



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): 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

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: AtTheJoy, LLC Andy Lytle, Member
First Last
 Mailing Address: 1213 38th Avenue E
Seattle Washington 98112
City State Zip
 Phone: _____ 503.705.4884 _____
Home Work Other
 Fax: _____ E-Mail Address*: andy@atthejoy.com

* 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.)

2. AGENT INFORMATION

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

Agent: Jeanne Boatwright
First Last
 Mailing Address: Boatwright Engineering, Inc 2613 12th Street SE
Salem Oregon 97302
City State Zip
 Phone: _____ 503.363.9225 _____
Home Work Other
 Fax: _____ E-Mail Address*: jeanne@boatwrightengr.com

* 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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Windfall Reservoir

B. Source: 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, or an unnamed stream or spring.

Source: Unnamed Ditch Tributary to: Ash Swale

C. County in which diversion occurs: Polk

App. No. <u>R-68815</u>	For Department Use	Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
6S	4W	22	NW-SW	6.4.22 400

E. **Dam:** Maximum height of dam: 9.9 feet. If excavated, write "zero feet".

F. **Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 27 Acre-feet = $\frac{\text{Average Length}(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **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: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

(A secondary application will be filed for irrigation and/or agriculture use once storage permit is issued)

5. PROPERTY OWNERSHIP

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Please provide a copy of the recorded deed(s).

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:

See Attachment

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
 - B. **Wetland:** Is the project in a wetland? Yes No Don't know
 - C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
 - D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
 - E. **Partnerships:** 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.

Oregon Department of State Lands: Wetland Delineation
Christine Stevenson, Jurisdictional Coordinator, 503.986.5246
Zion Natural Resources Consulting: Private Consultant; Prepare Wetland Delineation for Property owner.
Eric Henning 503.881.4171
Polk County Planning: Conditional Use Permit to show avoidance of impact to existing on-site wetlands.
Sidney Mulder, Planning Supervisor, 503.623.9237

7. WITHIN A DISTRICT

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

8. DESCRIPTION

Provide a 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.

The reservoir will be filled with a small amount of direct surface runoff from the small upland farmed area (approximately 1.77 acres) adjoining the east end of the reservoir. The majority of the storage water will be diverted from the adjacent ditch to the north of the reservoir during the period authorized by the permit. All measures required by ODFW for the diversion, including screening, will be implemented.

Live flow will not be present outside of the authorized storage season since this structure is off-channel. Live flow will be maintained in the ditch by removing, or ceasing to operate, the intake.

6. Environmental Impact
D. Fish Habitat

The reservoir structure is off-channel, so there is no fish habitat in the farm field directly up-gradient from the reservoir pool.

The drainage ditch along the northern study area boundary is an unnamed tributary to Ash Swale to the west. This tributary is not shown as essential salmonid habitat according to the Department of State Lands, Essential Salmonid Habitat Map (2010-2015).

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If the diversion involves a dam, use this space 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).

See Attached Dam Plans

9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.



Applicant Signature

2.20.2020

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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

APPLICANT: AtTheJoy, LLC Andy Lytle, Member

APPLICATION ITEM 5:
Other Property Owners

*Donald Scott Powell, Trustee
Powell Family Living Trust dated March 22, 2004
6750 Bethel Road
Rickreall, Oregon 97371*

*Mark W. Olson, Trustee
Mark W. Olson Family Trust dated August 17, 2004
8750 Oak Grove Road
Rickreall, Oregon 97371*

*Philip R. & Gretchen Olson, Co-Trustees
Olson Living Trust dated March 28, 2007
23725 SE Old Bethel Road
Amity, Oregon 97101*

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: AtTheJoy, LLC; Andy Lytle

1213 38th Avenue E, Seattle, WA 98112; 503-705-4884; andy@atthejoy.com_

Reservoir Name: _Windfall Reservoir_ Source: Run-off; Unnamed Ditch Volume (AF): 27

Twp Rng Sec QQ: _T6S R4W S21&22_ Basin Name: Ash Swale/Salt Creek/South Yamhill River
 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

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District 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 **June through October** 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 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.

Fish present at the location of the proposed use or otherwise impacted by the proposed use include Winter Steelhead (ESA Threatened Species) and Coastal Cutthroat Trout (State Sensitive Species). There is an instream water right

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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in the South Yamhill River (C59484) for supporting aquatic life that could be impacted by the proposed use. Based on parameters assessed by ODFW, biologically necessary flows are not available June-October to support fishery resources. There is an approved TMDL for phosphorous for Salt Creek. Salt Creek is also water quality limited for a number of parameters including temperature, bacteria, dissolved oxygen, chlorophyll and manganese but TMDLs are still needed. Therefore, the proposed use **will impair** the identified biologically necessary flows and water quality for fish wholly or partially and pose a significant detrimental impact to an existing fishery resource locally and downstream.

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)

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish and/or the proposed use will otherwise impact habitat or ecological functions important to fish. The proposed use may diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish and/or their habitat without appropriate mitigation. If the applicant chooses to pursue water use when biologically necessary flows are not met June-October, ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined below, and other recommended conditions, to compensate for any potential impact from the proposed use. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation reach and **legally protected and maintained** for the life of the permit and subsequent certificate.

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ODFW's Recommended Conditions:

- 1) **Screen:** The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.
- 2) **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 the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to development of the point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained, and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the point of diversion.
- 3) **In-Water Work:** To protect beneficial uses, the Oregon Department of Fish and Wildlife (ODFW) recommends any in-water work related to development of the proposed use be conducted during July 15 – September 30 unless an alternate time period is approved by ODFW.
- 4) **Pond construction:** Permittee must construct the pond off channel.
- 5) **Pond releases:** Permittee shall not release polluted off-channel stored water into waters of the state unless

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under emergency situations. Permittee shall treat released water to comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.

- 6) **Water Quality and Prohibited Activities:** The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards. Permittee may not cause pollution of any waters of the state, or 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, per ORS 468B.025(1). If the Department of Environmental Quality determines that pollution of waters of the state is occurring, DEQ shall notify OWRD of the violation and the water right may be restricted if the permittee fails to implement corrective actions as directed by the Department of Environmental Quality.
- 7) **Agricultural Water Quality Management Area Rules:** Permittee must comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.
- 8) The applicant shall contact DEQ (541-686-7930) to determine if a 1200 C permit is required for construction.
- 9) The applicant will need to contact the Oregon Department of State Lands and U.S. Army Corps of Engineers for confirmation that Removal/Fill regulatory requirements are met for new impoundments.

ODFW's Recommended Mitigation Obligation:

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other recommended conditions. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

Reservoir Uses

If the applicant chooses to pursue water use when biologically necessary flows are not met, ODFW recommends the applicant provide water-for-water mitigation that is available within the mitigation reach and **legally protected and maintained as an instream water right** for the life of the permit and subsequent certificate, as outlined below.

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- A) Water Quantity: 27 AF (AF; equals amount requested)
- B) Months (when biologically-necessary flows are not met during the period of impact): June-October.
- C) Location of Mitigation:
 - within the watershed **at or above** the point of diversion
 - at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
 - within the watershed of the impacted population(s)
 - benefitting the impacted population(s) and/or higher priority species: list species here

ODFW Signature: JB

Print Name: Jason Brandt _____

ODFW Title: SW Hydro Coordinator Date: 2/19/20

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

Revised 10/4/12

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant(s): **AtTheJoy, LLC**

Mailing Address: **1213 38th Avenue E**

City: **Seattle** State: **Washington** Zip Code: **98112** Daytime Phone: **503.705.4884**

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:
6S	4W	22	NW-NW	6.4.22 400	FF/FFO	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	SW-NW	6.4.22 400	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
						<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:

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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) **Unnamed Ditch, Tributary of Ash Swale**

Estimated quantity of water needed: **27** 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 _____

Briefly describe:

Off-channel reservoir. Material from excavated sump will be used to create a 9.8' dam. Stored water will be used for irrigation and agricultural use for wine grapes.

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. →

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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 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:	
Conditional Use Permit	PCZO 136.040(DD)	<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
		<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.

Conditional Use Permit, CU 19-04, has been obtained (see attached).

