

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Chris Nash		PHONE (HM) 5035023482	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS 29650 NE Raintree Lane			
CITY Newberg	STATE Or	ZIP 97132	E-MAIL * Chris@nwtree.com

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Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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Note: Attach multiple copies as needed

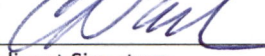
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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 legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. 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.

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

	Chris Nash - Nash Trust	4-24-23
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

July 8, 24
9-25-24

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SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Nash				
Source*:	run-off	Tributary:	Springbrook Creek		
County:	Yamhill				
Quantity:	23	Acre-Feet [length x width x depth / 43,560]			
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	3 S	2 W	2	8	02600
Maximum Height of Dam:	feet. If excavated write "zero feet." ZERO FEET				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose Use

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (please check appropriate box below then skip to section 5)
 - There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? *UNK* years. *50+ YEARS*

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? _____ miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. *JOEL PLANN - WATERMASTER*

JANNA STEVENS & JASON BRANDT - ODFW

SECTION 6: WITHIN A DISTRICT *MIKE KEMPER - YAMILL CO.*

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name:		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

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Watermaster Alternate Reservoir Application Review Sheet

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In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name Chris Nash 3S2WSec 28 TL 2600 SWSE & SESE		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: Jan 1 End: December 31		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
Who: Kevin Stertz	Agency: ODFW	Date: 3/23/2023
Who:	Agency:	Date:

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Watermaster Name: Joel Plahn

Watermaster
Signature:

~~Joel Plahn~~ Date: ~~2023.03.28~~ 3/28/2023
13:53:08-07'00'

Digitally signed by Joel Plahn
DN: C=US, OU=District 22
Watermaster, O=Water
Resources Department, CN=Joel
Plahn,
E=joel.m.plahn@water.oregon.g
ov
Reason: I am the author of this
document
Location: District 22 Watermaster
Date: 2024.05.09 08:21:20-07'00'
Foxit PDF Editor Version: 11.2.9

Joel
Plahn

NOTE: This completed form must be returned to the applicant

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503-508-2394

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Chris Nash

Address: 29650 NE Raintree Lane, Newberg OR. 97132

Phone/Email: 503-502-3482

Reservoir Name: Nash

Source: Run Off

Basin Name: Springbrook Creek > Willamette R.

Twp Rng Sec QQ: 3S 2W 28 SWSE & SESE

Volume (AF): 23

in-channel
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

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This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:
a. Is there an ODFW-approved fish-passage plan?..... YES NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir **does not meet** the requirements of Oregon Fish Passage Law and **shall not** be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)
 Any diversion or appropriation of water for storage during the period **April.1 through October.31** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead, spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout, Pacific Lamprey, and Oregon Chub), and other game fish (Coho Salmon, fall Chinook Salmon, and summer steelhead) may be present in Spring Brook Creek and/or the Willamette River during the period of impact. ODFW currently does not have an identified biological flow target for any nearby stream. Based on parameters assessed by ODFW for the Willamette River, instream flows to fulfill MF182 and MF181 for aquatic life are being met wholly during the period of impact.

In addition, ODFW reviewed available information (Middle Willamette Subbasin; Willamette River Basin Temperature TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. The proposed pond would be located in the Willamette River basin and subject to the Willamette River Temperature TMDL which identifies the critical period for water temperatures as April 1-October 31. High stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream November through March. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use will result in a significant detrimental impact to an existing fishery resource. Due to the presence of non-native warm water fish in the pond, the permittee must screen the inlet and outlet of their pond to ensure that fish cannot escape into public waters. Contact your local district fish biologist for more information.

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Applicant Name: Chris Nash

ODFW Review

971-325-7672

Janna
Stevens

Digitally signed
by Janna Stevens
Date: 2024.06.03
09:07:40 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 6/3/2024

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

Handwritten notes and stamps, including "ODFW" and "WPC".

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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Use this menu to identify appropriate conditions to be included in the permit:

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Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to November.1 through March.31.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

Construction Activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- Fishegress:** Native migratory fish may become trapped or entrained in the reservoirs/impoundments during/after flooding events; therefore, the permittee shall work with ODFW regarding development of an approved fish egress from the reservoirs/impoundments or other methods to keep fish out of the reservoirs/impoundments during flood events (e.g., berm construction around the reservoirs).
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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For Local Government Use Only

Tax Lot #
3228-2600

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 uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): section 402 of the YCO
- Land uses to be served by the proposed water uses (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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	Received	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OCT 21 2024	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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 Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Ken Fidler Title: P.D.
 Signature: *[Signature]* Phone: 504-34-7510 Date: 10/17/2024
 Government Entity: Jambull Co.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Land Use Information Form

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


Applicant(s): Charles Nash
 Mailing Address: 29650 NE Rainier Ln.
 City: NEWBERG State: OR Zip Code: 97132 Daytime Phone: 503 502 3482

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:
<u>E</u>	<u>2</u>	<u>2</u>	<u>8</u>	<u>02600</u>	<u>AF-80</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>FARM</u>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

YAMHILL COUNTY Received
OCT 21 2024

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 23 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other MULTI PURPOSE USE

Briefly describe:

MULTI PURPOSE USE

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

WORKSHEET for :

CRIS NE

Location: Section 28, T. 3 S., R. 1 W., WM.,
in the State of Oregon, Co. 8,
Yamhill County, OR

Acres: 228.2488

Date: 22 November, 2024

Prepared by: Leland A. Macdonald, PLS

Professional Land Surveyor License No. 10000

1835 Riverside Drive

Medford, Oregon 97528

Phone: 503-472-7904

Fax: 503-472-0367

lmac@lmacdonaldsurveying.com

North

Scale: 1" = 200'

