



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Letter for Planning File CU 22-21

Wallace Lien <WLien@lienlaw.com>
To: "Arklander, Hollie" <arklander.hollie@co.polk.or.us>
Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>

Fri, Jul 14, 2023 at 1:59 PM

Good Afternoon. Please note that I retired at the beginning of the month. I have advised the Sulamita folks to obtain new legal counsel, which they will do in a timely manner.

Note that I will finish up a few others that are in the pipeline (J&M and CPM, and will finish the Avery PLA) but am not taking in anything new.

Wally

[Quoted text hidden]

CERTIFICATE OF MAILING

I, Hollie Arklander, certify that I mailed the attached Letter for Planning File # CU 22-21 by regular U.S. Mail to the individuals on the mailing list below.



Hollie Arklander

DATED: July 14, 2023

MAILING LIST

Wallace W. Lien
1004 Crescent Drive NW
Salem, OR 97304

Sulamita Recreation Center LLC
12650 SE 137th Drive
Happy Valley, OR 97086



Arklander, Hollie <arklander.hollie@co.polk.or.us>

Automatic reply: Letter for Planning File CU 22-21

1 message

Wallace Lien <WLien@lienlaw.com>

Fri, Jul 14, 2023 at 1:42 PM

To: "Arklander, Hollie" <arklander.hollie@co.polk.or.us>

Please note that effective July 1, 2023, I have retired from the active practice of law. If you are a current client with a matter I am winding up for you, I will review your email and respond accordingly as normal. If you are a new client or a previous client with a new matter, Mark Hoyt of the law firm of Sherman, Sherman, Johnnie and Hoyt has agreed to have his firm accept all of my new or potential clients. You can reach Mark at 503-364-2281. His email address is Mark@shermlaw.com.



Arklander, Hollie <arklander.hollie@co.polk.or.us>

Letter for Planning File CU 22-21

1 message

Arklander, Hollie <arklander.hollie@co.polk.or.us>

Fri, Jul 14, 2023 at 1:42 PM

To: wallace.lien@lienlaw.com

Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>

Hello,

Please find attached to this email, a letter for Planning File CU 22-21. Thank you.

Hollie Arklander
Permit Specialist
Community Development
850 Main St
Dallas, OR 97338
Phone: (503) 623-9237



Planning File CU 22-21 (Second Letter).pdf

603K



POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M^CGUIGAN
Director

July 14, 2023

Wallace W. Lien
1004 Crescent Dr. NW
Salem, OR 97304

CC: Sulamita Recreation Center, LLC

RE: Conditional Use Application CU 22-21; Youth Camp

Dear Mr. Lien:

On December 12, 2022, our office received a conditional use application (CU 22-21) proposing to establish a youth camp within the Timber Conservation (TC) Zoning District, on the property located at 7425 Gold Creek Road, Willamina, Oregon (T6S, R7W, Section 21, Tax Lot 100). On January 10, 2023, a letter was sent to you as notification that this application was deemed incomplete and an extensive list of additional information was requested. This letter also provided the following options for how to deem your application complete:

- 1) Provide the requested information;
- 2) Provide some of the requested information with written notice that no other information will be provided; or
- 3) Provide none of the requested information with written notice that no other information will be provided.

These three (3) options specifying how an application can be deem complete are found in Oregon Revised Statute (ORS) 215.427(2).

The letter from Staff dated January 10, 2023 also specified that if the application remains incomplete on June 11, 2023 (181 days after first being submitted), the application will become void. This specific timeline for when an application becomes void is found in ORS 215.427(4).

On June 2, 2023, some additional information was provided along with an extension request of six (6) months in order to address the remaining information. On June 16, 2023, a letter was provided from Staff in response to this extension request clarifying that extension requests cannot be grated to the 180-day timeline specified in ORS 215.427(4), and your application was considered void.

On June 28, 2023, a response was provided asserting that Staff's determination of the application being void is "incorrect and must be withdrawn". Because these timeline requirements come directly from State Statute, where Polk County does not have deference for interpretation, I have researched this matter further by reviewing applicable Land Use Board of Appeals (LUBA) cases.

After reviewing *Painter v. City of Redmond*, 56 Or LUBA 311 (2008), our position remains the same that this application (CU 22-21) is considered void. I have included a copy of this case for your review and summarized some of LUBA's key conclusions below.

In *Painter v. City of Redmond*, the City deemed an application for a conditional use and site plan incomplete, but allowed the applicant to continue providing the requested information and deemed the applications complete more than 180-days after submission. The petitioner argued that the intervenor did not take sufficient steps specified under ORS 227.178(4)(a) through (c) to

prevent the applications from becoming void on the 181st day after the applications were submitted. The petitioner argued that the City's decisions must be reversed because the decision was prohibited as a matter of law and it exceeded the City's jurisdiction. LUBA ultimately agreed and the decisions were reversed. LUBA stated, "Under the statute, the legislature has given the applicants control of rescuing an incomplete application from becoming void by acting in any one of the three ways specified in the statute." The "three ways" referred to in this passage are ORS 227.178(2), which is equivalent to the criteria in ORS 215.427(2) listed above, but applies to cities rather than counties. LUBA reversed the conditional use and site plan approval because the City exceeded its jurisdiction in approving void applications.

Although the circumstances for this application are different than *Painter v. City of Redmond*, the fundamental issue is the same as to whether or not an application can be deemed complete after 180 days from first being submitted. LUBA's ruling is clear that the only way to deem an application complete is when the applicant either 1) provides the requested information; 2) provides some of the requested information with written notice that no other information will be provided; or 3) provides none of the requested information with written notice that no other information will be provided. If one of these options is not pursued within 180 days after submission, the application becomes void on the 181st day.

As a way to provide an equitable solution to the timeline extension request, while still meeting the literal requirements of State law, Staff offered to copy the record from CU 22-21, which could be used to re-submit a new conditional use permit and would effectively re-start the 180-day timeline at no additional cost to the applicant. In your response to the determination that this application is void, you stated: "In the event you elect to continue with your current interpretation that CU 22-21 is void and that no extension is allowed, and without waiving any of the arguments made and preserved here, I am (under protest and without waiver), re-submitting the conditional use application in order to obtain the time necessary to gather up the significant amount of additional information you have requested." Based on these statements, it is unclear if you wish to appeal the determination that this application is now void.

As discussed above, our determination remains the same, that CU 22-21 is now void. Please let me know by **5:00 PM on July 26, 2023** whether you wish to appeal this determination to the Polk County Board of Commissioners. Otherwise, we will continue processing your re-submission application, which would include sending a follow-up "incomplete letter" with a new 180-day timeline. Since the application fee has not changed, the fee that was submitted for CU 22-21 can be applied to a re-submission of the same record/proposal. However, if you wish to appeal the determination that this application is void, and that appeal ultimately results in a future re-submission of a new conditional use permit application, a new application fee may be applicable.

If you have any questions, I can be reached at (503) 623-9237.

Sincerely,



Sidney Mulder
Planning Manager

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

JOANNA PAINTER,
Petitioner,

vs.

CITY OF REDMOND,
Respondent,

and

HAVNIP INVESTMENT, LLC,
Intervenor-Respondent.

LUBA No. 2007-221

FINAL OPINION
AND ORDER

Appeal from City of Redmond.

Robert S. Lovlien, Leanne Ryan-Nokell, Bend, filed the petition for review. Robert S. Lovlien argued on behalf of petitioner. With them on the brief was Bryant, Lovlien & Jarvis, P.C.

No appearance by City of Redmond.

Kristen G. Williams, Bend, filed the response brief and argued on behalf of intervenor-respondent.

RYAN, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member, participated in the decision.

REVERSED

03/13/2008

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NATURE OF THE DECISION

Petitioner appeals a decision granting conditional use and site plan approval for multi-unit dwellings.

FACTS

On October 16, 2006, intervenor submitted applications for conditional use and site plan approval to construct 62 multi-unit dwellings on 6.2 acres of property. Record 541-45. On October 31, 2006, the city notified intervenor that the applications were incomplete. Record 539-40. The city listed nine items that intervenor needed to furnish in order for the city to consider the application complete. The city’s notice included the following statement:

“The city may deem your applications complete after thirty days from the above date and take action on this development using only the information that you’ve provided; however, you cannot go more than 180 days from the date that you submitted the applications.” Record 540.

On January 18, 2007, intervenor sent a written request to the city that requested withdrawal of the application and reimbursement of application fees. Record 536. Subsequently, the city did not treat the application as withdrawn, but rather as “on hold.” Record 535. Thereafter, on April 3, 2007, intervenor transmitted a facsimile to the city that stated in part that a traffic study would be provided. On April 19, 2007, the city received the referenced traffic study.

On April 25, 2007, the city sent a letter to intervenor requesting the remaining items that the city had previously advised needed to be submitted to the city, including a deed showing the current ownership, and a burden of proof statement that addressed the conditional use approval criteria. On April 25, 2007, intervenor sent an electronic mail message to the city that responded to and indicated the delivery status of the items requested by the city, including the requested “burden of proof” statement. Record 489-90. On May 9, 2007, the city sent a letter to intervenor that the application was “complete and ready for

1 review.” The city scheduled a public hearing on the application, and the hearings officer
2 subsequently issued a decision approving the application with conditions. This appeal
3 followed.

4 **FIRST ASSIGNMENT OF ERROR**

5 In her first assignment of error, petitioner argues that the city erred in approving
6 intervenor’s applications after the time period set forth in ORS 227.178(4) had expired. ORS
7 227.178 provides in relevant part:

8 “(1) Except as provided in subsections (3) and (5) of this section, the
9 governing body of a city or its designee shall take final action on an
10 application for a permit, limited land use decision or zone change,
11 including resolution of all appeals under ORS 227.180, within 120
12 days after the application is deemed complete.

13 “(2) If an application for a permit, limited land use decision or zone change
14 is incomplete, the governing body or its designee shall notify the
15 applicant in writing of exactly what information is missing within 30
16 days of receipt of the application and allow the applicant to submit the
17 missing information. The application shall be deemed complete for
18 the purpose of subsection (1) of this section upon receipt by the
19 governing body or its designee of:

20 “(a) All of the missing information;

21 “(b) Some of the missing information and written notice from the
22 applicant that no other information will be provided; or

23 “(c) Written notice from the applicant that none of the missing
24 information will be provided.

25 “(3)(a) If the application was complete when first submitted or the applicant
26 submits the requested additional information within 180 days of the
27 date the application was first submitted and the city has a
28 comprehensive plan and land use regulations acknowledged under
29 ORS 197.251, approval or denial of the application shall be based
30 upon the standards and criteria that were applicable at the time the
31 application was first submitted.

32 “* * * * *

- 1 “(4) On the 181st day after first being submitted, the application is void if
2 the applicant has been notified of the missing information as required
3 under subsection (2) of this section and has not submitted:
- 4 “(a) All of the missing information;
- 5 “(b) Some of the missing information and written notice that no
6 other information will be provided; or
- 7 “(c) Written notice that none of the missing information will be
8 provided.”

9 Petitioner argues that the city erred in approving the applications because they were
10 void on April 14, 2007, the 181st day after intervenor submitted them. Petitioner argues that
11 intervenor did not take steps sufficient under ORS 227.178(4)(a) though (c) to prevent the
12 applications from becoming void on the 181st day after the applications were submitted,
13 because intervenor did not provide all of the missing information, provide some of the
14 missing information and notify the city in writing that no other information would be
15 provided, or notify the city in writing that no other information would be provided.
16 Petitioner argues that, accordingly, the city’s decision must be reversed because the decision
17 was prohibited as a matter of law and it exceeded the city’s jurisdiction. ORS
18 197.835(9)(a)(A); OAR 661-010-0071(1)(a).

19 Intervenor’s response is three-fold. Intervenor argues that the applications were
20 deemed complete on April 3, 2007 because the applicant’s facsimile received by the city on
21 that date was sufficient to meet the requirements of ORS 227.178(2)(b) and (4)(b).
22 According to intervenor, that facsimile provided the city with “written notice that no other
23 information would be provided.” ORS 227.178(4)(b); ORS 227.178(2)(b).

24 We quote the text of the April 3, 2007 facsimile in its entirety:

25 “Wayne - Attached are 10 copies of the site plan and building elevations for
26 Wickiup Landing, as well as 3 copies of floor plans. A traffic study has been
27 ordered, and will be forwarded to you upon receipt. [The applicant’s
28 representative] informs me that this will complete his application per your
29 conversation of yesterday. Call/email with any questions.” Record 533.

1 Intervenor relies primarily on the statement at the end of the facsimile that “[the applicant’s
2 representative] informs me that this will complete his application per your conversation of
3 yesterday.” Intervenor argues that that statement implies that the applicant and the city had a
4 conversation in which the city indicated that the applicant did not need to submit any
5 remaining items.

6 We disagree with intervenor that the above-quoted facsimile can be read as providing
7 the city with “written notice that no other information would be provided.” The facsimile
8 states “[a] traffic study has been ordered, *and will be forwarded to you upon receipt.*”
9 (Emphasis added.) This sentence indicates that the applicant did in fact intend to provide
10 additional information. The referenced traffic study was received by the city on April 19,
11 2007.

12 Further, the record demonstrates that after sending the April 3, 2007 facsimile, the
13 applicant continued to provide additional information to the city. The city sent a letter to the
14 applicant on April 25, 2007 with a list of remaining items that were missing from the
15 applications. Record 491. The applicant responded to that letter with an electronic mail
16 message and indicated that the additional information was either attached to the electronic
17 mail message or would be provided at a later date. Record 489. All of those
18 communications and actions, taken together, indicate that the applicant did not intend to
19 provide in its April 3, 2007 facsimile “written notice that no other information would be
20 provided” in a manner sufficient to deem the applications complete under ORS
21 227.178(2)(b).

22 Intervenor’s next arguments rely in part on our decision in *Caster v. City of Silverton*,
23 54 Or LUBA 441 (2007), and in part on an argument that it would be unfair to void the
24 application of an applicant who attempts to comply with a local government’s continuing
25 requests for submission of more information after the 180th day. Intervenor argues that ORS
26 227.178(4) as well as our decision in *Caster* mean that cities have discretion to decide

1 whether to treat an application as void if the provisions of ORS 227.178(4)(a) through (c)
2 have not been satisfied on the 181st day after an application is filed.

3 In *Caster*, no party disputed that the city had deemed the application complete.¹
4 After the application was deemed complete, in its final decision the city denied the
5 application based on the city's determination that certain items that were required to be
6 submitted as part of the application materials were not in fact submitted. We held that the
7 city could not deny the application on that basis. 54 Or LUBA at 450-51. However, in a
8 portion of the decision, we explained:

9 "Finally, even if petitioner in this case failed to provide the notice required by
10 ORS 227.178(2)(b), the city elected to proceed with review of the permit
11 application rather than treat the permit application as void under ORS
12 227.178(4). In that circumstance, the city may not thereafter simply cite an
13 alleged failure on petitioner's part to provide requested information as a basis
14 for denying a permit application. Having elected to proceed with the
15 application notwithstanding petitioner's failure or refusal to provide the
16 requested information, the city owes petitioner at least some explanation for
17 why it believes petitioner's evidentiary submittal falls short of demonstrating
18 the proposal complies with the relevant approval criteria. * * *" *Id.* at 451-52.

19 Whether all of the application materials were actually submitted, or whether, when, or how
20 the application was deemed complete was not clear in *Caster*, and was not at issue in that
21 case. *Id.* at 450. However, to the extent the language quoted above suggests that the city had
22 discretion to continue processing the applications after the 180-day statutory period under
23 ORS 227.178(1) had passed without the applicant fulfilling any of the requirements of ORS
24 227.178(4)(a) though (c), we now disavow that suggestion.

25 The parties do not cite any other cases and we are aware of no other case interpreting
26 the meaning of ORS 227.178(4). We ascertain its meaning according to the analytical
27 template for statutory construction set forth in *PGE v. Bureau of Labor and Industries*, 317

¹ We noted that the applicant had provided only some of the information requested by the city, and that it was unclear whether the applicant provided written notice that it would not provide additional information. 54 Or LUBA at 450.

1 Or 606, 859 P2d 1143 (1993) (*PGE*). Under *PGE*, the first level of analysis is looking at the
2 text and context of the statute. If the meaning of the statute is clear from the text and
3 context, then the analysis ends.

4 ORS 227.178(4) provides in relevant part that “[o]n the 181st day after first being
5 submitted, the application *is void* * * *” unless the applicant takes certain actions set forth in
6 subsections (a) through (c). (Emphasis added.) Black’s Law Dictionary defines “void” in
7 relevant part as: “1. Of no legal effect; null. * * *” *Blacks Law Dictionary*, 1745 (8th ed.
8 2004). In *Willhoft v. City of Gold Beach*, 38 Or LUBA 375, 397-98 (2000), we held that a
9 provision of the city’s code that provided that a conditional use permit “shall be void after
10 one year” unless certain steps were taken meant that the permit was automatically void on
11 the one year anniversary of the permit issuance, where there was no dispute that the required
12 steps had not been taken. We explained that to construe the code provision in another
13 manner would make the limitation imposed by the provision illusory. *Id.* at 398.

14 We think that the text of ORS 227.178(4) is unambiguous in providing that an
15 incomplete application “is void” on the 181st day after submission if the applicant has not
16 taken any of the three steps provided by the legislature to preserve the application from
17 becoming void. To construe ORS 227.178(4) as providing a city with the discretion to either
18 treat an application as void or continue processing it, in the way that intervenor urges, would
19 require us to add words to the statute where none exist, something we are prohibited from
20 doing under ORS 174.010.²

21 Further, we are not persuaded by intervenor’s argument that because the city
22 continued requesting additional information from the applicant after the 181st day, that

² ORS 174.010 provides:

“In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.”

1 somehow it would be unfair to find that the applications became void on that day. Under the
2 statute, the legislature has given applicants control of rescuing an incomplete application
3 from becoming void by acting in any one of the three ways specified in the statute. The fact
4 that a local government continues to ask for missing information beyond the 181st day does
5 not change the statutory requirement that the applicant must take one of those three steps in
6 order to save an incomplete application from becoming void.³

7 Because we have determined that the applicant did not take any of the required steps
8 provided under ORS 227.178(2)(a) through (c) or (4)(a) though (c) to ensure that the
9 applications were not void, the applications became void on the 181st day after they were
10 filed. The city exceeded its jurisdiction in approving void applications.

11 The first assignment of error is sustained.

12 **SECOND AND THIRD ASSIGNMENTS OF ERROR**

13 Petitioner's second assignment of error assigns error to the city's failure to withdraw
14 the application when the applicant requested withdrawal of the applications on January 18,
15 2007. Petitioner's third assignment of error argues that the city did not provide proper notice
16 for the public hearing concerning the proposed development. Because we have determined
17 in the first assignment of error that the city exceeded its jurisdiction in approving the
18 applications after they became void on April 14, 2007, we need not address the remaining
19 assignments of error.

20 The city's decision is reversed.

³ We need not and do not decide here whether ORS 227.178 would prevent a city, before the 180-day deadline in ORS 227.178 expires, from (1) modifying or withdrawing a previously issued notice that information is missing and (2) declaring the application complete under ORS 227.178(2)(a) without the applicant furnishing the previously requested information. Even if a city could do so under ORS 227.178, the city did not do so in this case. Similarly, we are not called upon to decide here whether a city could accept or would be obligated to accept additional information from an applicant during hearings on a permit application, where that information had been requested by the city under ORS 227.178(2) and the permit applicant refused to provide requested information under ORS 227.178(2)(b) or (c).



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Resubmittal

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: Kelly Hodney <hodney@eotnet.net>
Cc: ronandbarbarasmith@onlinenw.com, hodney@eotnet.net

Fri, Jul 14, 2023 at 7:59 AM

Good morning Kelly,

I am currently working on a response to the applicant's Attorney, which will be made part of the record as soon as it is completed.

Best,
Sidney
[Quoted text hidden]

--
Sidney Mulder, Planning Manager
Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Resubmittal

Kelly Hodney <hodney@eotnet.net>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: ronandbarbarasmith@onlinenw.com, hodney@eotnet.net

Wed, Jul 12, 2023 at 7:40 PM

Sidney,

I saw Sulamita's application was recently updated. The update included a letter from Sulamita's attorney stating he believed Polk County's determination on the time limit incorrect because the application had never been determined complete.

Does Polk County concur with his interpretation? If so, what does this mean for the application process and what are the next steps? Are they allowed more time to make their application complete? If so, how much longer?

Thank you,

Kelly Hodney



Virus-free.www.avg.com



Mulder, Sidney <mulder.sidney@co.polk.or.us>

CU 22-21

1 message

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Wed, Jun 28, 2023 at 11:02 AM

Good Morning

Please see the attached regarding the Sulamita Youth Camp. If you need anything else, please advise.

Thanks

Wally

Wallace W. Lien
Attorney at Law
wallace.lien@lienlaw.com

Virtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

phone: 503-585-0105

<http://www.lienlaw.com>

CONFIDENTIALITY NOTICE:

If you have received this communication in error, please notify me immediately. This message is intended only for the use of the person or firm to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

2 attachments

 **00A - to County with Resubmission.pdf**
174K

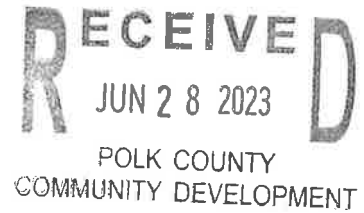
 **00B - Resubmitted Application.pdf**
244K

WALLACE W. LIEN



Attorney at Law

Wallace W. Lien



Contact by e-mail at
wallace.lien@lienlaw.com

June 28, 2023

Ms. Sidney Mulder
Planning Manager
Polk County Planning Division
Polk County Courthouse
Dallas, OR 97338

By Email to: mulder.sidney@co.polk.or.us

Re: Sulamita Recreation Center - CU 22-21

Dear Ms. Mulder:

In your letter of June 16, 2023 you made an interpretation of ORS 215.427(4) that the time for processing CU 22-21 had passed, that no extension could be granted, and that CU 22-21 was declared void. It is the Applicant's position this interpretation is incorrect, and the current application remains valid.

The 150 day time requirement for making a final decision on CU 22-21 specified in ORS 215.427(4) does not even start to run until the application is deemed complete as explained in the following passage:

*The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days **after the application is deemed complete**, except as provided in subsections (3), (5) and (10) of this section. ORS 215.427(1) - Emphasis supplied.*

The exception to the completeness trigger in subsection (3) does not apply in this case because you deemed the application incomplete when originally submitted, and the Applicant continues to supply the requested information as it becomes available, and has never refused to submit any of the requested data.

The exception in subsection (5) relates to the Applicant's right to an extension of up to 215 days, and is addressed below, and in any event does not relate to the completeness determination.

The exception in subsection (10) relates to mediation of completeness disputes, which is not relevant here as there is no dispute about completeness.

Since none of the exceptions to the completeness rule apply in this case, and it has been determined by your office that the application is not yet complete, the 150 day processing period to final decision has not even started. The determination that the application is void is incorrect and must be withdrawn.

As to your interpretation of ORS 215.427(4) in declaring that no extension was allowed as the time period has expired. As noted above, the 150 day processing time does not even begin until the application is deemed complete, and you have determined the application is not yet complete. Since the processing time to final decision has not even started yet, no extension is even necessary, and even if one were, ORS 215.427(5) allows an extension as follows:

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197.311 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

There is no qualification or condition that the right to an extension is based on. It is an absolute right of the Applicant, and denial of this Applicant's request for an extension (even though it is not necessary in this case) was incorrect.

I make these legal arguments in order to preserve them in the event a future appeal is necessary in this case, understanding that there is no current right to appeal your interpretation as it is only an interlocutory determination, and therefore not yet ripe for appeal.

In the event you elect to continue with your current interpretation that CU 22-21 is void and that no extension is allowed, and without waiving any of the arguments made and preserved here, I am (under protest and without waiver) re-submitting the conditional use application in order to obtain the time necessary to gather up the significant amount of additional information you have requested. A copy of the new application form is attached hereto. As you indicated, no additional fee is required for this re-submission. I further request that the entire record of CU 22-21 become the record for this re-submission in the event a new land use file is created.

It is my understanding from your letter and our previous telephone conversation that the County will not require a new filing fee for this re-submission. I will note that it is understood you have requested an additional fee of \$1,381 because you have determined this application will require a public hearing. That fee will be tendered as soon as I receive it from my client. I further understand you are requesting a floodplain development application be filed, together with the appropriate fee of \$604, which will be filed and paid as soon as I am able to get the application and justification materials put together.



Please include this letter and attachment in the official record of these proceedings. If you have any questions regarding the positions taken here, feel free to contact me at your convenience.

Yours truly,

Wallace W. Lien

WALLACE W. LIEN

Enc: Re-submitted Application

cc: Sulamita Recreation Center, LLC (w/enc)



LAND USE PERMIT APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

COMPLETED BY STAFF	
Received By: _____	<input type="checkbox"/> Conditional Use <input type="checkbox"/> Comp. Plan Amendment
Date Submitted: _____	<input type="checkbox"/> Farm Dwelling <input type="checkbox"/> Replacement Dwelling
Application No. _____	<input type="checkbox"/> Forest Dwelling <input type="checkbox"/> Variance
Fee: _____	<input type="checkbox"/> Land Use Determ. <input type="checkbox"/> Zone Change
Fee Paid: _____	Staff Notes:
Receipt No.: _____	

Please type or clearly print all of the requested information below.

I. PROPERTY OWNER(S)

Name SULAKITA Recreation Center LLC
Mailing Address 12650 SE 137th DR
City Happy Valley State OR Zip 97086
Daytime Phone _____
Email (optional) _____

II. APPLICANT (IF DIFFERENT THAN OWNER)

Name WALLACE W. Lien
Mailing Address 1004 Crescent DR NW
City Salem State OR Zip 97304
Daytime Phone 503-585-0105
Email (optional) WALLACE.LIEN@LienLaw.com

III. PROPERTY

Location or Address 7425 Gold Creek Rd Tax Acct. No. 286206 Acreage 100.65
Township 6S ; Range 7W ; Section(s) 21 ; Tax Lot(s) 100
Comp. Plan Designation Timber Zone Timber Conservation
School District: WILLAMINA Fire District: West Valley Fire District
Water Service Type: Grand Ronde Water Sewage Disposal Type: Septic

IV. REQUEST SUMMARY (Example: "To establish a small tract template dwelling in the TC Zoning District.")

Establish a Youth Camp

V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Polk County Subdivision and Partition Ordinance (PCSO) and/or the Polk County Zoning Ordinance (PCZO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request.

The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete.

An incomplete application will postpone the decision, or may result in denial of the request. *Please mark the items below to ensure your submittal is complete.*

Application Check List

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Polk County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is a twelve (12) day appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Polk County Community Development Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

Wallace White, attorney
for Sulamita Recreation Center LLC

Signatures of owners that appear on deed and/or authorized agent
*If signed by an agent, owner's written authorization must be attached.
*Electronic signatures are not accepted.

PLEASE NOTE: THIS APPLICATION MUST BE RETURNED IN PERSON.



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Fri, Jun 16, 2023 at 2:46 PM

To: Mark Havel <vmarkhavel@gmail.com>

Cc: Pat Wheeler <wheelerp@onid.orst.edu>, "hodney@eotnet.net" <hodney@eotnet.net>, "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>

Mark,

Your comments have been included in the record. I have created a link on our website so that everyone has access to the full record. This link can be found here and I will be updating it regularly.

Regards,
Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Development CUP Application Supplement

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: Nolan Smith <nsmith@carollolegal.com>

Fri, Jun 16, 2023 at 2:44 PM

Mr. Smith,

Sorry for the delayed response. Your email/documents have been included in the record. I have created a link on our website so that everyone has access to the full record. This link can be found here and I will be updating it regularly.

Regards,
Sidney
[Quoted text hidden]

--
Sidney Mulder, Planning Manager
Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

1 message

Mark Havel <vmarkhavel@gmail.com>

Fri, Jun 16, 2023 at 8:34 AM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: Pat Wheeler <wheelerp@onid.orst.edu>, "hodney@eotnet.net" <hodney@eotnet.net>, "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>

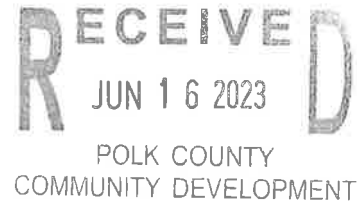
Good morning Sidney;

I can't let the week pass without comment on the Sulamita application status. I've read through parts of the submitted material and my blood boils. At what point do the lies of Wally Lien come before a judge or commission, under oath, to stop this escalating charade? At every juncture, all of the actions of last year are smoothed over as something they aren't going to do, because they have already done it! This is evident from all of the submitted comments from 'the observant public' and the observations of Jerry Jackson, if not all the agencies that should have been on this all along.

Specifically, point by point addressing of each item is infuriating as the submission by Wally Lien for Sulamita is All Lies.

Yours; Mark

Sent from Mail for Windows



CERTIFICATE OF MAILING

I, Sarah Buhler, certify that I mailed the attached Letter for Planning File #CU 22-21 by regular U.S. Mail to all of the individuals or groups listed on the attached mailing list.



Sarah Buhler

DATED: June 16, 2023

MAILING LIST

Wallace W. Lien
1004 Crescent Dr NW
Salem, OR 97304

Sulamita Recreation Center, LLC
12650 SE 137th Dr.
Happy Valley, OR 97086



Buhler, Sarah <buhler.sarah@co.polk.or.us>

Letter for Planning File CU 22-21

1 message

Buhler, Sarah <buhler.sarah@co.polk.or.us>
To: wallace.lien@lienlaw.com
Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>

Fri, Jun 16, 2023 at 1:22 PM

Good afternoon -

Attached is a Letter for Planning File CU 22-21. If you have any questions please let Sidney (cc'd) know.

Thank you,

Sarah Buhler
Office Specialist
Community Development
850 Main Street, Dallas
503-623-9237



Planning File CU 22-21 (Letter).pdf

166K



POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

June 16, 2023

Wallace W. Lien
1004 Crescent Dr. NW
Salem, OR 97304

CC: Sulamita Recreation Center, LLC

RE: Conditional Use Application CU 22-21; Youth Camp

Dear Mr. Lien:

On December 12, 2022, our office received a conditional use application (CU 22-21) proposing to establish a youth camp within the Timber Conservation (TC) Zoning District, at the property located at 7425 Gold Creek Road, Willamina, Oregon (T6S, R7W, Section 21, Tax Lot 100). On January 10, 2023, a letter was sent to you requesting the following information:

- **Clarification regarding whether or not the existing reservoir is proposed to be expanded;**
- **Submission of a Significant Resource Management Plan for the proposed road development within the Deer and Elk Habitat Area, and for the proposed road development and vegetation removal within the riparian setback area of Gold Creek;**
- **Additional evidence to demonstrate that the proposed development, including any development associated with the youth camp that has already occurred, complies with the development standards listed in Polk County Zoning Ordinance (PCZO) 182.050;**
- **Submission of an additional application fee of \$1,381 because this application requires a public hearing;**
- **Submission of an additional land use application (and fee of \$604) for non-structural floodplain development that accounts for all existing non-permitted excavation, grading, and filling activities that have already occurred within the SFHA, and any additional proposed non-structural floodplain development;**
- **Additional evidence to demonstrate that the subject property could support the proposed scale of the youth camp based on the subject property's size, topography, geographic features and any other characteristics;**
- **Additional information regarding the proposed "temporary RV hookups";**
- **Additional evidence to demonstrate that the subject property could support an on-site septic system(s) based on the scale of the proposed overnight participants and accommodations;**
- **Additional information regarding how many additional overnight participants are proposed pursuant to OAR 660-006-0031(4)(b), and additional details regarding where the additional participants are proposed to sleep (i.e. tents, RV's, etc.);**
- **Evidence to demonstrate where legally established water rights on adjacent properties are located and what use(s) the water rights are authorized for to demonstrate compliance with OAR 660-006-0031(4)(g);**
- **Evidence to demonstrate how the subject property provides a forested setting without being dependent on the forested setting of nearby private land;**

- **Additional information regarding a discrepancy between the narrative and plot plan provided related to the criteria found in OAR 660-006-0031(5)(b);**
- **Submission of an updated site plan to demonstrate compliance with the 250 foot structural setback, or submission of additional evidence to demonstrate compliance with OAR 660-006-0031(5)(b);**
- **Additional information describing the camp activities are proposed to take place within the proposed winter retreat lodge, meeting hall, and spa house;**
- **Submission of an amend fire safety protection plan to ensure that the creation of fire lines would not rely upon youth camp participants. Or, additional evidence to demonstrate compliance with the criteria found in OAR 660-006-0031(7)(e);**
- **Evidence demonstrating that water could be obtained from the Grand Ronde Community Water Association for the proposed youth camp;**
- **Additional details regarding the amount and type of traffic anticipated in order to determine what County road design standards would be applicable and whether a Transportation Impact Analysis (TIA) would be required;**
- **Additional evidence to demonstrate that all structures proposed would comply with the required fuel break standards listed in OAR 660-006-0035(3); and**
- **Additional evidence to demonstrate that 50 parking spaces would be sufficient for the proposed scale of the youth camp.**

In response to staff's letter, some supplemental information was provided with an extension request of six (6) additional months to address the remaining information. Due to the extensive list of additional information requested, some of which does take time to obtain, staff does not believe that this is an unreasonable request. However, after reviewing the applicable timeline requirements found in Oregon Revised Statute (ORS) 215.427, it appears that an extension request cannot be granted to the 180-day timeline specified in ORS 215.427(4).

Pursuant to ORS 215.427(4), I have determined that planning file CU 22-21 has exceeded the 180-day timeline and is thereby considered void. To resolve this matter, I recommend re-applying for a new conditional use permit and requesting staff to copy the record from CU 22-21. Because the subject property has an active Code Enforcement file, a timely re-submission is also recommended in order to avoid potential enforcement.

Lastly, on January 10, 2023, staff notified the applicant that a significant amount of public comment had been submitted thus far, and it was advised to obtain copies of the record to ensure that you have an opportunity to address all comments/concerns that have been submitted. The additional information provided on June 2, 2023 states, "Applicant does hereby request that any information placed in this record by anyone other than the Applicant be provided to Applicant's legal counsel for review and comment." I have uploaded a copy of the record to the Polk County Planning Division website, which can be found at: <https://www.co.polk.or.us/cd/planning/planning-division-current-projects>

I will update this document regularly as more information is included in the record. Similarly, if a new application is applied for, I will update this document to reflect the new file number/record.

If you need any additional information regarding your application, please contact me at (503) 623-9237.

