measures to protect fish and wildlife.

The Master Plan includes provisions for a new access road to serve new group camp loops in the North Falls area. This road will cross an intermittent stream. In addition, realignment of the park's central access road will require crossing of a minor drainage. These projects will involve coordination with DSL, ODFW and other interested agencies.

**2. Developments should retain vegetation along streams, lakes, reservoirs and fence rows to provide for shelter, shade, food and nesting.**

Findings: The Master Plan treats riparian habitat as one of the most significant landscape features requiring protection and management as part of a park-wide program to achieve desired future ecosystem conditions. In site planning for development areas along streams, development is designed to retain existing riparian vegetation except where encroachment is necessary for

stream crossings or stream-related recreation facilities, and opportunities are explored for enhancement of riparian habitat through plantings.

**3. To maintain stream quality and protect sensitive waterfowl areas, land uses that require drainage, excessive removal of riparian vegetation, alteration of stream banks and filling shall be discouraged in these locations.**

Findings: The park uses are planned to avoid disturbance to surface water features and riparian habitat except where crossings and stream-related recreation facilities are needed.

**4. Conflicts with wildlife, especially big game, shall be considered in land development. Development adjacent to streams, sensitive waterfowl areas and critical wildlife areas shall incorporate adequate setbacks and buffer zones.**

Findings: With assistance from interested agencies, the master planning process has included a thorough inventory of the park's wildlife species and their habitat needs, including buffer areas. This inventory is part of the Resource Suitability Composite (RSC) mapping process used to determine the suitability of park areas for recreational use based on natural and cultural resource values and constraints. Planned park development is sited to avoid intrusion into significant wildlife habitat, and is directed to areas identified as being the least important in achieving desired future ecosystem conditions.

## **Forest Land Policies**

**2. Encourage the multiple use of forest lands in Marion County while recognizing that timber production is the highest priority for forest land use in most areas.**

Findings: Timber production is not an OPRD priority for forest lands within Silver Falls or other state parks. However, the park's potential for timber production and its other forest land values are protected through the Master plan provisions. The Master Plan provides for multiple forest land uses other than timber production, including protection of wildlife habitat, air, water and land quality and open space, and public outdoor recreation in the forest environment.

**3. Recreational use of forest lands should be limited to designated areas that minimize the adverse impacts on productive timber lands, watersheds and wildlife habitat.**

Findings: Silver Falls is an area designated for recreational uses. The Master Plan guides recreational uses and park management in a manner that minimizes adverse impacts on the watershed, habitat and other forest land values.

**6. Dwellings on forest lands are considered a non-forest use and should be discouraged unless it can be demonstrated that the dwelling is integral to proper management of the forest use.**

Findings: The Master Plan provides for residential accommodations for park staff. These residential uses are integral to management of the park, and are allowed in forest zones by OAR 660-034-0035.

## **Rural Development Policies**

### **General Development Policies**

**3. Rural industrial, commercial and public uses should be limited primarily to those activities that are best suited to a rural location and are compatible with existing rural developments and agricultural goals and policies.**

Findings:

The Master Plan provides for public recreational uses that are suited for the Silver Falls setting. The appropriate uses have been determined based on identified outdoor recreation needs for the region, the opportunities and constraints associated with the park resources, and OPRD's role as a public recreation provider. The park uses are rural land uses, by their historic association with Silver Falls, their dependency on the park location, their rural density, intensity and character and their rural level of services. The park uses have proven to be compatible with neighboring uses and with agricultural goals through their long existence as part of the rural setting. Distance, topography and forest vegetation generally buffer park development areas from neighboring lands. OPRD commonly enters into agreements with park neighbors to implement measures to prevent or mitigate potential conflicts. Compatibility with neighboring uses is further assured through the public notice process for state and local adoption of the Master Plan.

### **Rural Service Policies - General**

**1. The impact on existing services and the potential need for additional facilities should be evaluated when rural development is proposed.**

Findings: The condition and capacities of the OPRD-provided services for the park have been evaluated in the master planning process. The Master Plan includes provisions for replacing or upgrading water and sewerage facilities as needed to serve the planned park uses. The impacts on other services, such as fire protection and solid waste disposal, are evaluated through notice to the service providers during the state and local adoption process for the Master Plan.