Legend

- 5/8" iron rod with yellow plastic cap marked "MATT DUNCKEL & ASSOC."
- measurement found, flush to 0.2" down, in good condition unless otherwise stated. Origin stated if known.
- 5/8" iron rod with yellow plastic cap marked "MATT DUNCKEL & ASSOC." set to CS-11332
- (---) (1) = data of record CS-2881
- (---) (2) = data of record CS-2968
- Quarter-Quarter Line

Line Table

LINE	DIRECTION	DISTANCE
1	S 27° 59' 05" W	10.22'
2	S 72° 34' 28" W	29.37'
3	S 73° 13' 00" W	59.25'
4	S 65° 27' 49" W	39.20'
5	N 88° 31' 15" W	58.74'
6	S 86° 28' 45" W	120.24'
7	S 68° 39' 46" W	48.47'
8	S 86° 59' 20" W	76.21'
9	S 83° 26' 25" W	107.22'
10	S 80° 27' 17" W	66.27'
11	S 23° 50' 55" W	95.53'
12	S 81° 00' 31" W	119.95'
13	S 81° 46' 02" W	172.52'
14	S 64° 45' 23" W	94.34'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

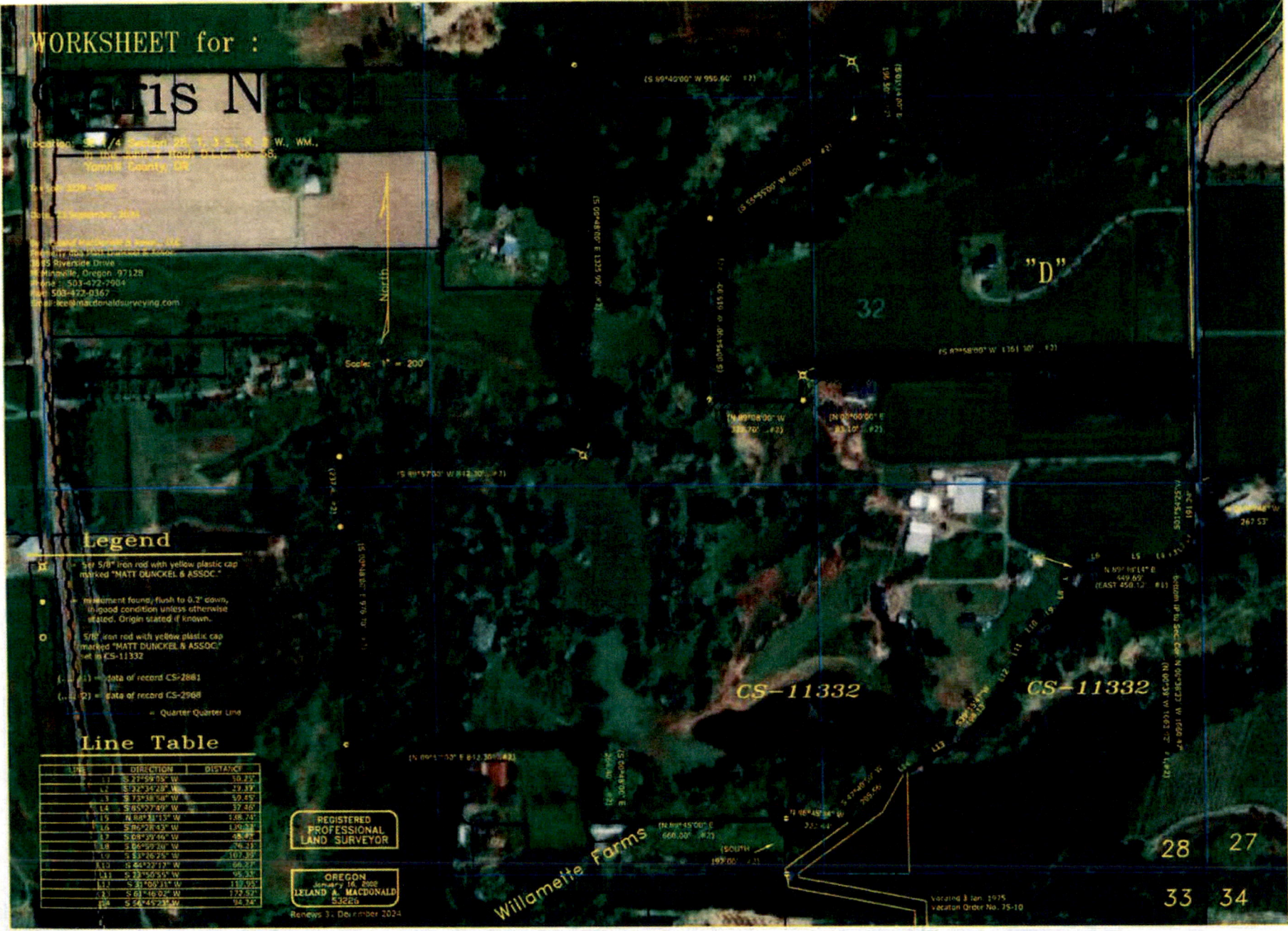
OREGON
January 16, 2020
LELAND A. MACDONALD
53266

Revised 3, December 2024

Willamette Farms

Vacating 1 Jan. 1975
Vacation Order No. 75-10

28 27
33 34





Yamhill County Planning Department

400 NE Baker Street

McMinnville, OR 97128

503-434-7516

Fax: 555-434-7544

planning@co.yamhill.or.us

Transaction Receipt

Record ID: OCTOBER 2024 MISC PLANNING PAY

IVR Number: 979072934433

Receipt Number: 933090

Receipt Date: 10/11/24

www.co.yamhill.or.us/planning

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
10/11/24	1.00 Ea	Agency Sign-off (LUCS, DMV renewal: building permit)	110-3010020-34116-PL6 6-000-00000	\$98.00	\$98.00

Payment Method: Credit card Payer: NASH/CHRIS Payment Amount: \$98.00
 authorization: 08381P
 Transaction Comment: LUCS 3228-2600