Name: Eve Adman Title: Assoc. Planner

Signature:  Phone: 503.623.9237 Date: 2/24/2020

Government Entity: **Polk 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: _____

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POLK COUNTY

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
(503) 623-9237 * FAX (503) 623-6009

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

NOTICE OF LAND USE APPLICATION AND DECISION

APPLICATION FOR:	The applicant is proposing to construct an off-channel reservoir to store water runoff from two streams that are located on the subject property. The proposed reservoir would have a maximum capacity of storing up to 31.9 acre-feet of water and would be used for agricultural purposes, such as to irrigate farmland. The subject property contains approximately 99.4 acres and is located within the Farm Forest Overlay (FFO) Zoning District.
APPLICANT:	Mark W. Olson
OWNER:	Powell Family Trust
LOCATION:	6750 Bethel Road, Rickreall, OR 97371 (T6S, R4W, Section 22, Tax Lots 300, 200, and 400).
FILE NUMBER:	CU 19-04
REVIEW AND DECISION CRITERIA:	Polk County Zoning Ordinance (PCZO) Sections 119.070, 138.060(DD), 138.100(A-C), 138.110 and 138.120.
STAFF CONTACT:	Justin Peterson Phone: (503) 623-9237; Email: peterson.justin@co.polk.or.us

DECISION

Based on the Review and Decision Criteria above, the application is **approved** to construct a reservoir within the Farm Forest Overlay zone. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. This approval is to construct a reservoir capable of storing up to 31.9 acre-feet of water on an approximately 99.2 acre parcel within the Farm Forest Overlay (FFO) zone. The reservoir shall be located substantially in the area depicted in the applicant's plot plan (Attachment A-1).
2. The reservoir shall comply with the setback standards of the FFO Zoning District found in PCZO 112.430(B), as follows: front yard 30 feet, rear yard 20 feet, and side yards 20 feet.
3. Fuel breaks surrounding the reservoir shall be constructed and maintained on the subject property in compliance with OAR 660-006-0035(3) and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by ODF, Section B "Fuel Break Standards" (Attachment B).
4. All State and Federal permits must be obtained and approved prior to construction of the reservoir described in this application. Agencies that require further permits may include, but are not limited to, the Oregon Water Resources Department, Oregon Department of Forestry, Oregon Department of Fish and Wildlife, and Oregon Department of State Lands.

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5. If any drainage tiles are excavated while constructing the reservoir, the applicant shall disconnect or divert the drainage tiles if they connect to any adjacent farm operation.
6. The applicant shall apply and store all fertilizers, or any other potentially hazardous chemicals, in accordance with the Environmental Protection Agency (EPA) requirements.
7. Prior to development activity within a significant wetland setback area on the subject property, the property owner shall coordinate a management plan with the Oregon Division of State Lands (DSL) and the Oregon Department of Fish and Wildlife (ODFW) if the activity is identified in Polk County Zoning Ordinance (PCZO) Sections 182.070(A) and (C) as a conflicting use. If a management plan is required, the applicant shall submit the management plan coordinated with DSL, ODFW, and other appropriate State and Federal agencies to the Polk County Planning Division prior to issuance of permits for the development activity pursuant to PCZO 182.040 and 182.050. Structural development shall be prohibited within the riparian and wetland setback area. Within the setback area, all trees and at least 50 percent of the understory shall be retained, excluding the exceptions authorized pursuant to PCZO Section 182.050(B)(1)(a-e). The riparian setback area shall be measured from the banktop perpendicular to the stream and shall average three times the stream width and shall be a minimum of 25 feet but not more than 100 feet. The applicant is responsible for obtaining all necessary State and Federal permits prior to any development within the wetland setback area.
8. The property owner shall sign and record with the Polk County Clerk a non-remonstrance deed restriction (Attachment C), recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, pursuant to PCZO 138.100(C). In addition, the deed restriction shall bind the landowners and landowner's successors in interest from pursuing a claim for relief or cause of action injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937, pursuant to PCZO 138.140. Prior to beginning construction of the reservoir, the property owners shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in file CU 19-04. The property owner shall pay the applicable recording fee.
9. Pursuant to PCZO 119.140, the Hearings Officer, Planning Director, or Board of Commissioners may rescind any conditional use permit granted under the conditional use ordinance if it is ascertained that the application contains any false statements. In case of such rescission, the matter may be referred to County Counsel for an opinion. In such case, it shall be unlawful for any person to exercise any right granted by the Hearings Officer, Planning Director, or the Board of Commissioners pursuant to such application.
10. Pursuant to PCZO 119.100, discontinuance of the exercise of any right heretofore or hereafter authorized for any conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use.

EFFECTIVE DATE: April 15, 2019 at 5:00 p.m. This application and approval must be exercised within one (1) year from its effective date or it shall be null and void. If additional time is required, the applicant shall file a written request for extension, with the appropriate fee, addressed to the Polk County Planning Director, at least thirty (30) days prior to the expiration.



Austin M^cGuigan, Planning Director

4/3/19

Date

Decisions of the Polk County Planning Director may be appealed to the Polk County Board of Commissioners by any person whose interests are adversely affected or who is aggrieved by the decision. Such appeals must be filed within 12 days of the mailing of the decision, with the Polk County Community Development Department, Courthouse, Dallas, Oregon, on the form supplied by

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**Polk County Community Development Department
Planning Division Staff Report**

APPLICATION FOR: The applicant is proposing to construct an off-channel reservoir to store water runoff from two streams that are located on the subject property. The proposed reservoir would have a maximum capacity of storing up to 31.9 acre-feet of water and would be used for agricultural purposes, such as to irrigate farmland. The subject property contains approximately 99.4 acres and is located within the Farm Forest Overlay (FFO) Zoning District.

APPLICANT: Mark W. Olson

OWNER: Powell Family Trust

LOCATION: 6750 Bethel Road, Rickreall, OR 97371 (T6S, R4W, Section 22, Tax Lots 300, 200, and 400).

FILE NUMBER: CU 19-04

REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance (PCZO) Sections 119.070, 138.060(DD), 138.100(A-C), 138.110 and 138.120.

STAFF CONTACT: Justin Peterson Phone: (503) 623-9237; Email: peterson.justin@co.polk.or.us

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST: The applicant is proposing to construct an off-channel reservoir to store water runoff from two streams that are located on the subject property. The proposed reservoir would have a maximum capacity of storing up to 31.9 acre-feet of water and would be used for agricultural purposes, such as to irrigate farmland. The subject property contains approximately 99.4 acres and is located within the Farm Forest Overlay (FFO) Zoning District. This conditional use application is being reviewed as a "reservoir and water impoundments", which requires a conditional use permit pursuant to PCZO 138.060(DD).

The application was submitted on January 22, 2019 and deemed complete on February 6, 2019.

PROPERTY DESCRIPTION:

Parcel Size: Approximately 99.2 acres

Location	Comprehensive Plan Designation	Zoning Designation
Subject Property	Farm/Forest	Farm Forest Overlay (FFO)
Property North	Farm/Forest	Farm Forest Overlay (FFO)
Property East	Farm/Forest	Farm/Forest (F/F)
Property South	Farm/Forest and Agriculture	Farm/Forest (F/F) and Exclusive Farm Use (EFU)
Property West	Agriculture	Exclusive Farm Use (EFU)

PROPERTY DESCRIPTION: The subject property is located at 6750 Bethel Road, Rickreall, Oregon (T6S, R4W, Section 22, Tax Lots 300, 200, and 400). The subject property contains approximately 99.4 acres and is part of a larger tract containing approximately 217.0 acres. Based on a review of the Polk County Assessor's records, the subject property contains one (1) dwelling that was lawfully established in 1915, prior to zoning regulations. The location of the proposed reservoir is shown on the applicant's plot plans provided as Attachments A-1 and A-2. Attachment

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that department and the appropriate fee paid at the time of filing. Failure of an issue to be raised in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III, below. This decision becomes effective only if a written appeal is not filed within the appeal period. If an appeal is filed, this decision is stayed until a determination is made by the governing body.

The decision granted herein does not vest (guarantee) the right of the property owner to use the property as authorized in this land use decision. The property owner is responsible for completing required conditions and establishing and continuing the use in order to retain a vested right. The property owner is advised to consult with an attorney to determine the appropriate actions necessary to obtain and retain rights of use authorized by this decision. A copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department for the cost of copying.

Polk County Community Development, Polk County Courthouse, 850 Main Street, Dallas, OR 97338; (503) 623-9237

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this Notice of Decision, it must promptly be forwarded to the purchaser.

cc: Area Property Owners

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A-3 is a map created by staff intended to depict the subject property's location and surrounding area.

The subject property, was lawfully created pursuant to Polk County Subdivision Ordinance (PCSO) 91.950(1)(a), as evidenced by a warranty deed recorded in Polk County Deed Volume 141, Page 598, dated July 24, 1940. The subject property was subsequently reconfigured by a series of two property line adjustments, planning files LLA 13-24 and LLA 13-27, which were exercised by two quit claim deeds recorded in Polk County Clerk Documents 2014-006808 and 2014-006809, both of which were recorded on August 19, 2014. The subject property has not been conveyed since exercising the most recent property line adjustments, which brought the subject property to its current configuration.