**2. It is the intent of Marion County to maintain the rural character of the areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban services.**

Findings: The uses planned for the park require a rural level of services, and do not create a need or increase the potential for urban services.

**3. Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.**

Findings: The water and sewer services for the park are designed to serve only the park uses and are located entirely within the park. Other services are provided by rural service providers at levels characteristic of other rural developments.

**4. The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.**

Findings: The proposed water and sewer facilities are designed to be cost effective and to serve only the park uses. Other affected service providers are being consulted in the Master Plan adoption process to assure that the planned uses can be served efficiently.

#### **Special District Policies**

**4. Marion County shall require evidence that the level of fire protection provided by a fire district is adequate to service proposed land developments. If service is not adequate, the development shall be denied or be conditioned so that necessary facilities are provided.**

Findings: Structural fire protection is provided by the Drakes Crossing Rural Fire District. The Oregon Department of Forestry provides wildland fire protection. Comments from these providers are being solicited as evidence that service is adequate. Measures to improve fire protection, such as additional water storage ponds, are currently planned or under construction.

#### **Private Facility Policies**

**1. Marion County shall identify and protect watershed areas and reservoir sites that provide domestic water supplies.**

Findings: The park is located in the Silver Creek watershed, which provides the City of Silverton's municipal water supplies. The Master Plan's development concepts and natural resource management guidelines have been developed in consideration of the need to protect water quantity and quality.



## **Development Limitations Policies**

- 1. Permanent structures shall not be constructed in the floodway of the floodplain. Structures constructed in the floodplain fringe shall have their first floor elevation at least one foot above the 100 year flood level.**

Findings: There are no published flood hazard studies for Silver Falls. The County's flood hazard overlay has not been applied in the park. In the siting of planned park uses, areas that are known to be subject to minor flooding have been avoided except where encroachment is needed for bridge crossings or stream-related recreational facilities.

## **Transportation Policies**

- 3. Access to State and County Parks shall be provided by roads of major collector or higher functional classification.**

Findings: Access to the park is by State Highway 214.

- 19. To minimize traffic hazards along rural roads, the Public Works Department or Road Department shall review all proposed driveways and accesses to County roads. Access locations shall be at the safest site possible and meet the minimum sight stopping distance requirements established by the Director of Public Works. Access shall be consolidated whenever feasible to keep to a minimum the number for access points.**

Findings: The Master Plan has been developed in consultation with the County Public Works and Road Departments. Coordination with the County will continue through the Master Plan adoption process. The Master Plan does not propose any new County Road access locations.

## **Urban Growth Policies**

- 7. Urban densities and urban services shall be established only within recognized urban growth boundaries.**

Findings: Rural densities and rural services are planned for the park.

## **Energy Policies**

- 1. Future development should progress in the most energy efficient manner possible.**

Findings: Various elements of the Master Plan contribute to energy efficiency. The Master Plan groups key park facilities and provides for pedestrian and bike travel, thereby reducing motor vehicle use within the park. Under the guidance of the Master Plan objectives, new buildings are generally designed for energy efficiency, and must meet energy codes. Rehabilitation and remodeling of certain existing facilities is planned to include measures that will improve energy efficiency. Residential accommodations for permanent, seasonal and temporary staff are provided for in the Master Plan, which will reduce the need for daily travel to and from the park by employees. Various types of overnight visitor accommodations are provided for in the Master Plan, which may also reduce daily travel to and from the park. Recycling is encouraged through provision of collection facilities in the park.

**3.a. Bicycle paths and footpaths should be provided to encourage non-motorized transit.**

Findings: The proposed bicycle and pedestrian trail system is a key element of the Master Plan.

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# Comprehensive Plan and Zone Changes for Three Areas of Silver Falls State Park

## Statement of Reasons and Responses to Plan and Zone Change Criteria

The Oregon Parks and Recreation Department (OPRD) is requesting a comprehensive plan and zone change for three separate pieces of land within the boundary of Silver Falls State Park, as described in the attached application materials. The request is to change the plan designations and zoning, to Timberland/TC, for those lands within the park which are currently designated and zoned Primary Agriculture/EFU and Farm and Timber/FT. The majority of the park is already designated Timberland and zoned TC.