Cashier: Stephanie Curran

Receipt Total: \$98.00

Received
OCT 21 2024

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JUN 05 2024

Received
SEP 27 2024

Land Use Information Form

OWRD



OWRD
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

NAME Chris Nash		PHONE (HM)
PHONE (WK)	CELL 503-502-3482	FAX
ADDRESS 29650 NE Raintree Lane		
CITY Newberg	STATE Or ZIP 97132	E-MAIL* chris@nwtree.com

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:
<u>3</u>	<u>2</u>	<u>2</u>	<u>8</u>	<u>02600</u>	<u>AF-80</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

<u>Yamhill County</u>

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 23 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other Multipurpose

Briefly describe:

<u>Multipurpose Use</u>

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Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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 uses (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 uses (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:	
Floodplain Development Permit	Section 901 of the	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
Received OCT 21 2024	YCZO and the definition of "Development"	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
OWRD		<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 Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Kenneth P. Fridley Title: Planning Director
 Signature: *Kenneth P. Fridley* Phone: 603-434-7516 Date: 5/10/2023
 Government Entity: Yamhill County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____
Received
SEP 27 2024
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JUN 05 2024
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Received
MAY 11 2024
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Received
SEP 27 2024
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Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET • McMinnville, Oregon 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

February 21, 2024

Chris Nash
29800 NE Raintree Ln
Newberg, OR 97132

Re: Docket FP-04-23, Tax Lot 3228-2600

Dear Mr. Nash:

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In reference to your application for a floodplain development permit for placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil within the Floodplain Overlay District, planning staff has reviewed your application and finds that, with conditions, it complies with the requirements of the *Yamhill County Zoning Ordinance*. Your application is tentatively approved subject to the following conditions:

1. The location of the proposed development shall substantially conform to the site plan submitted with the application.
2. Prior to development activities within the Floodplain Overlay District, all necessary permits shall be obtained from the Department of State Lands, U.S. Army Corps of Engineers, Department of Environmental Quality, Department of Water Resources and Department of Fish and Wildlife.
3. Prior to construction, any required building and plumbing permits shall be obtained from the Yamhill County Planning Department.
4. The applicant shall submit to the Yamhill County Planning Department certification, prepared by a registered professional engineer, that the development will not increase the water surface elevation of the base flood more than one (1) foot at any point. The certification shall have the original engineer's stamp on the document which shall include a map, drawn to scale showing the locations of the development as defined in Section 200 of the Yamhill County Zoning Ordinance.
5. Removal of existing riparian vegetation within 100-feet of the ordinary high-water line shall be the minimum necessary. All disturbed areas shall be restored with native fill and plants. The restoration plan shall be approved by the Oregon Department of Fish and Wildlife and a copy of the approval shall be provided to the Yamhill County Planning Department.
6. The floodplain development permit is granted for 180 days. The approval may be extended if a request for extension and appropriate fee is received prior to the expiration date.

Handwritten notes in the top right corner, including the word "Docket" and some illegible scribbles.

The Yamhill County Zoning Ordinance provides for appeal of any action or ruling of the Planning Director to the Board of Commissioners within fifteen (15) days of the decision on a proposed action. Anyone wishing to appeal the Director's decision must file an appeal form, together with a \$270.00 fee, with this Department no later than **5:00 p.m., March 7, 2024**. If no appeal is filed, the Director's decision will be final, and this letter will serve as your official notice of decision.

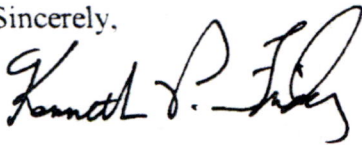
Please be aware that for the purposes of the flood hazard zone the definition of "development" is as follows:

DEVELOPMENT: For purposes of Section 901, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.

As you can see this definition is very extensive. If you believe the property's flood hazard zone is incorrectly mapped you can apply with FEMA for a "Letter of Map Amendment" to see if it can be removed from the flood zone.

If you have any questions, please do not hesitate to contact me at 503-434-7516.

Sincerely,



Kenneth P. Friday
Planning Director

- cc: Board of Commissioners
- DSL
- ODFW
- OWRD
- DLCD
- Edward K. Christensen, PE, 25260 SW Parkway Dr., Suite G, Wilsonville, OR 97070
- SPO's

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YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

LAND USE APPLICATION

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket _____
 Date _____
 Rec'd by _____
 Receipt # _____
 Fee _____

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Nash, Chris					
Last name	First	MI	Last name	First	MI
29800 NE Raintree Lane					
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
Newberg, Oregon 97132					
City	State	Zip	City	State	Zip
5035023482					
Telephone			Telephone		
chris@nwtree.com					
E-mail address			E-mail address		

If the applicant is not the legal owner, state interest in property:

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 JUL 11 2024

PROPERTY INFORMATION

Tax Lot(s): 3228-02600 Zone: AF-80

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Size of Tract (include all adjacent tax lots) 92.7 acres

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1. TYPE OF APPLICATION (what is requested?): Floodplain Development Permit

Received OWRD

OCT 21 2024

2. JUSTIFICATION FOR REQUEST YCZO Section(s): 901

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A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. Present use of property: AF-80

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):

homes, agricultural buildings

5. Is there a septic system on the property? Yes No

6. How will water be provided? Well City Other runoff

7. What road and/or easement is the property accessed from? Parrish Road

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8. To your knowledge, do any of the following natural hazards exist on the property?

- Floodplain
- Areas of erosion
- Steep slopes
- Fish or wildlife habitat
- Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.
3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.
4. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Applicant's signature Date

Property owner's signature (if different) Date

State of _____

County of _____

Signed before me on this _____ day of _____, 20 _____,

by _____.

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Notary Public for Oregon
My Commission expires _____

Written Justification of how the application complies with the approval criteria.