According to the National Wetlands Inventory (NWI) Map, Amity Quadrangle, an unnamed creek is located on the southern portion of the subject property, which is inventoried as a freshwater/forested shrub wetland. The unnamed creek is inventoried as fish bearing according to the Polk County Significant Resource Areas (SRA) map. The reservoir is proposed to be located approximately 50 feet south of the nearest inventoried wetland. The Oregon Department of State Lands (DSL) provided comments indicating that an onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approval maps would have a DSL stamp with an approval date and expiration date.

Significant wetlands identified on the NWI maps require a management plan coordinated with DSL and the Oregon Department of Fish and Wildlife (ODFW) for any activity that is identified in Polk County Zoning Ordinance (PCZO) Sections 182.070(A) and (C) to be a conflicting use. If a management plan is required, the applicant shall submit a management plan coordinated with DSL, ODFW and any other appropriate State and Federal managing agencies to the Polk County Planning Division for development activity in the wetland area prior to issuance of permits for the development activity pursuant to PCZO 182.040 and 182.050. Structural development shall be prohibited within the riparian setback area. Within the riparian setback area, all trees and at least 50 percent of the understory shall be retained, excluding the exceptions authorized pursuant to PCZO Section 182.050(B)(1)(a-e). The riparian setback area shall be measured from the banktop perpendicular to the stream and shall average three times the stream width and shall be a minimum of 25 feet, but not more than 100 feet. The applicant states that the seasonal stream is approximately 10 feet wide, which would result in a 30 foot riparian management area. The applicant states that the proposed reservoir would not disturb any vegetation within the setback area. Based on the applicant's plot plan the proposed reservoir is approximately 50 feet from the seasonal stream. Therefore, staff finds that the proposed reservoir would meet the riparian setback standard.

Based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), panel number 41053C0125F, dated December 19, 2006, the subject property is not located within the regulated 100-year floodplain. The subject property is not located within the Willamette River Greenway and does not contain any inventoried historic sites.

Access: The subject property has frontage along Bethel Road and Zena Road and has an existing access to Bethel Road via an existing driveway. Bethel Road is a local road and Zena Road is a major collector as defined in the Polk County Transportation Plan, Figure 3.

Services: An individual on-site sewage disposal (septic) system is located on the subject property. The subject property is located within an area served by the Perrydale water utility district. The proposed reservoir is not a use or structure that requires potable water or on-site sewage disposal.

School: Amity School District 45J.

Fire: Amity Rural Fire Protection District.

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Police: Polk County Sheriff.

II. COMMENTS

Environmental Health: No septic files for Tax Lots 200 and 400 were found. The residence located on Tax 300 has 300 feet of septic drainfield with a 1000 gallon septic tank that was finished on September 27, 1991. Stay 100 feet away from any surface water (reservoir, creek, etc.) from the drainfield and 50 feet from the septic tank.

Department of State Lands (DSL): There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the subject property.

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

It appears that the proposed project may impact wetlands and may require a State permit.

An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approval maps will have a DSL stamp with approval date and expiration date.

Steven and Michelle Burger
(Neighboring property owners):

Comments submitted expressed concerns about the construction, operation, and maintenance of the reservoir. Also, comments noted concerns about the effect on groundwater and surface water hydrology. Comments indicate that there is an existing drainage tile on the subject property that connects to their property and that the drainage tiles could prolong the time that their field is too saturated to access thus impacting their farm operation. To mitigate these concerns, comments request the applicant to disconnect any drainage tiles between the two properties and divert drainage to ditches on the subject property.

In addition, comments indicate concerns that if the reservoir were to fail the water would inundate their crops.

Lastly, comments indicate concerns that the reservoir could impact the quality and quantity of their well water.

No other comments were received as of the writing of this staff report. Full comments are included in the record.

III. REVIEW AND DECISION CRITERIA

This application is for a conditional use to construct a reservoir in the Farm Forest Overlay (FFO) zone. The requirements for the proposed conditional use are found in PCZO Sections 138.060(DD), 138.100(A-C), 138.110, 138.120, 138.140 and 119.070. Staff findings are provided below.

A. Reservoirs and Water Impoundments [OAR 660-006-0025(4)(m)], subject to compliance with Sections 138.100(A), (B), and (C). [PCZO 138.060(DD)]

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1. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. [PCZO 138.100(A)]

Findings: The subject property contains approximately 99.4 acres and is part of a larger tract containing approximately 217.0 acres. The subject property is located within the Farm Forest Overlay (FFO) Zoning District. Based on staff's review of the 2016 Polk County Aerial Photograph, the subject property is primarily managed for field crops. Managing the land for farm use is an outright permitted use within the FFO zone pursuant to Polk County Zoning Ordinance (PCZO) 138.040(A). The applicant states that the reservoir would enhance the agricultural productivity by providing the potential for irrigation. The proposed reservoir would be located in the south-central portion of the subject property, as shown in Attachments A-1 and A-2, and is intended to be used for irrigation, which is an accepted farming practice.

Surrounding area properties are zoned FFO, Farm/Forest (F/F), and Exclusive Farm Use (EFU). The surrounding property zoned FFO is approximately 71.6 acres in size. Surrounding properties zoned EFU range in size from approximately 20.0 acres to 82.6 acres. Surrounding properties zoned F/F range in size from approximately 4.2 to 30.3 acres. Staff's review of the 2016 Polk County Aerial Photograph found that surrounding properties are primarily being managed for field crops and residential purposes. Farming practices on surrounding properties may include: plowing, disking, seeding, fertilizing, harvesting, and livestock grazing.

Neighboring property owners submitted comments indicating that there is an existing drainage tile on the subject property that connects their property, and that removing the drainage tiles could prolong the time that their field is saturated which could limit access, thus impacting their farm operation. To mitigate these concerns the neighbor requests to disconnect or divert any drainage tiles between the two properties. The applicant submitted additional comments indicating that they believe the drainage tile is no longer operational. To ensure that the proposed reservoir would not affect any drainage tiles, staff recommends a condition of approval that if any drainage tiles are excavated while constructing the reservoir, the applicant shall disconnect or divert the drainage tiles if they connect to any adjacent farm operation.

It is possible that neighboring property owners downstream of the proposed reservoir also utilize these streams for irrigation or other types of water rights. However, water resources are regulated by OWRD, which is the State agency that determines whether water rights can be granted or not. Typically, through their permitting process, OWRD imposes conditions such as monitoring and reporting requirements when granting water rights to ensure that senior water rights are not negatively affected by junior water rights. As discussed above, staff recommends a condition of approval that all Local, State, and Federal permits must be obtained prior to constructing the proposed reservoir, including all OWRD permits. Nothing in this land use decision overrides any regulations administered by another government entity.

The proposed reservoir would be south-centrally located on the subject property and is intended to meet irrigation needs, which is an accepted farming practice. Additionally, obtaining permits from OWRD would ensure that neighboring farms are not negatively affected and that senior water rights are not negatively affected by the proposed reservoir. Staff finds that with the above conditions, the proposed reservoir would not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

With the above conditions, the application complies with this criterion.

2. The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; [PCZO 138.100 (B)]

Findings: The proposed off-channel reservoir would capture and store water from the runoff of two streams located on the subject property. The applicant states that this water source would be sited in an open field and would not increase fire risk. Conditions intended to limit wildfire risks are listed below in subsection C. Based on the applicant's statements and the nature of this structure designed

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to store water, staff has not identified an increased risk of loss from wildfire. The application complies with this criterion.

3. **A written statement recorded with the deed or written contract with the county or its equivalent shall be obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. [PCZO 138.100(C)]**

Findings: As required by PCZO 138.100(C), the property owner shall sign and record with the Polk County Clerk a non-remonstrance deed restriction (Attachment C), recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. Prior to beginning construction of the reservoir, the property owners shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in file CU 19-04. The property owner shall pay the applicable recording fee.

With the condition above, the application complies with this criterion.

B. GENERAL SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0029]. The following standards apply to all new dwellings and structures: [PCZO 138.110]

The applicant is not proposing a dwelling or structure intended for occupancy. However pursuant to PCZO 110.555, a reservoir meets the definition of a structure and is subject to some of the standards listed in PCZO 138.110 and OAR 660-06-029 as follows.