The reason for this request is to make the comprehensive plan designation and zoning consistent throughout the park. Currently, the park is divided between three comprehensive plan designations and three corresponding zones. A single plan designation and single zone for the park is appropriate, since all of the park is managed by OPRD under the guidance of a single master plan, the "Silver Falls State Park Master Plan". (In conjunction with this plan and zone change, OPRD is requesting that Marion County adopt the amended Master Plan for the park.)

At the suggestion of Marion County, this request is intended as the first phase of a 2-phase approach to changing the plan designation and zoning for the park. This first phase will result in a single designation, the "Timberland" designation, and a single zone, the TC zone, for the entire park. In the second phase, OPRD intends to work with the County to design a "Park" designation and "Park" zone that could potentially be applied to state and local parks. Another plan and zone change will be needed to apply the new "Park" designation and zone to Silver Falls.

The following criteria must be addressed as a requirement of the plan and zone change application.

**Criterion: The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.**

Findings: This application involves changes in both the zoning and the comprehensive plan designations for three pieces of park property. The Timber Conservation (TC) Zone is proposed, together with the Timberland designation, for all three properties. Under the County's comprehensive plan, the TC Zone is intended to implement the Timberland designation, and is consistent with the description and policies for this designation. The Timberland designation and TC Zone are appropriate for the subject properties considering the current designation and zoning for the remainder of the park, and the surrounding land use pattern and forest site classifications.

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

Findings: The park lands for which the plan designation and zone change is proposed are located along the park boundary. These lands are not intended for development of new or expanded park uses. Adequate public facilities, services and transportation systems are planned for the park at large, as part of the park Master Plan currently proposed for adoption in conjunction with the comprehensive plan and zone change request.

**Criterion: The criteria listed in the purpose statement for the proposed zone shall be met. The TC Zone Purpose Statement is as follows:**

**"The purpose of the Timber Conservation Zone is to conserve forest lands by maintaining the forest land base and to protect the 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.**

**The TC Zone is intended to be applied in areas where the soils are predominantly forest site Class I through VI and where the existing land use pattern is predominantly large commercial forest ownerships managed as commercial timber. It is necessary to the continuation of the commercial forest enterprises that contiguous ownerships be consolidated into larger parcels better suitable for large scale management. The TC Zone places primary emphasis on forest use but compatible uses are also allowed. These include uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment. Also included are locationally dependent uses such as communication towers and mineral and aggregate resources. The TC Zone is intended to be applied in areas designated Forest Lands in the Marion County Comprehensive Plan and to implement the State Forest Lands Goal and OAR 660 Division 6."**

Findings: Most of Silver Falls State Park is currently designated "Timberland" and zoned "TC", except the three areas which are the subject of this plan and zone change request. As discussed above, the purpose of this request is to make the designation and zoning for these three areas consistent with the park at large.

Management of the park under the guidance of the Silver Falls State Park Master Plan, which is proposed for adoption in conjunction with this plan/zone change request, conserves the park forest lands as open space. Although commercial timber harvest is not a purpose of state park management, management of the park lands under the Master Plan provisions is consistent with the purposes of the Timberland/TC designation and zone to protect the forest land base, assure the continuous growing of forest tree species, protect the soil, air, water, and fish and wildlife

resources and to provide for recreational opportunities that are appropriate in a forest environment. The soils of the affected park lands meet the site class requirements for forest lands.

**Criterion: If the proposed zone allows more intensive uses than other zones appropriate for the land use designation, the proposed zone shall not allow uses that would significantly adversely affect allowed uses on the adjacent properties zoned for less intensive uses.**

Findings: The intensity of uses allowed by the proposed Timberland designation and TC Zone is essentially the same as is allowed under the other resource land designations and zones in this area, including the Farm and Timber/FT and the Primary Agriculture/EFU designations and zones. The allowable state park uses are the same under all of these designations and zones. And, regardless of which of these resource designations and zones is applied to the park, any potential conflicts with neighboring resource land uses must be addressed through the mechanisms prescribed by state and County land use laws for resource lands.