For the purpose of this application, under the guidance of ODFW, I have extended a culvert for the purpose of screening non-native warm water fish from escaping into public waters, and I have breached an eroded land-dam and driveway centered in the existing reservoir within the Floodplain Overlay District on Tax-lot 3228-02600. I would like to continue working with OWRD and ODFW to retain and promote healthy wetland and habitat.

901.02 The above Development for the purpose of Section 901 has occurred in the Floodplain Overlay District thus aligns with the Area of Application 901.02.

901.03 N/A

901.04 Yamhill County Planning Department has determined the activities constitute Development thus requires this Land Use Application.

901.05 (A thru D) N/A

901.06 (A) Tax-lot 3228-02600 is zoned EF-80. 402.02 (D) permits creation of, restoration of or enhancement of wetlands

(B thru C) N/A

(D) I am currently working with OWRD and ODFW. An Application for a Permit to Store Water in a Reservoir in process. I have placed the OWRD Application on hold, pending Yamhill County approval of the Floodplain Development Permit. Future work with ODFW will be placed on hold pending Yamhill County approval of the Floodplain Development Permit.

(E) The Development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471. The reservoir footprint has not changed, does not impact the riparian zone of Springbrook Creek and involves only non-structural solutions.

901.07 (A thru F) N/A

901.08 (A thru D) N/A

901.09 (A thru C) N/A

I request that Yamhill County Planning and Development approve this Floodplain Development Permit.

Please let me know if you need any additional information.

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THIS SPACE RESERVED FOR RECORDER'S USE

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After recording return to:

NPCC
4710 Summitview Ave #104
Yakima, WA 98908

File No: **291031-3**
ORDER NO: **5655-5294**
Date: **1/6/2014**

Yamhill County Official Records **201400264**
DMR-RECDMR **01/09/2014 02:47:07 PM**
Stn=6 SUTTONS
1Pgs \$5.00 \$11.00 \$5.00 \$20.00 **\$41.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

DEED OF RECONVEYANCE

First American Title Insurance Company, 4710 Summitview Avenue #104, Yakima, WA 98908, hereinafter Trustee, under that certain Deed dated **8/6/2004**, executed and delivered by **Christopher Paul Nash** as Grantor, and **Washington Federal Savings** as Beneficiary, and recorded **8/6/2004**, as Fee No. **200416228** in the Mortgage Records of **Yamhill County, Oregon**, conveying real property situated in said county described as follows:

See Legal Description in referenced Deed of Trust.

Having received from the beneficiary under said Trust Deed a written request to reconvey, reciting that the obligation secured by said Trust Deed has been fully paid and performed, hereby does grant, bargain, sell and convey, but without any covenant or warranty, express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned in and to said described premises by virtue of said Trust Deed.

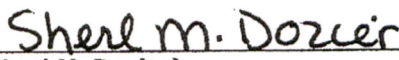
Dated: Monday, January 06, 2014

Sherl M. Dozier
Notary Public, 146083
State of Washington
Commission Expires
January 11, 2014



Ryan R. Mundell, Assistant Secretary
First American Title Insurance Company

On this day, 1/6/14, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Ryan R. Mundell to me known to be the Assistant Secretary respectively, of First American Title Insurance Company the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation. Witness my hand and official seal hereto affixed the day and year first above written.



(Sherl M. Dozier)

Notary Public in and for the state of WA, residing in Yakima, WA.
County of Yakima, State of Washington.

Commission Expires: **1/11/2014**

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LEGAL DESCRIPTION

Part of the John J. Hash Donation Land Claim No. 58 in Section 28, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at an iron pipe at the Northwest corner of the East half of said Claim; thence South 00° 48' East along the division line of said Claim 1325.9 feet to an iron pipe at the Southeast corner of tract conveyed to Ralph W. Renkert and wife by deed recorded October 30, 1951 in Book 163, Page 470, Deed Records of Yamhill County, Oregon; thence South 89° 57' West along the South line of said Renkert tract 842.3 feet to an iron pipe at the Southwest corner of said Renkert tract; thence South 00° 48' East parallel with the division line of said Claim (at 237.4 feet intersect iron pipe set in former survey) 976.7 feet to set iron pipe; thence North 89° 57' East 842.3 feet to an iron pipe on division line of said Claim; thence South 00° 48' East along said division line of said Claim 264.4 feet to an iron pipe set in former survey on the North line of County Road; thence North 89° 45' East along the north line of County Road 660 feet to an iron pipe; thence South 86° 45' 44" East 222.64 feet to an iron rod; thence North 47° 40' 50" East 205.56 feet to an iron rod; thence North 56° 45' 23" East 94.24 feet to an iron rod; thence North 61° 46' 02" East 172.52 feet to an iron rod; thence North 39° 15' 47" East 198.13 feet to an iron rod; thence North 31° 06' 31" East 117.95 feet to an iron rod; thence North 23° 50' 55" East 95.32 feet to an iron rod; thence North 44° 22' 12" East 66.27 feet to an iron rod; thence North 53° 26' 25" East 107.39 feet to an iron rod; thence North 06° 59' 26" East 76.21 feet to an iron rod; thence North 08° 39' 46" East 48.42 feet to an iron rod; thence North 43° 01' 51" East 29.34 feet to an iron rod; thence North 86° 28' 43" East 139.22 feet to an iron rod; thence North 88° 21' 13" East 138.74 feet to an iron rod; thence North 85° 27' 49" East 37.46 feet to an iron rod; thence North 73° 38' 58" East 59.45 feet to an iron rod; thence North 32° 34' 28" East 29.39 feet to an iron rod; thence North 27° 59' 05" East 50.25 feet to an iron rod; thence North 01° 54' 25" East 191.24 feet to an iron rod; thence (along the South line of that tract of land described in deed from WHEELER to YAMHILL COUNTY and recorded in Film Volume 102, Page 921, Yamhill County Deed Records), South 81° 15' 50" East 16.62 feet to an iron rod, which point is North 00° 39' West 1328.00 feet from the Southeast corner of said Section 28; thence North 00° 40' 02" West 432.44 feet, more or less, to a one inch pipe (CS 2968) which is South 00° 33' 27" East 855.56 feet from the Quarter corner of said Section 28; thence South 87° 58' West (at 20.0 feet set iron pipe in road line) 1361.3 feet to an iron pipe; thence South 83.1 feet to an iron pipe; thence North 89° 08' West 322.7 feet to an iron pipe; thence North 00° 54' East 615 feet to an iron pipe; thence North 55° 55' East 600 feet; thence North 1° 14' West 196.5 feet to an iron pipe on the North line of said Hash Claim; thence South 89° 40' West along North line of Hash Claim 950.6 feet to the PLACE OF BEGINNING, also being County Survey No. 2968, recorded in Book "I", Page 216, in County Survey Records. EXCEPTING THEREFROM that portion described in deed to Yamhill County recorded January 30, 1975 in Film Volume 0104, Page 0281, Yamhill County Deed Records.