1. **All new dwellings and structures authorized under Sections 138.080(B) and 138.090(B)(1) are subject to the siting standards in this Section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a the building site which: [PCZO 138.110(A)]**
 - a. **Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;**
 - b. **Ensures that forest operations and accepted farming practices will not be curtailed or impeded;**
 - c. **Minimizes the amount of forest lands used for the building sites, road access and service corridors; and**
 - d. **Consistent with the provisions of Section 138.120 minimizes the risk associated with wildfire.**
 - e. **Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat. [PCZO 138.110(A)(1-5)]**

Findings: The standards listed above are general standards intended to help determine an appropriate location for approved structures including reservoirs. Adjacent properties are zoned FFO, F/F, and EFU and are primarily managed for agriculture purposes. Based on a review of the 2016 Polk County Aerial Photograph and the 2019 Polk County Assessor's records, there are five (5) dwellings on contiguous properties. Staff used the Polk County Geographic Information System (GIS) measuring tools and determined that the closest farming operation is across Zena Road and approximately 175 feet south of the proposed reservoir location. The second closest farming operation is approximately 225 feet west of the proposed reservoir location. Farming practices on these surrounding properties may include: plowing, disking, seeding, fertilizing, and harvesting, and livestock grazing may occur. Based on the proposed reservoir location, staff finds that there is sufficient distance from surrounding properties and that the location would have the least impact on adjacent lands zoned for forest or agricultural use.

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The proposed reservoir would be located near the south-central portion of the subject property. Staff calculated the average slopes of the proposed reservoir location by generating an elevation profile through Polk County's GIS. Based on those calculations, staff finds that the proposed reservoir would be constructed in a relatively flat area with slopes approximately 1% trending downhill to the west and 1% trending downhill to the north. Slopes on the entire subject property are fairly minimal with some steeper slopes on the northern portion of the property. Therefore, staff finds that the proposed reservoir is located on an area of the subject property with the least slope.

The applicant states that the reservoir will enhance the agricultural productivity by providing the potential for irrigation. Therefore, staff finds the proposed reservoir ensures that forest operations and accepted farming practices would not be curtailed or impeded.

Conditions intended to limit wildfire risks are listed below in subsection C. Based on the applicant's statements and the nature of this structure designed to store water, staff has not identified an increased risk of loss from wildfire due to the proposed location.

According to the National Wetlands Inventory (NWI) Map, Amity Quadrangle, an unnamed creek is located on the southern portion of the subject property, which is inventoried as a freshwater/forested shrub wetland. The unnamed creek is inventoried as fish bearing according to the Polk County Significant Resource Areas (SRA) map. The reservoir is proposed to be located approximately 50 feet south of the nearest inventoried wetland. The Oregon Department of State Lands (DSL) provided comments indicating that an onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approval maps would have a DSL stamp with an approval date and expiration date. Significant wetlands identified on the NWI maps require a management plan coordinated with DSL and the Oregon Department of Fish and Wildlife (ODFW) for any activity that is identified in Polk County Zoning Ordinance (PCZO) Sections 182.070(A) and (C) to be a conflicting use. If a management plan is required, the applicant shall submit a management plan coordinated with DSL, ODFW and any other appropriate State and Federal managing agencies to the Polk County Planning Division for development activity in the wetland area prior to issuance of permits for the development activity pursuant to PCZO 182.040 and 182.050. Structural development shall be prohibited within the riparian setback area. Within the riparian setback area, all trees and at least 50 percent of the understory shall be retained, excluding the exceptions authorized pursuant to PCZO Section 182.050(B)(1)(a-e). The riparian setback area shall be measured from the banktop perpendicular to the stream and shall average three times the stream width and shall be a minimum of 25 feet, but not more than 100 feet. The applicant states that the seasonal stream is approximately 10 feet wide, which would result in a 30 foot riparian management area. The applicant states that the proposed reservoir would not disturb any vegetation within the setback area. Based on the applicant's plot plan the proposed reservoir is approximately 50 feet from the seasonal stream. Therefore, staff finds that the proposed reservoir would meet the riparian setback standard.

The subject property is not located within the SFHA identified on the FEMA Map FIRM panel number 41053C0125F, dated December 19, 2006. The subject property is not located within the Willamette River Greenway and does not contain any inventoried historic sites.

Because this criteria was evaluated based on the location proposed in the applicant's plot plan, staff recommends a condition of approval that the reservoir shall be constructed substantially in the same location evaluated in this application (Attachments A-1 and A-2). Additionally, reservoirs are considered structures and must comply with all setback standards for the zone. Based on the applicant's plot plan and measurement tools accessed through Polk County's GIS, the proposed reservoir location would comply with these setback standards. To ensure compliance, staff recommends a condition that the reservoir shall comply with the setback standards of the FFO Zoning District found in PCZO 112.430(B), as follows: front yard 30 feet, rear yard 20 feet, and side yards 20 feet.

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Based on the applicant's statements, plot plan, a review of the Polk County 2016 Aerial Photograph, and 2019 Polk County Assessor's records staff has not identified any impacts attributable to the location of the proposed reservoir that would curtail or impede surrounding farm and forest operations. Additionally staff finds that the proposed reservoir location would have the least impact on nearby or adjacent lands zoned for forestry or agricultural use and would provide a sufficient buffer from surrounding farm and forestry practices.

With the conditions of approval listed above, the application complies with these criteria.

2. **The applicant shall provide evidence consistent with OAR 660-006-0029(A), that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class F stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. [PCZO 138.110(B)]**
3. **As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. [PCZO 138.110(C)]**
4. **Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements: [PCZO 138.110(D)]**
 - a. **Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules.**
 - b. **The Planning Department shall notify the Polk County Assessor of the above condition at the time the dwelling is approved.**
 - c. **The property owner shall submit a stocking survey report to the Polk County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey or where the survey report indicates that minimum stocking requirements have not been met.**
 - d. **Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372. [PCZO 138.110(B)(1-4)]**

Findings: This application is not seeking approval of a dwelling. Therefore, these criteria listed in PCZO 138.110(B-D) are not applicable to this application.

C. FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-006-0035].
The following standards apply to all new dwellings and structures: [Amended by Ordinance 11-03]
[PCZO 138.120]

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Findings: The applicant is not proposing a dwelling or structure intended for occupancy. However pursuant to PCZO 110.555, a reservoir meets the definition of a structure and is subject to some of the standards in PCZO 138.120 and OAR 660-06-040 as follows.

1. **If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source. [PCZO 138.120(A)]**
2. **Road access to the structure shall meet the County road design standards. [PCZO 138.120(B)]**

Findings: The applicant is not proposing a dwelling or structure designed for occupancy as part of this application. Therefore, these criteria listed in PCZO 138.120(A-B) are not applicable to this application.

The application complies with these criteria.

3. **A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break could include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall also be removed. [PCZO 138.120(C)]**
4. **A secondary fuel break shall also be constructed, on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope. [PCZO 138.120(D)]**
5. **The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry. [OAR 660-006-0035(3)]**

Findings: Pursuant to PCZO 110.555, a reservoir meets the definition of a structure. The applicant is not proposing a dwelling or structure intended for occupancy, however once the reservoir is constructed, electric or gasoline water pumps may be used for irrigation, which could increase the risk of fire hazards. Therefore, staff finds that the fuel break standards shall apply.

The updated fuel break standards of Oregon Administrative Rules (OAR) 660-006-0035(3) are more restrictive than those of PCZO 138.120(C) and (D); therefore, staff must apply the current OAR. As stated by the Oregon Department of Forestry (ODF), the goal within the primary safety zone is to remove fuels that would produce flame lengths in excess of one foot. The secondary fuel break is intended to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced.

According to the provisions of OAR 660-006-0035 and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, published by the ODF (Attachment B), a minimum 30 foot primary safety zone (fuel break) and an additional secondary fuel break of at least 100 feet in all directions around the primary fuel break would be required. A larger fuel break may be required if the structure is located on a slope.

Based on the applicant's plot plan, and measurement tools accessed through Polk County's GIS, the nearest property line to the south would be approximately 175 feet from the proposed reservoir location. Staff calculated the average slopes of the proposed reservoir location by generating an

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elevation profile through Polk County's GIS. Based on those calculations, staff finds that the proposed reservoir would be placed in an area with slopes approximately 1% trending downhill to the west and 1% trending downhill to the north. The minimum 30 foot primary safety zone would be required to be maintained by the property owner. The secondary fuel break would need to total a minimum of 100 feet around the required primary fuel break. The total fuel break required would be 130 feet surrounding the reservoir. Based on the proposed reservoir location on the property, the entire primary and secondary fuel break would be on land owned and controlled by the applicant. Staff finds that the existing farm crops surrounding the proposed reservoir meet the primary and secondary fuel break standards, so long as dead fuels are removed from the fuel break areas.

Staff recommends a condition of approval that the fuel breaks shall be constructed and maintained on the subject property in compliance with OAR 660-006-0035(3) and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry, Section B "Fuel Break Standards" (Attachment B), a minimum 30 foot primary safety zone (fuel break) and an additional secondary fuel break of at least 100 feet in all directions around the primary fuel break would be required.

With this condition, the application could comply with these criteria.