Sincerely,



Sidney Mulder
Planning Manager



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Development CUP Application Supplement

1 message

Nolan Smith <nsmith@carollolegal.com>

Wed, Jun 14, 2023 at 9:03 AM

To: "mulder.sidney@co.polk.or.us" <mulder.sidney@co.polk.or.us>

Good morning, Ms. Mulder:

On behalf of my clients Ron and Barbara Smith of the Gold Creek Ranch I want to thank you for keeping us informed of the status of the proposed Sulamita development on Gold Creek Road. My clients (and I) appreciate the County's dutiful application of its land use laws. I also appreciate your willingness to listen to the concerns of my clients.

I understand that Sulamita recently provided the County with "supplements" to its Conditional Use Permit ("CUP") application in response to the County's notice of incomplete. I have reviewed these supplements. Based on my review, Sulamita's response does not address any of the issues raised in the prior substantive comments on the CUP provided on behalf of my clients. Therefore, I will not rehash those comments here. I do want to request, however, that my clients be provided another comment opportunity on both the CUP and any supplements to the CUP during the application review process. If it would be of assistance I can provide an analysis of the proposed Oregon State Forest Habitat Conservation Plan, which Sulamita states it will "adopt" here. Additionally, please let me know if Sulamita's request for additional time is granted, as my clients may be interested in submitting additional comments addressing the current, and any future, supplements to Sulamita's CUP application.

I also want to provide the County with the attached document. This document provides examples of other youth camps located in rural western Oregon, including a youth camp (Camp Cedar Ridge) which Sulamita states they have utilized in the past. As my client's prior comments explained, Sulamita's current CUP application is deficient because, *inter alia*, the proposed development would have significant auidal and visual impacts on my client's property, contrary to Oregon law. See OAR 660-006-0031. In addition, the property cannot provide a "forested setting" "without depending upon the use or natural characteristics of adjacent and nearby public and private land." *Id.*; see also Applicant's First Supplemental Justification at ¶ 10 (Applicant stating that the Sulamita property is in a "forested setting" because "three sides of the property are fully forested[,] even though those forests are owned by other private parties). To aid in this analysis I want to provide a sample of other western Oregon youth camps (many, if not all, of which can be utilized by the public, contrary to Sulamita's proposed development). As you may see from the aerial imagery in the attached document, each of these other camps is far more "forested" than the Sulamita property. The visual (and presumably auidal) impacts of the camps in these examples is lessened by the forested buffer between them and neighboring landowners.

In contrast, the Sulamita property is devoid of any forested setting. The few trees remaining on the property are so sparce that they do not constitute a "forest" or "forested setting." Moreover, the trees Sulamita has stated they have planted will not provide a "forested" setting for decades to come. *But see* Applicant's First Supplemental Justification at ¶ 3, 10 (stating in ¶ 3 that a buffer *has not* been replanted, but stating in ¶ 10 that the same buffer was replanted). As such, the auidal and visual impacts of the Sulamita property are stark, and any development will be within full view, and easily heard, from my client's property. Sulamita's proposed development plan is inconsistent with OAR 660-006-0031 (and other Oregon and Polk County land use laws), and the attached document may help the County compare this CUP application to other, existing youth camps.

Thank you again for keeping my clients informed of the status of the proposed Sulamita development. If it would be of assistance, I'd welcome the opportunity to speak with Polk County's

counsel regarding the pending CUP.

Regards,

Nolan Smith

CAROLLO LAW GROUP LLC

PO Box 2456

Roseburg, OR 97470

PH: 541-957-5900

FAX: 541-957-5923

Attorney Client Privilege - This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and you are requested to return the original message to the sender.

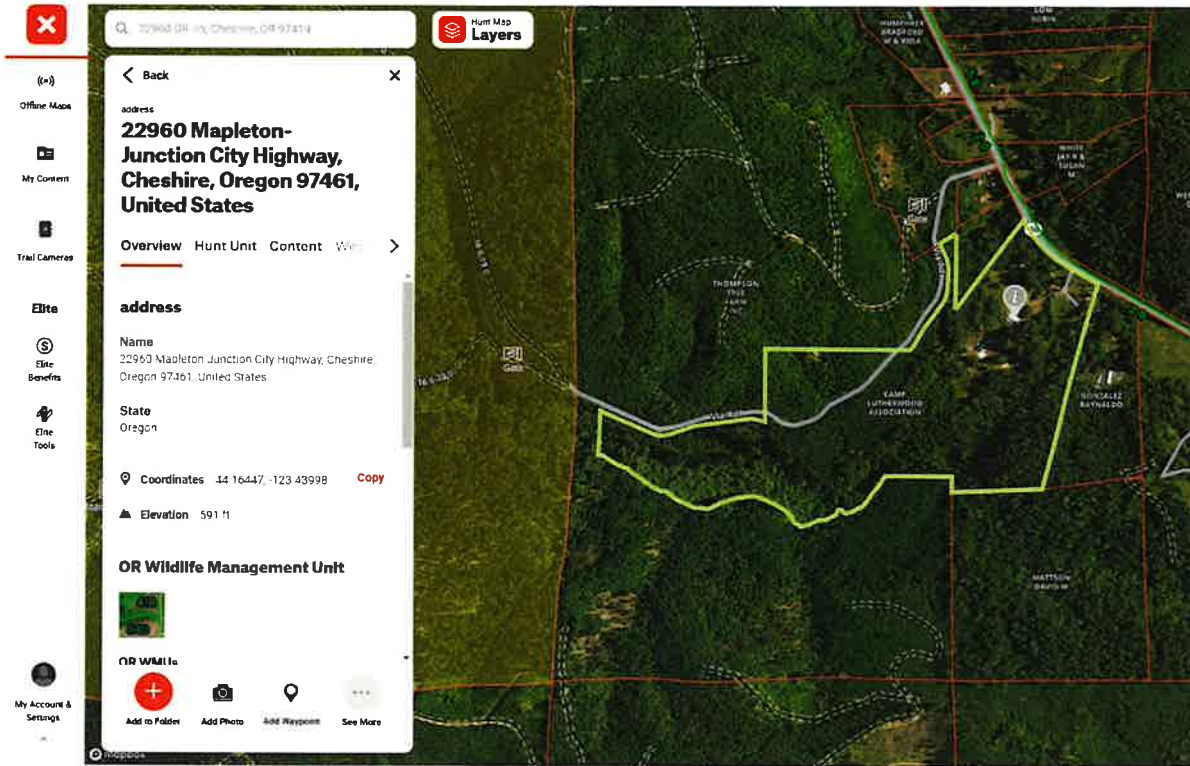


Sample Youth Camps - 1.pdf

2179K

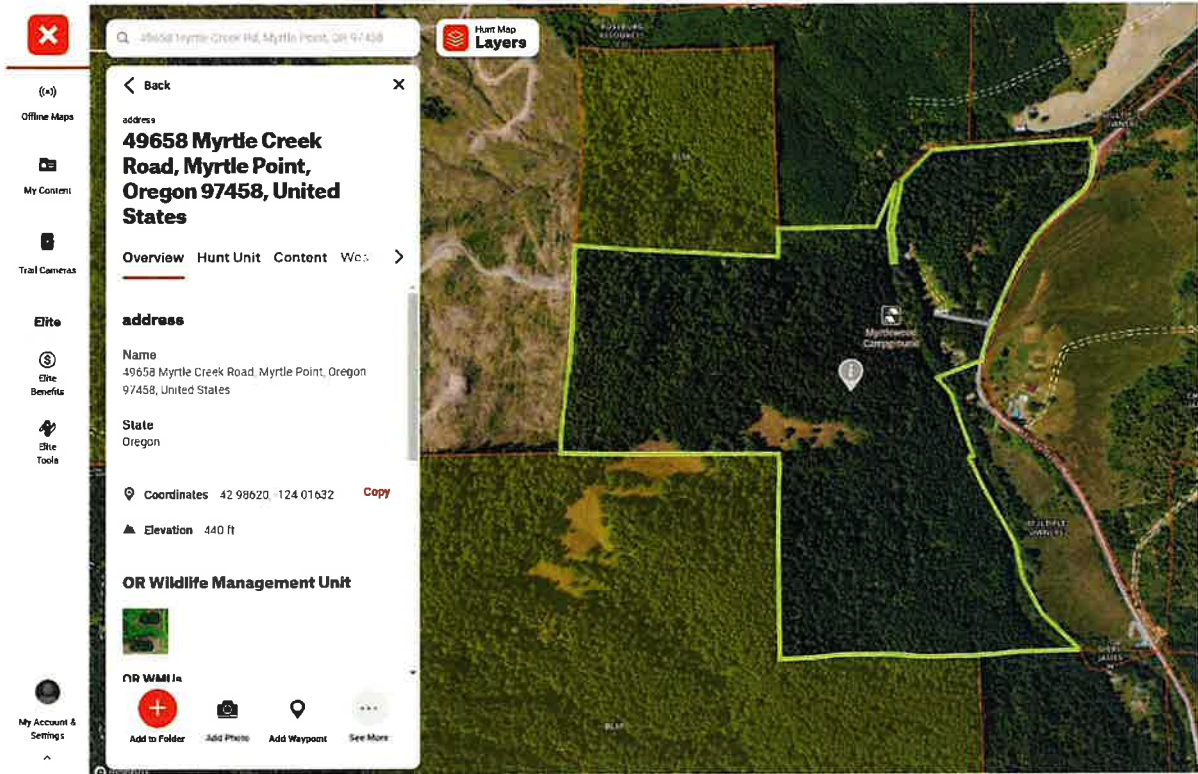
CAMP LUTHERWOOD

<https://www.lutherwoodoregon.org/>



CAMP MYRTLEWOOD

<https://www.campmyrtlewood.org/>



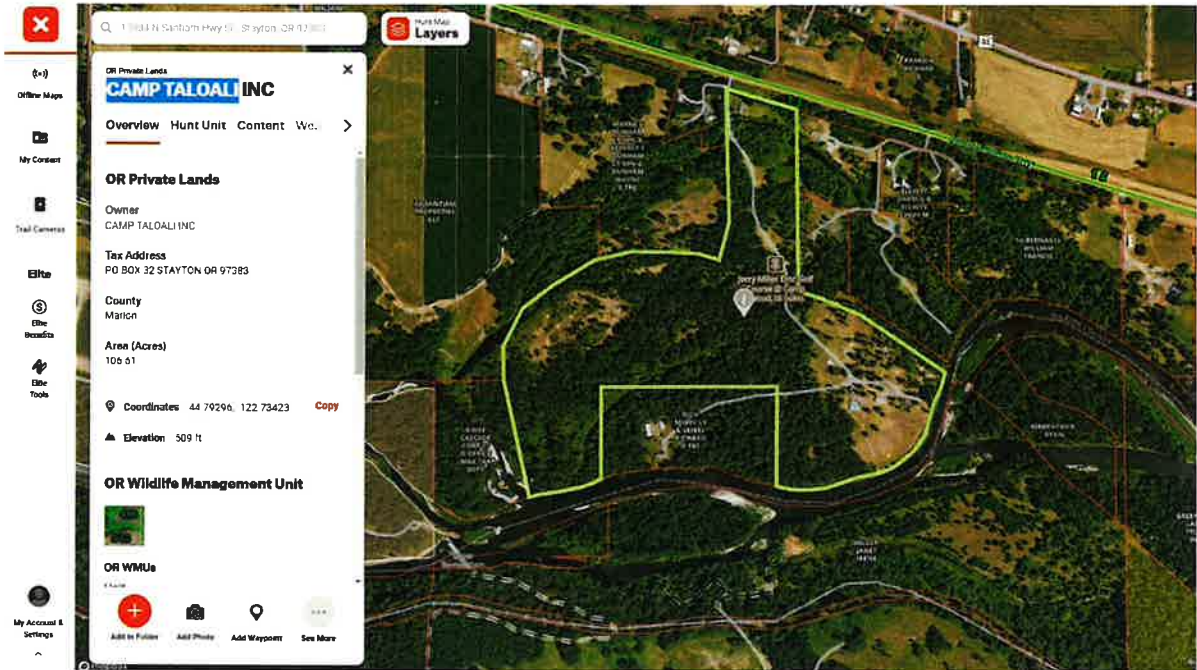
CAMP TADMOR

<https://tadmor.org/en/index.cfm>



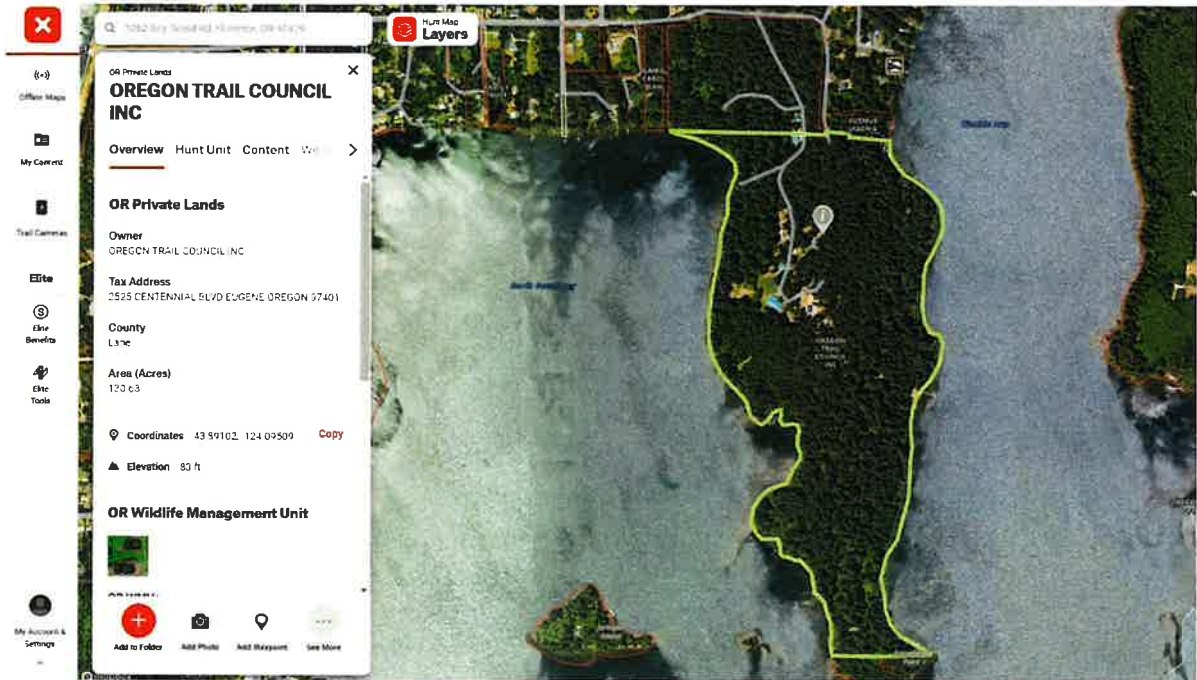
CAMP TALOALI

<https://www.taloali.org/>



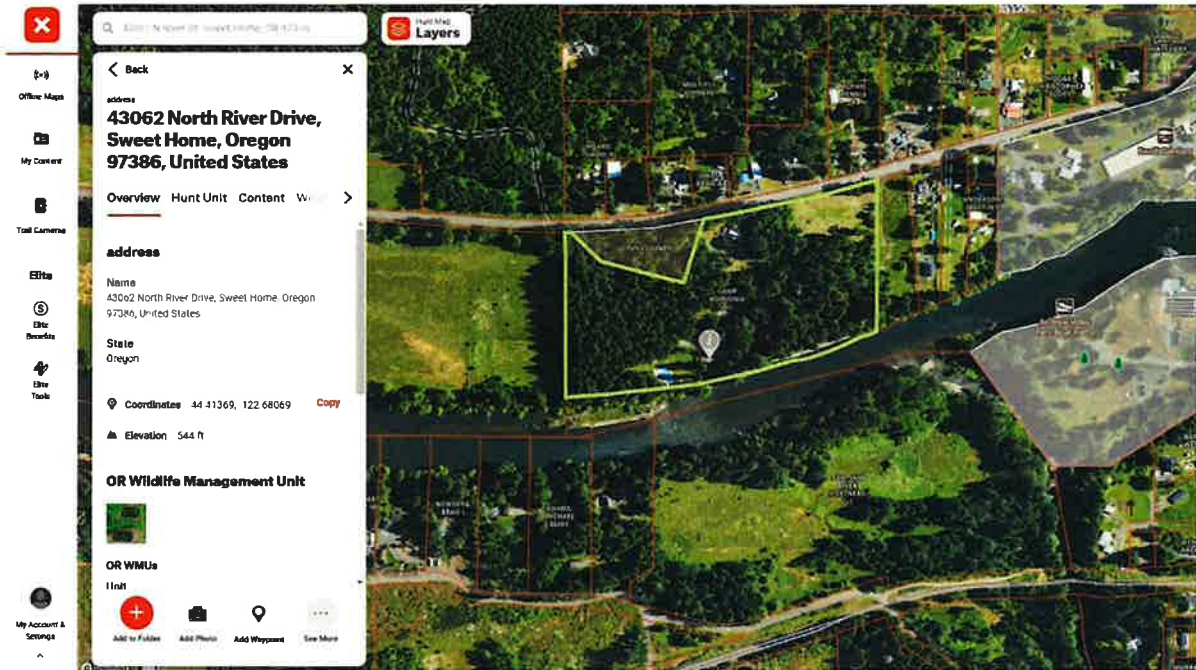
CAMP BAKER

<https://scoutingevent.com/697-CampBaker2023>



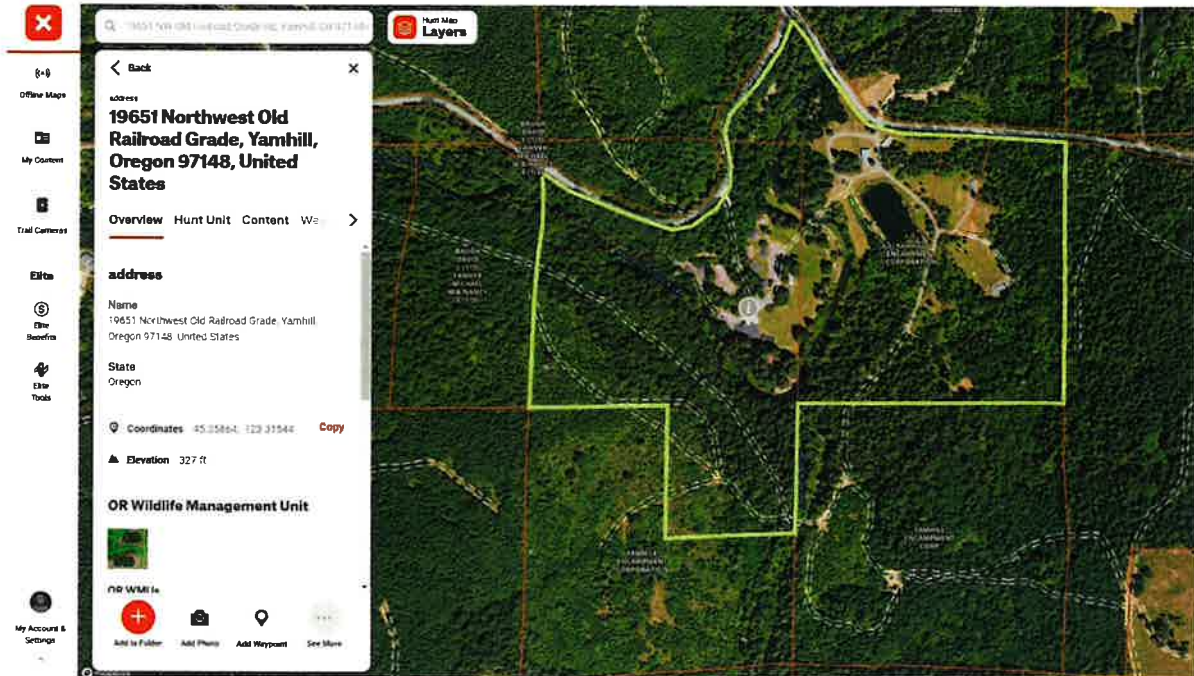
CAMP KOINONIA

<https://www.campkoinonia.net/>



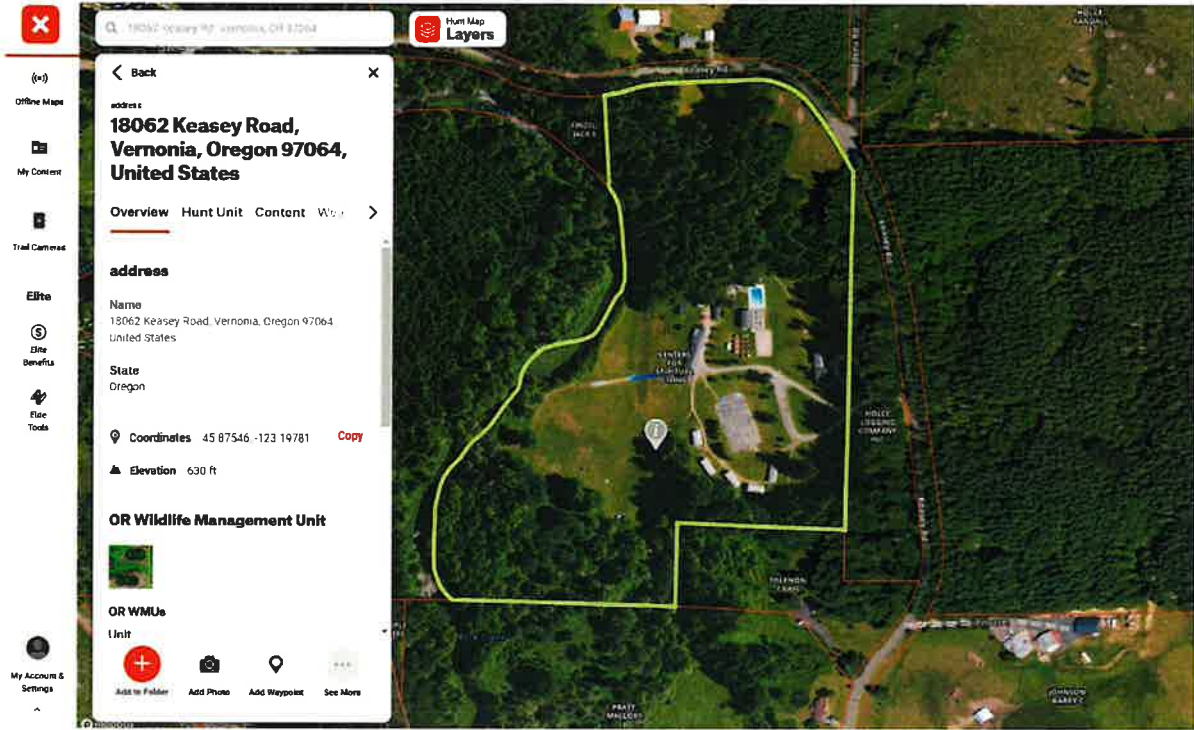
CAMP YAMHILL

<https://campyamhill.org/>

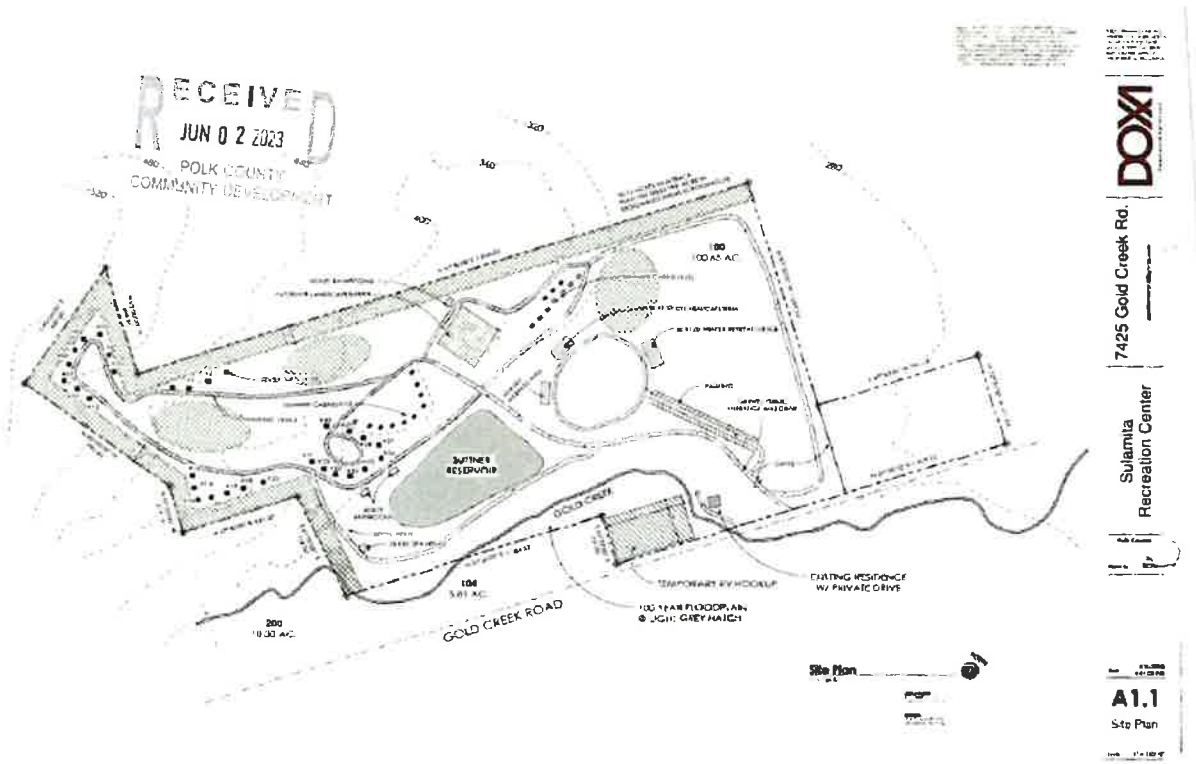
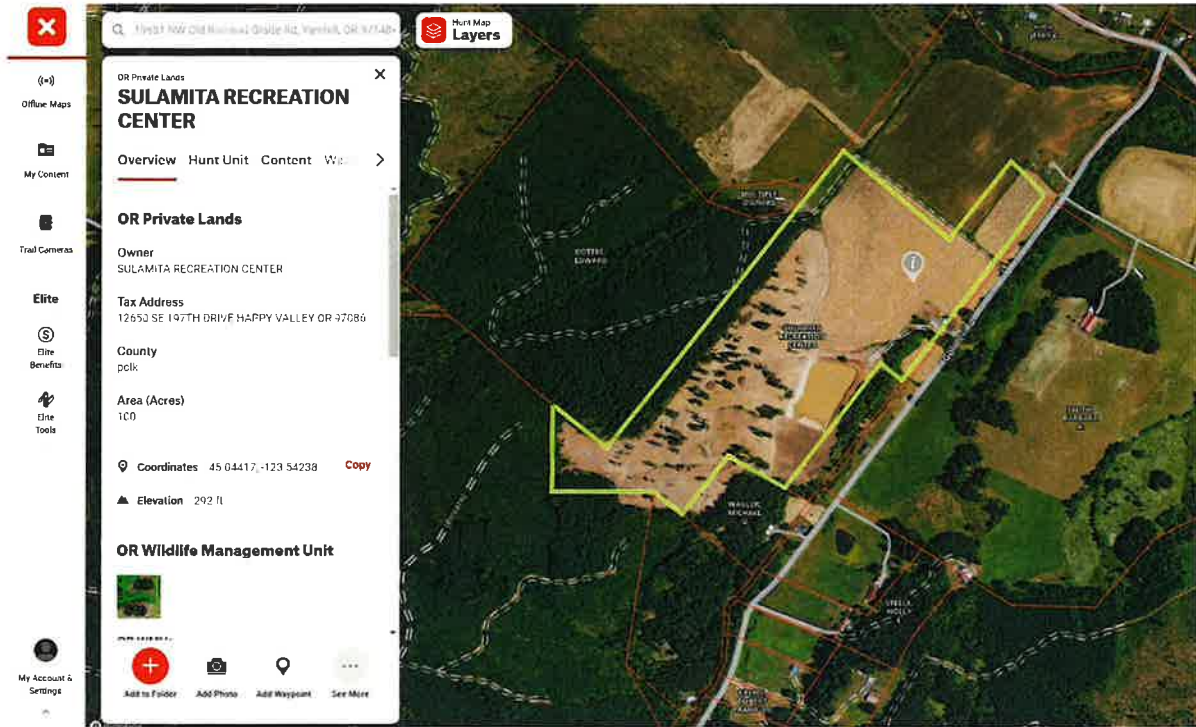


CAMP CEDAR RIDGE

<https://campcedarridgeor.org/>



PROPOSED SULAMITA CAMP





Mulder, Sidney <mulder.sidney@co.polk.or.us>

CU 22-21 - Missing Pix

1 message

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Fri, Jun 2, 2023 at 3:11 PM

Sidney

I was able to convert the renderings to pdf files so they could be emailed. Please add these to complete our First Supplemental.

Thanks

Wally

Wallace W. Lien

Attorney at Law

wallace.lien@lienlaw.com

Virtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

phone: 503-585-0105

<http://www.lienlaw.com>

CONFIDENTIALITY NOTICE:

If you have received this communication in error, please notify me immediately. This message is intended only for the use of the person or firm to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

2 attachments

 **Exh 2.3 - Side 2 meeting hall.pdf**
3356K

 **Exh 2.2 - Side 1 Meeting Hall.pdf**
4092K

RECEIVED
JUN 02 2023

POLK COUNTY
COMMUNITY DEVELOPMENT



RECEIVED
JUN 02 2023

POLK COUNTY
COMMUNITY DEVELOPMENT



**Mulder, Sidney** <mulder.sidney@co.polk.or.us>

CU 22-21 - Part 2

1 message

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Fri, Jun 2, 2023 at 2:35 PM

Sidney – here are additional exhibits that go with the First Supplement. I have a few other pix, but they are too large to send even on their own, so I will drop those off next time I am at the counter.

Wally

Wallace W. Lien

Attorney at Law

wallace.lien@lienlaw.com

Virtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

phone: 503-585-0105

<http://www.lienlaw.com>

CONFIDENTIALITY NOTICE:

If you have received this communication in error, please notify me immediately. This message is intended only for the use of the person or firm to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

3 attachments**Exh 2.2 - Meeting Hall Side 1 Rendering.jpg**
18983K

 **Exh 3 - Executive Summary o. Habitat Plan.pdf**
1014K

 **Exh 4 - Water Tank.pdf**
741K



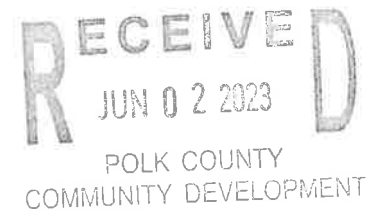
RECEIVED
JUN 02 2023
POINT COUNTY
COMMUNITY DEVELOPMENT

Executive Summary

The Western Oregon State Forests Habitat Conservation Plan (HCP) has been developed by the Oregon Department of Forestry (ODF) to support applications for federal Endangered Species Act (ESA) incidental take permits from the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the U.S. Fish and Wildlife Service (USFWS). This HCP describes potential effects on a suite of 17 federally listed species potentially at-risk from ODF's forest management activities, including timber harvest, stand management, habitat restoration, and construction and maintenance of recreation facilities over a 70-year permit term. The HCP also describes a conservation strategy to avoid, minimize, and mitigate any effects from those activities during that timeframe.

This Executive Summary provides an overview of the HCP, including the following:

1. Overview of the Planning Process
2. Scope of the HCP
3. Conservation Strategy
4. Implementation, Cost, and Funding



ES.1 Overview of the Planning Process

In November 2018 the Oregon Board of Forestry (BOF) unanimously directed ODF staff to begin work on an HCP. The HCP would enable ODF to comply with the federal ESA when conducting land management activities on State Forests west of the Cascade Mountains. The HCP would also facilitate permit applications to the USFWS and NOAA Fisheries for programmatic take¹ authorization for those activities (covered activities) and for select species (covered species) over a 70-year permit term. Between November 2018 and March 2021 ODF staff completed this administrative draft HCP in coordination with state and federal environmental and wildlife agencies, and with engagement from counties, Tribal governments, members of the public, and representatives from key stakeholder sectors.

Throughout the development of the HCP, ODF provided updates and briefings to the BOF to help them assess the ability of a potential HCP to meet ODF's Endangered Species Act obligations and its Greatest Permanent Value mandate, which encompasses economic, conservation, and social outcomes. ODF implemented a structured public engagement process to facilitate an inclusive information sharing and feedback process. BOF checkpoints were built into this process where the BOF provided direction to ODF on the approach to the HCP and the strategy for public engagement. In October 2020, the BOF unanimously voted to direct ODF staff complete the administrative draft HCP and the National Environmental Policy Act (NEPA) assessment of the HCP. After the NEPA process and federal permit decisions, the BOF will determine whether to implement the incidental take permits associated with the r Western Oregon State Forests HCP.

¹ *Taking* is defined as, "to harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S. Code [USC] 1532). *Harm* is further defined as including "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 Code of Federal Regulations [CFR] 17.3).

ES.1.1 HCP Program Goals

ODF staff developed a set of six broad program goals for the HCP in collaboration with the Steering Committee. These program goals were used as a foundation to develop the biological goals and objectives and the conservation strategy described in Chapter 4, *Conservation Strategy*:

- Meet the regulatory requirements of the federal and state ESA through an approved HCP, using a multi-species approach to managing forest ecosystems across the landscape, in accordance with formal consultation with the Services under Section 7 and Section 10 of the ESA.
- Ensure active and sustainable management of state forest lands under a Western Oregon HCP and an associated Forest Management Plan designed to meet the social, economic, and environmental goals articulated in the Greatest Permanent Value Rule.
- Increase operational certainty, cost savings, and predictability of revenue generation (including related timber harvest, jobs, and other economic values) using the HCP as a programmatic approach to comply with the federal and state ESA over the permit term.
- Increase certainty for long-term persistence of covered wildlife species by protecting and maintaining high-quality habitats, conducting habitat enhancement activities in areas of lower quality habitat, and mitigating the impacts of covered activities on covered species.
- Advance partnerships and engagement related to management approaches and outcomes associated with, but not limited to, revenue generation and economic outcomes, conservation, forest conditions and health, tribal interests and traditional cultural uses, research, monitoring, education, recreation, and the equitable enjoyment of benefits that state public forests provide.
- Use science-based forestry to promote conditions that create sustainable, productive forests that are resilient to large fires, climate change impacts, and other disturbance events. Use an adaptive management approach to address uncertainty and change over time.