Received Received
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YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

DATE: February 13, 2024

DOCKET NO.: FP-04-23

REQUEST: A floodplain development permit for development within the 100-year FEMA floodplain. The development includes placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil.

APPLICANT: Chris Nash

TAX LOTS: 3228-2600

LOCATION: 29600 NE Raintree Ln, Newberg

ZONE: EF-80, the Exclusive Farm use District.

CRITERIA: Sections 402 and 901 of the *Yamhill County Zoning Ordinance*

COMMENTS: *Public Works:* No response to date.
Department of Land Conservation and Development: "No response to date."
Tualatin Valley Fire & Rescue: No response to date.
Department of State Lands: No response to date.
Department of Fish & Wildlife: No response to date.
Department of Land Conservation and Development: No response to date.
Water Master: No response to date.
Department of Environmental Quality: No response to date.
Soil & Water Conservation District (SWCD): See letter dated January 10, 2024.

FINDINGS:

A. Background Facts

1. *Lot Size:* 91.75 acres.
2. *Access:* Raintree Lane, a private road located entirely on the applicant's property.
3. *On-site Land Use:* The parcel is zoned EF-80 Exclusive Farm District. The property contains a number of barns and manufactured dwellings bordering the access loop provided by Raintree Lane. The property is uneven topography and has a significant amount of floodplain and riparian/drainage areas associated with Spring Brook.

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YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

5. *Surrounding Land Use and Zoning:* The property to the north, northwest and northeast is zoned EF-40 Exclusive Farm. Property to the south is zoned EF-80 Exclusive Farm District. The majority of the surrounding area contains agricultural uses and some rural residences. The farm uses include orchards, vineyards, grain crops and livestock.
6. *Water:* Not applicable.
7. *Sewage Disposal:* Not Applicable.
8. *Fire Protection:* Tualatin Valley Fire & Rescue.
9. *Overlay Districts:* Portions of the project area are located within the 100-year floodplain overlay district, pursuant to Flood Insurance Rate Map (FIRM) No.'s 41071C239D, 41071C241D and 41071C245D. The Department of State Lands has noted that Spring Brook (within this Tax Lot) is designated Essential Salmonid Habitat.

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B. Floodplain Development Provisions and Analysis

1. Section 901.05 of the *Yamhill County Zoning Ordinance (YCZO)* states that a floodplain development permit shall be obtained before the start of any construction or development within the Floodplain Overlay District. The development includes placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil. The work in the floodplain includes restoration of a road replacement through the reservoir/floodplain that the applicant claims took place in approximately 2000. This road replacement had failing culverts which restricts the flow of water between the two sides of the reservoir.

DEVELOPMENT: *For purposes of Section 901, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.*

Section 901.06 of the YCZO states that prior to issuance of a floodplain development permit, the applicant must demonstrate that:

- A. *The proposed development conforms with the permit requirements and conditions of this section and the use provisions, standards and limitations of the underlying zoning district and other overlay district.*

Regarding criterion (A), the development complies with the provisions of the underlying zoning district and is not located within any other overlay district. Section 402.02(A) allows farm uses which is further defined in Section 402.10(C) which includes "Water impoundments lying in or adjacent to and in common ownership with farm use land." This criterion is satisfied.

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YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion and accretion patterns.

Regarding criterion (E), the applicant states that non-structural solutions for erosion control for the repair of the roadway, will occur in the summer months when the reservoir level has dropped, and work can occur above the water level on dry ground. The applicant states that work areas will be replanted with native grasses and straw coverage will be used to protect from erosion following excavation. It is the applicant's intent to continue working with ODFW for proper habitat restoration for migrating fish in Spring Brook. Work will include planting of native species and reduction of invasive species within the riparian area. A condition of approval will include any required permitting with the ODFW.

CONCLUSIONS FOR APPROVAL:

The request is for a floodplain development permit for the placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil.

2. With conditions, the proposed development complies with the approval criteria and standards in Sections 402 and 901 of the *Yamhill County Zoning Ordinance*.

DECISION:

Based upon the above findings, analysis, and conclusions, the request by Chris Nash for a floodplain development permit for placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil within the Floodplain Overlay District, is approved with the following conditions:

1. The location of the proposed development shall substantially conform to the site plan submitted with the application.
2. Prior to development activities within the Floodplain Overlay District, all necessary permits shall be obtained from the Department of State Lands, U.S. Army Corps of Engineers, Department of Environmental Quality, Department of Water Resources and Department of Fish and Wildlife.
3. Prior to construction, any required building and plumbing permits shall be obtained from the Yamhill County Planning Department.
4. The applicant shall submit to the Yamhill County Planning Department certification, prepared by a registered professional engineer, that the development will not increase the water surface elevation of the base flood more than one (1) foot at any point. The certification shall have the original engineer's stamp on the document which shall include a map, drawn to scale showing the locations of the development as defined in Section 200 of the Yamhill County Zoning Ordinance.