6. **No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney. [PCZO 138.120(E)]**
7. **The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, in a contrasting or visible color and shall comply with all other applicable standards for signs. [PCZO 138.120(F)]**
8. **The dwelling shall meet the following requirements:**
 - a. **The dwelling has a fire retardant roof.**
 - b. **The dwelling will not be sited on a slope of greater than 40 percent.**
 - c. **Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class F stream as designated by the State Board of Forestry.**
 - d. **The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.**
 - e. **If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.**
 - f. **If the dwelling has a chimney or chimneys, each chimney has a spark arrester. [PCZO 138.120(G)(1-6)]**
9. **If meeting the requirements of Section 138.120 (G) would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. [PCZO 138.120(H)]**

Findings: The applicant is not proposing a dwelling or structure designed for occupancy as part of this application. Therefore, these criteria listed in PCZO 138.120(E-H) are not applicable to this application.

D. FINDINGS OF THE HEARINGS OFFICER OR PLANNING DIRECTOR. Before granting a conditional use, the Hearings Officer or Planning Director shall determine:

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1. **That he or she has the power to grant the conditional use;** [PCZO 119.070(A)]

Findings: Pursuant to PCZO sections 111.250(A) and 119.030, the Planning Director has the power to make a decision on conditional use permits.

2. **That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zoning district;** [PCZO 119.070(B)]
 - a. **The Farm/Forest (F/F) Zone is designed to provide for the full range of agricultural and forest uses for such lands, while providing for the maximum property tax benefits available (e.g. farm use assessment, timber tax treatment, open space deferral, wildlife habitat, etc.) and conformity with the Farm/Forest objectives and policies of the Polk County Comprehensive Plan.**

Upon periodic revision of the Polk County Comprehensive Plan, the lands within the F/F designation shall be reviewed by the County Commissioners as to their continued appropriateness in such a designation or, alternatively rezoning to a more appropriate category.

As with other natural resource zones, there are isolated lands within the F/F Zone which have no actual or potential use for agricultural or forest purposes. In those cases, other non-natural resource uses may be permitted only as provided in this Chapter and in the Polk County Comprehensive Plan. Such uses must not be adverse to accepted agricultural or forest practices. Further, consistent with the diverse character of this zone and recognizing that the actual and potential land use conditions vary from intensive to extensive cultivation and use, the Board of County Commissioners has adopted this zone to deal with myriad potential uses, while recognizing the primary orientation of this zone towards farm and forest uses. [PCZO 138.010]

Findings: The purpose and intent of the FFO zone is to allow for a full range of agricultural and forest uses consistent with the objectives and policies of the Polk County Comprehensive Plan. The proposed reservoir would impact approximately 7.2 acres of land, but is intended to meet irrigation needs for agricultural uses. The applicant states that the subject property mostly contains farm crops. Pursuant to PCZO 138.040(A), farm uses are outright permitted in the FFO zone and irrigation is an accepted farming practice.

The proposal would comply with the purpose and intent of the zone.

3. **That such conditional use, as described by the applicant, complies with any specific provisions for such a use as provided by the zone or by Section 119.150.** [PCZO 119.070(C)]

Findings: There are no special provisions for the proposed conditional use identified in PCZO Section 119.150 that are applicable to this application.

4. **That the imposition of conditions is deemed necessary for the public health, safety, or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.** [PCZO 119.070(D)]

Findings: In order to meet the requirements of this criterion, staff recommends the following conditions of approval that address the safety and protection of property or improvements in the neighborhood, and requires that all other Local, State, and Federal permits be obtained prior to construction of the proposed reservoir.

A neighboring property owner submitted comments with concerns that the proposed reservoir could impact the quality or quantity of water available for their well. The property owners comments also indicate that the increased connectivity to groundwater and concerns about chemicals contaminating

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the ground water. The comments indicate that the well is located approximately 1600 feet from the proposed reservoir. The applicant addressed these concerns by stating that they will follow all Environmental Protection Agency (EPA) guidelines for the storage and use of chemicals or fertilizers. In addition, staff finds that water resources are regulated by OWRD, which is the State agency that determines whether water rights can be granted or not. As discussed above, staff recommends a condition of approval that all Local, State, and Federal permits must be obtained prior to constructing the proposed reservoir, including all OWRD permits. In addition, staff recommends a condition of approval that the applicant shall apply and store of all fertilizers, or any other potentially hazardous chemicals in accordance with the EPA requirements.

A neighboring property owner indicated concerns about the construction, maintenance, and operation of the proposed reservoir and the potential safety risks for properties at lower elevations than the proposed reservoir. The applicant states that the reservoir would have a maximum dam height of 9.9 feet and a maximum capacity of storing up to 31.9 acre-feet of water. As discussed above, staff calculated the average slopes of the proposed reservoir location by generating an elevation profile through Polk County's GIS. Based on those calculations, staff finds that the proposed reservoir would be placed in a relatively flat area with slopes approximately 1% trending downhill to the west and 1% trending downhill to the north. The outer parameter of the reservoir would be seeded with farm crops. The OWRD has a Dam Safety Program which regulates dam construction. Dam safety rules do not apply to dams that are less than 10 feet high or that store less than 9.3 acre-feet (3,000,000 gallons), as they do not generally present a significant risk. The proposed reservoir would be less than 10 feet high. Dam Safety and permit requirements are found in OAR 690-020. Staff contacted OWRD who emailed the county and found that they advise property owners to consult an engineer but they cannot require an engineer for dams less than 10 feet or that store less than 9.3 acre-feet. To ensure compliance, staff recommends a condition of approval that the applicant shall contact OWRD to discuss the proposed reservoir to determine if any permits are required prior to construction.

Polk County's Environmental Health Division submitted comments stating that the subject property has an existing septic system located on Tax Lot 300. Staff finds that the proposed reservoir would be located approximately 1400 feet south of the existing dwelling, septic system, drainfield, and repair area.

Pursuant to PCZO 119.140, the Hearings Officer, Planning Director, or Board of Commissioners may rescind any conditional use permit granted under the conditional use ordinance if it is ascertained that the application contains any false statements. In case of such rescission, the matter may be referred to County Counsel for an opinion. In such case, it shall be unlawful for any person to exercise any right granted by the Hearings Officer, Planning Director, or the Board of Commissioners pursuant to such application.

Pursuant to PCZO 119.090, this conditional use authorization shall be effective only when exercised within one (1) year after the effective date of that conditional use, unless a longer period is specified or allowed by the Hearings Officer or Planning Director. In case such right has not been exercised or extension obtained as allowed, the conditional use shall be void. A written request for an extension of time shall be filed with the Planning Director at least 30 days before the expiration of the approval, and shall extend the running of the one year period until the Planning Director has acted on said request.

Pursuant to PCZO 119.100, discontinuance of the exercise of any right heretofore or hereafter authorized for any conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use.

With the above recommended conditions of approval, the application complies with this criterion.

E. NON-REMONSTRANCE DEED RESTRICTION: Pursuant to OAR 660-006-0029 (4)(e), for any dwelling, residential facility, private park, reservoir or water impoundment, home occupation, or private fishing or hunting accommodations approved under sections 138.050,

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138.060, 138.080 and 138.090, and partitions approved under subsections 138.130(D) and (H) through (K), the landowner for the property shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. [PCZO 138.140]

Findings: For any reservoir approved under PCZO 138.060(DD), the property owner shall be required to sign and record a deed restriction binding the landowners and landowner's successors in interest from pursuing a claim for relief or cause of action injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937. Staff recommends that a condition of approval require the applicant to record a restrictive covenant (Attachment C) that complies with PCZO 138.140 prior to construction of the reservoir. The property owner shall submit the original document to the Polk County Clerk's Office for the recording in the deed history of the subject property. The applicant shall pay the applicable recording fees. The property owner shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in the record of CU 19-04 prior to the issuance of building permits.

With the above condition, the application complies with this criterion.

IV. CONCLUSION

Based on the Review and Decision Criteria above, staff finds that the proposed reservoir is consistent with the Polk County Zoning Ordinance provisions for a reservoir or water impoundment in the FFO zone. As discussed in Section III of this report, staff finds that the following conditions are required in order to ensure compliance with the applicable review and decision criteria.