ES.1.2 HCP Planning Structure

The HCP was led by ODF and advised by a team of policy and technical experts who were organized into a Steering Committee and Scoping Team. The final decisions on the contents of the HCP were made by ODF. All other participants were engaged to provide technical and policy advice. Planning participants provided valuable input during the planning process, as described below.

ES.1.2.1 Steering Committee

The HCP Steering Committee consists of state and federal government agency representatives. Members worked together to provide advice on how ODF can achieve a mutually acceptable outcome that satisfies, to the greatest degree possible, the interests of all participants, while still meeting all regulatory requirements of the ESA. The role of the Steering Committee was to provide overall guidance for the HCP process and to provide direction and support to the Scoping Team. The Steering Committee met approximately bi-monthly during HCP development.

Member agencies of the Steering Committee are discussed in Chapter 1, *Introduction*, and include:

- Oregon Department of Forestry (convener)
- Oregon Department of State Lands

- Oregon Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Oregon State University
- U.S. Fish and Wildlife Service
- National Oceanic and Atmospheric Administration Fisheries

ES.1.2.2 Scoping Team

The HCP Scoping Team was composed of terrestrial and aquatic biologists and technical specialists from state and federal agencies. The role of the Scoping Team was to provide technical expertise and to develop technical recommendations for the Steering Committee to consider when advising ODF in the development of a potential HCP. The Scoping Team met twice monthly during HCP development. Member agencies of the Scoping Team were the same as those for the Steering Committee. Technical experts from Oregon State University provided review of key data and work products.

The Scoping Team provided input, guidance, and feedback on development of all aspects of the HCP. This important feedback included species to be covered, how to analyze effects on those species, and the type and extent of conservation actions described in the HCP. The Scoping Team also reviewed early drafts of the HCP to support ODF's development of a legally compliant, scientifically sound, and operationally feasible planning document.

ES.1.2.3 Public Engagement

During the development of the HCP, ODF hosted public informational meetings prior to each BOF meeting to provide an opportunity for the counties, Tribes, public, stakeholders, department staff, and consultants to share feedback, provide information regarding HCP development, and explore ideas for improvement. Follow-up meetings with these entities were also scheduled upon request to further discuss the information presented during the meetings open to the public and to provide more detail on the components of the HCP.

ES.2 Scope of the HCP

This section provides a summary of the scope of the HCP, including the location of the permit area and plan area, the activities and species covered by the HCP, and the duration of the permit requested.

ES.2.1 Permit Area and Plan Area

The location where the HCP and ESA permit coverage would apply must be defined and is called the *permit area*. The permit area in this HCP is defined as the area where incidental take is covered under the incidental take permit, which includes the portion of the plan area that ODF currently controls and where all covered activities will occur and where conservation measures will apply. This includes all Board of Forestry Lands acquired pursuant to Oregon Revised Statutes (ORS) Chapter 530 and Common School Forest lands owned by the Oregon Department of State Lands but managed by ODF pursuant to ORS 530.490 through 530.520. Collectively these lands encompass 639,489 acres. An 84,206-acre buffer surrounding parts of the permit area has been identified where ODF has the potential to acquire or exchange lands with neighboring landowners in the future. An additional 10,000 acres in the vicinity of ODF lands have not yet been identified in Land Acquisition and Exchange Plans but may be acquired by ODF. Following a land exchange, the HCP and permits would apply to any lands newly acquired by ODF, and permits would no longer apply to any lands that ODF no longer managed. The *plan area* encompasses the permit area plus this additional 94,206-acre buffer. Figure ES-1 shows the plan area and permit area for the Western Oregon State Forests HCP. Additional details on how the plan area and permit area were defined are provided in Chapter 1.

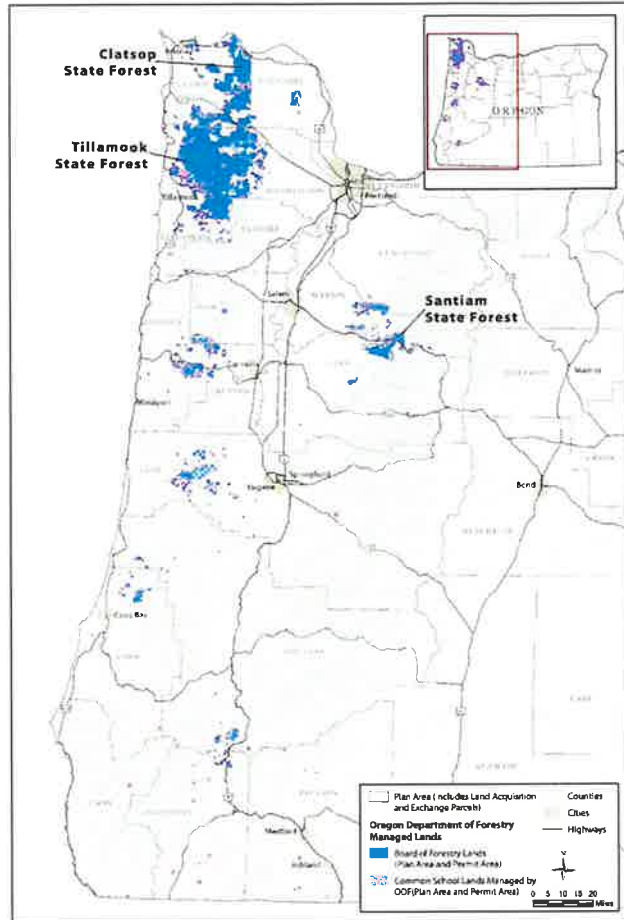


Figure ES-1. Plan Area and Permit Area

ES.2.2 Covered Activities

This HCP and permits are proposed to cover and provide incidental take authorization for ODF's land management activities in the permit area, other activities that ODF has jurisdiction over, and the activities needed to carry out the conservation strategy. Covered activities must be "under the control" of the permit holder and occur within the permit term and in the permit area in order to receive coverage. Broad categories of the covered activities are listed below; detailed descriptions of the selection process and all covered activities are provided in Chapter 3, *Covered Activities*.

Covered activity categories include:

- Timber Harvest
- Stand Management
- Road System Management
- Recreation Infrastructure Construction and Maintenance
- HCP Conservation Actions



ES.2.3 Covered Species

Covered species are those species for which USFWS and NOAA Fisheries will provide take authorization to ODF to authorize take that may occur during the implementation of covered activities. Species were selected for coverage if all four of the following criteria were met:

1. The species range overlaps with the permit area.
2. The species is currently listed under the ESA or is likely to become listed during the permit term.
3. The species is likely to be impacted by covered activities.
4. There is enough data available to adequately assess the potential for covered activities to impact the species and to create a conservation strategy for the species that will adequately avoid, minimize, and mitigate the impact of any taking of the species that occurs from covered activities.

There are 17 species proposed for coverage in the draft HCP: 10 fish, 2 birds, 3 salamanders, and 2 mammals (Table ES-1).

Table ES-1. Proposed Covered Species

Species	Listing Status		Federal Agency Jurisdiction
	Federal	State	
Fish			
Oregon Coast coho (<i>Oncorhynchus kisutch</i>)	FT	FT	NOAA Fisheries
Oregon Coast spring-run chinook (<i>O. tshawytscha</i>)	UR	UR	NOAA Fisheries
Lower Columbia River chinook (<i>O. tshawytscha</i>)	FT	--	NOAA Fisheries
Lower Columbia River coho (<i>O. kisutch</i>)	FT	SE	NOAA Fisheries
Columbia River chum (<i>O. keta</i>)	FT	--	NOAA Fisheries
Upper Willamette River spring-run chinook (<i>O. tshawytscha</i>)	FT	--	NOAA Fisheries
Upper Willamette River winter steelhead (<i>O. mykiss</i>)	FT	--	NOAA Fisheries
Southern Oregon/Northern California Coast coho (<i>O. kisutch</i>)	FT	--	NOAA Fisheries
Southern Oregon/Northern California Coastal spring-run chinook (<i>O. tshawytscha</i>)	UR	UR	NOAA Fisheries
Eulachon (<i>Thaleichthys pacificus</i>)	FT	--	NOAA Fisheries
Birds			
Northern spotted owl (<i>Strix occidentalis caurina</i>)	FT	ST	USFWS
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	FT	SE	USFWS
Amphibians			
Oregon slender salamander (<i>Batrachoseps wrighti</i>)	--	ST	USFWS
Columbia torrent salamander (<i>Rhyacotriton kezeri</i>)	UR	ST	USFWS
Cascade torrent salamander (<i>R. cascadae</i>)	UR	--	USFWS
Mammals			
Coastal marten (<i>Martes caurina</i>) ^a	T	--	USFWS
Red tree vole, North Oregon Coast population (<i>Arborimus longicaudus</i>) ^b	--	--	USFWS

SE = State Endangered; ST = State Threatened; FT = Federal Threatened; UR = Under Review

^a The full name of the listed entity is Pacific marten, Coastal Distinct Population Segment.

^b ODF is proposing the red tree vole for coverage under this HCP despite red tree vole not being listed as endangered or threatened under the ESA. In 2019, the USFWS determined that red tree vole did not warrant listing as endangered or threatened (84 *Federal Regulations* 69707). The Center for Biological Diversity is currently seeking an

order to vacate USFWS's not-warranted finding and remand the matter to the Service to issue a new determination regarding whether red tree vole warrants protection under the ESA as an endangered or threatened species. ODF finds the likelihood of future listing of red tree vole to be high enough to propose the species for coverage under this HCP.

ES.2.4 Permit Term

The HCP and associated permits are proposed to have concurrent terms of 70 years. The 70-year permit term was selected to balance the risks associated with shorter and longer terms. A term of less than 70 years would limit ODF's ability to conduct long-term forest management practices, which are typically conducted on roughly 10-year management cycles. A term of more than 70 years would increase the risk that unpredictable ecological changes could adversely affect the status of the covered species in the plan area and increases the uncertainty associated with modeling those changes. Both of these items could compromise the conservation strategy. The level of certainty associated with a 70-year term enables ODF to make long-term plans and investments with the assurance that they will be able to continue managing the forest in a manner that complies with ESA requirements. In addition, the monitoring and adaptive strategy detailed in Chapter 6, *Monitoring and Adaptive Management*, outlines how implementation of the conservation strategy will be monitored and reported, and how changes will be made, if needed, in response to monitoring results, to manage in response to change. This will further allow ODF to manage uncertainty that may arise during the permit term.

ES.3 Conservation Strategy

The conservation strategy includes measures to avoid, minimize, and mitigate the impact of the taking on covered species from covered activities. The conservation strategy relies on (1) implementing best management practices when conducting covered activities to minimize effects on covered species, (2) designating areas on the landscape that will be managed for the benefit of covered species, and (3) creating a Conservation Fund that would be used to implement species and habitat management activities that would directly benefit covered species during the permit term.

The conservation strategy is best summarized by the biological goals and objectives for each covered species. Biological goals and objectives state the intentions of the HCP, and the measurable biological objectives become the threshold by which the success of the HCP will be judged. Biological goals and objectives for covered fish and aquatic salamanders focus on continual improvement of aquatic habitat quality. Specifically, biological objectives state intentions for improving instream habitat quality through the recruitment of large woody debris, execution of stream enhancement projects, removal of barriers to fish movement, and protection against sediment and stream temperature increase. Biological goals and objectives for terrestrial covered species focus on increasing habitat quality and quantity during the permit term. Commitments are made to initially conserve and maintain habitat that is currently suitable or occupied and then increase the total acres of habitat through enhancement, including both passive and active management.

Twelve conservation actions are described in the draft HCP that will be used to achieve the biological goals and objectives:

- Conservation Action 1: Establish Riparian Conservation Areas
- Conservation Action 2: Riparian Equipment Restriction Zone

- Conservation Action 3: Stream Enhancement
- Conservation Action 4: Remove or Modify Artificial Fish-Passage Barriers
- Conservation Action 5: Standards for Road Improvement and Vacating
- Conservation Action 6: Establish Habitat Conservation Areas
- Conservation Action 7: Manage Habitat Conservation Areas
- Conservation Action 8: Conservation Actions Outside Habitat Conservation Areas and Riparian Conservation Areas
- Conservation Action 9: Strategic Terrestrial Species Conservation Actions
- Conservation Action 10: Operational Restrictions to Minimize Effects on Covered Species
- Conservation Action 11: Road and Trail Construction and Management Measures
- Conservation Action 12: Restrictions on Recreational Facilities

ES.3.1 Aquatic Conservation Strategy

The centerpiece of the aquatic conservation strategy is the establishment of Riparian Conservation Areas (RCAs), which are stream buffers designed to protect against negative effects from increased sedimentation and stream temperature. RCAs are further designed to maximize the amount of large woody debris that could be naturally recruited into aquatic systems from streamside sources and from debris flows in the upper watersheds. RCAs vary by stream type, including stream size, seasonality, and whether it is a fish-bearing stream. Approximately 35,000 acres are proposed to be designated as RCAs across the permit area. There would be no forest management in RCAs. Activities would be limited to only essential activities needed to implement covered activities (e.g., road construction and maintenance) or to complete stream enhancement actions, including placement of large woody debris, channel restoration, and fish barrier removal. For additional details on covered activity occurrence within RCAs see the Frequency Table in Appendix E. Additional conservation actions create operational and design standards for roads, equipment use, and the timing of activities to minimize effects on covered species and the stream environment. Tables ES-2 and ES-3 summarize the RCAs by stream type and illustrate their location in northwest Oregon in Figure ES-2. For additional details on these and other aquatic conservation actions, see Chapter 4, *Conservation Strategy*, Conservation Actions 1 through 5.

Table ES-2. Buffer Widths (Horizontal Distance) for All Type F and Large and Medium Type N Streams

Stream Type	Minimum Management Area Width (feet) ^a	
	Type F	Type N
Large	120	120
Medium	120	120
Small	120	See Table ES-3
Seasonal ^b	120	See Table ES-3

^a Distance will be measured horizontally, which results in the implementation of larger buffers in steeper terrain.

^b Seasonal: A stream that does not have surface flow after July 15.

Table ES-3. Minimum Riparian Conservation Area Widths (Horizontal Distance) for Small Perennial and Seasonal Type N Streams

Stream Type	Minimum Management Area Width (feet) ^a	
	Within 500-foot Process Zone	Upstream of 500-foot Process Zone
Perennial small Type N	120	35
Potential debris flow track (Seasonal Type N) ^b	50	35
High energy (Seasonal Type N) ^c	50	35
Seasonal other (Type N) ^d	0 ^e	0 ^e

^a Distance will be measured horizontally, which results in the implementation of larger buffers in steeper terrain.

^b Potential debris flow tracks: Reaches on seasonal Type N streams that have the potential to deliver wood to a Type F stream.

^c High Energy: Reaches on seasonal Type N streams that have the potential to deliver wood and sediment to a Type F stream during a high-flow event.

^d Seasonal: A stream that does not have surface flow after July 15.

^e A 35-foot equipment restriction zone will apply to these streams.

ES.3.2 Terrestrial Conservation Strategy

The centerpiece of the terrestrial conservation strategy is the establishment of Habitat Conservation Areas (HCAs), which are designed to conserve, maintain, and enhance habitat for the terrestrial covered species. HCAs comprise approximately 275,000 acres across 262 units to support the persistence of northern spotted owl, marbled murrelet, red tree vole, Oregon slender salamander, and coastal marten. These HCAs (and the portion of RCAs within them) represent 43% of the permit area that will be conserved, maintained, and enhanced to provide habitat for covered species throughout the permit term. The size of HCAs varies widely, due to land ownership patterns, habitat availability, and covered species needs. In locations where ODF land ownership includes large blocks (e.g., north coast), HCAs are generally larger (Figure ES-2). In locations where ODF land ownership is more scattered and intermixed with private and federal landowners, the HCAs are generally smaller. Smaller HCAs are found throughout the permit area, typically where ODF managed lands are smaller and more scattered. These smaller HCAs are designated to protect and enhance known species occurrence and provide connectivity between federal lands within smaller patchwork ownership patterns.

The HCAs are designed to:

- Conserve, maintain, and enhance existing habitat for terrestrial covered species in the permit area over the permit term.
- Improve low-quality habitat for the covered species and develop new habitat in HCAs, where necessary and where such treatments can be implemented effectively and efficiently. Treatments will include expanding and connecting existing habitat to improve landscape-level habitat function.
- Limit management activities in HCAs to those necessary and prudent to improve habitat quantity and quality over the permit term.

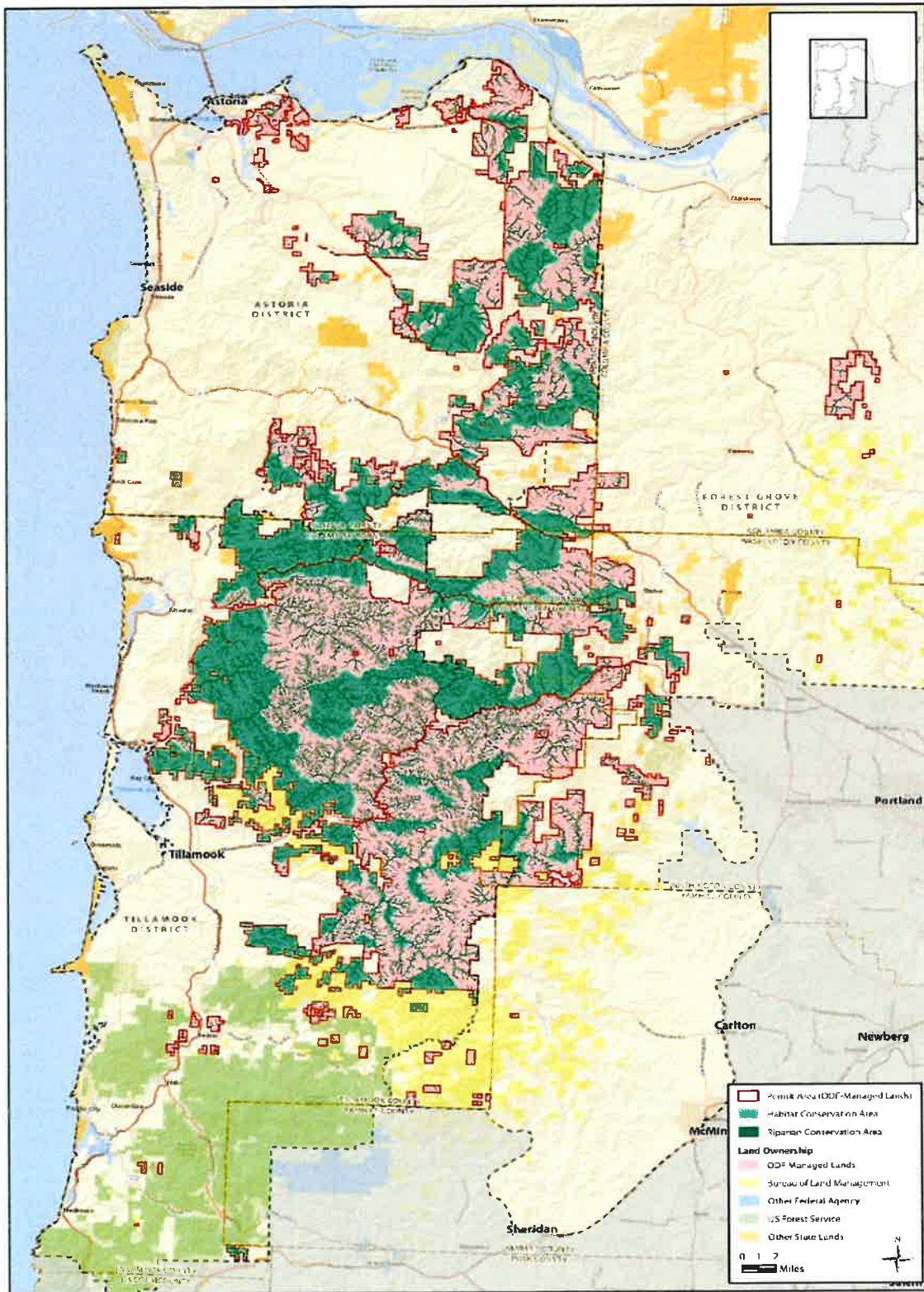


Figure ES-2. Habitat Conservation Areas and Riparian Conservation Areas in Northwestern Oregon

Within HCAs, all management activities are designed to promote and improve habitat. Both passive and active management will be used to increase habitat quality and quantity for terrestrial covered species over the 70-year permit period. Habitat for terrestrial species is estimated to increase in both quality and quantity during the permit term (Table ES-4). Those new acres of suitable habitat are primarily located inside of HCAs and are the result of passive management but also targeted active management of key stands to grow habitat faster. Active management will include treatment of Douglas-fir stands infected by Swiss needle cast and hardwood stands that are less likely to grow into habitat without intervention. Forest management prescription (e.g., thinning) will also be used to promote tree growth and understory diversity. The anticipated increase in the quality and quantity of habitat for covered terrestrial species is the primary tool used to offset the impact of the taking from continued habitat loss due to covered activities during the same period. For additional details on these and other terrestrial conservation actions, see Chapter 4, Conservation Actions 6–9.

In conjunction with the implementation of targeted management prescriptions to increase and improve habitat inside HCAs, additional conservation actions are included to retain important habitat features on the landscape outside of HCAs and RCAs. This includes retaining habitat trees and leaving downed wood during forest management activities. ODF will continue to minimize effects on sites known to support covered species, specifically by imposing seasonal restrictions on operations in known nesting locations for northern spotted owl and marbled murrelet.

ES.3.3 Conservation Fund

The conservation strategy will result in an increase in habitat for all of the terrestrial covered species, but other factors may remain that limit the ability of covered species to take advantage of the new habitat and for populations to increase. The Conservation Fund, described in Chapter 9, *Costs and Funding*, will provide funding on an annual basis to address these limiting factors. The priorities for how the Conservation Fund is used will change during the permit term, but ODF will work with species experts and other state and federal partners to identify where and how Conservation Fund monies are spent. Conservation Fund monies will be derived from ODF's share of timber sale revenues, at a rate of \$5 per thousand board feet harvested. This fund will be used to implement three types of conservation projects to directly benefit the covered species: (1) aquatic habitat enhancement projects, (2) terrestrial habitat projects, and (3) strategic initiatives. Examples of aquatic habitat enhancement projects include placement of large wood into streams, side-channel reconnection projects, and fish passage improvements. Terrestrial habitat enhancement includes habitat restoration in HCAs and research on covered species response to management actions in HCAs. Strategic initiatives are projects designed to speed the recovery of covered species. For example, ODF has committed to participating in regional barred owl management to increase habitat availability for northern spotted owl. Strategic initiatives may also include facilitation of research and monitoring projects designed to better understand species distribution and conservation needs and species response to conservation actions.

The creation of the Conservation Fund allows ODF to meaningfully engage with partners to implement conservation projects to benefit covered species. Funds will be accrued annually, but there will be flexibility to roll funds over year to year in order to fund larger and more complex conservation projects. Based on modeled harvest estimates the Conservation Fund is estimated to accrue on average \$1 million/year throughout the permit term. Expenditures of the Conservation Fund are expected to equally support aquatic and terrestrial species conservation needs. A more detailed description can be found in Chapter 9.

Table ES-4. Acres of Covered Species Habitat in Habitat Conservation Areas at the Beginning and End of the 70-Year Permit Term

Species	Habitat in HCAs at the Beginning of Permit Term	% of HCAs that are Habitat at the Beginning of Permit Term ^f	Habitat Commitment in HCAs at End of Permit Terms	% of HCAs that are Habitat at End of Permit Term ^f	% Increase in Habitat Acres During Permit Term
Northern spotted owl ^a	88,000 ^e	32%	134,000	49%	52%
Marbled murrelet ^b	63,000	23%	142,000	52%	125%
Red tree vole ^b	53,000	19%	117,000	43%	120%
Oregon slender salamander ^c	16,000	6%	19,000 ^c	7%	19%
Coastal marten ^d	27,000	10%	27,000	10%	0%

^a Habitat includes modeled nesting, roosting, and foraging habitat.

^b Habitat includes modeled suitable and highly suitable habitat.

^c Habitat includes the extent of Oregon slender salamander range in the permit area. In addition to the 19,000 acres that will be managed as Oregon slender salamander habitat in HCAs, retention standards described in Conservation Action 8: *Conservation Actions Outside Habitat Conservation Areas and Riparian Conservation Areas*, will ensure that Oregon slender salamander can persist in areas that are subject to harvest within the species range.

^d Any portion of the permit area from northern Lane County south to the California border, west of Interstate 5 is considered habitat. The amount of habitat in the permit area will not change substantially during the permit term unless ODF acquires new lands. All of the 27,000 acres of coastal marten habitat in HCAs are expected to be improved during the permit term, resulting in habitat quality at the end of the permit term that is expected to be higher than it is at the beginning of the permit term.

^e 28 out of 31 active northern spotted owl activity centers are inside of HCAs.

^f HCAs comprise approximately 275,000 acres. Species distribution does not cover the entire extent of HCAs so the percentage is not indicative of habitat quality. For example, Oregon slender salamander only occurs in the North Cascades, which comprises less than 15% of the permit area.

^g Commitments to conserve, maintain, and enhance acres of covered species habitat are based on the assumption that at least 50% of nesting and roosting habitat and 80% of foraging habitat modeled to grow within HCAs over the 70-year permit term can be achieved.

ES.3.4 Monitoring and Adaptive Management

The HCP includes a monitoring program to demonstrate that ODF is operating in compliance with the commitments made in the HCP and associated incidental take permits. The monitoring program also helps to assess whether the conservation strategy is performing as expected. Compliance monitoring will focus on whether the HCP is being implemented properly and as required by the permits. Compliance monitoring results will be summarized in an annual report to USFWS and NOAA Fisheries. Effectiveness monitoring will be completed to track progress towards the biological goals and objectives. Effectiveness monitoring will include validation of habitat development as estimated by species habitat models and species response to changes in habitat quality. Collectively, these monitoring programs will track long-term trends in habitat quality to allow for an examination of whether the HCP is making progress towards the biological goals and objectives, or whether changes are needed through the adaptive management program. Monitoring and adaptive management are integrated processes, and monitoring will inform changes in management actions to continually improve outcomes for covered species.

The monitoring framework will be operationalized by ODF as part of each 10-year Implementation Planning cycle, during which ODF will assess monitoring priorities, using this framework as a guide. The adaptive management program is also generally aligned with these 10-year Implementation Planning cycles.

ES.4 Implementation, Cost, and Funding

ODF will oversee HCP implementation, including staffing internal positions, hiring consultants, reporting, monitoring, and maintaining all program records. ODF staff includes biologists, foresters, administrators, and other natural resource specialists who will carry out planning, monitoring, and adaptive management. ODF is also responsible for coordination with state and federal wildlife agencies during HCP implementation and providing regular reports to NOAA Fisheries and the USFWS. Implementation of the HCP will be integrated with existing State Forest Division planning cycles, grounded in the 10-year implementation planning periods associated with the forest management plan.

ES.4.1 Reporting

Reporting will occur on three timescales during implementation: (1) annual reports, (2) 5-year check-ins, and (3) 10-year comprehensive reviews. Annual reports will focus on assessing compliance with the HCP and permits. Longer term 5- and 10-year reviews will focus on assessments of the effectiveness of HCP conservation actions. The 10-year comprehensive reviews are specifically designed to inform the 10-year implementation planning process, which guides forest management planning for the State Forests Division. For more details on reporting, see Chapter 8, *Implementation*.

ES.4.2 Costs and Funding

Chapter 9 of the HCP details the cost of administering the HCP, including implementation of the conservation strategy and monitoring program. Chapter 9 also outlines how the HCP commitments will be funded for the duration of the permit term. Income from timber revenue on State Forests will

provide the primary support for HCP implementation. The major cost categories described in the HCP include:

- HCP Administration and Staffing
- Conservation Strategy
- Monitoring and Adaptive Management

Arizona Trailer Specialists, Inc.
dba
C & I Equipment

1000 Gallon Frame consists of

- 6" Steel Channel
- Dual 6000lb Dexter axles with electric brakes on both axles
- Custom Heavy Duty diamond plate fenders
- All-wheel emergency Break-away system
- DOT approved LED recessed lighting
- Height adjustable 2 5/16" Bulldog type coupler
- 12000lb Jack Stand
- One Year Manufacturers Warranty

1000 Gallon Water Tank

- Polyethylene
- 16" Screw-on Overhead Fill Lid
- Black or White tank (available)
- Three Year Manufacturers Warranty

1000 Gallon Pump

- Multiquip QP2H pump
- Max. 142 GPM at 49.8 PSI
- Arrives with oil in engine
- 3.5 HP Honda Engine
- One Year Manufacturers Warranty

Included Features

- Dual-Head Rear Spray Bar
- Side Manifold:
 - 1 1/2" Cam-Lock discharge connection with included 1 1/2"x 50' Fire Hose + Adjustable Fog Nozzle
 - 3/4" hose bib
 - Check valve
 - 2" control valve for included Dual-Head Rear Spray Bar



1000-gallon Waterdog "Arena/Firefighter Special" Water Trailer.

The Waterdog "Arena/Firefighter Special" is a popular model for dust and fire control.

This tank comes equipped with is the standard over-head fill, which allows you to either sling a garden hose over, or drive to a fill station.

You can then disperse the water through the rear spray bar which is ideal for watering down a large surface area and for dust control. The side manifold contains connections for the included fire hose, and a connection for your standard garden hose.

C&I WD1000W-AS _____	<u>\$12,500.00</u>
Freight Quote 85713 to _____	<u>Call</u>
Arizona In-State Sales Tax _____	<u>8.7%</u>
Total _____	<u>Call</u>

Optional Features for Trailer

Electric Valve to control Rear Spray for towing vehicle _____	<u>\$950.00</u>
Side Spray Attachment _____	<u>\$50.00</u>
Spare Tire + Welded Carrier _____	<u>\$375.00</u>
Multiquip Upgraded High-Pressure Pump _____	<u>\$500.00</u>
Steel-Welded Hose holder _____	<u>\$175.00</u>
2 1/2" Hydrant Fill Kit (2 1/2" x 25' Hydrant Hose + Hydrant Wrench) _____	<u>\$500.00</u>

Availability: 6-8Weeks



RECEIVED
 JUN 02 2023
 POLK COUNTY
 COMMUNITY DEVELOPMENT

3841 E. 38th St Tucson, AZ 85713 PO Box 18985 Tucson, AZ 85731
 520.579.7458 888.580.8330 www.ciequip.com mm@ciequip.com



Mulder, Sidney <mulder.sidney@co.polk.or.us>

CU 22-21 - Sulamita Youth Camp - Part 1

1 message

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Fri, Jun 2, 2023 at 2:32 PM

Good Afternoon Sidney

Attached please find the First Supplement in the Sulamita case and the first 2 exhibits. The remaining exhibits will come in subsequent emails as the files are too large to send in one. Please include these materials in the official record of this case.

Thanks

Wally

Wallace W. Lien

Attorney at Law

wallace.lien@lienlaw.comVirtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

phone: 503-585-0105

<http://www.lienlaw.com>

CONFIDENTIALITY NOTICE:

If you have received this communication in error, please notify me immediately. This message is intended only for the use of the person or firm to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

3 attachments



Exh 2.1 - Meeting Hall Front and Side Rendering.jpg
20116K

 **02 - First Supplement - Final.pdf**
83K

 **Exh 1 - May 1 2023 Site Plan update.pdf**
887K



RECEIVED
JUN 02 2023
POLK COUNTY
COMMUNITY DEVELOPMENT

BEFORE THE POLK COUNTY, OREGON
PLANNING DIVISION

RECEIVED
JUN 02 2023
POLK COUNTY
COMMUNITY DEVELOPMENT

In the Matter of the Application of:)
)
SULAMITA RECREATION CENTER,)
LLC)
)
for a Conditional Use approval to)
establish a Youth Camp in the TC zone)
on Property located at 7425 Gold Creek Rd)
Willamina, Oregon 97396, and identified as)
TL100, Map 6.7.21)

Case No. CU 22-21

**APPLICANT'S FIRST
SUPPLEMENTAL JUSTIFICATION**

COMES NOW, the Sulamita Recreation Center, LLC, by and through its attorney, Wallace W. Lien, and does hereby submit the following First Supplemental Justification for the approval of a conditional use to establish a Youth Camp on their property located at 7425 Gold Creek Rd, Willamina, Oregon, which site is identified as Tax Lot 100, Map 6.7.1.

1. Timing

This Supplement is submitted to answer and clarify most of the issues raised in the Notice of Incompleteness dated January 10, 2023. Additional information to address the remainder of the issues raised will be provided when that information is obtained. The Applicant is committed to providing all of the information available to answer questions raised and to clarify this application. Some of that information takes longer to obtain, so this response will be provide what is available now, with the commitment to provide additional information as it is received.

It is understood that this application has a time factor for completion that has become impossible to meet given the extensive additional information requested. The Applicant does hereby request an extension of the processing time for a period of six (6) additional months.

2. Suttner Reservoir

There is no plan to expand or otherwise alter Suttner Reservoir. The body of water will remain in its current condition and configuration. Because there is no change being made to Suttner Reservoir there is no need for any amendment to the existing water rights, evidence of which was submitted with the application.

3. Habitats

It is alleged that "roads" have been constructed within the habitat and riparian areas. What has been built are not "roads" as that term is used in the PCZO. These are walking trails as delineated on the previously submitted site plan. They are paths covered with bark intended for

walking only.

However, as the site becomes developed many of the walking trails will be improved to road status as shown on the revised and updated Site Plan that is attached hereto as Exhibit 1. It is understood that the creation of roads is considered to be a trigger for the submission of a habitat management plan.

The Oregon Department of Forestry has adopted a detailed and extensive Habitat Conservation Program. The Public Draft dated February 2022 can be found at <https://media.fisheries.noaa.gov/2022-03/wosf-hcp-feb-2022.pdf>. The Executive Summary of that plan is attached hereto as Exhibit 2. The entire plan is 1132 pages and for obvious reasons is not provided here.

One of the key elements of this plan is that the taking of endangered and threatened species is prohibited. The act of "taking" is defined as "... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The U.S. Fish and Wildlife Service defines "harm" as "significant habitat modification that actually kills or injures a listed species through impairing essential behavior such as breeding, feeding, or sheltering." It would appear that the state conservation plan encompasses all of the requirements of PCZO Chapter 182.