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YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

2. B. *The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.*

Regarding criterion (B), there is no identified and mapped floodway associated with this area. The proposed development complies with criterion 901.06(B).

3. C. *The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.*

Regarding criterion (C), this application includes placement of a storage tank, culvert extension and the removal of approximately 10-cubic yards of soil. The applicant will need to submit certification from an engineer that demonstrates the development will not increase the water surface elevation of the base flood more than one foot at any point.

4. D. *All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.*

Regarding criterion (D), the application states that the applicant has been working with the Oregon Department of Fish and Wildlife and the Oregon Water Resources Department. As a condition of approval, the applicant shall be required to obtain any required permits from the Department of State Lands, the Army Corps of Engineers, and the Department of Water Resources. With conditions the request complies with criterion 901.06(D).

5. E. *The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471.*

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These policies are:

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- j. *It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use application for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (National Resource Conservation Plan, Yamhill County, Oregon, May 1979 - USDA - Soil Conservation Service, that are not regulated under the Forest Practices Act.*

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- k. *It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including rip-rap and fill, should be reviewed by the appropriate state permitting authority to insure*

The *Yamhill County Zoning Ordinance* provides for appeal of any action or ruling of the Planning Director to the Board of Commissioners within fifteen (15) days of the decision on a proposed action. Anyone wishing to appeal the Director's decision must file an appeal form, together with a \$270.00 fee, with this Department no later than **5:00 p.m., March 7, 2024**. If no appeal is filed, the Director's decision will be final, and this letter will serve as your official notice of decision.

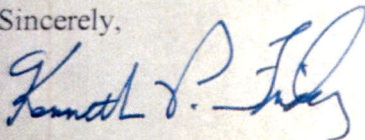
Please be aware that for the purposes of the flood hazard zone the definition of "development" is as follows:

DEVELOPMENT: *For purposes of Section 901, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.*

As you can see this definition is very extensive. If you believe the property's flood hazard zone is incorrectly mapped you can apply with FEMA for a "Letter of Map Amendment" to see if it can be removed from the flood zone.

If you have any questions, please do not hesitate to contact me at 503-434-7516.

Sincerely,



Kenneth P. Friday
Planning Director

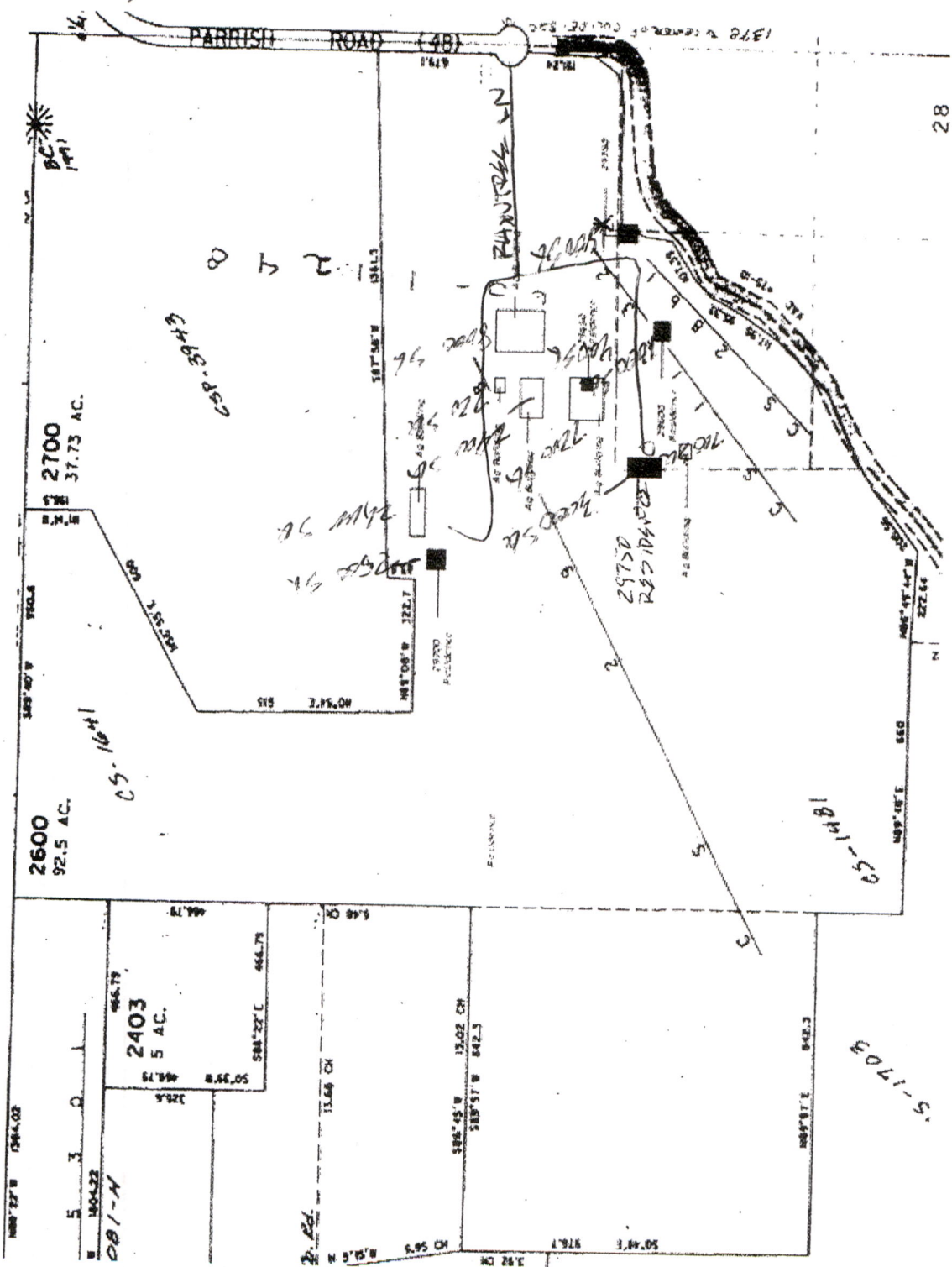
cc: Board of Commissioners
DSL
ODFW
OWRD
DLCD