Conditions of Approval:

1. This approval is to construct a reservoir capable of storing up to 31.9 acre-feet of water on an approximately 99.2 acre parcel within the Farm Forest Overlay (FFO) zone. The reservoir shall be located substantially in the area depicted in the applicant's plot plan (Attachment A-1).
2. The reservoir shall comply with the setback standards of the FFO Zoning District found in PCZO 112.430(B), as follows: front yard 30 feet, rear yard 20 feet, and side yards 20 feet.
3. Fuel breaks surrounding the reservoir shall be constructed and maintained on the subject property in compliance with OAR 660-006-0035(3) and "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by ODF, Section B "Fuel Break Standards" (Attachment B).
4. All State and Federal permits must be obtained and approved prior to construction of the reservoir described in this application. Agencies that require further permits may include, but are not limited to, the Oregon Water Resources Department, Oregon Department of Forestry, Oregon Department of Fish and Wildlife, and Oregon Department of State Lands.
5. If any drainage tiles are excavated while constructing the reservoir, the applicant shall disconnect or divert the drainage tiles if they connect to any adjacent farm operation.
6. The applicant shall apply and store all fertilizers, or any other potentially hazardous chemicals, in accordance with the Environmental Protection Agency (EPA) requirements.
7. Prior to development activity within a significant wetland setback area on the subject property, the property owner shall coordinate a management plan with the Oregon Division of State Lands (DSL) and the Oregon Department of Fish and Wildlife (ODFW) if the activity is identified in Polk County Zoning Ordinance (PCZO) Sections 182.070(A) and (C) as a conflicting use. If a management plan is required, the applicant shall submit the management plan coordinated with DSL, ODFW, and other appropriate State and Federal agencies to the Polk County Planning Division prior to issuance of permits for the development activity

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pursuant to PCZO 182.040 and 182.050. Structural development shall be prohibited within the riparian and wetland setback area. Within the setback area, all trees and at least 50 percent of the understory shall be retained, excluding the exceptions authorized pursuant to PCZO Section 182.050(B)(1)(a-e). The riparian setback area shall be measured from the banktop perpendicular to the stream and shall average three times the stream width and shall be a minimum of 25 feet but not more than 100 feet. The applicant is responsible for obtaining all necessary State and Federal permits prior to any development within the wetland setback area.

8. The property owner shall sign and record with the Polk County Clerk a non-remonstrance deed restriction (Attachment C), recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, pursuant to PCZO 138.100(C). In addition, the deed restriction shall bind the landowners and landowner's successors in interest from pursuing a claim for relief or cause of action injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937, pursuant to PCZO 138.140. Prior to beginning construction of the reservoir, the property owners shall submit a copy of the recorded deed restriction to the Planning Division for inclusion in file CU 19-04. The property owner shall pay the applicable recording fee.
9. Pursuant to PCZO 119.140, the Hearings Officer, Planning Director, or Board of Commissioners may rescind any conditional use permit granted under the conditional use ordinance if it is ascertained that the application contains any false statements. In case of such rescission, the matter may be referred to County Counsel for an opinion. In such case, it shall be unlawful for any person to exercise any right granted by the Hearings Officer, Planning Director, or the Board of Commissioners pursuant to such application.
10. Pursuant to PCZO 119.100, discontinuance of the exercise of any right heretofore or hereafter authorized for any conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use.

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Dated this 23rd day of November, 2011.

Mark W. Olson
Mark W. Olson

STATE OF OREGON,)
) ss.
County of Polk)

Personally appeared the above named grantor, Mark W. Olson, and acknowledged the foregoing instrument to be his voluntary act and deed on November 23, 2011.



Steve F. Mannenbach
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8/24/2012

Dated this 22nd day of November, 2011.

Philip R. Olson
Philip R. Olson

STATE OF OREGON,)
) ss.
County of Polk)

Personally appeared the above named grantor, Philip R. Olson, and acknowledged the foregoing instrument to be his voluntary act and deed on November 22, 2011.



Alethea N. Samerotte
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/7/15

Dated this 22nd day of November, 2011.

Gretchen Olson
Gretchen Olson

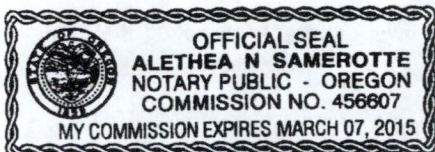
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STATE OF OREGON,)
) ss.
County of Polk)

Personally appeared the above named grantor, Gretchen Olson, and acknowledged the foregoing instrument to be her voluntary act and deed on November 22, 2011.



Alethea N. Samerotte
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/7/15

EXHIBIT A

Parcel 1:

Beginning at the Northeast corner of the Donation Land Claim of Amos Harvey and wife Not. No. 264, Claim No. 44 in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence West 35.85 chains; thence South 40.10 chains; thence East 2646.10 2646.60
2046.66 31.01 chains; thence North 23.90 chains to the Section line between Sections 15 and 22; thence 1577.40
603.24 East 9.14 chains; thence North 16.20 chains; thence West 4.30 chains to the place of beginning. 283.80
1069.20

ALSO: Beginning 23.75 chains South of the Northwest corner of Section 22, Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence East 17 chains; thence South 20 chains; thence West 17 chains; thence North 20 chains to the place of beginning. 1547.50

2640.00 ALSO: Beginning at a point marked with an iron gas pipe which is 40.00 chains North and 12.70 838.20
chains West of the Southeast corner of the Donation Land claim of Amos Harvey and wife, Not. No. 264, Claim No. 44 in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence running South 22°15' West 11.00 chains to an iron gas pipe (from which 726.00
111.54 a double oak tree 2/24 inches bears North 73°31' East 1.69 chains); thence South 20.62 chains to 1360.92
a point in the center of the ditch (from which a double ash tree bears North 86° West 3.80 chains; 250.80
1265.22 a gas pipe is set on each bank of the ditch opposite of this point); thence North 85°3' West in the center of the ditch 19.17 chains to a point in the center of said ditch; thence North 9.30 chains; 613.80
1122.00 thence East 17.00 chains; thence North 20.00 chains; thence East 6.00 chains to the place of 396.00
beginning. 1320.00

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Parcel 2:

1069.20 Beginning at a point 16.20 chains South of the Northeast corner of the Donation Land Claim of Amos Harvey and wife, Not. No. 264, Claim No. 44, in Township 6, South Range 4 West of the Willamette Meridian, in Polk County, Oregon, running thence West 4.84 chains; thence South 319.44
1577.40 23.90 chains, thence East 4.84 chains, thence North 23.90 chains to the place of beginning. 1577.40
319.44

ALSO: Lots 1 and 2 of Section 22, in Township 6 South, Range 4 West of Willamette Meridian, and excepting and reserving therefrom a strip of land 15 feet wide off the South end of Lot No. 2.

2059.86 ALSO: Beginning at a point in the center of County road, 8.79 chains North of the Southeast 580.14
corner of the Donation Land Claim of Amos Harvey and wife, Claim No. 44, in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; running thence North 838.20
726.00 31.21 chains; thence West 12.70 chains to a point marked with an iron gas pipe; thence South 838.20
111.54 North 22°15' West 11.00 chains to an iron gas pipe (from which a double oak tree 12. x 24 inches bears 1360.92
North 73°31' East 1.69 chains); thence South 20.62 chains to a point in the center of the ditch 250.80
(from which a double Ash tree bears North 86° West 3.80 chains; a gas pipe is set on each bank of the ditch opposite this point); thence South 85°5' East 6.00 chains to a point in the ditch 396.00
marked with an iron gas pipe; (from which a double Ash tree bears North 85°30' West 2.20 145.20

chains); thence East 10.57 chains to the place of beginning. 697.62

Parcel 3:

Beginning at an iron pipe on the North line of the Sear's County Road at a point 37.96 chains 2505.36
East and 40.0 feet North from the Southwest corner of the Amos Harvey Donation Land Claim
No. 44, in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon;
and running thence North 786.98 feet to an iron pipe; thence West 7.03 chains to an iron pipe; 463.98
thence North 16° West 5.87 chains to an iron pipe; thence North 60° West 2.86 chains to an iron 188.76
pipe; thence North 47° West 1.40 chains to an iron pipe; thence East 18.60 chains; thence South 1227.60
9.95 chains; thence South 85°30' East 25.17 chains; thence East 10.57 chains to a point on the 1661.22 697.62
East line of said Donation Land Claim, thence South 1° 5½' East 130.48 feet to a point from
which an iron pipe bears North 86°12' West 20.07 feet; thence North 86°12' West 608.0 feet
along the North line of said Sear's County road to an iron pipe; thence along the arc of a 901.54
foot radius curve to the left (the long chord of which bears South 84°43' West 284.65 feet) to an
iron pipe; thence along the arc of 656.67 foot radius curve to the left (the long chord of which
bears South 61°49' West 313.65 feet) to an iron pipe; thence South 48° West 198.47 feet to an
iron pipe; thence along the arc of a 553.00 foot radius curve to the right (the long chord of which
bears South 69° West 396.36 feet) to an iron pipe; thence West 1097.7 feet to the place of
beginning.