Rather than create a new habitat conservation plan, the Applicant proposes to adopt the state's Habitat Conservation Program in order to comply with the county's requirement for such a plan. It should also be noted that Exhibit 1 maintains the 80 foot wide buffer area along all areas that carry a timber zone, and that this buffer not only will have no structures, it is not replanted to the extent required by the reforestation program of the Oregon Department of Forestry.

4. Vegetation Removal

There has been no vegetation removal in the process of establishing the walking trails. As previously pointed out, this site was recently logged off. All of the vegetation removal that occurred with the walking trails was done as part of the logging operation. All that was needed to establish the walking trails was some leveling of the dirt and application of bark over the walking surface. No trees were cut in the process. No brush was removed in the process. No vegetation at all was disturbed in the creation of the walking trails.

5. Floodplain Development Permit

As demonstrated in the updated Site Plan (Exhibit 1), the location of the new road and parking have been adjusted to ensure they are outside the floodplain (which is also shown on Exhibit 1). Since no roads or parking or other new development is proposed within the boundaries of the floodplain, no development permit is necessary.

6. Septic Feasibility

As noted in the request for information, the subject property is over 100 acres in size which is sufficient amount of acreage to provide adequate room for septic facilities and repair areas. The soil map shows there are large areas of Class III soils that are well suited for septic systems. The majority of the area planned for septic systems is flat or gently sloping. There is no proposal for any septic system to be under a road or otherwise placed in an area where the soil is not suitable.

The staff notice letter seems to assume there will be one large septic system. Given the way the development is laid out, there will be individual septic systems established for each of the applicable structures. Each of these systems will be no different in size and scope from a normal residential septic system.

The Applicant has engaged an engineering company to provide the design and construction of the various septic systems. However, the feasibility study and preliminary engineering are not yet complete. Such information will be submitted as it is acquired.

It should be understood that any structures to be built on the subject property will come with a condition of approval that requires county approved septic systems prior to issuance of building permits. This condition of approval adequately ensures that each new structure will have an approved septic system.

7. Temporary RV Hookups

There will be 40 temporary RV Hookups provided. Because these are temporary and short term, the hookup places will include a space to park. There will be water and electricity available to each site, and a communal sewer dump provided.

8. Number of Participants/Additional Days Request

As the Youth Camp is being developed it has been determined that in lieu of the request for additional days, the total number of participants should be revised to 350, as the maximum number of participants. With the slight increase in participants, there will be no need for the additional days, and that request is hereby officially withdrawn. It must be remembered that it will be years before the Youth Camp is fully developed and operating with close to full capacity.

9. Provision of Domestic Water

It is alleged that there is insufficient evidence that domestic water is available from Grand Ronde Community Water Association. That is an incorrect allegation. The subject property is within the service area for Grand Ronde Water, and the existing home is already served by that Association. There is no reason to believe water will not be provided by that Association as the property is within the service area of the Association.

Nevertheless, the Applicant has elected to provide water to the Youth Camp through domestic water wells. A certified well driller has been engaged and once the new wells are dug, Well Logs will be provided demonstrating there is sufficient domestic water available to serve the entire Youth Camp at full build out.

10. Reforestation

The subject property is in a forested setting. Three sides of the property are fully forested. There are sufficient trees remaining after logging to qualify the site as forested itself. In addition, the Applicant has developed a reforestation plan that will plant new trees in the buffer areas and in selected sites throughout the property.

During the past several months, the Applicant, in coordination with the Oregon Department of Forestry has planted just over 250 new seedlings per acre throughout the entire 80 foot wide buffer area, as well as three delineated locations throughout the site. These planting locations are shown on Exhibit 1 as cross hatched ovals.

As such the site does qualify as being in a forested setting.

11. Uses of the Structures

What uses the three activity buildings will be put to is requested, however there is no approval criteria to support such a request. The code simply refers to activity buildings, what goes on inside is not required to be delineated. Nevertheless a brief description of the building uses is provided here:

Winter Retreat Lodge will be a combination Lodge with large day use area and lounge area for participants as well as upstairs sleeping quarters.

The Meeting Hall will be used for gatherings of staff and camp participants. Exhibits 3.1, 3.2 and 3.3 are renderings of what it is expected the Meeting Hall will look like when completed.

Spa House includes a sauna and showers and a changing area for camp participants.

12. Fire Training

The fire plan provides that upon the sounding of the fire alarm all participants and camp personnel are to congregate at the Meeting Hall where the participants are fully accounted for (Plan Policy #9). From the Meeting Hall, Plan Policy #10 specifies that evacuation of all participants shall commence. The plan sets out a map and full directions on how evacuation is to take place. There is no requirement or plan to use camp participants for the creation of fire line, and there is nothing in the Fire Plan that would suggest that.

There is a requirement that participants be trained in the use of hand tools and how to put out

fires in case of emergency, but there is no suggestion that in the event of a fire the participants are required to create fire lines. The training is for educational purposes and for emergency purposes only.

To the extent it was believed that participants would be on the front line fighting fires, that is a completely erroneous and unsupported assumption based on the language of the fire plan.

The Fire Plan noted that a water tank would be purchased and available for fire protection at the Youth Camp. The Applicant has now purchased a 1,000 gallon "Water Dog" firefighter special water tank trailer. The manufacturer brochure on this piece of equipment is attached hereto as Exhibit 4.

13. Transportation Issues

Participants will arrive at the site in a variety of ways. Almost all of the youth participants will arrive by bus, which will pick them up at designated spots and drive them to the Youth Camp. Few participants will be of driving age, and those that are will not have vehicles allowed on the site.

Staff and vendors and visitors will arrive by car. Overnight campers will be dropped off and then picked up when their stay is over. Day campers will come and go during the same day. All drop offs and pick ups will occur at the entrance parking lot. Use of the internal roads and walking paths are reserved only for camp participants and personnel.

The Applicant has engaged a transportation engineering firm to review all transportation issues and to provide a Memorandum for this Record. It is the Applicant's position that no TIA is necessary in this instance according to the requirements of the PCZO. Nevertheless, the Memorandum from the traffic engineer will determine if a TIA is necessary or not, and if so, they will provide the necessary report. It is uncertain when this Memorandum will be available, but it will be provided as soon as it is received.

14. Access to Suttner Reservoir

A question was raised as to access to Suttner Reservoir. This access is not, and will not be open to the public, and will be reserved for camp personnel and for fire fighting operations. Design of the access point to the reservoir is dependent only on what is needed for fire equipment to utilize the reservoir for fire fighting. As such, a condition of approval requiring a design suitable to the county and West Valley Fire District is sufficient to ensure safe and suitable access to the reservoir.

15. Public Comments

The Notice of Incompleteness identifies that the county has received a "significant amount" of public comment which has been included in the record here. However, the Applicant has not been provided with any of this information. While it is understood that comments directed to the approval criteria will be addressed, it is obviously impossible to address that which is not known. The

Applicant does hereby request that any information placed in this record by anyone other than the Applicant be provided to Applicant's legal counsel for review and comment.

From the Applicant's perspective, based on what it has heard and learned from others, all of the so-called objections (relating to Suttner Reservoir and other activities on the site) are not factual at all, and are flatly wrong and appear to be intended to defame and besmirch the application in an effort to have the county deny the conditional use. It should not need to be pointed out that all allegations made by any participant in this process should be factual and backed up by supporting evidence. That is how the Applicant is proceeding, and it is expected staff will demand the same from all other participants.

16. Conclusion

This is a complex application that has been fully thought through in every detail. The subject property was logged by the prior owner. It is over 100 acres in size. Suttner Reservoir is located on the property, making it perfect for a recreational youth camp.

The Applicant has 25 years of experience operating youth camps, having operated camps continuously during that time. Over the years the Applicant has rented camping space at such locations as Silver Creek Falls in Silverton and Cedar Ridge in Vernonia. Having an owned property will greatly enhance the experience the Applicant can provide to its participants.

The Applicant is most willing to continue to work with the County and any members of the public to answer questions and provide clarification and information about the proposed Youth Camp. The Applicant hosted a neighborhood gathering on September 10, 2022 in which this plan was discussed in detail. Another neighborhood gathering is planned for later this summer to update folks about the new information obtained and the details that will appear in this and the future supplements.

This will be a low impact use on the subject property and for the local area, and will be a positive additional to the resources available to Polk County and Oregon youth.

Respectfully submitted this 2nd day of June, 2023.

Wallace W. Lien

Wallace W. Lien, Attorney for Applicant

Attachments

Exhibit 1 Updated Site Plan
Exhibit 2 Habitat Conservation Program Executive Summary
Exhibit 3.1 Meeting Hall Rendering - Front

Page 6 - Applicant's First Supplemental (Sulamita Recreation Center)

- Exhibit 3.2 Meeting Hall Rendering - Side 1
- Exhibit 3.3 Meeting Hall Rendering - Side 2
- Exhibit 4 Water Tank Specifications Brochure



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita- continued property development

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Tue, May 2, 2023 at 10:04 AM

To: ronandbarbarasmith@onlinenw.com

Cc: Nolan Smith <nolansmithgcr@gmail.com>, Jerry Jackson <jackson.jerry@co.polk.or.us>

Barbra,

Escalating enforcement is based on observed and documented violations, as determined by the Polk County Code Enforcement Officer (Jerry Jackson). I have included Jerry Jackson in this email for any other enforcement related questions.

Best,
Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita- continued property development

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>

Sun, Apr 30, 2023 at 6:12 PM

To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Cc: Nolan Smith <nolansmithgcr@gmail.com>

Hello Sidney-

The Sulamita group has been active at the Gold Creek property for the past several days- moving in an excavator and appearing to work on further development of cabin sites.

Is this activity allowable since no attempt has been made to respond to the concerns and conditions laid out in the county's response to Sulamita's application?

If this is a further violation, what are the next steps that the county will take? I am concerned that the Sulamita group will simply choose to ignore the county's requirements and continue with developing the property as they wish.

As always, I appreciate your assistance!

Thank You,

Barbara Smith



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek neighbors

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Tue, May 2, 2023 at 10:03 AM

To: Mark Havel <vmarkhavel@gmail.com>

Cc: "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>, "hodney@eotnet.net" <hodney@eotnet.net>, Pat Wheeler <wheelerp@onid.orst.edu>, Jerry Jackson <jackson.jerry@co.polk.or.us>

Mark,

Escalating enforcement is based on observed and documented violations, as determined by the Polk County Code Enforcement Officer (Jerry Jackson). I have included Jerry Jackson in this email for any other enforcement related questions.

Best,
Sidney

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek neighbors

Mark Havel <vmarkhavel@gmail.com>

Sat, Apr 29, 2023 at 11:34 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>, "hodney@eotnet.net" <hodney@eotnet.net>, Pat Wheeler <wheelerp@onid.orst.edu>

Hello Sidney;

After a few days of work on various parts of the project this week, the Sulamita group had a tree planting day on the property today. Stan left a message on my wife's phone, if I would come down and visit, so I did to see what he had to say. There is no evident acknowledgement that they have even read your letter of response or know that there is any criteria for the project to continue. It seems they simply plan on moving forward.

I have Jerry Jackson's number, so when you mentioned you would forward him my email I also called him. I mentioned that they were now working on more/new cabin sites at the far SW corner of the property and he was interested to know, saying that he will now be issuing a citation and involving counsel. What if they ignore everything and continue to build?

Yours; Mark

Sent from [Mail](#) for Windows

From: Mulder, Sidney**Sent:** Friday, April 28, 2023 8:42 AM**To:** Mark Havel**Cc:** ronandbarbarasmith@onlinenw.com; hodney@eotnet.net; Pat Wheeler**Subject:** Re: Gold Creek neighbors

Good morning Mr. Havel,

[Quoted text hidden]

[Quoted text hidden]



0B7BD3DA055942D2BC03FBBE2E2543ED.jpg
208K





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Proposed Commercial Campground

Chris <waglermc@aol.com>

Fri, Apr 28, 2023 at 7:57 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Ok, thanks for the update. We appreciate being informed. We will keep in touch

Thank you

Sent from the all new AOL app for iOS

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Property line adjustment

1 message

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: trb@bisonheart.com

Tue, May 2, 2023 at 9:31 AM

Tyson,

I called and left you a message, attached are the documents I referred to in my voicemail.


--
Sidney Mulder, Planning Manager


Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us

2 attachments

 **CS131141 (Partition Plat).pdf**
289K

 **mutual_consent_property_line_adjustment_form_2013_re.pdf**
58K



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Proposed Commercial Campground

2 messages

Chris <waglermc@aol.com>

Thu, Apr 27, 2023 at 7:21 PM

To: "mulder.sidney@co.polk.or.us" <mulder.sidney@co.polk.or.us>

Hello Sidney

I was wondering what is going on with the application for the camp on goldcreek road? I haven't heard that it is going to the next step? Or whatever I am very curious as yesterday when I came home there was an excavator digging out what looks like camping pads back behind my property. Then today they are hauling in rock and rolling it in. Can you tell me how did or was this approved? No one on goldcreek has heard anything and have not been made aware of any meeting regarding their plans. We were told that there would be neighbor input etc before their application would be approved.

Thank you for your time

Chris Wagler
971-241-6921[Sent from the all new AOL app for iOS](#)

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Fri, Apr 28, 2023 at 8:32 AM

To: Chris <waglermc@aol.com>

Chris,

Their application (CU 22-21) is currently on "hold" status. We have not deemed their application to be complete, have not sent out the notices, and have not issued a Decision. On January 10th I send the applicant a letter requesting additional information. I have not received a response to this letter yet.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Fri, Apr 28, 2023 at 8:41 AM

To: Mark Havel <vmarkhavel@gmail.com>

Cc: "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>, "hodney@eotnet.net" <hodney@eotnet.net>, Pat Wheeler <wheelerp@onid.orst.edu>

Good morning Mr. Havel,

Their application (CU 22-21) is currently still on "hold" status. I have not yet received a response to the January 10th letter that I sent them. Regarding the timelines, my previous letter to the applicant states the following:

"Pursuant to PCZO 111.220(C), application CU 22-21 is incomplete. As required under PCZO 111.220(D), if this application remains incomplete on June 11, 2023 (181 days after first being submitted), the application will be void. In order to complete your application, please provide the information described above. Or, you may provide some or none of the requested information with written notice that no other information will be provided. We would then issue a decision using the information submitted in the record. You may also request to change the review criteria, or withdraw the application. The applicant is responsible for the burden-of-proof. An application that does not show compliance with all the applicable criteria may not be approved."

The subject property still has an active code enforcement file, so I have forwarded your email to our Code Enforcement Officer.

Best,
Sidney

[Quoted text hidden]

--
Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us

**Mulder, Sidney** <mulder.sidney@co.polk.or.us>

Gold Creek neighbors

2 messages

Mark Havel <vmarkhavel@gmail.com>

Thu, Apr 27, 2023 at 10:58 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: "ronandbarbarasmith@onlinew.com" <ronandbarbarasmith@onlinew.com>, "hodney@eotnet.net" <hodney@eotnet.net>, Pat Wheeler <wheelerp@onid.orst.edu>

Hello Sidney;

The neighbors and I are wondering what the status is on the Sulamita Youth Camp project, as the last few days has seen new activity. I believe I remember they were to respond to your findings within 6 months, putting it in May sometime? It has been a regular winter, with lots of rain and heaps of runoff. The seasonal stream diversion which plugged, and with the wetland fill, flowed untold cubic yards of soil directly into Gold creek. Today there was an excavator digging in the diversion, perhaps to realize the hundreds of feet of pipe into the enlarged pond is absolutely full of silt. Yours; Mark

Sent from [Mail](#) for Windows



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: ronandbarbarasmith@onlinenw.com

Tue, Apr 25, 2023 at 8:28 AM

You are considered an "interested party" for this application so once we get to the point of sending out a request for comments (pre-notice), you will be notified. Until then, you are more than welcome to continue checking in as you have been.

Sidney
[Quoted text hidden]

--
Sidney Mulder, Planning Manager

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Mon, Apr 24, 2023 at 6:45 PM

thank you! Is there a way to get notified of any updates?

I appreciate your quick responses though!

Thank You,

Barbara Smith
[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: ronandbarbarasmith@onlinenw.com

Mon, Apr 24, 2023 at 8:28 AM

No, I have not received any additional information.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Sat, Apr 22, 2023 at 5:20 PM

Hello,

I am just checking back in to see if there has been any updates to the Sulamita application?

Thank You!

On 2023-03-16 8:30 am, Mulder, Sidney wrote:

Good morning,

No, the applicant has not yet addressed the issues identified in the "incomplete letter" that was sent on Jan. 10th.

Sidney

On Wed, Mar 15, 2023 at 8:29 PM <ronandbarbarasmith@onlinenw.com> wrote:

Hello,

Have their been any additions or corrections to the Sulamita application?

If so, please provide the best way to access the information.

Thanks,

Barbara Smith

--

Sidney Mulder, Planning Manager

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: ronandbarbarasmith@onlinenw.com

Thu, Mar 16, 2023 at 8:30 AM

Good morning,

No, the applicant has not yet addressed the issues identified in the "incomplete letter" that was sent on Jan. 10th.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>
To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Wed, Mar 15, 2023 at 8:29 PM

Hello,

Have there been any additions or corrections to the Sulamita application?

If so, please provide the best way to access the information.

Thanks,

Barbara Smith



Mulder, Sidney <mulder.sidney@co.pol.k.or.us>

Conditional Use Permit Application - Elk on 7425 Gold Creek, Willamina, OR (Sulamita) Land

Kelly Hodney <hodney@eotnet.net>

Tue, Feb 14, 2023 at 6:04 PM

To: "Mulder, Sidney" <mulder.sidney@co.pol.k.or.us>

Cc: hodney@eotnet.net, Mark Havel <vmarkhavel@gmail.com>, ronandbarbarasmith@onlinenw.com

I am providing additional comments to the conditional use permit under consideration for the subject property.

One of the erroneous statements made in the application regarding big game and elk includes:

"In this case there are two identified areas that are addressed in this application. The first is the big game habitat that encompasses a portion of the southwesterly area of the subject property. The first issue for compliance is the imposition of an 80' wide setback area from the property line where no structures will be located. The second is that there are no roads accessible by vehicles in the big game habitat area. In those areas there are only walking trails. There are no cooking or garbage disposal areas in the big game habitat land, so there is nothing to attract deer or elk onto the site. No hunting of any kind will be allowed on the property."

Yesterday we saw the elk finally ventured back again after all the heavy equipment finally stopped the constant vegetation removal, earth moving, road installations, etc. As you can see, not only are there roads currently being accessed by vehicles (not walking trails as stated in the application) in the big game habitat area, but a large herd of elk has made this area part of their habitat for generations. Even without "cooking or garbage disposal area," they return to this area. You may also note that where they are grazing in these pictures is where Sulamita is proposing installing roads, parking, the adult winter lodge, cooking facilities, and a multipurpose building.

Thank you,

Kelly Hodney



Virus-free. www.avg.com

3 attachments



20230213_162447.jpg
1276K



20230213_165622.jpg
1342K



20230213_165613.jpg
1405K









Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Youth Camp

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Thu, Feb 2, 2023 at 2:09 PM

Thanks. This helps me work up the management plan.

Wally

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Youth Camp

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Thu, Feb 2, 2023 at 12:02 PM

To: Wallace Lien <WLien@lienlaw.com>

Cc: Wallace Lien <WLien@lienlaw.com>

Good afternoon,

Yes, attached is the Polk County SRA map. The inventoried deer and elk habitat area is identified in brown. I added a second map with the transparency adjusted to more easily see the aerial photograph overlaid with the SRA map.

Please let me know if you need anything else.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

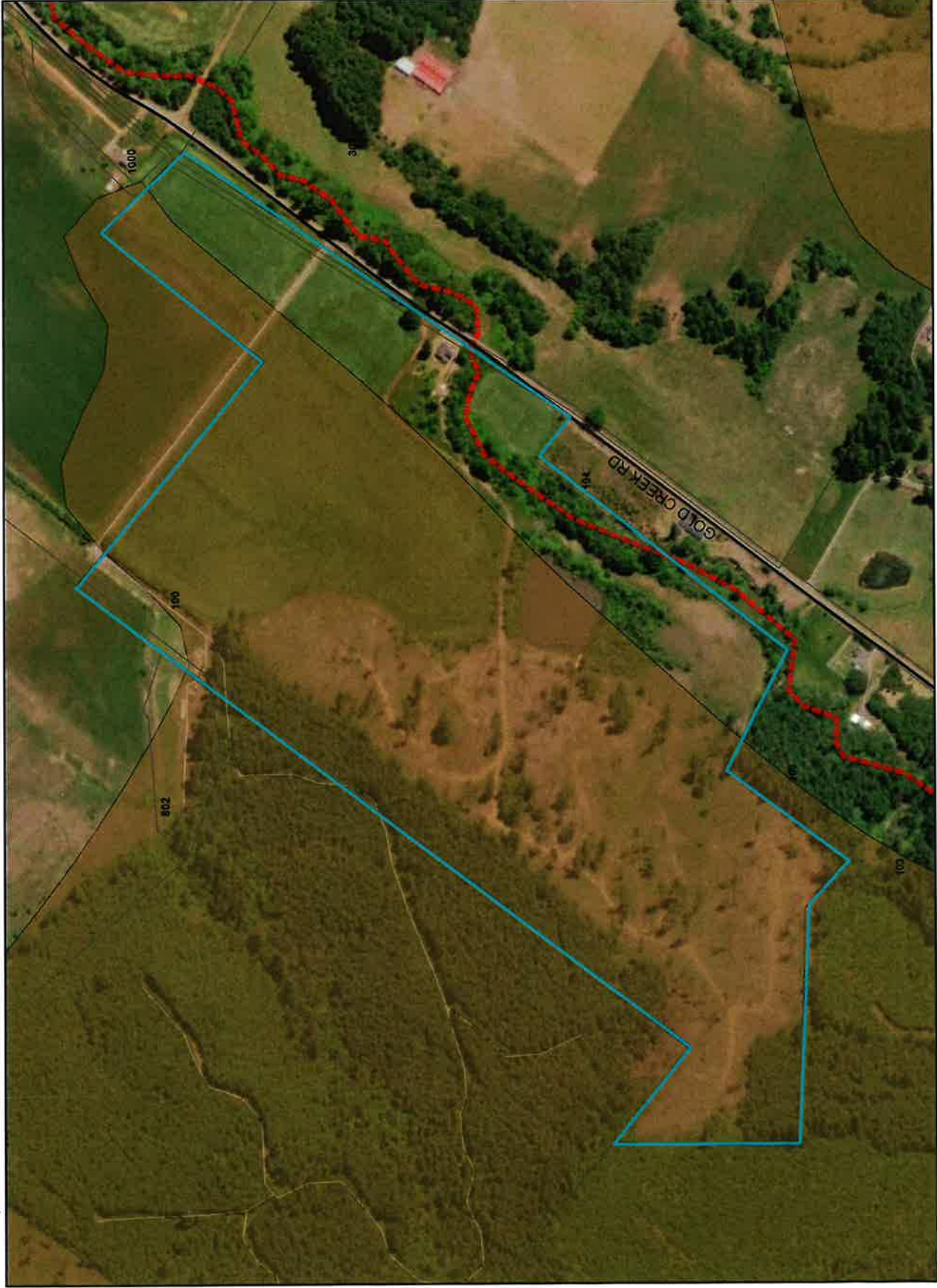
Email: mulder.sidney@co.polk.or.us

2 attachments

 **SRA Map (adjusted transparency).pdf**
1102K

 **SRA Map.pdf**
1101K

Polk County SRA Map



Date: 2/2/2023
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 legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.

Polk County SRA Map



Date: 2/2/2023
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 legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Youth Camp

Wallace Lien <WLien@lienlaw.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: Wallace Lien <WLien@lienlaw.com>

Thu, Feb 2, 2023 at 10:50 AM

Good Morning

I am working on the Sulamita case this morning and meeting with the Pastor this afternoon to get the material you have requested. I need to evaluate the SRA big game habitat issue. I can not find a map that delineates the boundaries. Your letter indicates most of the property is impacted, but I need to know specifics in order to respond because of the location of access points and buildings. Can you send me a map of the property showing the boundaries of the habitat on the Sulamita property?

Thanks

Wally

Wallace W. Lien

Attorney at Law

wallace.lien@lienlaw.com

Virtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

phone: 503-585-0105

<http://www.lienlaw.com>

CONFIDENTIALITY NOTICE:

If you have received this communication in error, please notify me immediately. This message is intended only for the use of the person or firm to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

January 30, 2023

Sidney,

Of course I can not
repeat what you have
written
but instead give a
wider view in a different
way.

I can not help myself
because I am an artist

Helem Bitar

503-843-4941

30500 S.W. Meriah Ln
Sheridan, Or. 97378

RECEIVED
FEB - 1 2023
POLK COUNTY
COMMUNITY DEVELOPMENT

JANUARY 28, 2023 WHAT DID I KNOW



me

helenbitar@embarqmail.com

1/28/2023 11:08 AM

From me

helenbitar@embarqmail.com

To helenbitar@embarqmail.com



Oregon is the best state.
There is the first bottle bill.....
and then the beaches are for all.....
and then land use happened.. with
futuristic eyes and mind.
I bought my land just at the beginning
of that..... 1974.

During the hippy time people were
going back to the land.
One bought land from a person.
It worked because it would be
impossible to buy land from the bank.

When I bought my land... I will say I
was lucky... to have the want.
Land was cheap compared to now.
I know people who looked at what
I bought... they rejected it... lots
of poison oak.... concern about getting water.
Really considered desolate land.

I had looked at land in places I lived...
Montana...looked in Boulder Colorado
and Eugene Oregon.
Also I visited artist friends in California
who had built their
their hand made houses!

I knew really nothing about rules
and regulations.
I put my road in.... section by
section... until I got to where
I wanted to be... on the hill side.

A friend of mine... a gallery director
designed me a cabin. My first boyfriend
was willing to build it.. with
another friend... in six days.

And then I got a stop work order.
The place was visible like a
sore thumb.... from the valley road.
I went thru all the hoops.... for years...
Everyone was so kind and good and
helpful... with my learning process.

I had always thought that there was
a big gate between the countryside

and the city. It was an extremely rare moment that a friend might come out and visit.

Going to the city was important... once an awhile ... although these days so many of us do not go there. Don't want to be shot... don't want the car stolen.... don't want to be robbed.

But years ago I was raped in the city. And early living out here we did get robbed... it could have been workers who knew where the money to pay them was.

If the church group chose Mars to make their 'country community' I think that would be fine with everyone..... Go for it.... show us thru all your disrupting of the earth what you are going to make.....out there.

But to fill that dream out in this special rural area does not fit any criteria..... that you areinterested in..... or care about. You think you have come to an area that does not care about their surroundings one bit..... just by having that attitude makes all of us feel you are not welcome.....

That area has Grand Ronde Water.... sacred.... cared for... carefully..... by all.

I know for a fact that one needs to be careful of their well water.... no long hot baths.... no keeping the grass green... always being careful and thoughtful with the way water is used. The water does not come out of a faucet like in the city... being able to just use it with 'no thought' of it running out.

There seems to be no struggle in the ideas of what the church wants.... and no worries about money to accomplish the tasks. The idea was... let's ..just.. do.. it. A city slogan for sure.

Across from me is the Delphian School. It was bought in 1976. It is site of a former Jesuit novitiate. There was a farm before that. The main building on campus is a four story Art Deco Style with brick exterior that was designed by Poole and Mc Gonigle and built in 1933 for the Jesuit House.

There are 720 acres of rolling hills, meadows, forest and farmland. There is a quieting calm about the place. The beautiful Elk often visit the flat land. No one is wanting to shoot any animal around the area. The environment is well respected.....

There was the Flying M Ranch which is

now 5 Rock Ranch... which helps people
with drug problems.

It would seem to me that if the Church
wants to keep what they bought... they
would need to rewind what they have
done.... and begin again.... the land
needs to be restored first.....

A better fix for what the church wants
to do... is find a ghost town.... there
is one in Deschutes County... 74.54
acres..... with some old buildings...
It is Millican.
it is not far from Bend.
I think the church would have a lot
more freedom to do what they want.

Of course there is Rancho Rajneesh
I visited the place so many years ago.
These days it is a Youth Life Christian
summer camp... supported by the
Washington Family Ranch. There are 64,000
acres. Maybe the church could go to
that camp in the summer time.
So much space... so many things to do there.
I would imagine that they would welcome you.

Helen Bitar
503 843 4941



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center

Wheeler, Patricia A <wheelerp@oregonstate.edu>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Mon, Jan 30, 2023 at 2:36 PM

Hello Sidney,
I have attached comments from Friends of Polk County regarding CU 22-21 for a Youth Camp. Please enter these comments into the record for this application.
Thanks for your help,
Pat Wheeler
Friends of Polk County

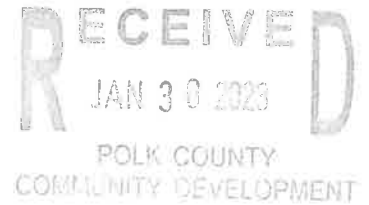
On Fri, Jan 13, 2023 at 9:08 AM Mulder, Sidney <mulder.sidney@co.polk.or.us> wrote:

[This email originated from outside of OSU. Use caution with links and attachments.]

[Quoted text hidden]

 **Comments on Application for a Conditional Use to Establish a Youth Camp.docx**
34K

RECEIVED
JAN 30 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



TO: Polk County Planning Department

January 30, 2023

From: Pat Wheeler, on behalf of Friends of Polk County

RE: Comments on Conditional Use Application CU 22-21 for a Youth Camp in the Timber Conservation Zone

We urge the county to deny this application because it fails to meet the Approval Criteria for a Youth Camp on Forest Land and it is unclear that it could ever possibly meet the Approval Criteria in its current form.

Compliance with OAR 660-006-0031

Youth Camps

(5) The youth camp shall be located on a lawful parcel that is:

(a) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.

The subject parcel DOES NOT provide a “forested setting”. As stated in the application it is essentially devoid of trees.

(b) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis.

The proposed youth camp site plan DOES NOT provide the required forest vegetation and 250 ft set back as a buffer for visible and audible aspects of a youth camp as required by this regulation.

(c) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

The proposal youth camp plan DOES NOT include an analysis of suitability for an on-site septic system for 350 camp participants.

(9) Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) that exist on forest lands.

Goal 5 issues are discussed below.

660-006-0029 Siting Standards for Dwellings and Structures in Forest Zones

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

The proposed youth camp site plan DOES NOT minimize impacts on nearby lands. The plan DOES NOT provide the required 250 ft set back as a buffer for visible and audible aspects of a youth camp as required by this regulation.

(2) Siting criteria satisfying section (1) of this rule may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

The proposed youth camp site plan DOES NOT provide evidence of siting structures (30 yurts and 20 cabins) on portions of the property least suitable for growing trees. In fact, it appears from materials in the applications that all of the yurts and cabins are located on that portion of the property that was most suitable for growing trees and is now devoid of trees.

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

The applicant HAS NOT provided evidence of water availability suitable for 350 participants from the Grand Ronde Water Association. The current water source is for one dwelling.

660-006-0035 Fire-Siting Standards for Dwellings and Structures

(3) 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.

The applicant HAS NOT shown that the required primary 30 ft safety zone and 100 ft secondary fuel-free break area are feasible for all structures shown on the youth camp site plan.

660-006-0040 Fire Safety Design Standards for Roads

The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire-fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

The applicant HAS NOT shown that the road design for the private roads on the youth camp site provide adequate access for fire-fighting equipment.

Polk County Zoning Ordinance

177.050. GENERAL REVIEW STANDARDS [OAR 660-006-0025(5)]. To ensure compatibility with farming and forest activities, the Planning Director or hearings body shall determine that the proposed use meets the following requirements:

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

The proposed use forces a significant change in accepted forest practices on the subject parcel. A number of buildings, structures, and roads proposed would occupy space that needs to be replanted with forest trees. The applicant has not shown how reforestation of 31.9 acres with 11,484 trees that will be free to grow within 7 years could take place on the parcel if the youth camp is established. This criterion is not met.

(B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

This criterion was not addressed by the applicant.

(D) All 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

The applicant has not yet applied for the required permits for development in the floodplain.

CHAPTER 182 Polk County Zoning Ordinance

The property is in a Significant Resource Area and must comply with Chapter 182 provisions. The application is incomplete until the applicant provides a Significant Resource Management Plan for the proposed (and already constructed) road development within the Deer and Elk Habitat Area and for the proposed vegetation removal within the riparian setback area of Gold Creek.

(E) LIMIT CONFLICTING USES (3-C).

(1) The Management Plan: When a "3-C" decision has been made for a particular resource, as indicated on the Goal 5 inventory sheets, the applicant, in coordination with the County and State or federal managing agency (s), shall develop a Management Plan which comprises the following elements:

- (a) A description of the type and extent of resources involved;
- (b) A map showing the exact location of the resource;
- (c) A print-out from the County Assessor's Office indicating ownership within designated buffer strips; and
- (d) A written statement detailing a proposed strategy to protect the identified significant resources. Such strategy may include, but shall not be limited to the following:
 - (1) Restriction of conflicting activities during critical periods (e.g., sensitive nesting periods);
 - (2) Protecting the resource with buffer strips
 - (3) A Monitoring plan for the site, i.e., determine the long-range affects;
 - (4) Permanent or seasonal road closures to protect the resource site; and
 - (5) Conservation easements, tax incentives or land donations.

The applicant HAS NOT submitted the required Management Plan.



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

Mark Havel <vmarkhavel@gmail.com>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Fri, Jan 20, 2023 at 9:22 PM

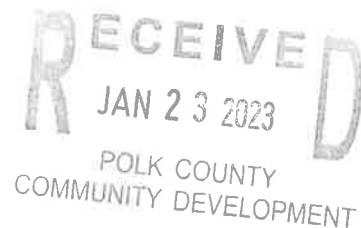
Hello Sidney;

I'm sorry not to be very good about sending things, I just assume the computer knows what to do. I've tried to attach the files here.