Edward K. Christensen, PE, 25260 SW Parkway Dr., Suite G, Wilsonville, OR 97070
SPO's

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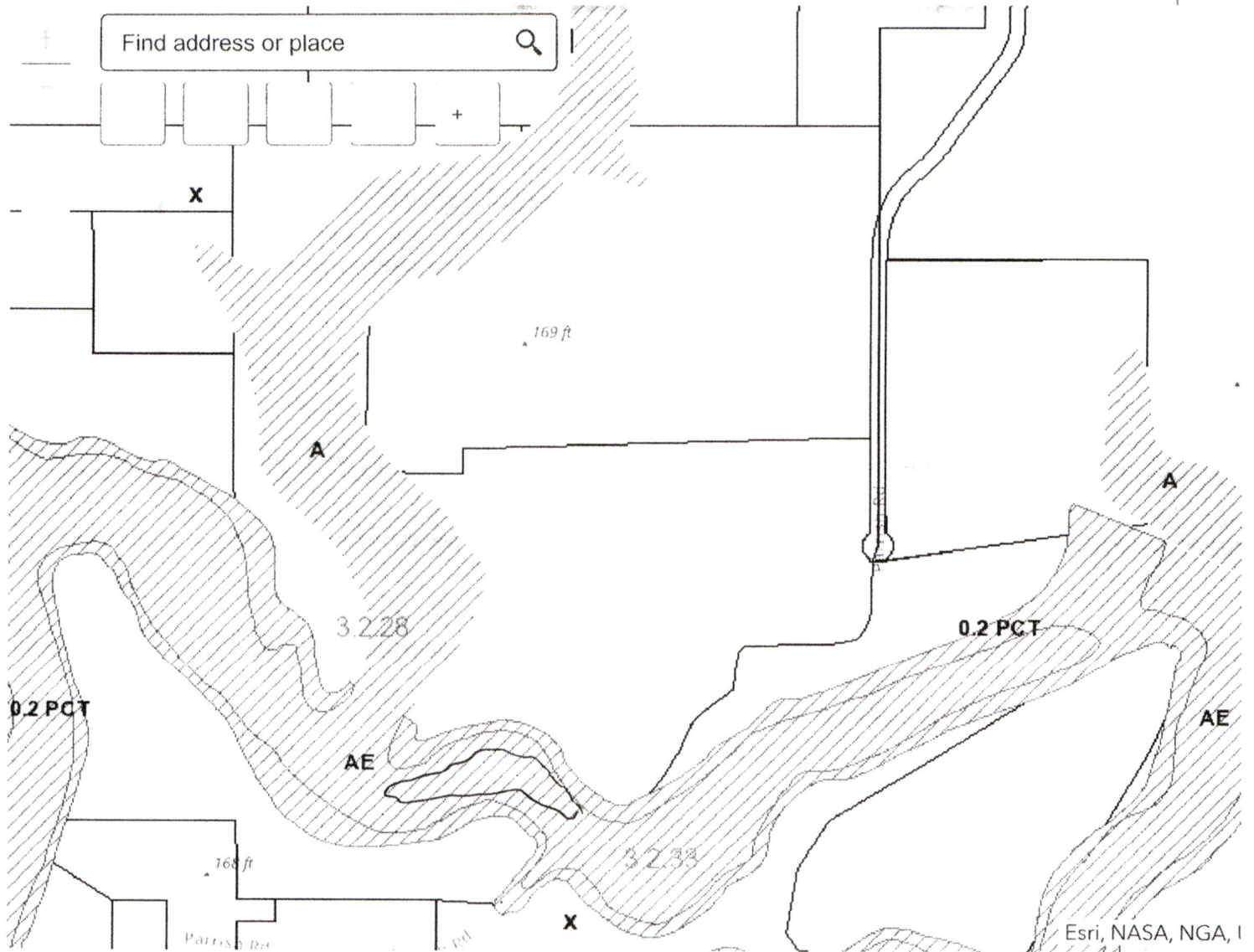
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600ft

WORKSHEET for : Chris Nash

Location: SE 1/4 Section 28, T. 3 S., R. 2 W., WM.,
in the John V. Nash D.L.C. No. 58,
Yonhill County, OR

Text: 3278 - 2800

Date: 23 September, 2024

By: Leland MacDonald & Assoc., LLC
Fremont, dba Matt Dunckel & Assoc.
3845 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

Scale: 1" = 200'

Legend

- ⊠ = Set 5/8" iron rod with yellow plastic cap marked "MATT DUNCKEL & ASSOC."
- = measurement found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- = 5/8" iron rod with yellow plastic cap marked "MATT DUNCKEL & ASSOC." set in CS-11332
- (---#1) = data of record CS-2881
- (---#2) = data of record CS-2968
- = Section Line

Line Table

LINE	DIRECTION	DISTANCE
L1	S 27° 59' 03" W	50.25'
L2	S 32° 34' 28" W	29.39'
L3	S 73° 38' 58" W	59.45'
L4	S 85° 27' 49" W	32.46'
L5	N 88° 21' 13" W	138.74'
L6	S 86° 28' 43" W	139.23'
L7	S 69° 35' 46" W	48.22'
L8	S 66° 59' 20" W	76.21'
L9	S 83° 26' 25" W	102.39'
L10	S 44° 22' 12" W	66.22'
L11	S 23° 50' 55" W	95.32'
L12	S 31° 06' 31" W	117.95'
L13	S 61° 46' 02" W	172.52'
L14	S 56° 45' 23" W	94.24'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2024

Received
SEP 27 2024

Received
OCT 21 2024

CENTER OF RESERVOIR 90
OR (28) S.E.