**Criterion: Satisfaction of any zone change review criteria in the applicable city comprehensive plan if land is within an urban growth boundary.**

Findings: This criterion is not applicable to Silver Falls State Park.

## Responses to Applicable Marion County Ordinance Criteria

As provided by 138.030(h), park uses may be allowed in the TC Zone subject to the review criteria listed under Ordinance 138.040(e), as follows:

(1) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands.

Findings: Virtually all of the lands adjacent to Silver Falls State Park are designated and used for agriculture and forest uses. Lands to the north and west of the park include a mix of agriculture and forest uses including grass seed, Christmas tree, and commercial timber production, with some minor pasture land. Some nursery stock production may also occur in this area. Lands to the south and east of the park are used primarily for commercial timber production.

In general, the potential for conflicts with agricultural and forest uses resulting from the Master Plan proposals is presumed to be low because most of the park use is separated from neighboring lands by distance, topography and forest vegetation. Two of the park development areas, the north and south park entrance areas, are located near to neighboring lands. Other areas where concentrated park use occurs are located 1000 feet or more from the park boundaries. Any potential conflicts would probably be associated with traffic entering and leaving the park on Highway 214 or with field burning on neighboring agricultural lands.

Highway 214 is the primary access road serving the park. The extent to which Highway 214 is used for forestry and agriculture-related purposes has not been quantified. However, the potential for conflicts between uses is not expected to increase significantly as a result of planned park development.

The kinds of development planned for the park are not expected to cause a significant increase in traffic during the peak season compared to overall park visitation and use of the highway. The increased visitation resulting from development will generally be associated with visitor stays of a few days or longer. Single-day visitation during the peak season is not expected to increase significantly over current levels, therefore, daily traffic should not be significantly increased. Seasonal traffic may increase somewhat because certain development projects will extend the season of use for some park facilities.

Factors other than the planned park development may influence highway traffic. For example, some increase in traffic is expected in conjunction with visitation to the new Silverton Gardens.

Although farm and forest-related traffic and park-related traffic can sometimes conflict, such conflicts do not occur to the extent that they force a significant change in, or significantly increase the cost of, farm or forest practices. Any potential traffic impacts on the Highway are addressed through coordination with ODOT. Field burning is permitted and controlled by the DEQ, and is a

SEP 10 2024

Salem, OR

standard agricultural practice that is protected by right-to-farm laws. While park users may sometimes complain about smoke that drifts into the park, the complaints cannot result in actions that would force a significant change in, or significantly increase the cost of, farm practices. OPRD cannot and will not seek relief from agriculture-related smoke and odors.

There is no indication that uses proposed in the Master Plan would force significant changes in, or significantly increase the cost of, accepted farm or forest practices.

**(2) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.**

Findings: Wildland fire hazard protection at Silver Falls is provided by the Oregon Department of Forestry (DOF). Structural fire protection is provided by the Drakes Crossing Fire District. Comments from these service providers are being solicited through the notice requirements.

Fire roads are located throughout the park. A number of surface water features are or will be accessible to aid in fire suppression, including two existing recreational impoundments, several other storage ponds currently planned or under construction, and two existing swimming pools.

**(3) The land owner will sign and record the declaratory statement prescribed in 138.050(b) prior to establishment of the use.**

Findings: The required declaratory statement is being provided.

**(4) The use, taking into consideration any conditions of approval, meets the applicable development standards in 138.060 and applicable special requirements in Sections 110.830 through 110.837.**

**The applicable development standards in 138.060 are as follows:**

**(a) Height limitations. Dwellings are limited to a maximum of 35 feet. Non-residential structures other than farm and forest-related structures shall not exceed 35 feet unless they are in conjunction with conditional uses allowed in Section 138.030 and greater height is approved as part of the conditional use permit.**

Findings: The park staff residences proposed in the Master Plan will not exceed 35 feet in height. Any other park structures that may exceed 35 feet in height will be addressed through the County's review and approval of the proposed Master Plan.

**The applicable special requirements in Sections 110.830 through 110.837 are as follows:**

**110.830 Water Resource Protection. The impact of proposed land uses on water resources shall be evaluated and potential adverse impacts on the water resource shall be minimized. Where evidence indicates groundwater limitations and the development will use groundwater as a**

**water supply, the developer shall demonstrate that adequate water can be provided without adversely affecting the groundwater resource.**

Findings: There are no indications of groundwater limitations in this area. Impacts on surface water resources are avoided through the careful siting of park uses and the protection and management of natural vegetation under the guidance of the Master Plan.