Yours; Mark

Sent from Mail for Windows

[Quoted text hidden]



2 attachments

 **RequiredReforestationReminderReport-Modified.pdf**
815K

 **RequiredReforestationReminderReport-Original.pdf**
815K



Oregon

Department of Forestry
West Oregon District
Dallas
825 Oak Villa Rd
Dallas, Oregon 97338
Phone: (503) 934-8146

January 19, 2023

Stan Velichko
Sulamita Recitalional Center
12650 SE 137th Dr
Happy Valley, Oregon 97086

RE: **Required Reforestation** for Notification of Operations ID 2022-552-05852
Legal Description: **Township 6S Range 7W Section 16, Township 6S Range 7W Section 21**

This letter is a reminder *to the landowner* that reforestation is required as a result of the timber harvest operation in the Notification referenced above. *The landowner* is responsible for ensuring the timber harvest unit(s) are reforested as follows:

- **Plant a sufficient number of seedlings of acceptable species by December 31, 2023**, although it is strongly advised to plant during the first planting season. Most sites in western Oregon require at least 200 trees per acre, while poor sites in eastern and southwest Oregon require 100 to 125 trees per acre.
- **Ensure planted seedlings are "free-to-grow" by December 31, 2027.** "Free-to-Grow" means the trees are well distributed, healthy, relatively free of competing plants, and likely to grow to maturity on their own. The minimum free-to-grow stocking standards are the same as the planting standards: 200 trees per acre for most sites in western Oregon, and 100 to 125 trees per acre on poor sites in eastern and southwest Oregon. Subsequent inter-planting of seedlings and/or control of competing plants may be needed to meet the free-to-grow standard.

Reforestation requirements are outlined in Oregon Administrative Rules 629-610-0000 through 0090, and are available from your local Oregon Department of Forestry (ODF) stewardship forester. The objective of the reforestation rules is to ensure harvested forest land continues to grow trees, and doesn't become dominated by brush species. Conversion of forest land to pasture or other non-forest use is possible, but requires approval by ODF. Contact your local ODF stewardship forester as soon as possible if you plan a non-forest use of your harvested land.

The reforestation requirement is "attached" to the land. The seller of land having a reforestation requirement must disclose the requirement to the buyer (Oregon Revised Statute 527.665). The landowner's property tax status could adversely change if the land is not reforested. County zoning or tax classification does not affect the reforestation obligation.

Oregon Department of Forestry personnel may inspect the harvest unit(s) to ensure compliance with the reforestation rules. Please contact your ODF stewardship forester if you have any questions about the reforestation requirements, or need assistance finding seedlings or controlling competing vegetation.

Sincerely,

Dave Thompson
ODF Stewardship Forester
Oregon Department of Forestry



"STEWARDSHIP IN FORESTRY"



Oregon

Department of Forestry
West Oregon District
Dallas
825 Oak Villa Rd
Dallas, Oregon 97338
Phone: (503) 934-8146

December 12, 2022

Stan Velichko
Sulamita Recitational Center
12650 SE 137th Dr
Happy Valley, Oregon 97086

RE: **Required Reforestation** for Notification of Operations ID 2022-552-05852
Legal Description: **Township 6S Range 7W Section 16, Township 6S Range 7W Section 21**

This letter is a reminder *to the landowner* that reforestation is required as a result of the timber harvest operation in the Notification referenced above. *The landowner* is responsible for ensuring the timber harvest unit(s) are reforested as follows:

- **Plant a sufficient number of seedlings of acceptable species by December 31, 2023**, although it is strongly advised to plant during the first planting season. Most sites in western Oregon require at least 200 trees per acre, while poor sites in eastern and southwest Oregon require 100 to 125 trees per acre.
- **Ensure planted seedlings are "free-to-grow" by December 31, 2023.** "Free-to-Grow" means the trees are well distributed, healthy, relatively free of competing plants, and likely to grow to maturity on their own. The minimum free-to-grow stocking standards are the same as the planting standards: 200 trees per acre for most sites in western Oregon, and 100 to 125 trees per acre on poor sites in eastern and southwest Oregon. Subsequent inter-planting of seedlings and/or control of competing plants may be needed to meet the free-to-grow standard.

Reforestation requirements are outlined in Oregon Administrative Rules 629-610-0000 through 0090, and are available from your local Oregon Department of Forestry (ODF) stewardship forester. The objective of the reforestation rules is to ensure harvested forest land continues to grow trees, and doesn't become dominated by brush species. Conversion of forest land to pasture or other non-forest use is possible, but requires approval by ODF. Contact your local ODF stewardship forester as soon as possible if you plan a non-forest use of your harvested land.

The reforestation requirement is "attached" to the land. The seller of land having a reforestation requirement must disclose the requirement to the buyer (Oregon Revised Statute 527.665). The landowner's property tax status could adversely change if the land is not reforested. County zoning or tax classification does not affect the reforestation obligation.

Oregon Department of Forestry personnel may inspect the harvest unit(s) to ensure compliance with the reforestation rules. Please contact your ODF stewardship forester if you have any questions about the reforestation requirements, or need assistance finding seedlings or controlling competing vegetation.

Sincerely,

Dave Thompson
ODF Stewardship Forester
Oregon Department of Forestry



"STEWARDSHIP IN FORESTRY"



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: Mark Havel <vmarkhavel@gmail.com>

Fri, Jan 20, 2023 at 7:39 AM

Good morning,

The 2 letters referenced in the email were not attached (I think it's because I wasn't included in Dave's original email). If these are documents you are wanting to be included in the record for planning file CU 22-21, can you please re-send them to me.

Thanks,
Sidney
[Quoted text hidden]

--
Sidney Mulder, Planning Manager
Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us

RECEIVED
JAN 20 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

Mark Havel <vmarkhavel@gmail.com>

Thu, Jan 19, 2023 at 7:58 PM

To: THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Hello Dave;

Thank you for these letters and have copied Sidney Mulder at Polk Co. Planning, as this is part of the information background to the Sulamita property.

Yours; Mark

Sent from Mail for Windows

From: THOMPSON Dave K * ODF
Sent: Thursday, January 19, 2023 11:11 AM
To: Mark Havel
Subject: RE: Gold Creek Sulamita

Mark, I believe this is what you are looking for. The reason for 2 letters: the original had a reforestation due date AND a free-to-grow due date of 12/31/2023; this letter has since been archived. The modified letter has the correct free-to-grow date of 12/31/2027.

[Quoted text hidden]





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Concerns about gold creek youth camp

Brandon Linton <blinton89@icloud.com>

Wed, Jan 18, 2023 at 11:17 AM

To: Mulder.Sidney@co.polk.or.us

Hello,

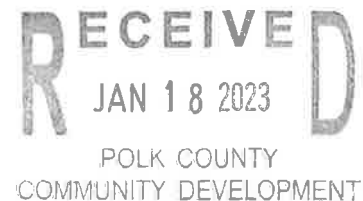
My name is Brandon Linton and I've spent a majority of my life around the gold creek road and surrounding areas hunting, hiking and photographing wildlife.

I've recently heard news of a Russian Orthodox Church trying to build a youth camp off the north west end of gold creek road and I would like to express my concerns about such a project. The property that the proposed youth camp is on plays a vital role in the elk habitat on that portion of the stott mountain hunting unit. I'll start off by saying that the stott mountain unit has become known as somewhat of a trophy unit for bull elk. And with that there has been immense pressure on these elk herds. I've watched as the hunting pressure on top of the continued logging operation taking away critical habitat for these elk, not to mention predators such as mountain lions, the elk numbers are quite low compared to what they used to be. I believe that this youth camp could be another contributing factor that will negatively effect the elk herd numbers. From the beginning of September through the end of November the elk are constantly being pushed around by hunters pressure. I've noticed that the bottom farmlands on gold creek act as a sanctuary for these elk in high pressure hunting situations as well as during the winter when food becomes a little more scarce due to snow at higher elevations or general bad weathers like heavy rains. The property the proposed youth camp will be on in particular seems to be a heavily used area for the elk to cross from one side of the road on gold creek to the other. I'm worried if a youth camp with walking trails and cabins open to public on that property is built that could be detrimental to elk habitat and populations in that portion of the stott mountain unit. If the elk aren't able to use that property (and they won't if it's constantly being used for recreational uses) it could deter them even further from being able to drop in elevation into the farmlands for the winter times or high hunting pressure times of year. It could result in the death of many more elk per year.

I really hope that you take into consideration the already low numbers of elk in this area, and the critical elk habitat when you make a decision on this property and how it will be put to use. It is my opinion that there are already many recreational areas in the area such as the many hiking trails and camp areas provided by the confederated tribes of grand ronde and state parks nearby. Not to mention the 1,000's of acres of private timber lands that are open to access for recreational uses.

Thanks for your time and hearing out my opinion on this issue. I hope to hear a response and to be update if possible on this ongoing issue.

Sincerely
Brandon Linton





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Tue, Jan 17, 2023 at 4:40 PM

To: Mark Havel <vmarkhavel@gmail.com>

Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>, CLARK Jonathan * ODF <Jonathan.CLARK@odf.oregon.gov>

Sounds good Mark, thank you. I have included John in this string so you can have his e-mail address.

I am currently summarizing the actions to date for this property, as I will be handing this over to John since it is in his area. I hope to have that finalized this week, and if there is any information on the NOAPs that you don't have I will get copies of it for you.

[Quoted text hidden]

RECEIVED
JAN 17 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

Mark Havel <vmarkhavel@gmail.com>
To: THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>
Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Tue, Jan 17, 2023 at 12:43 PM

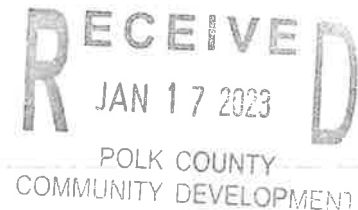
Hello Dave;

Thank you very much for the response and I'm happy that you will be able to fill in some of the gaps in documentation of what has gone on at our neighbors. I'm not exactly sure what documents you may have, but when we spoke and walked on my property I believe you mentioned (and I have repeated) that you have given the Sulamita Rec LLC folks a document or notice, that they have until the end of 2023 to reforest the logged acres, which is an extension on the mandatory reforestation of the 2020 logging. This is what our Gold Creek group would like to see in the Polk County documentation of the project.

Yours; Mark

PS; would you have an email address for the new service forester John? He seems like a good fellow, interested and taking notes on his new home turf, and I'd like to say howdy and welcome to ODF and the landowner network.

Sent from Mail for Windows



From: THOMPSON Dave K * ODF
Sent: Tuesday, January 17, 2023 8:21 AM
To: Mark Havel
Subject: RE: Gold Creek Sulamita

Thank you Mark, I will look into this tomorrow or Thursday as I am in the field all day today. In terms of 'written details', are you referring to the Reforestation Letter attached to a NOAP? Or are there other written details you are seeking? Please let me know, thanks.

Dave Thompson, Stewardship Forester

Oregon Department of Forestry

Dallas Unit, West Oregon District

Mobile: 503-302-6539

Office: 503-934-8149

1/17/23, 1:01 PM

co.polk.or.us Mail - Gold Creek Sulamita

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold creek

Mark Havel <vmarkhavel@gmail.com>
To: LANDRUM Carrie * DSL <Carrie.LANDRUM@dsl.oregon.gov>
Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

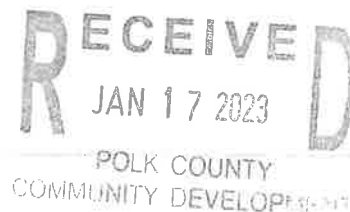
Tue, Jan 17, 2023 at 12:42 PM

Hello Carrie;

Thank you very much for the response and I appreciate your involvement.

Yours; Mark

Sent from Mail for Windows



From: LANDRUM Carrie * DSL
Sent: Tuesday, January 17, 2023 8:30 AM
To: Mark Havel
Subject: RE: Gold creek

Mr. Havel,

The Department of State Lands already has an open enforcement file for this site. The Department will conduct a site visit as staff time and resources permit.

Carrie Landrum
Aquatic Resource Coordinator
Aquatic Resources Management Program
Department of State Lands
503-986-5285
www.oregon.gov/dsl

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold creek

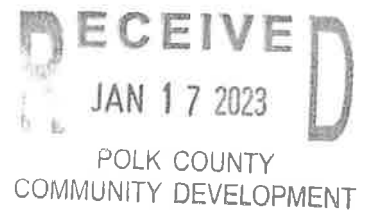
Mark Havel <vmarkhavel@gmail.com>
To: LANDRUM Carrie * DSL <Carrie.LANDRUM@dsl.oregon.gov>
Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Mon, Jan 16, 2023 at 9:09 PM

Hello Carrie;

It seems my email of a week ago didn't get read or attended to, so I'm trying again as it will be as important as ever, perhaps more, to have you and the DOL involved in this issue. I'm pasting in a couple paragraphs from another person/group involved in this here;

- > Hi Mark,
- >
- > I got copies of the staff report and the neighbors comments from
- > Sidney last week. It looks like Wally and Victor have a lot of work to
- > do before they proceed. Comments from the Smiths are very detailed and
- > address most of the legal details. One thing that is missing from the
- > file are written details from the OR Dept of Forestry. I checked
- > online and found Notification of Operations for the 2020 clear cut
- > (NOAP 2020-552-04380) and for the 2022 slash treatment (NOAP
- > 2022-552-05852), but not with access to written details. If you can
- > get full reports from the Dept. of Forest, it would be important
- > information to have in the county record. There may be others that I
- > missed. Especially important, would be a written notice of their 1
- > year extension for replanting and any other related details.
- >
- > Friends of Polk County is likely to submit written comments (drafted
- > by me). We will also solicit input from Steve Vaught (retired from
- > the OR Dept. of Forestry) on the compatibility of the proposed youth
- > camp and the required replanting of 300 trees per acre on the 31.9
- > acres that were clear cut in 2020. Steve provided excellent input for
- > us on a different application in the Eola Hills area that helped us
- > stop a development on farm and forest land there.
- >



> You and your neighbors should be tired of getting this input submitted
> to the county Planning Department. It definitely made a impact on the
> staff response regarding the application. It's just too bad that the
> agencies did not get involved earlier. I hope that you can bring me
> copies of the 5 pages that had post-it notes obscuring the text on
> Wednesday. See you then.
>
> Pat

Yours; Mark

Sent from Mail for Windows



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Sulamita

Mark Havel <vmarkhavel@gmail.com>

Mon, Jan 16, 2023 at 8:39 PM

To: THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Hi Dave;

Here is part of a note I received from some folks at Friends of Polk County, who are aware of our neighborhood situation;

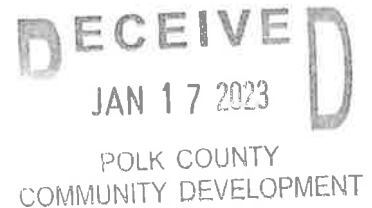
One thing that is missing from the

- > file are written details from the OR Dept of Forestry. I checked
- > online and found Notification of Operations for the 2020 clear cut
- > (NOAP 2020-552-04380) and for the 2022 slash treatment (NOAP
- > 2022-552-05852), but not with access to written details. If you can
- > get full reports from the Dept. of Forest, it would be important
- > information to have in the county record. There may be others that I
- > missed. Especially important, would be a written notice of their 1
- > year extension for replanting and any other related details.

It sure would be nice if we could include more information as this goes on and I would appreciate if you could forward the re-planting plan to Polk county.

Yours: Mark

Sent from Mail for Windows





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: "Wheeler, Patricia A" <wheelerp@oregonstate.edu>

Fri, Jan 13, 2023 at 9:07 AM

Good morning Pat,

Attached are the documents from the record that I currently have electronic versions of:

1. Comments submitted by neighbors
2. The "incomplete letter" that was sent out earlier this week.

I have not deemed the application complete, so I do not have a date set for when comments are due. As indicated in the attached incomplete letter, we have determined that a public hearing is required because of Goal 5 resources.

As you know, the full record is available for review anytime during normal business hours. Please let me know if you have any other questions.


Regards,
Sidney

[Quoted text hidden]


--
Sidney Mulder, Planning Manager

Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us


10 attachments

 **Planning File CU 22-21 (Letter of Incomplete).pdf**
1624K


 **Hodney Comments (1-9-23).pdf**
32K


 **Havel (12-29-22).pdf**
67K


 **Havel (1-9-23).pdf**
195K

 **Hodney (12-23-22).pdf**
98K

 **Hodney (1-9-23).pdf**
1183K

 **Smith (12-30-22).pdf**
405K

 **Wagler (1-10-23).pdf**
143K

 **Smith (1-9-2023).pdf**
537K

 **Nolan Smith (1-9-23).pdf**
1179K



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center

Wheeler, Patricia A <wheelerp@oregonstate.edu>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Fri, Jan 13, 2023 at 8:15 AM

Hello Sidney,

Please send me whatever information you have electronically for the Sulamita Recreation Center CUP application.

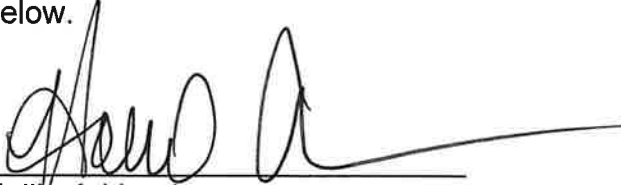
I Have two questions right now:

- 1) When are comments due for the staff report?
- 2) Is this application likely to be referred to the Hearings Officer?

Thanks for your help.
Pat Wheeler

CERTIFICATE OF MAILING

I, Hollie Arklander, certify that I mailed the attached Letter of Incomplete for Planning File # CU 22-21 by regular U.S. Mail to the individuals on the mailing list below.



Hollie Arklander

DATED: January 10, 2023

MAILING LIST

Wallace Lien
1004 Crescent Drive NW
Salem, OR 97304

Sulamita Recreation Center LLC
12650 SE 137th DR
Happy Valley, OR 97086



Arklander, Hollie <arklander.hollie@co.polk.or.us>

Letter of Incomplete for Planning File CU 22-21

1 message

Arklander, Hollie <arklander.hollie@co.polk.or.us>

Tue, Jan 10, 2023 at 1:56 PM

To: wallace.lien@lienlaw.com


Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>

Hello,

Please disregard my previous email as I mislabeled the file name in the subject line.

Please find attached to this email, the Letter of Incomplete for Planning File CU 22-21. Thank you.

Hollie Arklander
Office Specialist 2
Community Development
850 Main St
Dallas, OR 97338
Phone: (503) 623-9237

 **Planning File CU 22-21 (Letter of Incomplete).pdf**
1624K



Arklander, Hollie <arklander.hollie@co.polk.or.us>

Automatic reply: Letter of Incomplete for Planning File CUD 22-21

1 message

Wallace Lien <WLien@lienlaw.com>

Tue, Jan 10, 2023 at 1:51 PM

To: "Arklander, Hollie" <arklander.hollie@co.polk.or.us>

I will be out of the office beginning December 15, 2022 and continuing through January 13, 2023. I will be back in the office on January 16, 2023. I will have very limited availability by phone or email while I am away, however you can email me at wallace.lien@lienlaw.com or call me at 503-931-1286. If and when I get the message and have availability, I will return the email or the voice mail.

In case of any emergency, Mark Hoyt will be available to assist with any issue that might arise that I can not take care of remotely. Mark's telephone number is 503-364-2281, and his email is mark@shermlaw.com

Thank you for your patience.

Wally



Arklander, Hollie <arklander.hollie@co.polk.or.us>

Letter of Incomplete for Planning File CUD 22-21

3 messages


Arklander, Hollie <arklander.hollie@co.polk.or.us>
To: wallace.lien@leanlaw.com
Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>

Tue, Jan 10, 2023 at 1:49 PM

Hello,

Please find attached to this email, the Letter of Incomplete for Planning File CUD 22-21. Thank you.

Hollie Arklander
Office Specialist 2
Community Development
850 Main St
Dallas, OR 97338
Phone: (503) 623-9237

 **Planning File CU 22-21 (Letter of Incomplete).pdf**
1624K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: arklander.hollie@co.polk.or.us

Tue, Jan 10, 2023 at 1:49 PM

**Address not found**

Your message wasn't delivered to **wallace.lien@leanlaw.com** because the domain leanlaw.com couldn't be found. Check for typos or unnecessary spaces and try again.

LEARN MORE

The response was:

DNS Error: DNS type 'mx' lookup of leanlaw.com responded with code NXDOMAIN Domain name not found: leanlaw.com Learn more at <https://support.google.com/mail/?p=BadRcptDomain>

Final-Recipient: rfc822; wallace.lien@leanlaw.com

Action: failed

Status: 5.1.2

Diagnostic-Code: smtp; DNS Error: DNS type 'mx' lookup of leanlaw.com responded with code NXDOMAIN

Domain name not found: lieanlaw.com Learn more at <https://support.google.com/mail/?p=BadRcptDomain>
Last-Attempt-Date: Tue, 10 Jan 2023 13:49:25 -0800 (PST)

----- Forwarded message -----

From: "Arklander, Hollie" <arklander.hollie@co.polk.or.us>
To: wallace.lien@lieanlaw.com
Cc: Sidney Mulder <mulder.sidney@co.polk.or.us>
Bcc:
Date: Tue, 10 Jan 2023 13:49:09 -0800
Subject: Letter of Incomplete for Planning File CUD 22-21
----- Message truncated -----


Arklander, Hollie <arklander.hollie@co.polk.or.us>
To: wallace.lien@lieanlaw.com

Tue, Jan 10, 2023 at 1:51 PM

Hello,

Please find attached to this email, the Letter of Incomplete for Planning File CUD 22-21. Thank you!

[Quoted text hidden]

 **Planning File CU 22-21 (Letter of Incomplete).pdf**
1624K



POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

January 10, 2023

Wallace W. Lien
1004 Crescent Dr. NW
Salem, OR 97304

CC: Sulamita Recreation Center, LLC

RE: Conditional Use Application CU 22-21; Youth Camp

Dear Mr. Lien:

On December 12, 2022, our office received a conditional use application (CU 22-21) proposing to establish a youth camp within the Timber Conservation (TC) Zoning District, at the property located at 7425 Gold Creek Road, Willamina, Oregon (T6S, R7W, Section 21, Tax Lot 100). While reviewing this application, I found that there is insufficient evidence in the record to address all of the applicable criteria. Consequently, application CU 22-21 is incomplete. In order to complete your application, please provide additional evidence to address the applicable review and decision criteria, explained in greater detail below.

Based on the application materials provided, it is understood that the proposed youth camp would be operated by the Slavic Evangelical Church, would primarily be for youth 18 years old or younger, and would accommodate up to 300 participants, including youth and staff. Overnight accommodations would be provided for up to 200 participants, with up to 100 participants being "day campers". It is also understood that the proposed development to serve the youth camp would include the following: 20 summer cabins, 30 yurts, a winter retreat lodge, a kitchen/cafeteria, a meeting hall, bathroom facilities, a spa house, temporary RV hookups, a parking area, improvements and extensions of private roads, walking trails, and septic systems.

Based on the site plan proposed, it also appears that Suttner Reservoir is proposed to be expanded in size. Please clarify if the existing reservoir is proposed to be expanded in size, and if so, by how much. If an expansion is proposed, please be aware that an additional permits and/or water rights may be required through the Oregon Water Resources Department (OWRD).

In part, the applicable review and decision criteria for a youth camp is listed in Oregon Administrative Rule (OAR) 660-006-0031(9), which states:

- 9. Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) that exist on forest lands.**

According to the Polk County Significant Resources Area (SRA) map, the majority of the subject property is located within the inventoried Deer and Elk Habitat Area and Gold Creek is inventoried as a significant fish bearing stream. These Significant Resource Areas are inventoried Goal 5 resources that are protected by Polk County Zoning Ordinance (PCZO) Chapter 182. The narrative provided indicates that the provisions of PCZO Chapter 182 are not applicable because a "youth camp" is not listed as a conflicting use pursuant to PCZO 182.070(A). However, after reviewing the site plan provided, the 2020 aerial photograph accessed through Polk County's Geographic Information System (GIS), recent aerial imagery that was submitted into the record, and a code enforcement complaint that was submitted to Polk County, it appears that road

development associated with the proposed youth camp has already occurred within the Deer and Elk Habitat Area and within the riparian setback area of Gold Creek. Pursuant to PCZO 182.070(A)(2)(b), "roads" are listed as a conflicting use within the Deer and Elk Habitat Area. Pursuant to PCZO 182.070(A)(1)(a) and (b), "Loss of streamside vegetation" and "Road construction" are listed as conflicting uses within the required riparian setback area. Because conflicting uses within these Significant Resource Areas are proposed, a management plan that has been coordinated with the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of State Lands is required. The criteria for a Significant Resource Management Plan can be found in PCZO 182.040(E), which states:

182.040. REVIEW PROCEDURE AND MANAGEMENT PLAN REQUIREMENTS.

(E) LIMIT CONFLICTING USES (3-C).

(1) The Management Plan: When a "3-C" decision has been made for a particular resource, as indicated on the Goal 5 inventory sheets, the applicant, in coordination with the County and State or federal managing agency (s), shall develop a Management Plan which comprises the following elements:

- (a) A description of the type and extent of resources involved;**
- (b) A map showing the exact location of the resource;**
- (c) A print-out from the County Assessor's Office indicating ownership within designated buffer strips; and**
- (d) A written statement detailing a proposed strategy to protect the identified significant resources. Such strategy may include, but shall not be limited to the following:**
 - (1) Restriction of conflicting activities during critical periods (e.g., sensitive nesting periods);**
 - (2) Protecting the resource with buffer strips**
 - (3) A Monitoring plan for the site, i.e., determine the long-range affects;**
 - (4) Permanent or seasonal road closures to protect the resource site; and**
 - (5) Conservation easements, tax incentives or land donations.**

If the County and applicant concur on provisions of the Management Plan and other applicable criteria are satisfied, approval of the administrative action or conditional use request shall be subject to fulfillment of the management plan objectives.

Please provide a Significant Resource Management Plan for the proposed road development within the Deer and Elk Habitat Area, and for the proposed road development and vegetation removal within the riparian setback area of Gold Creek.

Additional development standards that apply with the Deer and Elk Habitat Area and the Riparian setback area for Gold Creek can be found in PCZO 182.050, which states:

SECTION 182.050. SPECIFIC PROPERTY DEVELOPMENT STANDARDS.

The following specific development standards apply to the establishment of identified conflicting uses (see Section 182.070) within deer and elk winter range, riparian areas and significant wetlands identified on the Significant Resource Areas (SRA) Map.

- (A) **Deer and Elk Winter Range** - To minimize impacts to deer and elk populations, the following standards apply (Note: Properties within the Rural Community Centers and areas zoned AR-5 and F/F are exempted from these requirements):
- (1) Dwelling units are limited to a maximum of 1 unit per 40 acres;
 - (2) Dwelling units, roads, utility corridors and other development shall be sited on the least productive habitat land and away from sensitive slopes and soils;
 - (3) Development shall be clustered and located as close as possible to existing development and services, with only essential roads provided;
 - (4) Nonessential roads shall be closed and off-road vehicle use curtailed during the winter and spring.
- (B) **Riparian and Wetland Setbacks** - In order to protect, maintain and enhance the water quality and biological productivity of waterways and wetlands indicated on the Significant Resources Areas map, the following setback requirements shall apply:
- (1) Development, along streams and rivers with significant (1-C) riparian habitat as depicted on the Significant Resource Areas Map, shall be subject to a riparian setback. Within the riparian area, all structural development shall be prohibited. In addition, all trees and at least 50 percent of the understory shall be retained, with the following exceptions:
 - (a) Removal of dead, diseased or dying trees, or leaning trees which pose an erosion or safety hazard;
 - (b) The mowing, planting or maintenance of lawn and farm use, as defined in Section 110.223, existing on the effective date of this Ordinance, including the control of noxious weeds (this provision is not intended to restrict the selection of crop/commodity types in those existing farm use areas within the riparian setback);
 - (c) Vegetation removal necessary to provide direct access for water dependent use, or an otherwise approved use;
 - (d) Structural shoreline stabilization; and,
 - (e) Vegetation removal necessary in conjunction with an approved in-water project, such as a bridge.
 - (2) **Determining the Setback Area:** The riparian setback shall be measured from the banktop on a straight line perpendicular to the flow of the waterway. The following requirements apply to determining the width of various types of riparian management areas:

Streams identified on the SRA Map: The width of the riparian management area shall average three times the stream width, but shall not average less than 25 feet or more than 100 feet. Stream width is the average of the main channel width of the stream during its high water level flow.

Lakes and significant wetlands identified on the SRA Map: The width of the riparian management area for lakes and significant wetlands less than 1 acre in size shall average 25 feet; for lakes and wetlands between 1 and 5 acres in size, the width shall average 50 feet; for lakes and wetlands between 5 and 10 acres in size shall average 75 feet in width; and, for lakes and wetlands over 10 acres in size, the width shall average 100 feet.

Note: The provisions of subsection (1) above do not apply to forest activities regulated under the Forest Practices Act.

- (3) Septic drainfields are subject to a 100 foot riparian setback along all rivers and streams.**
- (4) The riparian setback requirement may be reduced if the Planning Director or his designee finds, after consultation with the Oregon Department of Fish and Wildlife, the character and size of the proposed development and its potential for adverse impacts on the water resource, fish or wildlife habitat area, or other riparian values is minimal. However, the riparian buffer shall not be reduced below 25 feet, nor shall loss of vegetation exceed 25 percent.**
- (5) Water dependent commercial and industrial uses and private boat docks, marinas and boat ramps, which are proposed in waters solely under County jurisdiction shall be subject to the approval of the Planning Director or his designee after consultation with the Oregon Department of Fish and Wildlife and other agencies with statutory jurisdiction who must concur that such a use will not negatively impact the resource.**
- (6) Exceptions to Riparian Setback Requirements - The following are excepted from the strict application of the riparian setback provisions for development:**
 - (a) Residential lots of record or approved subdivision lots granted an exception which have a lot depth which precludes compliance with the setback standards of this section. Such structures shall be setback the maximum practicable distance.**
 - (b) Additions to existing non-conforming structures shall, at a minimum, meet the same setback of the existing structure.**
 - (c) Public uses, such as bridges for public roads, shall be allowed within the setbacks set forth in this section provided that adverse impacts are mitigated as recommended by the Oregon Department of Fish and Wildlife.**
 - (d) Structures necessary to make use of a water right.**
 - (e) Approved erosion control - structural or nonstructural. Note: nonstructural solutions to erosion and flooding are preferred to structural solutions.**

Please provide additional evidence to demonstrate that the proposed development, including any development associated with the youth camp that has already occurred, complies with these development standards.

In addition, riparian vegetation removal and roads are necessary components of the youth camp conditional use permit. The youth camp is therefore a conflicting use and a public hearing is required pursuant to PCZO 182.040(B), which states:

182.040. REVIEW PROCEDURE AND MANAGEMENT PLAN REQUIREMENTS.

(B) CONDITIONAL USES IDENTIFIED AS CONFLICTING USES.

- (1) If a conditionally permitted use in the underlying zone is listed as a conflicting use in Section 182.070, it shall be subject to the following:**
 - (a) Chapter 119 - Conditional Uses;**
 - (b) Review procedures and Management Plan requirements contained in Section 182.040; and**
 - (c) Other specifically applicable criteria (e.g., non-farm dwelling, etc.)**

This type of review shall be quasi-judicial and decided by the Hearings Officer. Decisions of the Hearings Officer on conditional use applications under shall be subject to the appeal provisions in Section 111.280 and the call of the Board of Commissioners as provided in Section 111.290.

- (2) The Hearings Officer may limit changes in the natural grade of land, or the alteration, removal, or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of a significant resource.
- (3) An application for a conditional use shall be denied if, in the opinion of the Hearings Officer, the proposed use would be detrimental to the identified resource.

The application fee that was submitted with this conditional use permit was \$834. The application fee for a conditional use permit that requires a public hearing is \$2,215. Therefore, an additional application fee of \$1,381 is required for this application because it requires a public hearing.

According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) panel number 41053C0045F, dated December 19, 2006, the subject property is partially located within the Special Flood Hazard Area (SFHA). The narrative provided indicates that no development within the regulated 100-year floodplain is proposed. However, the site plan provided depicts road development and the parking area to be partially within the SFHA. In addition, recent aerial photographs of the subject property that were submitted into the record demonstrate that grading, excavating, and potentially filling within the SFHA has already recently occurred. Non-structural floodplain development is defined to include mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. These activities require an additional land use permit that is subject to review and approval of the criteria listed in PCZO 178.060(A)(2) and (B), which states:

178.060. LANDUSE PERMIT PROCEDURES AND REQUIREMENTS.

- (A) A landuse permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development:
 - (2) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a landuse permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (B) The Planning Director is responsible for review and approval of all landuse permit applications submitted for development and uses described in this section. The Planning Director shall determine that such development and uses meet the following requirements:
 - (1) The necessary permits for the proposed development have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (2) The proposed development will not adversely affect the flood carrying capacity of the floodplain. For purposes of this ordinance "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.
 - (3) Development in the floodway requires compliance with the following provisions:
 - (a) Certification by a registered professional engineer or architect demonstrating that encroachments, including fill, new construction, substantial improvements, and other development unless certification

by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (b) If the above section is satisfied, all new construction and substantial improvements as identified in Section 178.060 (A) shall comply with all applicable flood hazard reduction provisions of Section 178.070.
- (4) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Approval of the landuse permit shall be based on the following provisions:
 - (a) Such development shall be consistent with the need to minimize flood damage;
 - (b) Such development shall have adequate drainage provided to reduce exposure to flood damage; and,
 - (c) The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
 - (d) If located in the floodway, non-structural development shall meet the requirements of 178.060 (B)(3).
- (5) Alteration of a watercourse which is identified as a floodplain as shown on the Polk County Flood Insurance Rate Map requires a landuse permit. Prior to approving a landuse permit for the alteration of a watercourse, the Planning Director shall:
 - (a) Notify adjacent communities, adjoining property owners, and the Department of Land Conservation and Development prior to any alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (C) Notice upon an application for a landuse permit under Section 178.060 shall be provided as required by Chapter 111.
- (D) Notice of the decision of the Planning Director shall be given as provided in Section 111.270.
- (E) Decisions of the Planning Director on landuse applications under Section 178.060 shall be subject to the appeal provisions in Section 111.280 and the call of the Board of Commissioners as provided in Section 111.290.

Please provide an additional land use application for non-structural floodplain development that accounts for all existing non-permitted excavation, grading, and filling activities that have already occurred within the SFHA, and any additional proposed non-structural floodplain development. The applicant fee for a non-structural floodplain development permit is \$604.