1610.5'





THIS MAP SHOWS THE RESERVOIR
OUTLINED IN PEN, LOW CENTER OF
MAP.

CENTER OF RESERVOIR IS LOCATED
630' SOUTH NWSE/NESE LINE,
AND CENTERED ON THE SWSE/SESE
LINE OF 3S 2W 28.

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OCT 27 2024
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WORKSHEET for :

Chris Nash

Location: SE 1/4 Section 28, T. 3 S., R. 2 W., WM.,
in the John J. Nash D.L.C. No. 58,
Yamhill County, OR

Tax Lot: 3229 - 2600

Date: 23 September, 2024

By: Roland MacDonald & Assoc., LLC
Professy, dba Matt Dunczel & Assoc.,
3885 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

Scale: 1" = 200'

Legend

- = Set 5/8" iron rod with yellow plastic cap marked "MATT DUNCZEL & ASSOC."
- = monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
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Line Table

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L13	S 61°46'02" W	172.52'
L14	S 58°45'23" W	94.24'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53286

Renews 31 December 2024

Willamette Farms

Vacated 3 Jan, 1975
Vacation Order No. 77-10

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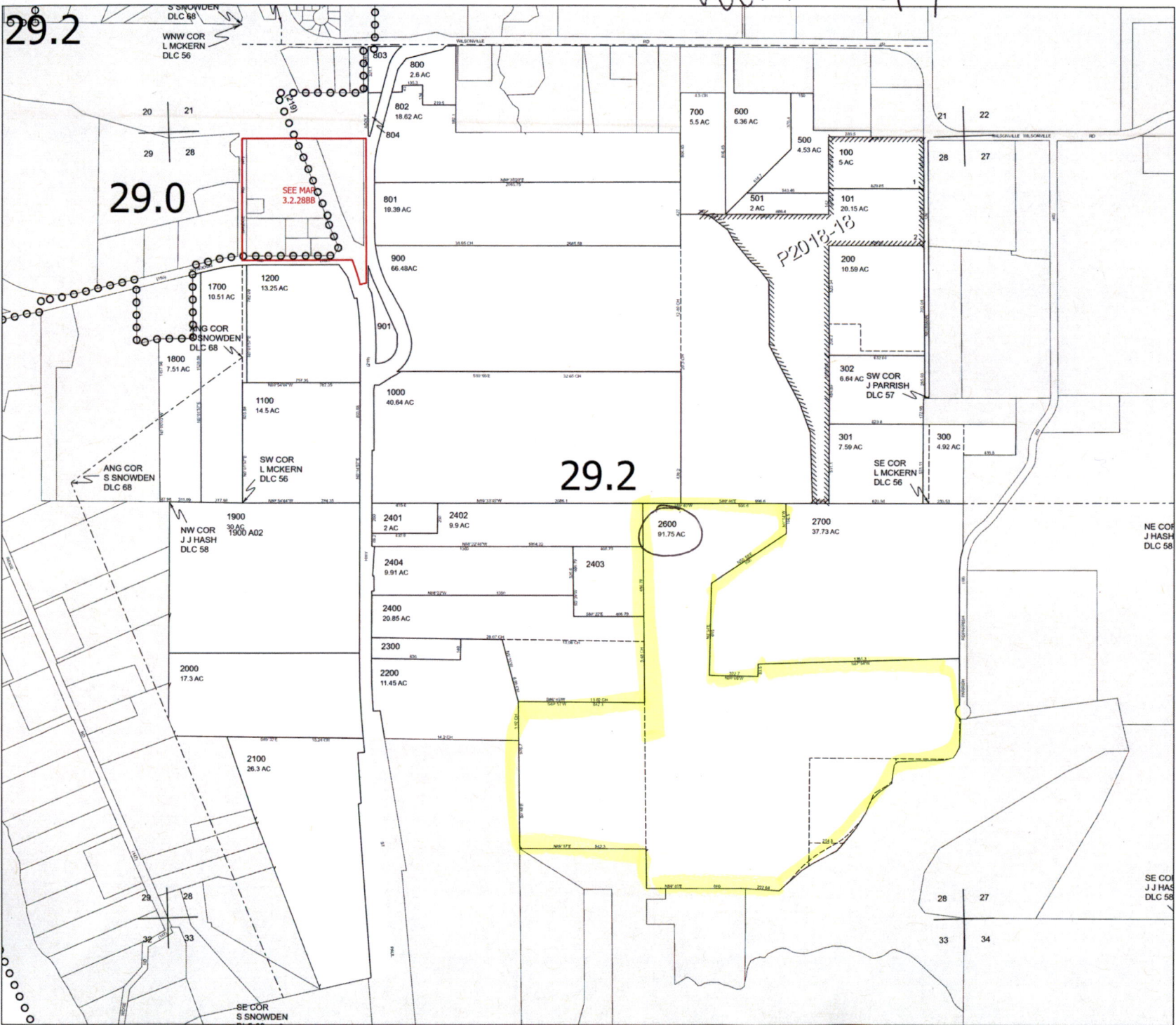
3.2.28



ASSESSMENT & TAX
CARTOGRAPHY
SEC. 28 T.3 S. R.2 W. W.M.
1"=400'

- Taxlot Boundary
- - - Historical Boundary
- /// Subdivision/Plat Boundary
- - - DLC Line
- TaxCode Boundary
- Taxlot Boundary

- CANCELLED TAXLOTS
- 2500
 - 1600
 - 1501
 - 1500
 - 1401
 - 1400
 - 1300
 - 400
 - 1900 A01
 - 1900 A03



MAP DATE: 3/22/2023

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

3.2.28