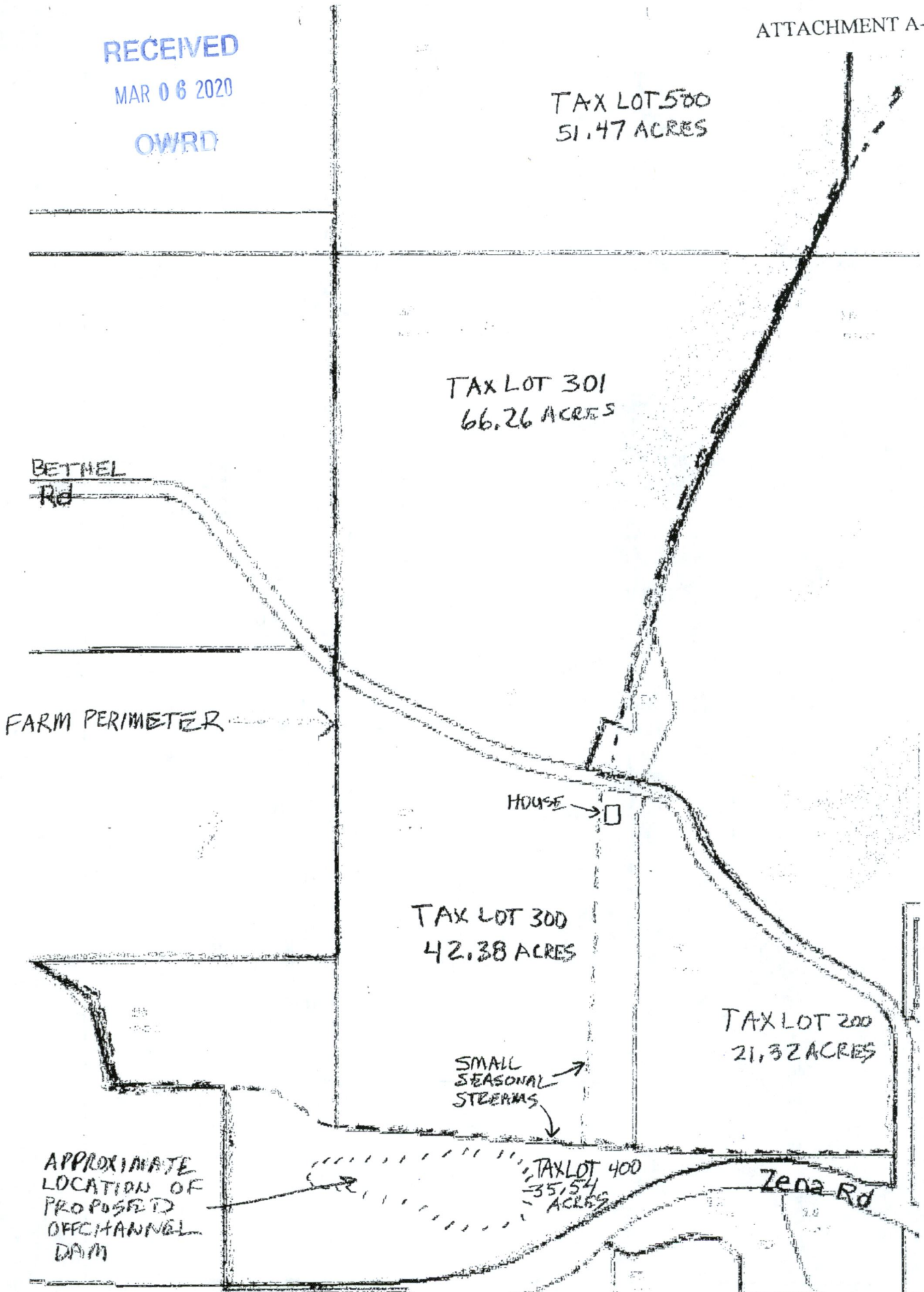
EXCEPTING therefrom that portion conveyed to Polk County for road purposes, described in
deed recorded August 19, 1959 in Volume 171, Page 551, Deed Records for Polk County,
Oregon.

Corrects and supercedes 2011-009701

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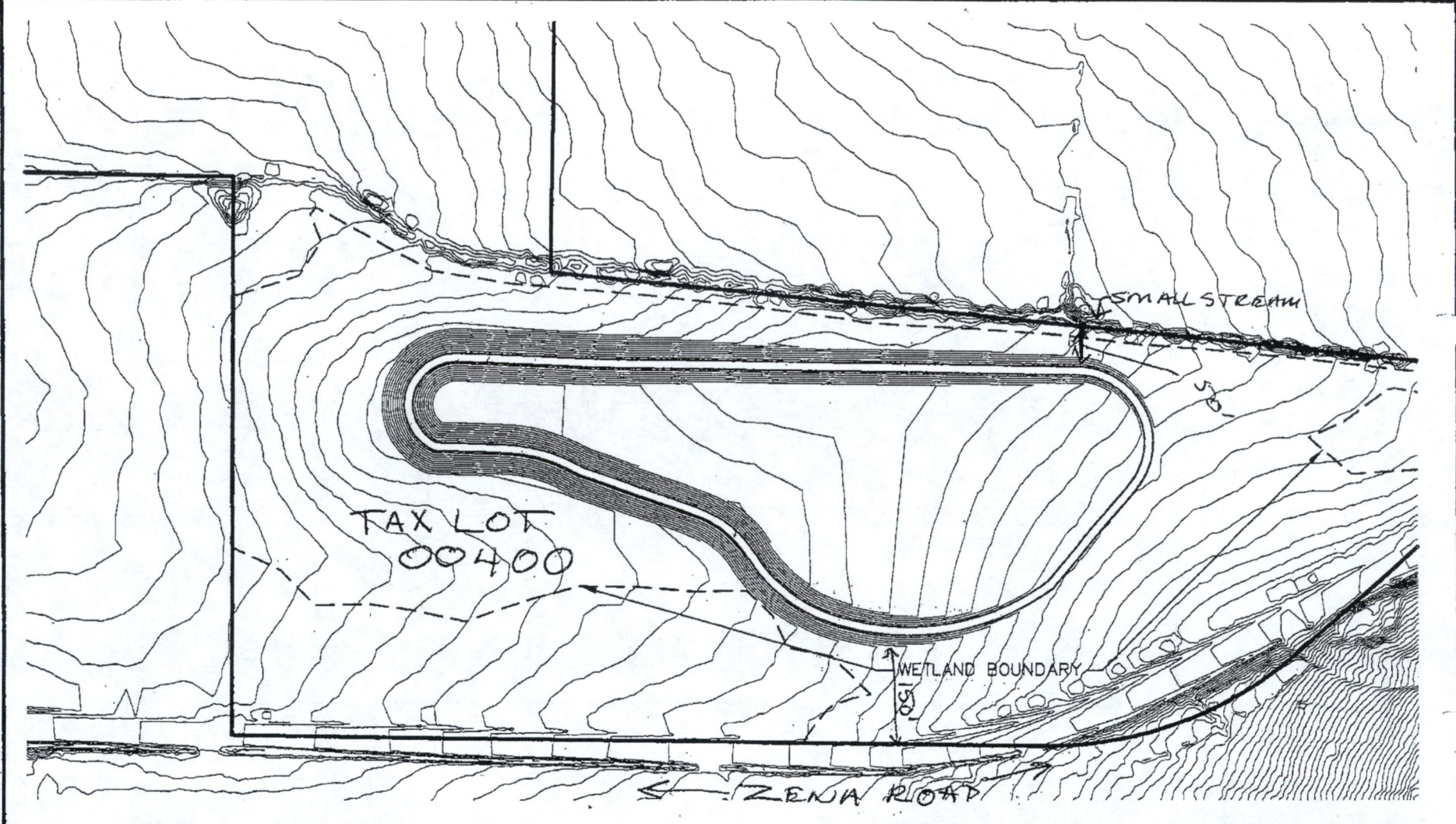
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ATTACHMENT A-1



P-88815

100 200 300 400 500 600 700 800 900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000



9.9' NON ENGINEERED DAM
 2' FREEBOARD
 TOTAL ACFT INCLUDING CUTS TO CONSTRUCT
 DAM = 31.86 ACFT
 IMPACTED AREA = 7.15 AC

OLSON/POWELL DAM 2			
ZENA ROAD			
Sec. 22, T.6S., R.4W., W.M.		POLK COUNTY, OREGON	
Scale: 1" = 200'	Date: JAN. 2019	Revised:	
Design: CFB	Boatwright Engineering, Inc.		Job No.
Drawn: PHD	2613 12th Street SE, SALEM, OREGON 97302		Sheet
Chkd: CFB	TEL: (503) 363-9225		1 of 1
	FAX: (503) 363-1051		