In part, the applicable criteria for establishing a new youth camp in the TC zone is found in Oregon Administrative Rule (OAR) 660-006-0031(4)(a) which states:

4. An application for a proposed youth camp shall comply with the following:

- a. **The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by subsection (4)(b) of this rule a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.**

The narrative provided to address this criterion states, "The maximum proposed participants for this Youth Camp is 300, and that is not projected to occur for several years after opening. There are 30 yurts and 20 summer cabins that will provide sleeping accommodations for youth and staff. Assuming 4 people per unit, that allows up to 200 overnight participants with others being day campers. This criteria is satisfied." The above criteria requires more analysis than simply demonstrating that there would be adequate space for overnight participants to sleep. Rather, this criteria requires analysis of the "...size, topography, geographic features, and other characteristics..." to support the proposed number of participants. Although the subject property is approximately 100 acres in size, the record leaves an open question to whether the subject property is able to support the proposed scale of the youth camp. For example, I have discussed the scale of your proposal with Polk County's Environmental Health Supervisor, Christina Tisdell, who regulates onsite sanitation requirements. Based on the scale of the youth camp, it is estimated that the proposed sewage design flow for the septic systems would equate to more than 19,000 gallons per day. The sizing of the systems would require Wastewater Pollution Control Facility (WPCF) permits through the Oregon Department of Environmental Quality (DEQ). The total estimated amount of drainfield lines is determined based on soil properties and unusable area. A site evaluation approval would require enough space for the initial absorption area of the onsite septic systems and repair areas of equal size. The record does not reflect consideration of these facts.

In order to accurately calculate septic system sizing requirements, additional information regarding the proposed "temporary RV hookups" is needed. For example, providing clarification on whether the hookups would include individual water hookups and wastewater dumps. In any case, it is unclear if the subject property could support wastewater generated from the proposed number of youth camp participants and accommodations. The narrative provided acknowledges that a condition of approval could be imposed requiring Polk County approval of all septic systems prior to any construction. However, the above criteria has a direct correlation to evaluating the proposed number of overnight camp participants based on the site's characteristics, which in part requires substantial evidence demonstrating that adequate sanitation requirements could be met for the scale proposed.

Further to this point, wastewater Oregon Administrative Rules (OAR) 340-071-0220 and 340-071-0130 require soils to not have been modified in a way that would adversely affect the functioning of a system. This may include, but is not limited to vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modifications. According to the site plan provided, one of the proposed septic systems would be near the southwest portion of the subject property, within an area that has been graded and/or filled and does not appear to be native soil, based on staff's review of the subject property's aerial imagery submitted into the record. Please provide substantial evidence demonstrating that the subject property could support an on-site septic system(s) based on the scale of the proposed overnight participants and accommodations. Further questions about onsite septic requirements can be directed to Christina Tisdell, Polk County Environmental Health Supervisor (503-623-9237), and Dan Wiltse from DEQ (541-687-7436).

The applicable criteria for a youth camp listed in OAR 660-006-0031(4)(b) states:

- b. **The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under subsection (4)(a) of this rule.**

Based on the narrative provided, it is understood that you are requesting allowance for more than 300 overnight youth camp participants for up to eight (8) nights per calendar year. Please specify

how many additional overnight participants are proposed and provide additional details regarding where the additional participants are proposed to sleep (i.e. tents, RV's, etc.). As discussed above, further information is needed in order to determine whether or not the site could adequately accommodate the proposed camp participants. Similar to the issues identified above regarding on-site sanitary waste, as well as traffic impacts and parking needs discussed in greater detail below, please provide additional evidence demonstrating that the subject property could accommodate the proposed maximum number of camp participants.

The applicable criteria listed in OAR 660-006-0031(4)(g) states:

g. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

The narrative provided to address this criterion states that water is proposed from Grand Ronde Community Water Association. However, the record contains insufficient evidence to demonstrate that water would be available from Grand Ronde Community Water Association, specifically for the proposed youth camp. The narrative provided also states that the subject property contains existing water rights. As discussed above, it appears that the existing reservoir is proposed to be increased in size, which would require an additional or amended water rights. Changing the use of the reservoir could also require a new or amended water right.

In order to adequately evaluate whether or not the proposed youth camp would interfere with the exercise of legally established water rights on adjacent properties, it is necessary to know where legally established water rights on adjacent properties are located and what use(s) the water rights are authorized for. Please provide additional evidence to address this criterion.

The applicable criteria listed in OAR 660-006-0031(5)(a) states:

5. The youth camp shall be located on a lawful parcel that is:

- a. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least:**
 - i. 80-acres if located in eastern Oregon.**
 - ii. 40-acres if located in western Oregon.**

Although the subject property is more than 40-acres in size, the above criteria also requires that the subject property be suitable to provide a forested setting. The narrative provided states that the subject property is a "formerly forested area" that was "recently logged" and is "basically bare". Based on these facts, it does not appear that the subject property complies with these criteria, as the subject property is not suitable to provide a forested setting without being dependent on the forested setting of nearby private land.

The applicable criteria listed in OAR 660-006-0031(5)(b) states:

- b. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:**
 - i. The proposed setback will prevent conflicts with commercial resource management practices;**

- ii. **The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and**
- iii. **The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.**

Based on the narrative provided, it is understood that an 80 foot protective buffer is proposed; however, based on the site plan provided, the road proposed near the spa house would be within the 80 foot protective buffer, as well as the space for temporary RV hookups. Please provide additional information regarding this discrepancy and how the improvements depicted on the site plan demonstrate compliance with these criteria.

Based on aerial imagery provided in the record, it appears that the proposed protective buffer areas contain little to no vegetation. The narrative provided describes the buffer to consist of open space. It is unclear how an 80 foot open space buffer could be considered an adequate protective buffer to separate the visual and audible aspects of the youth camp activities from nearby and adjacent lands. In addition, it does not appear that the 80 foot setback as opposed to the 250 foot setback would *prevent* conflicts with commercial resource management practices or *prevent* a significant increase in safety hazards. Based on the information provided in the record, it appears that the 250 foot structural setback distance applies. Please update your site plan to demonstrate compliance with the 250 foot structural setback, or provide additional evidence to demonstrate compliance with these criteria.

The applicable criteria listed in OAR 660-006-0031(6)(d) states:

- (d) Up to three camp activity buildings, not including primary cooking and eating facilities.**

Based on the narrative provided, it is understood that the three (3) activity buildings proposed include a winter retreat lodge, a meeting hall and a spa house. Please describe what camp activities are proposed to take place in each of these buildings.

The applicable criteria listed in OAR 660-006-0031(7)(b) and (c) states:

- b. A fire safety protection plan shall be developed for each youth camp that includes the following:**
 - A. Fire prevention measures;**
 - B. On site pre-suppression and suppression measures; and**
 - C. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.**
- c. Except as determined under subsection (7)(d) of this rule, a youth camp's on-site fire suppression capability shall at least include:**
 - A. A 1000 gallon mobile water supply that can access all areas of the camp;**
 - B. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;**
 - C. A sufficient number of fire fighting hand tools;**
 - D. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.**

A fire safety protection plan (Plan) was provided, which appears to address these criteria. However, staff is concerned that part of the Plan includes the following, "Camp participants and staff shall be educated in the use of hand tools in the creation of fires breaks and putting out small localized fires...." Although it seems reasonable to train youth camp participants to put out small localized fires and to educate them on the use of hand tools, it does not seem reasonable to rely on youth camp participants to be responsible for creating fire lines. In the event of a larger fire

that requires the creation of a fire line, it is of staff's opinion that all youth participants should be evacuating rather than creating fire lines. Please either amend your Plan to ensure that the creation of fire lines would not rely upon youth camp participants. If I have misinterpreted the intent of this training provision of the Plan, please provide clarification. Alternatively, the criteria found in OAR 660-006-0031(7)(e) could be applied, which states:

- c. The provisions of OAR 660-006-0031(7)(d) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.**

The applicable criteria listed in PCZO 177.080(B) states:

- B. 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 629-024-0101(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.**

The application materials provided indicate that water is proposed to be obtained from Grand Ronde Community Water Association. Please provide substantial evidence demonstrating that this public water source would be available for the proposed youth camp to demonstrate compliance with this criterion.

The applicable criteria listed in PCZO 177.090(B) states:

- B. Road access to the structure shall meet the County road design standards.**

The narrative provided states that this standard is more appropriately identified as a condition of approval and indicates that the Applicant would ensure that the access road to Suttner Reservoir would be constructed to County design standards.

In order to determine what design standards may be applicable, additional details regarding the anticipated amount and type of traffic are needed. For example, would participants be arriving on-site via a bus or would participants be dropped-off/picked up individually; what is the anticipated number of vehicle trips per day and in a single hour; is the camp proposed to be operated year-round or seasonally?

Additionally, a Transportation Impact Analysis (TIA) could be required based on the scale of the proposed youth camp. Polk County's Road Standards include information for when a TIA shall be required and when a TIA may be required, as follows:

- B. When a TIA Shall Be Required - A Transportation Impact Analysis (TIA) shall be required for:**

- 1) Any proposed development that can be reasonably expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour.**
- 2) Any development within an adopted UGB, if the development would meet the affected city's criteria for requiring a TIA.**

- C. When a TIA May Be Required - A Transportation Impact Analysis may be required for:**

- 1) Any proposed development that can be reasonably expected to generate more than 150 vehicle trips during a single day or more than 40 trip ends during a single hour.**

- 2) **Any case in which, based on the engineering judgment of the Public Works Department, the proposed development would significantly affect the County's transportation system. Examples of such cases include (but are not limited to) proposals adding additional traffic in areas with acknowledged traffic and safety problems or neighborhood concerns or proposals which would generate a high percentage of truck traffic.**

Please provide additional details regarding the anticipated type and amount of vehicle trips associated with the youth camp in order to determine what design standards would be applicable and whether or not a TIA is required.

The narrative provided addressed the fuel break standards listed in PCZO 177.090(C) and (D). However, the updated fuel break standards of OAR 660-006-0035(3) are more restrictive than those of PCZO 177.090(C) and (D). Therefore, the current OAR fuel break standards are applicable. 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 A), 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 for structures located on a slope. Please provide additional evidence to demonstrate that all structures proposed would comply with the required fuel break standards listed in OAR 660-006-0035(3), which states:

3. **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.**

The applicable criteria listed in PCZO 119.070 states:

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

- D. **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.**

In order to address this criterion, additional information regarding the scale of the proposed youth camp is needed; specifically, information related to potential traffic impacts and demonstrating adequate on-site parking. The site plan provided depicts 50 parking spaces, but it is unclear whether or not 50 parking spaces would be sufficient. For example, would participants be arriving on-site via a bus or would participants be dropped-off/picked up individually; what is the anticipated number of vehicle trips per day and in a singular hour; is the camp proposed to be operated year-round or seasonally? Depending on the answer to these questions additional parking could be required. As discussed above, a TIA could also be required based on the criteria listed in the Polk County Road Standards which states:

- B. **When a TIA Shall Be Required - A Transportation Impact Analysis (TIA) shall be required for:**
 - 1) **Any proposed development that can be reasonably expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour.**
 - 2) **Any development within an adopted UGB, if the development would meet the affected city's criteria for requiring a TIA.**
- C. **When a TIA May Be Required - A Transportation Impact Analysis may be required for:**

- 1) **Any proposed development that can be reasonably expected to generate more than 150 vehicle trips during a single day or more than 40 trip ends during a single hour.**
- 2) **Any case in which, based on the engineering judgment of the Public Works Department, the proposed development would significantly affect the County's transportation system. Examples of such cases include (but are not limited to) proposals adding additional traffic in areas with acknowledged traffic and safety problems or neighborhood concerns or proposals which would generate a high percentage of truck traffic.**

Although I have not sent out a formal request for comments, I have received a significant amount of public comment that has been included in the record. All comments/concerns that are raised must be addressed and considered as part of the decision making process. Failure to address the comments and concerns that are included in the record could result in a recommended denial. Similarly, failure to address the comments and concerns that are included in the record could result in a remand from the Oregon Land Use Board of Appeals (LUBA) if this application were to be appealed beyond the local level. For these reasons, it is advised to obtain copies of the record to ensure that you have an opportunity to address all comments/concerns that have been provided in the record so far.

Pursuant to PCZO 111.220(C), application CU 22-21 is incomplete. As required under PCZO 111.220(D), if this application remains incomplete on **June 11, 2023** (181 days after first being submitted), the application will be void. In order to complete your application, please provide the information described above. Or, you may provide some or none of the requested information with written notice that no other information will be provided. We would then issue a decision using the information submitted in the record. You may also request to change the review criteria, or withdraw the application. The applicant is responsible for the burden-of-proof. An application that does not show compliance with all the applicable criteria may not be approved.

If you need any additional information regarding your application, please contact me at (503) 623-9237.

Sincerely,



Sidney Mulder
Planning Manager

LAND USE PLANNING NOTES >▶▶▶



NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

"[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

"(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.

"(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

"(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures *and* Fire Safety Design Standards for Roads

Published by:

Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

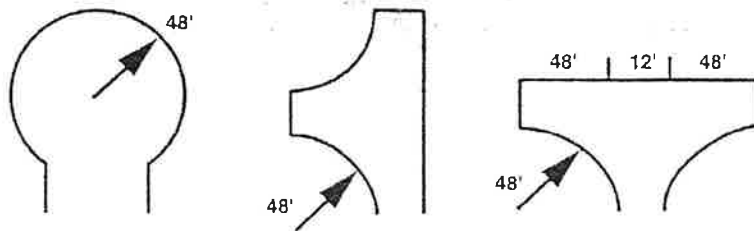
equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.

Turn-Around Types



Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

1. Access— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a 48-foot radius of one of the types shown in the illustration below.

2. Identification— Emergency water supplies should be clearly marked along the access route with a county approved sign.

B. Fuel Break Standards:

1. Primary Safety Zone— The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

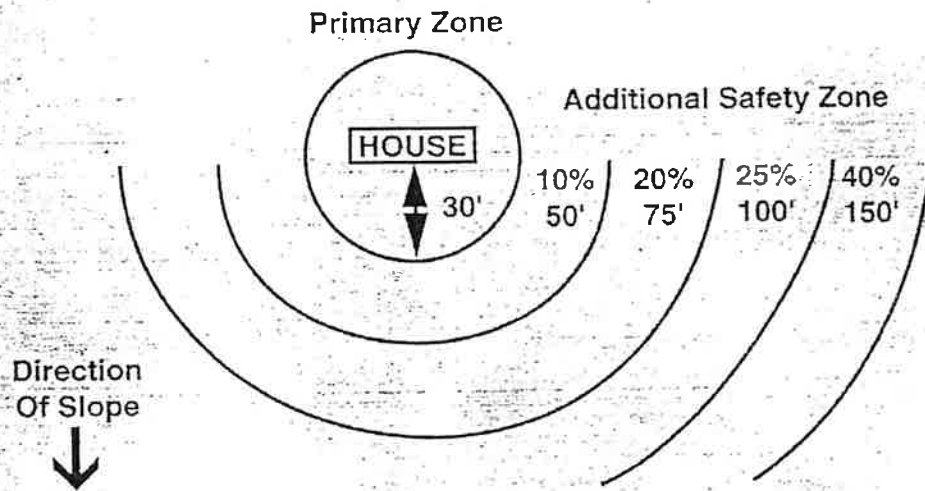
2. Secondary Fuel Break— The secondary fuel break is a fuel break extending a mini-

Size of Primary Safety Zone by Percent Slope

Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



imum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

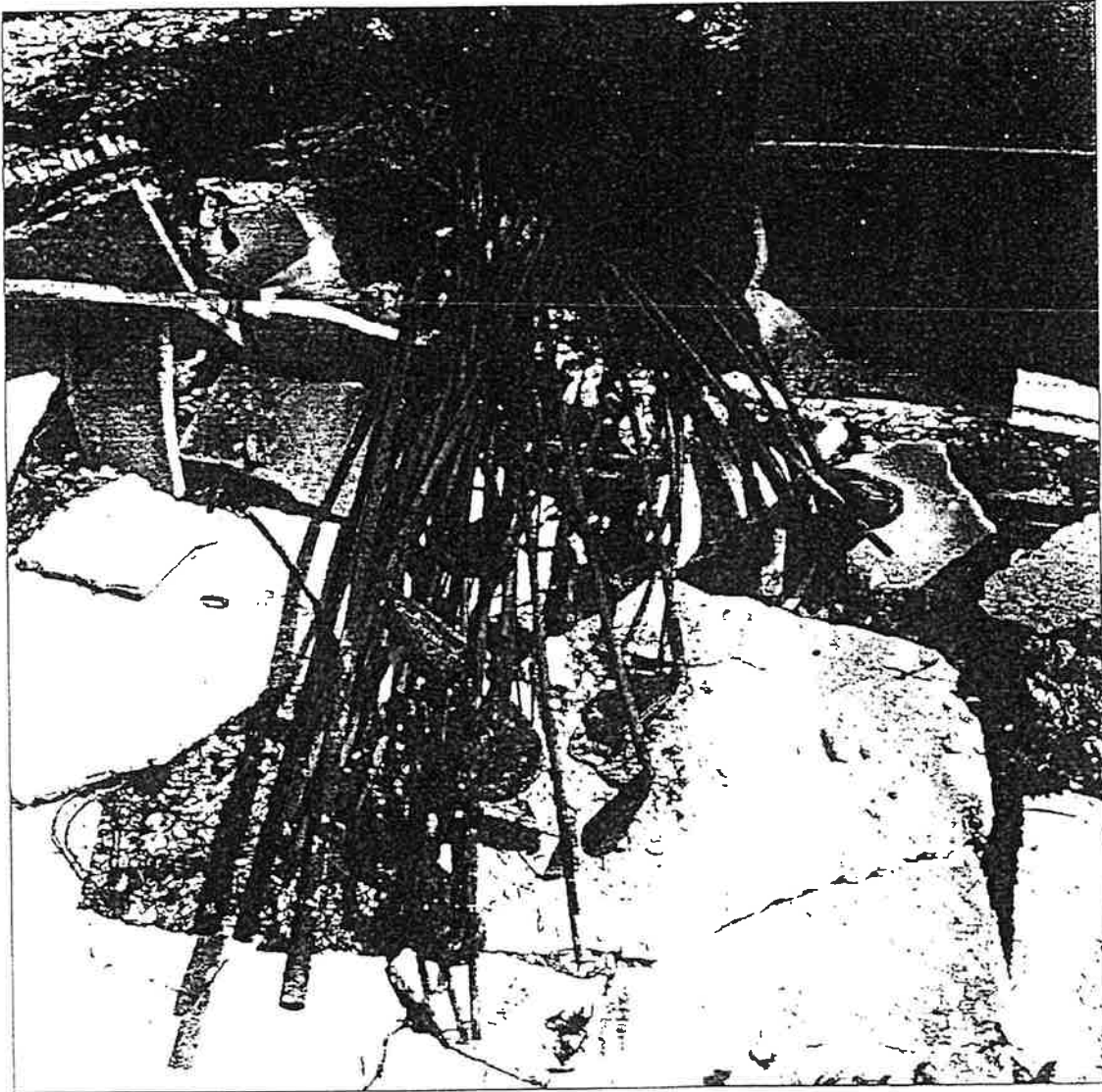
A. Road Standards (public roads and private roads accessing 2 or more residences):

- 1. Right-of-ways**— Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. **Cul-de-Sacs**— Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-a-rounds. All turn-a-rounds should be marked and signed as "NO PARKING."

3. **Bridges and Culverts**— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. **Road Grades**— Road grades should not exceed an average of 8 percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

mum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. Vehicle Passage Turnouts— Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Whenever visibility is limited, these distances should be reduced appropriately.

3. Dead-end driveways— Dead-end driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end driveways should have turn-a-rounds of not less than 48-foot radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

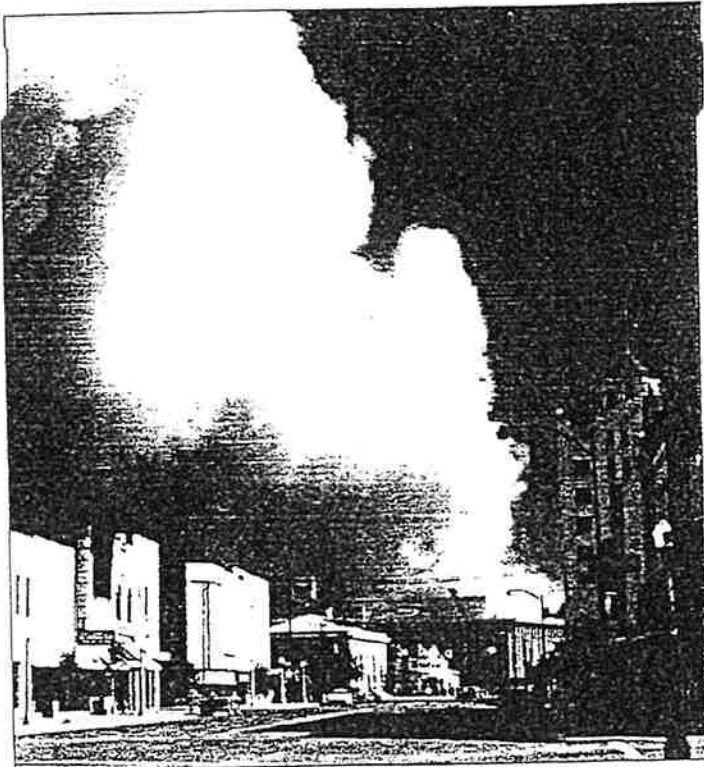
- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".

- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are seasonal. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

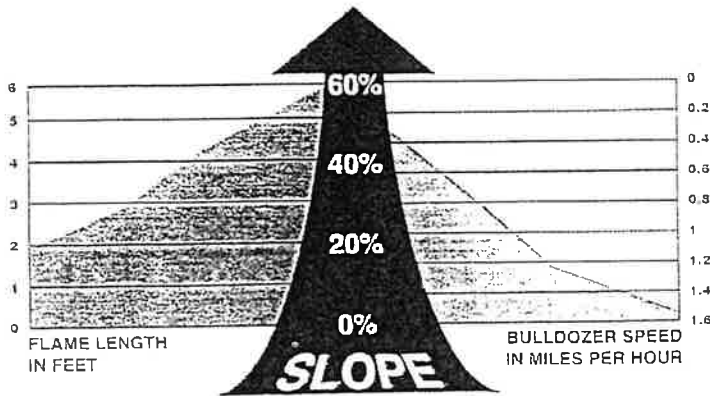
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of the Democrat-Herald, Albany

The Relationship of Flame Length to Fuel Type and Slope: Two Situations

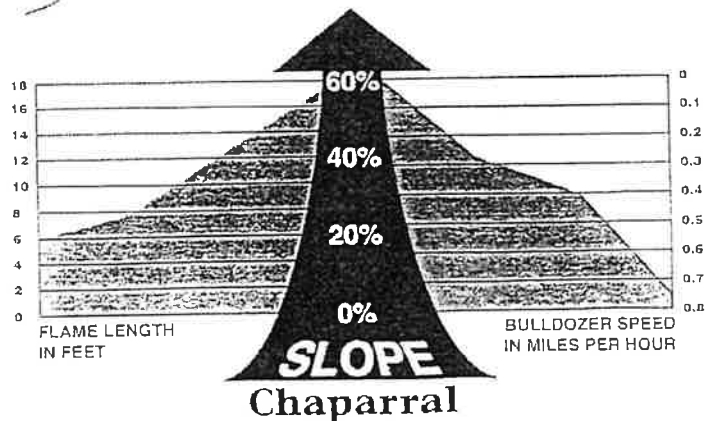
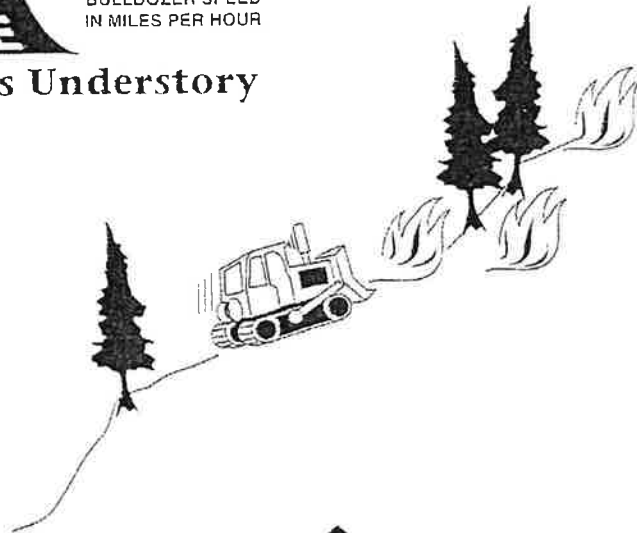


Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length. Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Chaparral

Information Provided By:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

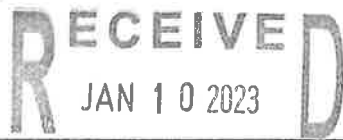
To Order Copies of This Publication
Call or Write:

Oregon Department of Forestry
Public Affairs Office
2600 State Street
Salem, Oregon 97310
503-378-2562



Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

"STEWARDSHIP BY FORESTRY"



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center Application for Conditional Use to Establish a Youth Camp

1 message

Chris <waglermc@aol.com>

Tue, Jan 10, 2023 at 12:20 AM

To: "mulder.sidney@co.polk.or.us" <mulder.sidney@co.polk.or.us>

My name is Chris Wagler and I was given your name in regards to the application filed by my new neighbors. I live and own the property at 7195 Goldcreek Road, Willamina which is directly adjacent to the property at 7425 Goldcreek Road. In the 35 years we have lived up here we have never had any issues with any of the families or property owners up here. We all watch out for each other and take care of our own properties and homes. We all pretty much mind our own business. This has been a great place to live. But in this case, I as well as all those living on Goldcreek road do not want this venture to be approved. This is an area of small and large farms, homes and forest land contrary to what they are telling you. We all chose to live and raise our families here because of the peaceful, rural location. A non-profit (commercial business venture) is what they are trying to establish. Since this property was sold last year they have come in with heavy machinery and removed all vegetation left from the logging (done by the prior owner prior to their purchase) They have no intention of putting this back into timber conversation. They have dug up all the stumps, diverted runoff to the pond, dug out and down the pond, (which for at least 35 years has never been a reservoir- its been an overgrown fish pond) removed top soil and vegetation up to the river. They never put up vapor barriers to protect the river, they have moved so much top soil that now the rain is causing mud to overflow into the creek. It seemed as if they worked everyday round the clock to get their camp started before anyone knew what they were doing. They have already leveled out areas for what looks like camp spots and now they are filing?

We grow trees, cut hay, log, hunt and raise animals on our property and we also target practice. Now I'm going to have to wonder if someone is in the woods on my property? I am not comfortable or happy about having up to 300 people at any given time in my back yard, (since it looks like those camp spots are above my home!) making noise, walking thru my property, leaving their garbage, pooping in my trees, or possibly starting a FIRE. Contrary to what they say, we pay for forest protection, Polk County and Willamina Fire protection... but we have forest and fields all around and you have to be extra careful of the fires. If we log we have fire protection on site till its over. How are they going to control 300 people starting fires, smoking etc.,? A wildfire can get started quickly and we are ways out from quick protection, no matter how far they say their set back is going to be.. There is forest all around them. They also say that there would not be any impact from the traffic? As it is, we are very aware of the cars that go up and down this road. Because we are in this valley of farms and forest land is accessible we all keep an eye out for strangers camping out, doing drugs, or dumping garbage on the logging roads. We don't like strange cars driving up and down this road. We like our homes and we don't want to be burned out or robbed etc. That is why to many people on this road. The hwy access maybe close but this would just add to the already congested problem we have every weekend getting on and off to get to our homes or traveling to the coast. We have enough traffic on hwy 18/22 with the casino down

the road and when the hwy is backed up due to an accident, Yamhill river road becomes backed up. This would cause for more problems.

This so called church camp is not just for their congregation. Once established they are going to open it to others? This becomes a business venture, not a place for their kids to get out of the city like they told the neighbors.

I also know that this will effect my property values and my neighbors. I thought when I purchased this land that my children would someday live here and raise their family. Now I'm not so sure that they will want to.

I just wonder as do others, how no one has looked into this property with all the complaints that have been made by the neighborhood to all the state and local agencies? I hope that you will denie this application. This property is the perfect setting for a home or two but not a commercial business. We all believe if approved that they will not follow any ordinances, or restriction guidlines, since they haven't yet. This is a great concern for all of us who live on Goldcreek. We will be following this process and will continue to voice our objection.

We Thank you for your time in reading our concerns regarding this application.

Mike & Chris Wagler



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Kelly Hodney <hodney@eotnet.net>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: hodney@eotnet.net

Mon, Jan 9, 2023 at 11:39 AM

Thank you, Sidney!

Another thing that I neglected to include in my comments is that I have been informed that the property immediately north and adjacent to the Sulamita property on Gold Creek Road has been permitted to grow cannabis. Its proximity to the Sulamita property could be a siting issue for a youth camp.

[Quoted text hidden]

RECEIVED
JAN 09 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek Ranch Preliminary Comments on Sulamita CUP Application

Nolan Smith <nsmith@carollolegal.com>

Mon, Jan 9, 2023 at 9:24 AM

To: "mulder.sidney@co.polk.or.us" <mulder.sidney@co.polk.or.us>

Cc: "ronandbarbarasmith@onlinenw.com" <ronandbarbarasmith@onlinenw.com>

Good morning, Sidney:

Attached are the preliminary comments of Gold Creek Ranch on Sulamita Recreational Center, LLC's application for a conditional use permit to establish a youth camp at 7425 Gold Creek Rd. Please include me in further communications and updates concerning this conditional use permit application.

Thank you.

Nolan Smith

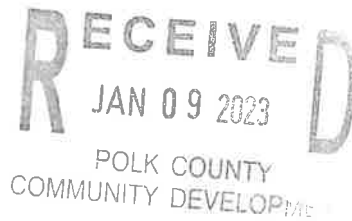
CAROLLO LAW GROUP LLC

PO Box 2456

Roseburg, OR 97470

PH: 541-957-5900

FAX: 541-957-5923



Attorney Client Privilege - This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and you are requested to return the original message to the sender.

 Gold Creek Ranch Preliminary Comments on Sulamita CUP Application - 1.pdf
603K



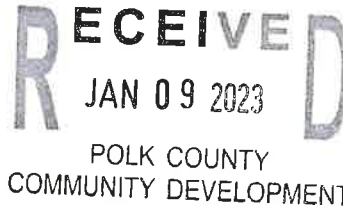
CAROLLO LAW GROUP

Nolan Smith
Associate Attorney

nsmith@carollolegal.com • 541-957-5900
PO Box 2456, Roseburg, OR 97470
2315 Old Hwy 99 S., Roseburg, OR 97471

January 9, 2023

Sidney Mulder, Planning Manager
Polk County Planning Division
850 Main Street
Dallas, OR 97338



**RE: Preliminary Comments of Gold Creek Ranch on Sulamita Recreation Center
Application for Conditional Use to Establish a Youth Camp.**

On behalf of the Gold Creek Ranch please accept the following preliminary comments on Sulamita Recreation Center's application for a conditional use to establish a youth camp at 7425 Gold Creek Road, Willamina, Oregon, 97396.

BACKGROUND

The Sulamita Recreational Center, LLC's¹ ("Sulamita") proposal to establish a massive "youth camp" at 7425 Gold Creek Road ("Sulamita property"), deforesting the property, stripping it of all current and future ecological benefits, devaluing neighboring properties, and interrupting the quality of life along Gold Creek Road, to the great detriment of neighboring landowners and persons who recreate on or around Gold Creek Road, violates governing land use and environmental laws. Sulamita's past, and ongoing, disregard for Oregon's water, timber, and environmental laws, as well as Polk County's land use ordinances, demonstrates the ecological, economical, and legal disaster that Sulamita's proposed conditional use would create.² For these reasons Gold Creek Ranch strongly opposes Sulamita's conditional use permit application ("application"), and urges Polk County to deny this application.

The Gold Creek Ranch is a commercial agricultural operation owned by Ronald and Barbara Smith (the "Smith Family") located adjacent to the Sulamita property.³ The Smith Family, along with Idyl Wild Farms—a dairy formerly located in West Linn, Oregon—together purchased Gold Creek Ranch in 1987. Until 1998, Gold Creek Ranch was used to raise dairy heifers for Idyl Wild Farms, and also grew hay, silage, and oats. In 2000 Idyl Wild Farms was moved, and Gold Creek Ranch transitioned to a commercial beef cattle and hay operation. Since that time, Gold

¹ Sulamita's application lists "Sulamita Recreation Center, LLC" as the applicant. "Sulamita Recreation Center" is not the legal name of the entity applying for a conditional use. Rather, "Sulamita Recreational Center, LLC" is the correct name. This is just one of the many errors existing throughout the permit application.

² Sulamita's proposed youth camp, the subject of their conditional use permit application, is hereafter also described as the "proposed action."

³ Gold Creek Ranch and the Sulamita property are separated only by Gold Creek Road. Gold Creek Ranch is located directly to the east of the Sulamita property.

Gold Creek Ranch Preliminary Comments on Sulamita Conditional Use Application

January 9, 2023

Page 2

Creek Ranch has, on average, maintained a herd of 40 pair of mother cows and calves, 4-5 feeder steers, 4-5 replacement breeding heifers, and 2 breeding bulls. Gold Creek Ranch also produces, on average, 250 tons of grass hay and round bale silage, supported by Gold Creek Ranch's certificated water rights on the Yamhill River.⁴ Prior to 1987, Gold Creek Ranch was used for various commercial agriculture uses. It has been used for a commercial swine operation, a feed store was once operated out of one of the livestock buildings, and former owners of Gold Creek Ranch also raised cattle and produced hay.

The Gold Creek Ranch also supports deer and wintering roosevelt elk. The elk herds which utilize Gold Creek Ranch and the adjoining properties, including the Sulamita property, travel significant distances to winter along Gold Creek Road. An elk herd which summers near Condenser Peak, Warnicke Creek, and Four Cabin Corner travels to the agricultural lands along Gold Creek Road each fall and winter, spending the winter and early spring months grazing in fields and pastures. The Smith Family has intimate knowledge of this elk herd and its movements. The elk typically split their time between Gold Creek Ranch and the Sulamita property, frequenting both properties.

Since the Smith Family has owned Gold Creek Ranch, the Sulamita property has always been used for farm and timber uses.⁵ A single dwelling has housed multiple different families, and Gold Creek Ranch, as well as other adjacent landowners, have always resided in harmony with this parcel.