**110.835 Fish and Wildlife Habitats. The impact of land use actions regulated by this ordinance on fish and wildlife habitat identified in the Marion County Comprehensive Plan shall be evaluated and the proposal modified or conditioned as necessary to minimize potential adverse impacts and to preserve the existing resource.**

Findings: The park is an area identified as Major Big Game Habitat in the Comprehensive Plan. The siting of the park development proposed in the Master Plan is based, in part, on an evaluation of habitat significance. The Master Plan's Natural Resource Management Guidelines provide for the long-term management and enhancement of park-wide ecosystem conditions.

**(5) The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.**

Findings: The park does not affect any sites identified by the County for water impoundments or mineral or aggregate extraction.

#### **138.080 Contiguous Ownership**

**(a) After June 29, 1994 it shall be a condition of approval that a new deed be recorded consolidating all contiguous lands in the same ownership when such contiguous lots or parcels are included in the application and must be considered in order for the application to meet the applicable criteria and standards.**

Findings: OPRD is currently in the process of consolidating the OPRD-owned park lands into one parcel.

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## **Attachment D**

Property Legal Description

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**Groundwater Permit Application – Oregon Parks and Recreation Department**

**Silver Falls State Park – Legal Description**ODOT to OPRD

All of those lands as described in that Quitclaim Deed from the State of Oregon, by and through its Department of Transportation to the State of Oregon, by and through its Parks and Recreation Department recorded November 13, 1998 on Reel 1541, Page 395 in the Marion County Record of Deeds.

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Parcel 1 of Partition Plat No. 92-69, Recorded July 23, 1992 in Reel 971, Page 440, Records of Marion County, Oregon as described in that Bargain and Sale Deed recorded on Reel 2501, Page 69 in the Marion County Record of Deeds.

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Parcel 2 of Partition Plan No. 92-69, Recorded July 23, 1992 in Reel 971, Page 440, Records of Marion County, Oregon.

SAVE AND EXCEPT: Beginning at the Southwest corner of Parcel 2, Partition Plat NO. 92-69, as referenced by recordation on July 23, 1992 in Reel 971, Page 440, Marion County Records; thence North 90°00'00" East along the South line of Parcel 2, 700.00 feet; thence North 00°00'00" West perpendicular to said South line, 450.00 feet to a point; thence South 89°08'43" West to the West line of said Parcel 2; thence South 02°44'30" West to an angle point in said Parcel; thence South 67°59'22" West 399.43 feet to the West line of Silver Falls Drive; thence Southeasterly along said Highway 187.57 feet to the point of beginning as described in that Bargain and Sale Deed recorded on Reel 2501, Page 70 in the Marion County Record of Deeds.

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Beginning at the Southwest corner of Parcel 2, Partition Plat No. 92-69, as referenced by recordation on July 23, 1992 in Reel 971, Page 440, Marion County Records; thence North 90°00'00" East along the South line of Parcel 2, 700.00 feet; thence North 00°00'00" West perpendicular to said South line, 450.00 feet to a point; thence South 89°08'43" West to the West line of said Parcel 2; thence South 02°44'30" West to an angle point in said Parcel; thence South 67°59'22" West 399.43 feet to the West line of Silver Falls Drive; thence Southeasterly along said Highway 187.57 feet to the point of beginning.

TOGETHER WITH a parcel of land, being a portion of the following described property:

The North one half of the Southeast quarter of Section 12, Township 8 South, Range 1, East of the Willamette Meridian in Marion County, Oregon; said parcel being all that portion of the foregoing described property which lies Northeasterly from Secondary Highway No. 163, and more particularly described as follows:

Beginning at a point which is the intersection of the centerline of said Secondary Highway No. 163, with the North line of the foregoing described property; said point being at Engineers Station 638-97.5, and being 2259.00 feet distant North 89°58' West from the quarter corner on the East line of

said Section 12, Township 8 South, Range 1 East of the Willamette Meridian; thence South 55°04' East, along the centerline of said Highway, a distance of 2251.90 feet to the South line of said property; thence South 89°58' East along the South line of said property, a distance of 448.70 feet to the East line of said Section 12; thence North 0°35' West along the East line of said Section 12, a distance of 1320.00 feet to the quarter corner on said line which is the Northeast corner of said property; thence North 89°58' West, along the North line of said property, a distance of 2259.00 feet to the point of beginning.