OLSON/POWELL DAM 2

ATTACHMENT A-2

OWRD

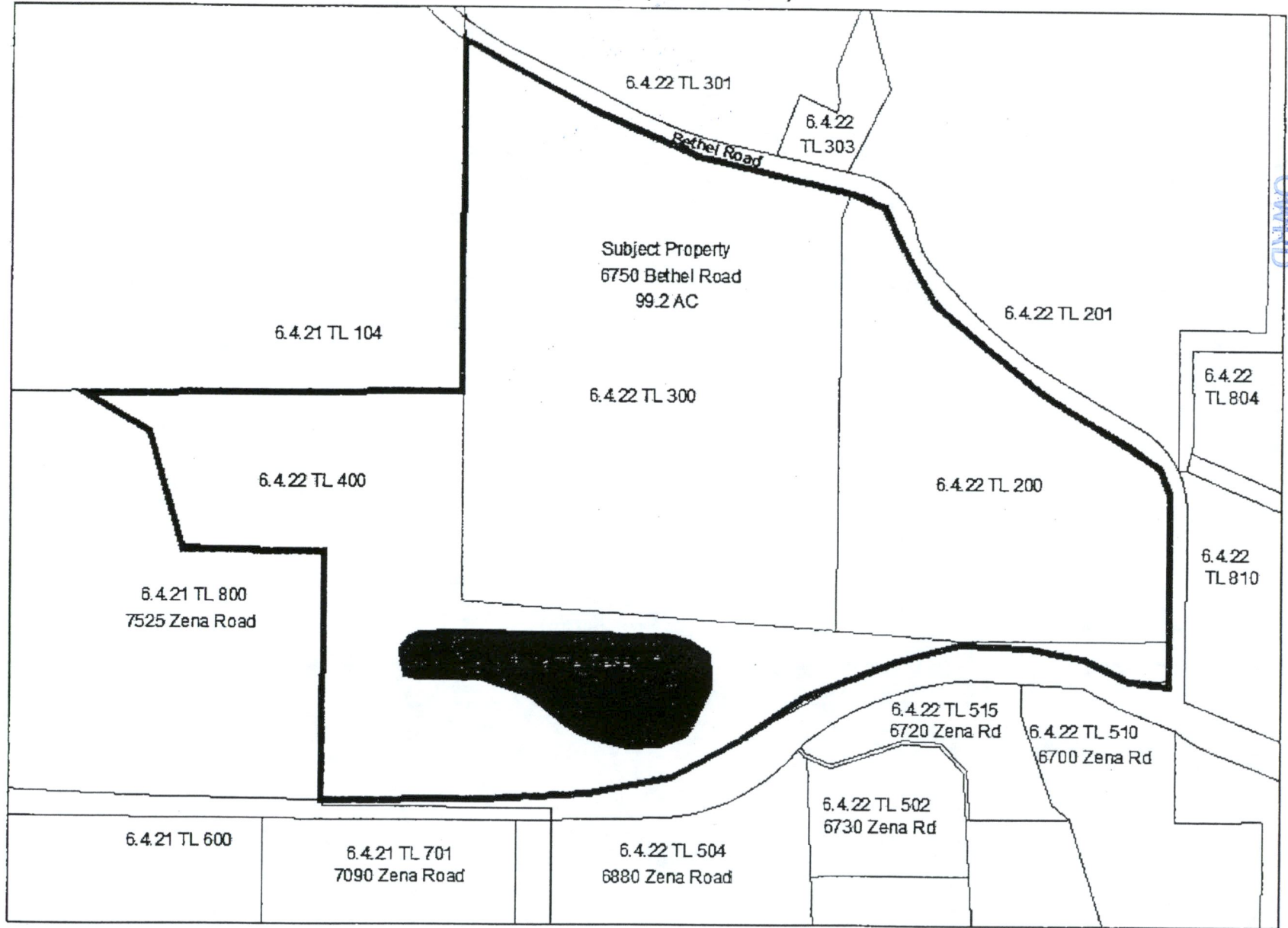
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Staff Map (CU 19-04)

ATTACHMENT I A-3



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<input type="checkbox"/>	City Limits	<input type="checkbox"/>	Taxlots
<input type="checkbox"/>	Urban Growth Boundaries		

Date: 2/7/2019
This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuses, or misinterpretation.

R-88815

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

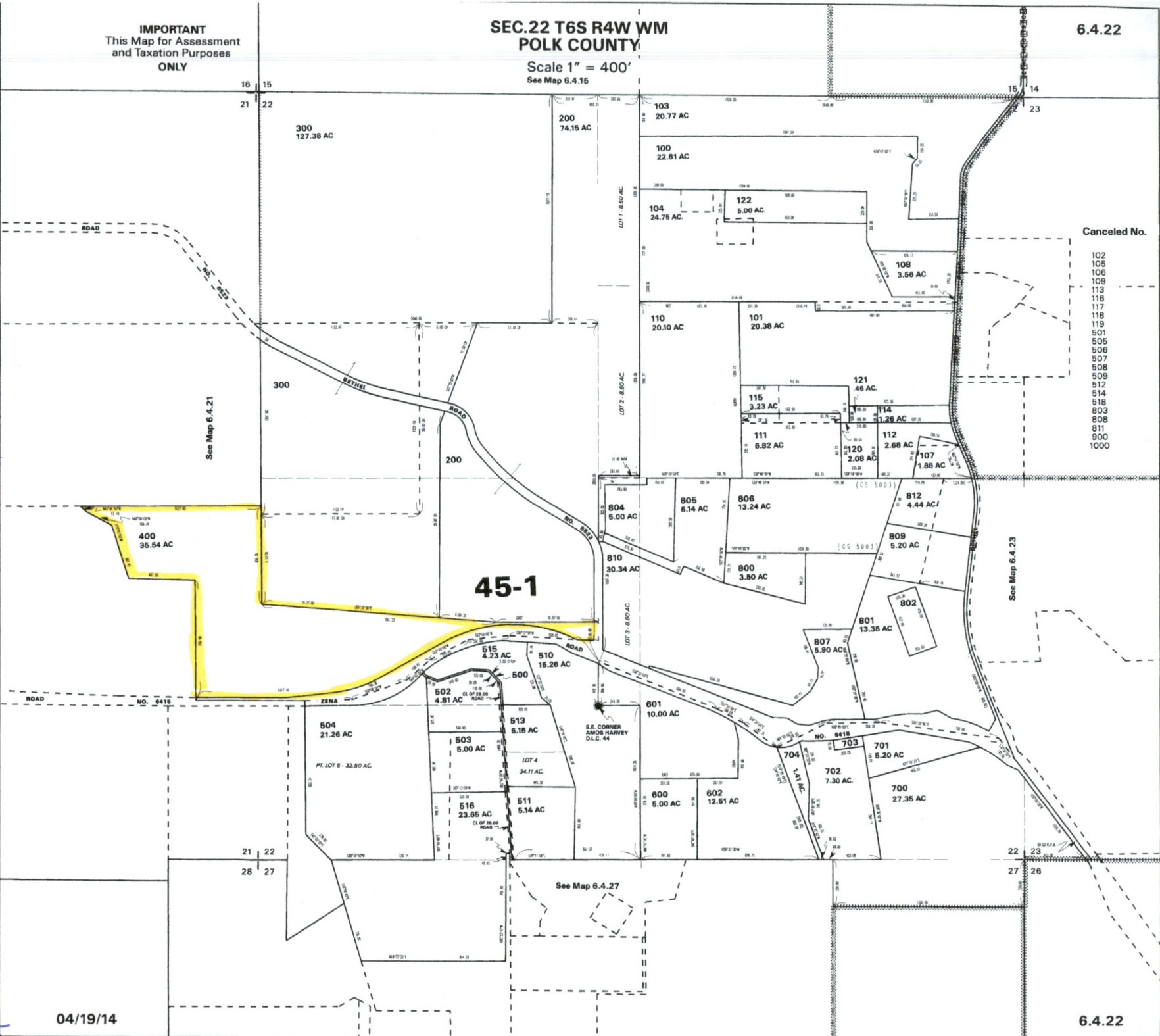
SEC.22 T6S R4W WM
POLK COUNTY

6.4.22

Scale 1" = 400'
See Map 6.4.15

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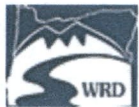
- Canceled No.
- 102
 - 105
 - 106
 - 109
 - 113
 - 116
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 - 118
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 - 514
 - 518
 - 803
 - 808
 - 811
 - 900
 - 1000



04/19/14

6.4.22

R-88815



Oregon Water Resources Department
Alternate Reservoir Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, February 20, 2020

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	27	\$945.00
Subtotal:		\$1,355.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,875.00

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