It came as a significant shock to the Smith Family, and other neighboring landowners, when, in 2022, a parade of excavators, bulldozers, dump trucks, and more began scalping the Sulamita property. Quickly all vegetation and stumps were removed from the recently-logged hillside within the property. It further appeared that wetland vegetation around "Suttner Reservoir" was also removed, and fill dirt from the hillside was moved over the top of any wetland vegetation and adjacent to Gold Creek. New roads were quickly established across the property, and gravel pads were created throughout. This excavation could easily be heard and seen from Gold Creek Ranch, as well as from other adjacent properties. The heavy spring and early-summer rains caused sediment runoffs from the recently-scalped lands, which was thereafter deposited in Gold Creek. Stream flows also appeared to increase, as vegetation no longer mitigated runoff from the Sulamita property. Throughout this process the Smith Family was extremely concerned that the Sulamita Recreation Center was out of compliance with various laws and regulations, including Department of State Land regulations concerning the removal and fill of wetlands, Oregon Water Resources Department regulations regarding the use of, and injury to, water rights, Oregon Department of Forestry regulations concerning replanting, erosion, slash burning, and sediment runoff, Oregon Department of Environmental Quality regulations regarding water quality, including stream turbidity, Polk County Planning Regulations, and more. Because of these concerns Gold Creek Ranch has attempted to engage Polk County regarding any potential land use applications submitted by Sulamita Recreation Center. Despite months of engagement with the County, it was

⁴ Gold Creek Ranch has also commercially raised and sold meat goats, dairy goats, meat chickens, and breeding pigs at varying times since 1987.

⁵ A water right, Cert. 39458, also exists within 7425 Gold Creek Road for the purposes of "fish culture."

only recently revealed that a conditional use permit application was submitted. Gold Creek Ranch was first able to view the application days before a preliminary determination may be reached by Polk County.⁶

Upon review of Sulamita Recreation Center's conditional use permit application, Gold Creek Ranch has identified significant errors and shortcomings with the proposed action, and the application itself. Among other things, the proposed youth camp is not compatible with the requirements of OAR 660-006-0031 and other statewide and County planning goals, the application misrepresents the surrounding agricultural and forestry uses, the application disregards existing wildlife uses and impacts, proposes uses incompatible with existing water rights, and more.⁷

Gold Creek Ranch is gravely concerned about the proposed youth camp, and the disregard that Sulamita Recreation Center has shown for the property and neighboring landowners. The proposed youth camp will have a significant negative financial impact on Gold Creek Ranch, will detract from the use and enjoyment of Gold Creek Road, will cause immense damage to big game habitat, and overall violates the laws and regulations of the state of Oregon and Polk County. Therefore, for reasons herein described, Gold Creek Ranch urges that the Sulamita Recreation Center application for a conditional use be denied at this stage.

COMMENTS

The Sulamita Recreation Center's application for a conditional use permit is fatally flawed, and the proposal itself violates governing law. Therefore, Gold Creek Ranch urges the County deny the permit.

1. Legal Standards.

Polk County's approval of any conditional use permit must be supported by substantial evidence in the record. *See 1000 Friends of Oregon v. Marion Cnty.*, 116 Or. App. 584, 588, 842 P.2d 441, 444 (1992); *Yamhill Cnty. v. Ludwick*, 294 Or. 778, 786, 663 P.2d 398, 402 (1983) (holding that LUBA correctly ruled that the county's determination was not supported by substantial evidence). The applicant for a conditional use permit has the burden of demonstrating that the permit is lawful and meets the needs recognized by the zoning ordinance. *See Kristensen v. City of Eugene Plan. Comm'n*, 24 Or. App. 131, 135, 544 P.2d 591, 593 (1976); *Marracci v. City of Scappoose*, 26 Or. App. 131, 135, 552 P.2d 552, 554 (1976) ("The defendant city's critical finding of fact was that the proposed use was not in the best interest of the city. This is a sufficient

⁶ Gold Creek Ranch intends to submit an ongoing public records request to Polk County, the Oregon Department of State Lands ("DSL"), Oregon Department of Forestry ("ODF"), Oregon Department of Environmental Quality ("DEQ"), and Oregon Department of Fish and Wildlife ("ODFW") concerning the Sulamita Recreation Center and proposed youth camp, including all communications relating to this proposal and the property located at 7425 Gold Creek Road.

⁷ Gold Creek Ranch's comments are a non-exhaustive exploration of the errors within Sulamita's permit application and proposed conditional use. Gold Creek Ranch intends to provide more significant and detailed comments at a later time when an opportunity arises.

finding to state that the proponent failed to carry his burden of persuasion with the local governing body.”). Here, Sulamita has the burden of providing substantial evidence demonstrating, *inter alia*, that the proposed action is in compliance with Oregon law, including setback requirements, visual and audible buffers, and provides a “forested” recreational and educational experience, that the youth camp meets the needs recognized by Polk County’s zoning ordinances, that the application is lawful, and that nearby existing uses have been adequately considered.

2. The Proposed Youth Camp Violates OAR 660-006-0031.

Sulamita’s proposed youth camp does not comply with the requirements for youth camps under Oregon law. PCZO 177.040 lists conditional uses which may be allowed within the Timber Conservation Zoning District. Among those conditional uses are youth camps, which must comply with the standards and limitations of OAR 660-006-0031. Sulamita Recreation Center’s application displays a clear disregard for the standards and limitations of OAR 660-006-0031. Therefore, granting the conditional use permit would violate Oregon law.

A. 7425 Gold Creek Road is Not a Suitable Parcel for the Proposed Youth Camp.

As an initial matter, OAR 660-006-0031(1) provides that a youth camp must be located on a parcel suitable to limit impacts on nearby and adjacent land and be compatible with the forest environment. The proposed youth camp is neither. The site plan for the youth camp reveals that camp structures will be located close to adjacent properties, with no natural buffer to limit potential impacts. *See* Application, Exhibit G. At this time the entirety of the proposed youth camp is visible from Gold Creek Ranch, and the proposal would, quite literally, place a 300-person camp in the backyard of multiple neighboring landowners. Because Sulamita has removed most-all vegetation from the timbered portion of the property, there is no longer any vegetative buffer between the property and adjacent landowners. *See* Application at 15 (“The property has been logged and is now basically bare land.”). Moreover, the topography of the site does not create any buffers. Thus, the parcel is unsuitable to limit potential impacts on nearby and adjacent land. Moreover, Sulamita Recreation Center has not reforested the land, nor does the application display any intent to reforest. Instead, quite the opposite is true, and the application expressly explains that the land will not be reforested in order to limit fire risks. *Id.* Thus, the parcel is not “compatible” with the forest environment, as a forest environment no longer exists at 7425 Gold Creek Road. *Id.* To the extent that Sulamita Recreation Center may seek to recreate on adjacent timberland, this too will not be supported. Neighboring landowners, including Gold Creek Ranch, appear likely to limit Sulamita’s access to their lands, and Weyerhaeuser’s adjoining property is accessible only upon purchase of a recreation permit containing strict limitations on access, of which only a limit number of permits are offered for sale in any given year.

Thus, at the forefront it is clear that 7425 Gold Creek Road is not a parcel which is suitable to limit the proposed youth camp’s impacts on nearby lands, and is not a parcel compatible with the forest environment.

B. The Proposed Camp Does Not Meet the Definition of a Youth Camp.

OAR 660-006-0031(3) defines “youth camp” as a facility which will provide an outdoor recreational and education experience for the benefits of persons 21 years and younger. The application does not explain how the proposed youth camp will provide these recreational and educational experiences. The Sulamita property has been completely deforested by Sulamita Recreation Center, and the application does not propose to reforest any portion of the property. *See* Application at 15. Youth campers cannot lawfully use adjacent timberlands. Moreover, the application proposes to strip the property of all outdoor recreation qualities, as revealed by the site plan. *See id.* at Exhibit G. Even Gold Creek has been significantly damaged by Sulamita’s prior excavations at the property, and Sulamita’s ability to use its camp to educate persons about fish habitat requirements is significantly limited by Sulamita’s prior, and ongoing, destruction of fish habitat in the first instance. Because Sulamita’s youth camp cannot provide an outdoor recreational and educational experience as currently proposed, it does not meet the definition of a “youth camp” in OAR 660-006-0031(3).

C. 7425 Gold Creek Road is Not a Suitable Parcel as Described by OAR 660-006-0031(5).

OAR 660-006-0031(5) expands on the qualities a parcel suitable for a youth camp should have. A review of this regulation, and Sulamita Recreation Center’s application, again reveals that the proposed youth camp is not suitable at 7425 Gold Creek Road. OAR 660-006-0031(5) explains that:

A youth camp under OAR 660-006-0031 may only be located on a parcel that is:
Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.

The Sulamita property cannot meet this requirement. First, Sulamita has completely deforested the parcel, and the only trees remaining are a few sparse Douglas firs and oaks, and the buffer along Gold Creek. *See, e.g. infra* Exhibit C (depicting, among other things, the sparseness of the “forest” comprising the Gold Creek stream buffer); Application at 15 (the Sulamita Property is now “basically bare land”). None of these trees exist in a density that could be considered a “forest” by any measure. And, as already explained herein, the application does not propose to reforest the land. In fact, a significant portion of the camp will be located in non-forested lands historically used for agricultural production. The only forests near the proposed youth camp are located on other private lands. But, as OAR 660-006-0031(5)(a) explains, the “forested setting” may not be provided by the characteristics of other adjacent and nearby public and private land. Thus, the Sulamita property itself must provide the forested setting required for a lawful youth camp. This the property cannot do. As proposed, the camp cannot provide a forested setting, violating OAR 660-006-0031(5)(a). Polk County lacks substantial evidence demonstrating that 7425 Gold Creek Road is suitable for Sulamita’s proposed youth camp.

A property housing a youth camp also must be suitable to provide a buffer to separate the visual and audible aspects of the camp from other nearby and adjacent lands. OAR 660-006-0031(5)(b). “The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas.” *Id.* (emphasis added). No buffer separates the proposed youth camp from adjacent lands, nor has one been proposed. *See* Application at 15. The application expressly provides that Sulamita will keep a buffer *clear from vegetation* between the camp and adjacent properties. *Id.* This will, in turn, make the camp easily seen or heard from adjacent properties, including Gold Creek Ranch. Half of the Sulamita property is flat, with little topography, while the other half of the parcel slopes *towards* many adjacent properties and dwellings. Thus, there is no topographical buffer that can be provided. The agricultural lands within the Sulamita property also contain no forested areas or other vegetation that can provide a visual or audible buffer. Currently, only Gold Creek, and the small buffer of vegetation along the Creek, provide *any type* of buffer for some landowners (though this buffer is still insufficient to satisfy OAR 660-006-0031(5)(b)), and other adjoining landowners have no buffer at all between them and the proposed camp. *See, e.g. infra* Exhibit C (the few trees along Gold Creek do not provide a suitable visual or audible buffer between the proposed youth camp and neighboring landowners). Without any type of buffer in place, the proposed youth camp will not comply with OAR 660-006-0031(5)(b). Once again, there is not substantial evidence supporting a finding to the contrary.

OAR 660-006-0031(5)(b) also provides that all structures shall be set back 250 feet from roads and adjacent properties. The application is facially inconsistent with this requirement, stating that Sulamita will use an 80-foot setback. While OAR 660-006-0031(5)(b) does provide three limited exceptions to the 250-foot setback requirement, these only apply where a lesser setback would “*prevent* conflicts with commercial resource management practices,” “*prevent* a significant increase in safety hazards associated with vehicular traffic,” and “provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.” (emphasis added). In other words, a lesser setback is only permitted when such a setback would reduce impacts, or potential impacts, to other neighboring lands and uses. Such does not exist here. While Sulamita attempts to explain that a lesser buffer will not *exacerbate* negative impacts, this is not the governing standard of OAR 660-006-0031(5)(b). Sulamita has not shown that a lesser setback reduces the proposed camp’s impacts. Therefore, the application’s facial inconsistency with OAR 660-006-0031(5)(b) mandates rejection of the application.

D. The Proposed Youth Camp Proposes Unlawful Facilities.

Sulamita’s proposal also violates OAR 660-006-0031(6). It proposes to include a spa among the other multiple buildings and structures contained within the camp. Depending on what may be included within the spa, this appears to be a recreational facility not permitted under OAR 660-006-0031(6)(a). Once again, this establishes a violation of OAR 660-006-0031, making the proposed youth camp an unlawful use which may not be permitted by the County.

E. The Application Does Not Demonstrate Compliance with Other Comprehensive Plan Requirements and Land Use Regulations.

OAR 660-006-0031(9) explains that a proposed youth camp must be consistent with *all other* comprehensive plans or implementing land use regulations. First, PCZO 177.010 explains the purpose of the Timber Conservation Zoning District. These purposes are:

- (A) Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;
- (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- (C) Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;
- (D) Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest crops and as such, are beneficial to the economy of the County and to the welfare of its people;
- (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Polk County Comprehensive Plan; and
- (F) Implement the Goals and Policies of the Polk County Comprehensive Plan.

While a youth camp may be a conditional use within this zone, a youth camp nevertheless must be compatible with the other purposes of the Timber Conservation zone. It is Sulamita's burden to prove that their conditional use meets the needs recognized by the zoning ordinance. *See Kristensen*, 24 Or. App. at 135. As PCZO 177.010(C) explains, recreational uses, like youth camps, must not conflict with the *primary intent* of the zone, which is timber management. Sulamita's proposal is irreconcilable with this intent, as the Sulamita property has currently been deforested, and the application demonstrates an intent to *never reforest the subject property*. *See Application* at 15. This will indefinitely remove the property from timber management, leaving the proposed recreational use in direct conflict with the intent of the Timber Conservation zone. This alone requires that Polk County deny Sulamita's application.

In addition, PCZO Chapter 182 provides for the protection of significant resources.⁸ The purpose of Chapter 182 is to conserve significant fish and wildlife habitat, as well as riparian and natural areas. The proposed youth camp is directly contrary to this purpose and violates the provisions of Chapter 182.

Contrary to the details provided in Sulamita's application, deer and elk frequent the Sulamita property. In fact, the Sulamita property, along with Gold Creek Ranch, provides some of the most-heavily utilized wintering habitat for roosevelt elk in the surrounding area. Elk in the area frequent agricultural fields and pastures during fall, winter, and spring months. In the area surrounding the Sulamita property, Gold Creek Ranch, private land along Rowell Creek Road, and

⁸ These are not the only laws applicable under OAR 660-006-0031(9). However, given the extremely short time frame with which Gold Creek Ranch has to comment at this stage of the permit review process, Gold Creek Ranch has not had the opportunity to identify other laws or regulations applicable under OAR 660-006-0031(9). However, Gold Creek Ranch hereby reserves the opportunity to waive any other objection to this permit application in any future comment opportunities or appeals of the decision of Polk County.

Gold Creek Ranch Preliminary Comments on Sulamita Conditional Use Application

January 9, 2023

Page 8

the Sulamita property itself provide the most ecologically-significant big game wintering habitat. Elk do not cross Highway 18 to winter on lands north of the Highway, nor do elk winter in the agricultural lands north of the Yamhill River. Because the Sulamita property lies in between Gold Creek Ranch and the private lands along Rowell Creek Road, the parcel is not only wintering habitat for elk, but also is a critical travel corridor between elk wintering habitats. Elk travel from the high coast range elevations along Condenser Peak, Warnicke Creek, and Four Cabin Corner down to Gold Creek to winter.

Sulamita's application misrepresents the importance of the parcel to wintering elk populations. Elk do not confine themselves to a small portion of the property. Instead, they utilize the entirety of the property, including the field within the property and the adjacent hillside. *See infra* Exhibits A-B (recent photos of elk utilizing the Sulamita property in the fall of 2022). Any visit to the Sulamita property would reveal the extent to which elk utilize the entire parcel. Gold Creek Ranch encourages Polk County to view firsthand the Sulamita property before making any final decision on Sulamita's conditional use application.

Exhibit A



Exhibit B



Both Exhibit A and Exhibit B depict elk utilizing areas of the Sulamita property which will be turned into roads, parking lots, and buildings. The cabins, which may constitute residential development, will also be located on this same wintering habitat.

Within the fish and wildlife habitat along Gold Creek, Sulamita has already removed riparian vegetation and the site plan includes the construction of bathrooms, roads, and a spa house along Suttner Reservoir.

PCZO 182.070(A)(1) and (2) expressly provides that the loss of streamside vegetation, development along reservoirs, residential development within big game habitat, and road construction within big game habitat, constitute conflicting uses. Sulamita's application proposes these very conflicting uses, but incorrectly declares that no conflicting uses under Chapter 182 will exist under the proposed youth camp.

It is appalling to Gold Creek Ranch that Sulamita's application represents that only "a portion of the southwesterly area of the subject property" provides big game habitat—a misrepresentation easily disproven by past accounts of heavy elk utilization. *See* Application at 12. It is thus no surprise that the application explains, incorrectly, that the proposed youth camp will not adversely impact deer and elk. As Sulamita explains, "there is nothing to attract deer or elk onto the site." *Id.* This is precisely the issue. The Smith Family has observed elk utilization of the Sulamita property since 1987, when the Smith Family moved to Gold Creek. Every year since then the Smith Family, as well as other persons residing on or traveling along Gold Creek Road, can reliably count on viewing wintering elk at the Sulamita property. The field and forestland on this parcel is a critical portion of the wintering habitat located along Gold Creek and is a travel corridor between the other existing wintering habitats. Elk are naturally attracted to the site given

its proximity to a large expanse of timberland, and high feed quality. By removing the timber, constructing roads, cabins, meal facilities, and more, and populating the property with hundreds of people, the elk which formerly relied on the Sulamita property will be displaced, and significantly inhibited from travelling between wintering habitats. This will decrease the elk carrying capacity of this area⁹ and will exacerbate elk impacts on other neighboring properties, none of which was considered or acknowledged in Sulamita's application.

The application's disregard for elk habitat, and its violation of PCZO Chapter 182, is a critical shortcoming, and Sulamita comes woefully short of establishing their burden in support of their conditional use application. This mandates denial of the permit application.

In summary, the application is in clear violation of OAR 660-006-0031 and, as proposed, cannot be brought into compliance with the regulation. The Sulamita property is simply not suitable for a youth camp like the one proposed by Sulamita, and the application's clear non-compliance with OAR 660-006-0031 exhibits this fact. Therefore, it would be a violation of governing law for Polk County to approve the permit application, and any such approval would be fiercely litigated to ensure that Polk County complies with governing law. Therefore, Polk County must reject Sulamita's application for a conditional use permit.

3. Sulamita's Application is Full of Blatant Misrepresentations that Mandate Denial of the Requested Conditional Use Permit.

Along with the shortcomings herein described, Sulamita's application contains blatant misrepresentations that mandate denial of the requested permit. PCZO 119.140 provides that the County may cancel any conditional use permit "if it develops or is ascertained that the application therefore contains any false statements." The County need not reach that stage. Rather, because of the false statements already existing within Sulamita's application, the County should decline the conditional use permit being sought.

Sulamita's permit explains that they took "an inventory of surrounding properties and their use and characteristic." *See* Application at 7. Following this inventory Sulamita concluded that, "[a]side from [Shenk's'] dairy, there are no parcels in farm use as defined by ORS and the PCZO. Agricultural activities that do go on are personal in nature and comprise [of] gardening and animal husbandry."¹⁰ *Id.* At 11. ORS 308A.056 defines "farm use" as "the current employment of land for the primary purpose of obtaining a profit in money by," *inter alia*: (1) "Raising, harvesting and selling crops"; (2) "Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof" and; "Using land described in this section for any other agricultural or horticultural use or animal husbandry or any combination thereof." Gold Creek Ranch is one of many parcels near the Sulamita property which is currently engaged in farm use.

⁹ The area is within ODFW's "Stott Mountain" hunt unit. Elk populations in this unit are already below ODFW's management objective.

¹⁰ The Application also states that "the area consists of small non-farm uses, mostly with houses." *See* Application at 12.

As explained herein, the Smith Family has owned Gold Creek Ranch since 1987. Since that time the Ranch has been in constant farm use. Initially, the Smith Family raised 150-180 replacement dairy heifers on Gold Creek Ranch. Eventually, the Smith Family transitioned to raising beef cattle in a cow-calf operation. Under this operation, the Smith Family calves, on average, 40 cows a year.¹¹ The majority of these calves are sold as feeders, either to private purchasers or at local livestock auctions. The remainder are either raised as replacement heifers and/or bulls or are raised as feeder steers. Around 4-5 steers are raised and butchered on Gold Creek Ranch each year, and the meat from these feeder steers is sold to private purchasers.

To support the cattle operation, approximately 250 tons of hay and silage are produced on Gold Creek Ranch.¹² The Smith Family also produces hay on nearby parcels of land and is exploring the lease of additional nearby acreage to increase the amount of hay forage which can be harvested. This feed is typically fed to the cattle located on Gold Creek Ranch; however, the Ranch has previously sold excess hay. The Ranch has also produced alfalfa and oats, also to feed cattle raised on Gold Creek Ranch. The Ranch has also engaged in the commercial breeding and sale of goats and pigs, though currently focuses on cattle and hay production.

Gold Creek Ranch also has placed acreage into a conservation reserve program through the U.S. Natural Resource Conservation Service. This acreage increases the buffer between the Ranch's pasture and hay fields, and adjacent water resources the Yamhill River and Lady Creek.

By no measure could Gold Creek Ranch be considered *not* employed in farm use. Ron Smith works on Gold Creek Ranch full time striving to make the property as profitable as possible. Sulamita's blatant disregard for this fact is a fatal flaw in their application.¹³ But it is not the only one. In fact, there are numerous other lands in farm use near the Sulamita property. In fact, the Sulamita property itself has been used as a commercial grass seed operation for *years*, as has another parcel along Gold Creek Road and multiple parcels along Yamhill River Road. During grass seed harvest combines, balers, tractors, and trucks are frequently traveling Yamhill River Road and/or Gold Creek Road.¹⁴ There are also other parcels on Gold Creek Road and Yamhill River Road which have been, and are, used for commercial cattle operations. In fact, Gold Creek Ranch has sold livestock to some of these other operations in recent years. Yet, *all* of these farm uses are expressly ignored in Sulamita's application. This ignorance on the part of Sulamita cannot sustain a finding of "substantial evidence" in support of the conditional use application. Thus, Sulamita has failed to satisfy its burden of supporting its application by relying on unmistakably-false statements and analysis.

The application further states that "Gold Creek Road itself has sufficient capacity to handle the additional traffic from the Youth Camp, and the capacity is such to have no conflict between this additional traffic and any farm or forest trucks, *many of which don't use Gold Creek Road in*

¹¹ Today, the Ranch's total cattle inventory averages 80-100 head of beef cattle at any given time.

¹² Producing this forage relies on Gold Creek Ranch's irrigation water rights in the Yamhill River.

¹³ The Smith Family's farm uses are easily seen and heard from Sulamita's property.

¹⁴ Most of this traffic, in addition to traffic from Fort Hill Road, will use the overpass onto Highway 22 in Fort Hill. Sulamita's application fails to analyze the traffic impacts to Yamhill River Road and the overpass onto Highway 22.

any event.” Application at 12 (emphasis added). Once again, this amounts to a blatant misrepresentation or ignorance of existing conditions on or around Gold Creek Road. Weyerhaeuser, Manulife (formerly Hancock), Hampton, and the Bureau of Land Management each have significant timber reserves accessed off Gold Creek Road. Weyerhaeuser’s Grand Ronde tree farm is comprised of 21,000 acres and has two primary log haul routes—Firehall Road and Gold Creek Road. The Bureau of Land Management (“BLM”) owns nearly 27,000 continuous acres accessible from Gold Creek Road. Gold Creek Road is one of the primary haul routes for timber resources from this BLM land. Hampton Resources also owns thousands of acres, primarily accessible from Gold Creek Road. In addition, there are aggregate pits located on BLM, Weyerhaeuser, and Hampton land which are primarily accessed from Gold Creek Road. Sulamita’s application demonstrates a complete disregard for, or ignorance of, the traffic which uses Gold Creek Road. Gold Creek Ranch also utilizes Gold Creek Road and produces hay in fields along Gold Creek. This requires Gold Creek Ranch to drive tractors, hay equipment, and hay trucks along Gold Creek Road to access these fields.

These clear factual errors mandate denial of Sulamita’s conditional use permit application. It is a bad policy precedent for the County to approve conditional use permits on the basis of false statements included within a permit application. There is no reasoning for Sulamita to have ignored existing farm uses, and misstate existing road uses, in their application. Therefore, the County should deny Sulamita’s application for a conditional use permit.

4. Sulamita’s Farm Impact Study is Flawed.

Noted above, Sulamita’s application erroneously describes the farm uses near the project area. In addition, the “Farm Impacts Test” provided by Sulamita fails to account for existing farm uses, and damages which will result from Sulamita’s proposed youth camp.

Sulamita’s Farm Impact Test is facially deficient because it fails to identify significant, ongoing existing farm uses near the project area. This is not a harmless error as, among other issues, the proposed action would increase the economic damages caused by wintering elk herds displaced from the Sulamita property.

Gold Creek Ranch strives to maintain its cattle operation in harmony with elk use and habitat. This is possible, in part, because elk do not rely *solely* on Gold Creek Ranch during winter months. Instead, wintering elk herds divide their time primarily between Gold Creek Ranch, the Sulamita property, and neighboring properties located along Rowell Creek Road. As already explained, the Sulamita youth camp will displace wintering roosevelt elk, causing them to spend significantly more time on other winter ranges. Because of the relative security Gold Creek Ranch may provide, and its proximity to the Sulamita property, it appears likely that Sulamita’s displacement of the elk will result in greater elk occupancy on Gold Creek Ranch.¹⁵ This will not come without a price. Rather, elk damage, including the destruction of fences and the utilization

¹⁵ If elk displaced from the Sulamita property do not increase their occupancy of Gold Creek Ranch, they will likely utilize the neighboring properties along Rowell Creek to a greater degree. The same damages anticipated by Gold Creek Ranch would likely be incurred by landowners along Rowell Creek.

of forage, will increase on Gold Creek Ranch because elk will not be able to utilize the Sulamita property. Thus, the Smith Family will be faced with an undesirable proposition: increase elk harvest on an already-dwindling elk herd to minimize economic losses, or absorb additional economic losses in order to preserve the health and stability of nearby elk herds. This economic impact needs to be evaluated and accounted for in Sulamita's permit application. Unfortunately, Sulamita ignores these impacts. Therefore, the County must deny Sulamita's application.

5. Sulamita's Proposal Violates Governing Oregon Environmental Law.

The Suttner Reservoir is authorized by water right certificate 39458, which permits the use of the reservoir for fish propagation. Sulamita's permit application proposes to utilize Suttner Reservoir for recreational swimming and for fire suppression. Yet, Sulamita's application does not account for continued fish propagation in Suttner Reservoir.¹⁶ If Sulamita fails to maintain the reservoir for fish culture, then Sulamita may find themselves in continuing violation of water right certificate 39458. This, in turn, could result in a forfeiture of the water right, and an inability to use the reservoir for recreation or fire suppression.

Sulamita's excavation of their property also has likely resulted in sedimentation of Gold Creek. After Sulamita purchased 7425 Gold Creek Road, they immediately scarified the recently-logged land, and the lands surrounding Suttner Reservoir. Significant spring and early-summer rains across the bare-dirt hillside caused sediment runoff downstream, towards Gold Creek. This same sediment runoff is continuing today because there is little-to-no vegetation on the Sulamita parcel to reduce or slow runoff, or collect sediment discharge. *See Exhibit C* (recent photo demonstrating runoff from Sulamita's property into Gold Creek. Only a small strip of grass and few trees—owned by an adjoining property—slow this stream discharge or minimize sediment loadings). There is nothing within Sulamita's application to account for these past damages, or to demonstrate that a future youth camp will mitigate the damaging effects of erosion and runoff.

¹⁶ Moreover, Sulamita's excavation increased turbidity and fuel loadings within Suttner Reservoir. This may have already killed whatever fish were present within Suttner Reservoir, leaving Sulamita in violation of their water right.

Exhibit C



The Sulamita property also has been completely deforested. *See* Application at 15. While previously this land was home to a working forest and farm fields, it now is devoid of regrowth timber as Sulamita seeks to transition the property into a bare-earth youth camp. Sulamita also proceeded with slash burning stumps, tires, trash, and other debris on this timberland on a date when slash burning was not permitted. This is a clear violation of Oregon's forest practices laws.

Sulamita's prior disregard for Oregon's environmental and water laws should weigh heavy on Polk County's mind in evaluating Sulamita's permit application. Such blatant disregard for applicable environmental standards warrants denial of Sulamita's application.

6. Sulamita's Prior Actions Demonstrate a Disregard for Zoning Laws.

Sulamita's conditional use permit application appears to have been submitted as a mere formality. For months Sulamita proceeded with the excavation of vegetation and land, and the construction of camp and building sites. All of this occurred without seeking County approval of the proposed youth camp. Only recently, after Sulamita irreparably changed the landscape of 7425 Gold Creek Road and caused significant irreparable environmental damage, did Sulamita seek a conditional use permit.

Sulamita Recreation Center has demonstrated a complete disregard for County and state laws. There is little reason to believe that Sulamita will now be brought within compliance of these laws moving forward. This is a significant, ongoing concern of Gold Creek Ranch's. Sulamita's application already demonstrates a desire to expand the proposed youth camp, pushing the limits

of OAR 660-006-0031. Moreover, the proposed camp will be adjacent to numerous properties, including Gold Creek Ranch. Gold Creek Ranch is especially concerned that Sulamita's prior disregard for governing laws will also affect adjoining properties. Gold Creek Ranch can be easily accessed from the Sulamita Property. Gold Creek flows from Sulamita's property, under Gold Creek Road, and onto Gold Creek Ranch. Following the Creek, or accessing Gold Creek from across the road, will amount to a trespass. Gold Creek Ranch frequently has cattle in fields adjacent to Gold Creek, in close proximity to Sulamita's property. Trespass from the youth camp onto Gold Creek Ranch has the potential for harm to livestock or youth campers. Gold Creek Ranch certainly wishes to avoid this but cannot be expected to establish barriers to exclude trespassers, at significant cost to the Smith Family. Neighboring properties may be similarly concerned with trespass, especially considering the lack of forests within Sulamita's property, but the expanse of forests on adjacent private lands, extremely close to the proposed camp sites.

These concerns are at the forefront of Gold Creek Ranch's mind. Gold Creek Ranch asks that Polk County similarly weigh these concerns in the consideration of Sulamita's permit application.

CONCLUSION

Sulamita Recreation Center's application for a conditional use permit to establish a massive youth camp at 7425 Gold Creek Road is facially deficit, ignores governing laws and standards, proposes an unlawful land use, and makes blatant mischaracterizations and false statements in support of the permit application. Polk County cannot lawfully approve Sulamita's application given these significant legal and factual shortcomings. The application is not supported by substantial evidence, and Sulamita has fallen far short of satisfying their burden demonstrating the lawfulness of the permit application. Moreover, it amounts to bad policy, and bad precedent, to allow such misrepresentations to proceed, to ignore the concerns of neighboring landowners, to disregard governing law, and to allow the indefinite degradation of critical natural resource values. For these reasons, and those herein described, Polk County should deny Sulamita's application for a conditional use permit.

DATED this 9th day of January, 2023.

Sincerely,



Nolan Smith
Attorney at Law

NS/



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: Kelly Hodney <hodney@eotnet.net>
Cc: hodney@eotnet.net

Mon, Jan 9, 2023 at 8:53 AM

Received, thank you.
[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Kelly Hodney <hodney@eotnet.net>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>
Cc: hodney@eotnet.net

Mon, Jan 9, 2023 at 7:08 AM

Sidney,

Thank you for explaining some of your decision-making process.

After a quick review of the CUP application, it seems obvious the attorney that prepared this collected information from the applicant but was not on site to see the damage done by Sulamita to date nor what I believe are inaccuracies or misrepresentations of many of the statements. Please find attached some comments I would like added to the record for your consideration before you prepare your staff report and recommendation.

Thank you.

[Quoted text hidden]

 **Sulamita CUP Comments_Hodney.docx**
156K

RECEIVED
JAN 09 2023
POLK COUNTY
COMMUNITY DEVELOPMENT

To Polk County
Regarding Sulamita Recreation *[sic]* Center CUP Application

I would like to have an opportunity to request Polk County deny the Sulamita conditional land use permit application and express some of the reasons why I believe granting it would not be in accordance with PCZO 177 and would result in harm.

- It is unsuitable and inconsistent with the general plan for the area.

As pointed out in the application, the area is primarily private dwellings and timber conservation. Ours is a secluded neighborhood of rural residences buffered by timber conservation zones. That would all change if this conditional use permit (CUP) application is granted. They are proposing bringing the noise, traffic, and lights of the city to our neighborhood. The noise, traffic, and lights from which the people living here purposefully chose to live away from. They wouldn't have to live with it, they would just drop it off and leave it with the residents all summer long. The people living on Gold Creek Road purchased their properties based, at least partially, on the assurance that the relative quiet and privacy of our Timber Conservation and rural neighborhood would be safeguarded by the land use zoning created and enforced by Polk County. It would also negative impact many of our property values.

It is also inconsistent with the purpose of the Timber Conservation Zoning District stated in PCZO 177.010. While it is true that the land in question is currently bare, that it because Sulamita, in blatant disregard of zoning and other laws and regulations, bulldozed and scraped away all vegetation, including the tree seedlings before they submitted their application so they could state that it is bare. They are not proposing replanting the trees they have removed and as required by the Oregon Department of Forestry.

- Inadequate access.

Sulamita is a large congregation. If this application was approved, they are proposing up to 350 people at a time (and have asked for a variance to increase that amount). That will result in hundreds of additional cars and people traveling on our road any given week to drop off campers, work as camp staff (cooks, counselors, leaders), and/or stay as campers. Besides the significant increase in road traffic, that many people trying to access the same location to a narrow drive will cause back-ups. The road shoulders are inadequate for people to pull over while waiting their turn to enter or wait for outgoing cars, and there are often gravel trucks and log trucks traversing the road at any given time of the day. In addition, I believe the proposed parking is in the area zoned for farm use. This is not an appropriate use.

- Lack of public services.

There is no sewer out here, and the existing septic on the property is only for the single-family dwelling. They have not applied for or received approval for additional septic system(s).

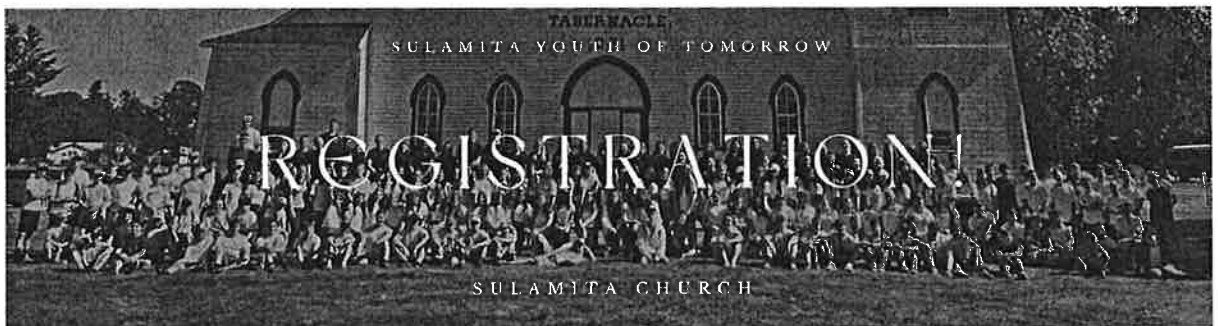
Only the house is permitted to utilize the Grand Ronde Community Water system. They are not allowed to hook up to the existing water connection. They would be required to apply for a commercial hook-up, and the Grand Ronde Community Water only approves those on a case-

by-case basis. I know other commercial-use applicants have been denied. There is no guarantee that it would be granted.