Excluding from the foregoing described parcel, that portion which lies within the existing highway right-of-way.

All as described in that Bargain and Sale Deed recorded on Reel 2638, Page 192 in the Marion County Record of Deeds.

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TRACT 1:        PARCEL A

Being all that land described in those Warranty Deeds to SAD, LLC, an Oregon Limited Liability Company, Grantee, recorded June 20, 2003 in Reel 2143 Page 75, Reel 2143 Page 76 and Reel 2143 Page 82, of Marion County Deed Records.

ALSO: All that land described in those Warranty Deeds to TFD, LLC, and Oregon Limited Liability Company, Grantee, recorded June 20, 2003 in Reel 2143 Page 77 and Reel 2143 Page 87, of Marion County Deed Records.

ALSO: All that land described in those Warranty Deeds to 7 D Lands, Inc., Grantee, recorded June 20, 2003 in Reel 2143 Page 79 and Reel 2014 Page 80, of Marion County Deed Records.

SAVE AND EXCEPT:    Parcel B:

A parcel of land lying in the NE1/4SE1/4 Section 3, Township 8 South, Range 1 East, W.M., Marion County, Oregon, described in that Warranty Deed to SAD, LLC, and Oregon Limited Liability Company, Grantee, recorded June 20, 2003 in Reel 2143 Page 82 of Marion County Deed Records and being a portion of that property and more particularly described as follows:

Beginning at the quarter corner of the East line of said Section 3; thence by the East line of said Section 3, South 00°32' East a distance of 933.38 feet; thence parallel with the East-West centerline of said Section 3, North 89°30' West distance of 933.38 feet; thence parallel with the East section line of said Section 3, North 00°32' West a distance of 933.38 feet to a point on the East-West center line of said Section 3; thence by said East-West centerline South 89°30' East a distance of 933.38 feet to the point of beginning.

ALSO SAVE AND EXCEPT:    Parcel C

A parcel of land lying in the NW1/4SW1/4 Section 2, Township 8 South, Range 1 East, W.M., Marion County, Oregon, and being a portion of that property described in those Warranty Deeds to 7 D Lands, Inc., Grantee, recorded June 20, 2003 in Reel 2143, Page 80 of Marion County Deed Records, and more particularly described as follows:

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Beginning at the quarter corner of the West line of said Section 2; thence by the West line of said Section 2, South 00°32' East a distance of 933.38 feet to the Southwest corner of Parcel B described herein; thence parallel with the East-West centerline of said Section 2, South 89°12' East a distance of 150.00 feet, more or less, to a point on the West line of that property described in those Warranty Deeds to TFD, LLC, an Oregon Limited Liability Company, Grantee, recorded June 20, 2003 in Reel 2143 Page 87, of Marion County Deed Records; thence North 00°32' West along said West line a distance of 933.38 feet, more or less, to a point on the East-West center line of said Section 2; thence along said East-West center line North 89°12' West a distance of 150.00 feet to the point of beginning.

All as described in that Bargain and Sale Deed recorded on Reel 2638, Page 193 in the Marion County Record of Deeds.

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All of the interest of the deceased in real property situated in Sections 10 and 15, Township 8, Range 1 East of the Willamette Meridian, to be used for park purposes, to the State of Oregon, by and through its Department of Transportation, Parks and Recreation Division as stated in the Records of Marion County.

(Probate Document No 35072 – Estate of Leo Cieslak)

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BLM to OPRD Lease

OPRD also leases the following federal lands

Willamette Meridian, Marion County, Oregon

T. 8 S., R. 1 E., Sec. 03, SW1/4NW1/4, SW1/4; Sec. 35, Lot 1;

T.8 S., R. 2 E., Sec. 31, Lot 5

The current lease for public recreational purposes expires on November 4, 2036.

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