When our power goes out, PGE indicates there are 29 impacted on our road. With just those 29, we already experience damaging surges in our power (it damaged our HVAC system). Of the new buildings they are requesting, they could provide electricity to the yurts, bathrooms, spa, lodge, multipurpose building, RV hookups, and "lodge" as well as security lights. This would be a significant increase in the amount of power needed and the substation for our area would not be able to handle it. The draw of an additional 350+/- users would negatively likely impact our power supply, potentially causing power outages for the many of us who depend on the power to telecommute.

In addition, they have not identified a contingency plan for power outages. Last year PGE started shutting off power to high-risk fire areas during inclement weather during the summer. That included Gold Creek Road.

The Sulamita Church has more members than we have people living on our road. As you can see from the picture below, they have a very large youth group, and it does not appear it includes the grade school children who would also typically participate in camp. They would overwhelm this little neighborhood, and it is likely many, many more people from Sulamita would periodically be here making significant demands on the public services, negatively impacting the neighborhood.



- There is no need for a church camp in the area.
 - There are already plenty of church camps around they could use if they want cabins, chow hall, gymnasium, chapel, and the like. A quick search shows there are at least 17 Christian church camps in Oregon, many of which are closer in proximity to the Sulamita church than Gold Creek Road.
 - If, as the members told the Gold Creek neighbors, the reason they want a camp is because their youth are leaving the church, it would be more beneficial for them to mix with youth from other churches, so they understand the Christian faith is not something limited to their Slavic ethnic background but shared by people from all backgrounds. This would be more effective in helping their youth not leave the church.
 - However, if they want to isolate their youth, many of the Christian as well as secular campgrounds would lease out their facilities to Sulamita. Besides those in closer proximity to Sulamita, such as Trout Creek in Corbett and Tilikum in Newberg, Camp Wi-Ne-Ma is only

31 miles further than Gold Creek Road, it has more than adequate accommodations for their proposed number of campers, and I know that children and youth from farther away than the Sulamita Church go there annually.

- Sulamita has demonstrated that it cannot be trusted to abide by the conditions of a conditional use permit.

Sulamita representatives initially assured us there would only be tent camping and no new buildings except for perhaps a chapel. That is certainly not what they're proposing in this application.

As stated in a previous communication, Sulamita has violated all the permitting requirements to date with regard to the building of roads, filling and compacting wetlands, building up the banks of the reservoir to increase the amount of retention, Oregon's riparian (streamside) rules, clearing the trees from the TC and not replanting, constructing foundations for new non-permitted structures, etc. Not only are property owners responsible to know the law and zoning restrictions, but it is my understanding that Sulamita's principal officer is in the construction business and is fully aware of zoning restrictions, the need to acquire permits before constructing, etc. All people make mistakes, even Christians. However, they have demonstrated a negative pattern of behavior. Their blatant disregard of the zoning and permitting requirements, forging forward at hyperspeed to achieve their ends by getting as much work done as possible before being forcibly stopped and asking for forgiveness later, is not only a bad Christian witness, but their actions speak louder than their words and assurances. Their actions to date demonstrate they cannot be trusted to abide by the conditions of a conditional land use permit and that they are a high risk for noncompliance.

Per PCZO 177.010. PURPOSE. The Timber Conservation (TC) Zoning District is intended to:

- (A) Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;
- (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- (C) Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;
- (D) Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest crops and as such, are beneficial to the economy of the County and to the welfare of its people;
- (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Polk County Comprehensive Plan; and
- (F) Implement the Goals and Policies of the Polk County Comprehensive Plan.

The proposed application does none of that. In fact, prior to application they deforested what they say in their application is bare land, removing not only old stumps but also scraping bare the hillsides of all vegetation, including the tree seedlings planted for reforestation. In place of the removed trees and vegetation they have already built cabin and yurt foundations before first applying for a permit.

I am unfamiliar with your OARs, but I believe it doesn't meet OAR 660-006-0031(4)(d) which further requires a campground to be IAW OAR 660-006-0025(e)(C), which states: Subject to the approval of the

county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296 (Standards for approval of certain uses in exclusive farm use zones)(1). So, it appears Sulamita is requesting the county to approve three times the number of yurts normally allowed. In addition, they have already created permanent foundations for the camp sites in violation of this rule.

I request that you deny their application due to the application being incomplete, not all the criteria being met, the negative impacts to the adjoining properties and the entire neighborhood, demand on inadequate public resources, and the fact that what they are proposing does not meet the stated purpose of the Timber Conservation Zoning District. I further request that Sulamita be required to remedy the existing permitting violations and damage done to the Timber Conservation area, wetlands, and Gold Creek before they are allowed to proceed with applications for any new permits.

Following are some comments I would like to submit regarding statements made in the application.

Statements in Sulamita CUP Application	Comment
<p>Permit Applicant</p>	<p>The permit application is incomplete because the permittee name is incorrect in various places. It is listed as Sulamita Recreation Center but the legal name is Sulamita Recreational Center LLC.</p>
<p>The Applicant is owned and operated by the Slavic Evangelical Church, and will be a haven for youth attached to the church and to other local youth who would benefit from the programs to be provided.</p> <p>and</p>	<ul style="list-style-type: none"> • The applicant is not owned and operated by the church. It is a separate entity. The applicant's address is the personal address of the authorized agent and president, not the Sulamita Church's address. • As stated before, there is already a number of camps operating in Oregon, and there is no need for another one in our area. If the Sulamita's purpose is to isolate their children and youth from others, then "local youth" would not be able to benefit from the programs provided even if they weren't already attending other established Christian camps (e.g., Wi-Ne-Ma).
<p>The Applicant was formed in early 2022 for the purpose of establishing a Youth Camp to serve the youth of the Slavic Evangelical church as well as local youth who would benefit.</p> <p>Suttner Reservoir is located in the middle of the site, and the Applicant has water rights to use that reservoir. Exhibit J.</p>	<p>The water right is limited to fish culture (aquaculture). There are no irrigation water rights attached to it. I believe the proposed recreational and fire-suppression use of the reservoir is in violation of the approved water rights.</p>
<p>There is no swimming pool proposed, but Suttner Reservoir will be utilized for water fun.</p> <p>Recreational facilities that include an abundance of open areas that are suitable for ball fields, volleyball courts, soccer fields, archery range, hiking and biking trails that are provided in conjunction with the site's natural environment.</p>	<p>The clearing and leveling of these areas in order to build these recreational facilities as identified in their plan is in violation of PCZO 177.010 and the Timber Conservation zoning and ODF requirements to reforest/replant.</p>
<p>There is a meeting hall multipurpose building, winter retreat lodge and spa house proposed to supplement camp activity, none of which include primary cooking or eating facilities.</p> <p>and</p> <p>There is no present plan to provide adult programs at this site.</p>	<p>The application states there are no "present" plans to provide adult programs, but a winter retreat lodge and spa house are not designed for youth's enjoyment. This would indicate the request for a youth camp is a means to install buildings for nonyouth camp purposes and we request you deny these additional buildings if not the entire application.</p> <p>There is no mention of bathrooms or septic for the meeting hall and "winter" retreat lodge and there is no planned bathroom nearby. Are they planning to include bathrooms and septic for these buildings to</p>

	<p>be included with the kitchen/cafeteria. That would need to be a sizeable septic system and they are near two bodies of water, can't be where cars traverse, etc. Please deny the application based on the fact that they have not confirmed the county will be able to permit the proposed 3 or 4 more septic systems (total of 4 or 5 septic systems on the same parcel).</p>
<p>Sleeping quarters include 10 summer cabins and 30 yurts that are 20'x20' in size. None of these sleeping quarters will have bathrooms or cooking facilities. None of the camp facilities will be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals. (page 7)</p> <p>and</p> <p>There are 30 yurts and 20 summer cabins that will provide sleeping accommodations for youth and staff. (page 18)</p>	<p>The application is inconsistent in identifying how many permanent "summer" cabins they are requesting. On page 7 it states 10 and on page 18 it states 20 cabins. It is difficult to tell because the application is inconsistent, but it appears they are requesting a total of 50 cabins/yurts, 3 bathrooms, kitchen/cafeteria, a "spa," RV hookups, a multipurpose building, a "winter" lodge, a large parking area, new roads (the ones they've put in already haven't been permitted), using the reservoir permitted only for "fish culture" for recreational purposes, and leveling the hilltop to make an outdoor recreation area. That doesn't leave room for any remaining forest/farm use except for the small plot to the north that is already separated from the rest of the property. They are requesting cessation of all further farming and forest conservation for the contiguous portion of the lot.</p> <p>In addition, private campground requirements limit the number of yurts to ten. They are requesting three times that amount. If you do not deny the application, we request that the number of yurts be limited to ten and the cabins be limited to ten.</p>
<p>An 80' wide setback is provided from all boundaries that are to TC zoned properties where no structures will be allowed.</p>	<p>This is misleading. What they are proposing is <u>within</u> TC-zoned property. They have simply removed all vegetation, including reforestation seedlings, before applying.</p>
<p>Access to the yurt area is by walking trail.</p>	<p>This is misleading. They have already installed, without benefit of required permits, a number of roads to what they plan will be the cabin and yurt areas. There might be a very short distance from the road to the planned yurt sites.</p>
<p>Internal drives connect all of the different camp areas, and sufficient parking is provided for staff and visitors and suppliers. There is proposed a gravel area behind the caretaker's dwelling</p>	<p>As previously stated, our small road is not equipped to handle the amount of traffic a camp of this size would create. This is also a large parking area in what is now farmland.</p>

<p>where a RV hookup will provided for temporary use by staff or visiting instructors.</p>	<p>Also, the RV hookup description is misleading. First, I request no overnight RVs or trailers. Our road is not equipped to handle that kind of in and out traffic. In addition, they are an eyesore. But more importantly, the narrative indicates a single RV hookup by the existing house, but Exhibit G indicates the whole field (currently farmed) south of the property will be an RV hook-up area (multiples). This is immediately adjacent to the creek, and I request that if you do not deny the RVs and trailers, that it not be allowed to be near a body of water. It would make it too easy for homeless to back in and dump their tanks into the creek (which we see happen along the river), which would impinge upon those with the downstream water rights. In addition, it's right on the road, which would be another traffic safety concern and an eyesore.</p>
<p>All of the proposed facilities here are well in excess of 250' from Gold Creek Road, and the neighboring property to the north. Some of the yurts, a bathroom building and some of the summer cabins are within the 250' boundary to the west and south.</p> <p>There is a mixture of zones in the study area, including ARS, EFU, FF and TC. The majority of lands in the study area are forest lands. The AR5 zone includes pockets of lands along the highway and Gold Creek Road to the north and south of the subject property. The TC zone, and the majority of the timber land is located to the west.</p> <p>Aside from the Dairy, there are no parcels in farm use as defined by ORS and the PCZO. Agricultural activities that do go on are personal in nature and comprise gardening and animal husbandry. The forest lands in the area are held for long term harvesting, and annual maintenance and attendance to those lands is minimal.</p> <p>A Youth Camp is an allowed conditional use in the TC zone. PCZO I 77.040(X).</p>	<p>This is incorrect. The requested RV hookups are sited immediately adjacent to Gold Creek Road in Exhibit G.</p> <p>As you can see from the study, the area is comprised of large acreages of TC and FF lands, as well as many AR5 and EFU. Putting a large youth camp, and allowing them to strip the forest away, in the middle of this rural setting should not be approved.</p> <p>I believe there are other farm use parcels in the area, such as the Gold Creek Ranch. And it is correct that the forest lands in the area are held for long-term harvesting, as this property is zoned to be maintained, but this application proposes cessation of both the forestation and the majority of the farming leaving only a small, token field currently used for sheep.</p> <p>This is accurate, but it doesn't necessarily mean it should be an approved conditional use for every TC zone. This is one TC zone for which it should be denied due to the negative impacts to the adjoining properties as well as the entire neighborhood residing on Gold Creek, especially since the plan includes the stripping of existing forest and no</p>

<p>177.050. GENERAL REVIEW STANDARDS [OAR 660-006-0025(5)]. To ensure compatibility with farming and forest activities, the Planning Director or hearings body shall determine that the proposed use meets the following requirements:</p> <p>(A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;</p> <p>(B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;</p> <p>In this case access is taken directly onto Gold Creek Road, at a location that has adequate site distance. Gold Creek Road itself has sufficient capacity to handle the additional traffic from the Youth Camp, and the capacity is such to have no conflicts between this additional traffic and any farm or forest trucks, many of which don't use Gold Creek Road in any event.</p>	<p>reforestation/replanting.</p> <p>Despite what is stated in the application, this will force a significant change in forest practices and farming practices on this land. It will eliminate all forest practices and eliminate nearly all the farmland.</p> <p>It will significantly increase the fire hazard due to the number of cars and people on site during camping season. There are many who smoke, and there will be campfires, likely fireworks during the summer holidays, etc. Vehicles will be driving up and down all the roads. If they have space heaters in the cabins and yurts (it gets cold overnight even in the summer), that will also increase fire hazard.</p> <p>This is inaccurate. The proposed camp will have significant impact on our public road resources. Gold Creek Road is a narrow rural road and does not have sufficient capacity to handle the additional traffic from the proposed youth camp. When our power goes out, PGE indicates it affects 29 other households on Gold Creek Road. The increased weekly traffic from what will likely be at least triple our road's current population, will have a detrimental effect on road safety, road condition, and residents' access since the proposed camp is near the beginning of the road and residents will have to get past the traffic back-up to get to their homes. In addition, there are a number of farm equipment, gravel trucks (Hampton has a gravel pit at the other end of Gold Creek) and timber trucks, both from the BLM and Weyerhaeuser locations that traverse the roads on a regular basis.</p> <p>They have already compromised the big game habitat by the removal of trees and vegetation and the installation of unpermitted roads in the TC zone. Elk used to reside in that area and come down that hill and across Gold Creek Road to the adjoining property. In addition, deer, cougars, coyotes, and bears roam the area. The proposed youth camp would be in the middle of their regular grazing and hunting routes. Not only is the proposed placement of a camp nonprotective of the big game and could pose a danger to the youth.</p>
<p>In this case there are two identified areas that are addressed in this application. The first is the big game habitat that encompasses a portion of the southwesterly area of the subject property. The first issue for compliance is the imposition of an 80' wide setback area from the property line where no structures will be located. The second is that there are no roads accessible by vehicles in the big game habitat area. In those areas there are only walking trails. There are no cooking or garbage disposal areas in the big game habitat land, so there is nothing to attract deer or elk onto the site. No hunting of any kind will be allowed on the property.</p>	<p>They have already compromised the big game habitat by the removal of trees and vegetation and the installation of unpermitted roads in the TC zone. Elk used to reside in that area and come down that hill and across Gold Creek Road to the adjoining property. In addition, deer, cougars, coyotes, and bears roam the area. The proposed youth camp would be in the middle of their regular grazing and hunting routes. Not only is the proposed placement of a camp nonprotective of the big game and could pose a danger to the youth.</p>

<p>The last issue relates to fish protection for Gold Creek. Management of the floodplain area along Gold Creek will be done in accordance with the Streamside Protection guidelines published by the Oregon Forestry Department. Exhibit P. This plan includes maintaining live trees and vegetation along Gold Creek to provide cover, shade and adequate water temperature. New trees and vegetation will be planted within the floodplain area that over time will provide more cover and shade. A part of the camp activities will be to monitor Gold Creek to ensure there is adequate fish passage along Gold Creek to enhance feeding and spawning.</p>	<p>The applicant has already violated the Exhibit P guidelines for streamside protection. They filled in the wetlands around the reservoir, and erosion runoff is now spilling to the creek. In addition, they ripped out the vegetation and many of the trees along the creek that Exhibit P states should be maintained along the creek to provide cover, shade, and adequate water temperature. They already violated these requirements, zoning ordinances, and permitting requirements. They have demonstrated they will not voluntarily comply with requirements. Please deny the application.</p>
<p>The purpose and intent of the TC zone is found at PCZO 177.010. The focus is of course on the conservation and protection of forest lands for continued timber production, harvesting and related uses. Ancillary purposes include protection for watersheds, soil, fish and wildlife habitats. In addition, the purpose of the TC zone is to allow for the orderly development of recreational uses. Since a Youth Camp is an allowed conditional use that provides recreational uses for young people, it will be in harmony with the zone. This criteria is satisfied.</p>	<p>Do not concur. The purpose of the TC zone found at PCZO 177.010 does provide for orderly development of recreational uses. However, it further states, “ (C) . . . recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management.” The proposed camp does conflict with the primary intent of the zone for timber management as they are proposing removal and cessation of all timber management on the property. Please deny the application.</p>
<p><i>(1) Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;</i> There are no dwellings proposed. The only dwelling on the property is the existing house that is not impacted by this application. There is an 80 foot setback from all adjoining TC property, which meets all the standards in that zone. The structures that are adjacent to the 80 foot setback are all temporary yurts. There is one restroom building and 10 permanent cabins that are located outside the 80 foot setback as well. There are no structures on the side of the property where it adjoins the EFU zone. That area is currently in agricultural use and will continue to be, with only an access road passing along the property lines. Topography rises to the rear of the property, but not at a steep angle. The subject property has been logged, so there are no forestry use taking place.</p>	<p>There are permanent structures and dwellings proposed for construction. This includes 10 or 20 permanent cabins (the application is inconsistent in the number) as well as 30 yurts, which are theoretically “temporary,” but people live in them year around and it is unlikely Sulamita is going to take them down and put them up each year. In addition, they are proposing the building of three bathrooms, three or four septic systems, a commercial kitchen and cafeteria, a lodge, and a spa as well as RV hookups. The activities, lights, and traffic will have a direct negative impact on the adjoining properties zoned for forest or agricultural use.</p> <p>The erosion from the tree removal and other excavation and earthwork has already had a negative impact on the water quality of Gold Creek, which affects farmland with downstream water rights.</p>

<p><i>(3) Minimizes the amount of forest lands used for the building site, road access and service corridors.</i></p> <p>The subject property was logged prior to acquisition by the Applicant. There remain only a few trees, none of which are commercial. The yurts are temporary structures. The other proposed structures are around Suttner Reservoir, or are in the middle of the site and will be nested in among the existing agricultural uses.</p>	<p>They also did a poor job of building up the banks of the reservoir to increase the depth so that it is leaking and they are diverting more water from Gold Creek into the reservoir.</p> <p>Lastly, again being misleading, the property was logged in 2020, but it was replanted in compliance with ODF requirements. The applicant has scraped every bit of vegetation from the hills, including the seedlings. No forestry use is currently taking place due to their intentional removal of planted trees and plan not to reforest. It does not minimize the amount of forest lands used for the building site, road access, and service corridors. In fact, it maximizes the amount of forest lands used by their intentional removal of same before applying for this CUP.</p>
<p><i>(A) 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.</i></p>	<p>As previously stated, the reservoir appears to be permitted for fish culture (aquaculture) use only, and I do not know that emergency fire water supply is a permitted use.</p> <p>From the exhibits, it does not appear that the road is within 15 feet of the water's edge, especially not during the hot summer months. And with them building up the banks and putting in a sandy beach on the only accessible side of the reservoir, it is unlikely emergency vehicles could get within 15 feet.</p> <p>In addition, the roads they installed throughout the property, not just around the reservoir, were not permitted and likely do not meet county standards.</p>
<p>The property has been logged and is now basically bare land.</p>	<p>The land was logged, but it was replanted. However, this is currently basically bare land due to Sulamita removing the reforestation plantings and all other vegetation before submitting this application. This should be rectified by requiring them to replant, not by allowing the obliteration of this TC zoned property.</p>
<p><i>(3) 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.</i></p>	<p>These criteria have not been satisfied. Grand Ronde Community Water Association has only permitted a residential connection to the house. Sulamita cannot connect the proposed camp to that source.</p>

<p>The domestic water source for the proposed structures is the Grand Ronde Community Water Association, which is a public water system approved by the Oregon Health Authority. See Exhibit I. This criteria is satisfied.</p> <p>and</p> <p><i>(B) 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 J 0) or surface water (OAR 690, Division 20) and not from a Class F stream as defined in the Forest Practices Rule (OAR 629-024-0101 (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. The property is now and will be in the future served domestic water by the Grand Ronde Community Water Association, which is a public water system approved and governed by the Oregon Health Authority. See Exhibit I.</i></p>	<p>They would have to apply for a commercial account, which has to be approved by the board. Commercial requests are approved on a case-by-case basis, other commercial requests have been denied, and there is no guarantee their request for such a large increased draw on the water source typically during the hottest months of the year would be approved.</p>
<p><i>(D) Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements:</i></p> <p><i>(1) 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.</i></p> <p>This application is for a conditional use Youth Camp, not for a</p>	<p>I believe with the intent of this requirement and the number of new permanent buildings being proposed that the applicant states will meet the stated new dwelling requirements, that this condition applies. The owner has <u>not</u> planted a sufficient number of trees on the tract to demonstrate the tract is reasonably expected to meet Department of Forestry stocking requirements. In fact, they have removed the planted trees. This criteria has not been satisfied.</p>

<p>dwelling. No new dwelling is sought as a part of this application. This criteria does not apply.</p>	
<p><i>(1) A youth camp may be established in compliance with the provisions of this rule. The purpose of this rule is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.</i></p>	<p>The proposed youth camp plan is not "suitable . . . to be compatible with the forest environment." As stated before, they removed the trees and vegetation before submitting this application in order to state that it's "bare land." It wasn't bare before they scraped away all the vegetation. This criteria is not met.</p>
<p><i>(b) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under subsection (4)(a) of this rule. It is not anticipated that this accommodation will be necessary initially, but as the program grows it may be an asset to the Youth Camp to have this ability. Therefore, as a part of this application, allowance for this accommodation is requested.</i></p>	<p>Please deny the request to exceed. The proposed youth camp would already have an overwhelming negative impact on the adjacent properties and every resident that needs to use Gold Creek Road to get to and from their home. They have a congregation of well over 1,000, and even half of that would completely overwhelm the public resources as well as cause significant foot traffic damage to the TC, farmland, and water bodies. They have already requested the maximum, and based on their history thus far in not voluntarily complying with rules and regulations, they would not adhere to it nor self-report a violation.</p>
<p><i>(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp. No adult programs are currently planned, but as with the prior criteria, as the Youth Camp grows and its programs mature, it would be beneficial to provide some limited adult programs. Therefore, as a part of this application, allowance for this accommodation is requested.</i></p>	<p>Please deny the request to allow adult programs. As indicated by the request to build a lodge (likely with bathrooms) and a spa, the CUP allowance for establishing a youth camp in a TC zone is likely being used to create an adult retreat. As stated before, Sulamita has demonstrated it cannot be trusted to comply with existing ordinance, laws, and requirements. They would be a high-risk noncompliance with this additional "allowance," and would not self-report their violations.</p>

<p><i>(g) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties. The subject property has its own water rights, which include Suttner Reservoir. In addition, domestic water will be supplied by the Grand Ronde Community Water Association. As such there is no potential for interference with any water rights on adjacent parcels.</i></p>	<p>Believe this to be factually incorrect. At this time, they do not know if they will be able to get a commercial account with Grand Ronde Community Water Association. They have not even applied. In addition, they divert water from Gold Creek to Suttner Reservoir. Because they did such a poor job excavating the reservoir and building up the banks to increase retention, they are diverting more water from Gold Creek to the reservoir. This impacts the amount of water available to downstream water rights. In addition, the poor work done in filling the wetlands which are now eroding and spilling toward Gold Creek during the rains as well as removal of vegetation and trees along Gold Creek, in direct contrast to the Exhibit P guidelines they state they will follow, directly impacts the water quality of those with downstream water rights. Lastly, I believe the Suttner Reservoir water rights are for fish culture only.</p>
<p><i>(b) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:</i></p> <p><i>(A) The proposed setback will prevent conflicts with commercial resource management practices;</i></p> <p><i>(B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and</i></p> <p><i>(C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.</i></p>	<p>There is not a suitable setback to prevent a significant increase in safety hazards associated with vehicular traffic, and there is not a suitable buffer from visual and audible aspects of the proposed camp.</p> <p>Gold Creek Road is a small rural road and inadequate to safely handle the increased traffic that would result from this camp. The huge parking lot planned indicates the applicant is expecting a significant amount of traffic. I will not go again into the details previously described regarding the traffic hazards, but they are significant.</p> <p>In addition, most of the planned activities appear to take place either in the outdoor recreational area or on the lower flatland that is currently farmland. Sound carries around this neighborhood. You know when someone is cutting their hay down the road. Imagine how the noises from daily games of volleyball, baseball, etc.; bonfire singalongs, chapel services, boating and swimming (if permitted), and possibly four-wheelers from hundreds of campers would carry. While much of the dwellings and recreational area planned for the TC zone in which the trees were removed before application are likely out of direct sight, the other activity areas are clearly visible from the road.</p>

	<p>Even the planned parking lot, kitchen, multipurpose building, spa, and "lodge." In addition, they propose placing the RV hookups adjacent to the road. Clearly and unsightly visible. They are very close in proximity to resident neighbors who will be forced to listen to the noise much more loudly. Another visibility issue is lighting, which they have not addressed. Due to the big game in the area, it is assumed they will also want significant lighting. This will be highly visible to the neighbors, who purchased properties here rather than next to a football field. No one wants the night sky lit up with all their security lights. One of the reasons we picked our property was because my husband didn't want to lose his view of the stars at night. We would lose that with the amount of lighting they would likely install.</p>
<p><i>(c) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060 (Sewer Service to Rural Lands)(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system. Each of the bathroom buildings will be connected to individual septic system. The bathroom building in the northwest portion of the property will have a drainfield and repair area in the open area to the south. The farthest south bathroom will have its drainfield and repair area between the walking trails to the west. The Kitchen will have its drainfield and repair area to the north in the open field area.</i></p>	<p>This requirement is not met. While they state they plan to install three or four new septic systems, they have not applied for nor do they know whether the septic systems would be approved/permitted as planned. In addition, no mention is made for the septic systems for the multipurpose building, spa, and the "lodge."</p>
<p><i>(d) Predominantly forestland if within a mixed agricultural/forest zone as provided for under OAR 660-006-0050 (Uses Authorized in Agriculture/Forest Zones). The subject property is zoned for Timber Conservation (TC) and is not within a mixed agricultural/forest zone such as the Polk County Farm Forest (FF) zone. This criteria is therefore not applicable.</i></p>	<p>I believe this criteria is not met. This land has been used for both agricultural and forest and they indicate they plan for a very small portion of the land to remain agricultural use. According to Exhibit D this is zoned Farm/Forest. Therefore, it would be required to be predominantly forestland. As previously identified, they have reversed the efforts to reforest the land and have scraped the land bare before applying in order to state the land is bare. It was not bare until they removed the vegetation and seedlings.</p>
<p><i>There is an extensive walking/hiking trail system, and Suttner Reservoir will be used for water based activities.</i></p>	<p>There is not a walking/hiking trail system. They installed gravel roads before going through the permitting process. Further, I believe it</p>

<p><i>(10) The provisions of this rule shall apply directly to any land use decision pursuant to <u>ORS 197.646 (Implementation of new requirement in goal, rule or statute)</u> and <u>215.427 (Final action on permit or zone change application)</u>(3) commencing October 12, 2000. A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this rule, or to ensure compliance with any standards or criteria. Where the subject property is located within identified resource zones. PCZO Chapter 182 must be examined. In this case the camp is within the big game habitat area, and Gold Creek is an identified fish habitat. As noted above, both resource protective overlays have been provided for on the site through significant setbacks. Further, the protective provisions of PCZO Chapter 182 only apply where the proposed conditional use involves a "conflicting use." The list of "conflicting uses" that trigger the requirements of PCZO Chapter 182 are set forth in PCZO 182.070(A), and include for fish habitat:</i></p> <p>(a) Loss of streamside vegetation; (b) Road construction; (c) Development along lake/reservoir shorelines; (d) Dam construction; (e) Aggregate removal. For big game habitats, the "conflicting uses" are: (a) Residential development; (b) Roads; (c) Landfills; (d) Commercial feedlots; (e) Airports; and (f) Open concrete canals.</p> <p>The youth camp here proposes none of the uses that are listed, and therefore this proposal does not rise to the level of a "conflicting use" and the provisions of PCZO Chapter 182 do not apply.</p> <p>Letters of support</p>	<p>should be further investigated whether the fish culture water rights would allow water-based recreational activities on the reservoir.</p> <p>I believe PCZO Chapter 182 applies and is not satisfied. I have already outlined the damage installation of a youth camp will do to the big game hunting and grazing routes and the dangers their presence could pose to campers. In addition, Sulamita has already done work to reduce the water levels and water quality of Gold Creek. Their further presence, noncompliance, and disregard would exacerbate the problems. Conflicting uses for Gold Creek include at a minimum loss of streamside vegetation, and road construction development along reservoir shorelines. For the big game habitats, the conflicting use is roads. The proposed youth camp proposes many roads throughout the property that have not yet been permitted but were installed anyway. Vehicles traverse them already.</p>
<p>Letters of support</p>	<p>Please note that the only letters of support come from the associated church that would directly benefit from the proposed abuse of the TC and agriculture zoned property, one of which is signed by the same person who is the president and authorized agent of Sulamita Recreational Center, LLC.</p>

However, if Polk County approves the application despite it not being in line with PCZO 177 and the objections of the Gold Creek residents, I would request that you add conditions to the permit that limit the harm to the existing neighborhood and losses to property values.

- Conditional use permit rescinded upon sale or transfer. This would ensure that if Sulamita sells or transfers ownership of the land, it will return to its currently allowed use and protect the Gold Creek neighborhood from further efforts to commercialize this obliteration of the TC zoned area.
- Limit the number of cabins to 10 each and yurts to 10 each and prohibit RV hookups.
 - Sulamita told the neighbors that tent camping only was their intent and extent of their planned camp and that they would not be building any structures except perhaps a chapel. A campground with tent-only seasonal camping in the Timber Conservation area would be more in line with the current zoning and general plan for the area, which is rural farms/properties and other TC areas.
 - No overnight RV parking or RV hookups. If RVs are allowed to park and stay on the property, besides the obvious traffic issues, the presence of an RV park on our road would introduce another flow of additional traffic, a transient element, and irrevocably alter the TC and rural residential neighborhood. Also, like much of the state, there's a homeless problem in the Willamina area, and allowing RVs could easily result in dilapidated RVs and trailers that would park and never move. It would also bring the drug problem down into where we live and make illegal dumping of sewage into Gold Creek that much easier.
 - No additional foundations poured. Limit the number of campsites to the number of foundations that have already been set in the TC area (unpermitted as yet).
 - Reduce the requested buildings. The "lodge" and spa are adult-oriented amenities and have no place in a youth camp. They assured the neighbors there would be no new buildings, but we have seen what has come of their promises thus far.

- Replant trees in the TC area

Recently harvested, Sulamita cleared out the stumps and additional trees in the TC area in order to put in new roads and set building foundations. In addition to restricting them from setting any new building foundations, please require them to reforest as required by ODF and replant the trees in the TC area.

- Limit the camp occupancy. I do not recall how many foundations have already been set up, but perhaps limit the occupancy to that number of campers. This would reduce the traffic on our road to something more manageable and limit the draw on public resources. We have also seen the damage done by homeless to our parks. Having too many people camping in the TC at the same time would result in the same kind of damage.
- Limit use to members of the Sulamita church only and no renting, leasing, bartering, loaning use, etc. to other individuals or entities. If they want to isolate their youth and children from other Christian children, then others should not be present at this location. In addition, the conditional use permit should not allow them to run it as an essentially "commercial" operation leasing out RV spaces, leasing out camp sites, leasing out the lodge, etc.

- No space heaters. The summers can get cold at night, but space heaters can present a significant fire hazard. Their buffer is inadequate protection for adjoining properties if there is any wind. And even though they have currently removed most of the trees, we are hopeful you will require them to replant and at some point the vegetation will return.
- Limit level of noise and hours of operation. There are many farmers and other workers that have to rise early for their work. Some of the timber workers are onsite by 3:30 a.m. Please limit the hours of operation and the noise level so that neighbors are not forced to listen to their activities throughout the day and especially at night, when the days are long but people still have to go to bed early in order to rise early.
- Limit aggregate amount of outside light generated. As previously mentioned, none of us moved to Gold Creek to live next door to a place lit up like a football stadium. I don't know how overall light brightness is measured, but it should be limited at night to only what is necessary for camper safety.

Thank you for your consideration. I would be happy to answer any questions.

Kelly Hodney



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek, Sulamita

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: Mark Havel <vmarkhavel@gmail.com>

Mon, Jan 9, 2023 at 8:49 AM

Received, thank you.

Sidney
[Quoted text hidden]

—
Sidney Mulder, Planning Manager
Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek, Sulamita

1 message

Mark Havel <vmarkhavel@gmail.com>

Sun, Jan 8, 2023 at 9:24 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: LANDRUM Carrie * DSL <Carrie.LANDRUM@dsl.oregon.gov>, THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Hello Sidney;

Thank you for being patient with my questions and helping me understand how our Gold Creek neighborhood stands in the situation with our Sulamita Recreation LLC neighbors. Specifically I'm very happy that you convinced me to get a copy of the whole file you have on this property issue, on Friday, as it sure opened my eyes as I've been reading it this weekend.

One of the most important things I learned as I immediately recognized the seal of Wallace Lien attorney, and his signature on the application; is that no due diligence was done on his part even though he is a published author on the topic. In many, perhaps dozens of places in the application document, **attorney Lien states things that are simply false, to say it kindly**. He has simply written down what (pastor)Stan has told him to write down. No mention is made of the **work already done**, the thousands of yards of soil that have been moved, the dozens of excavated cabin sites within just feet of neighboring properties like mine (rather than the 80 foot setbacks often mentioned *if* the application was to be approved) and the incredible damage to the water resources. The rivers of mud flowing over the many feet of fill, straight into Gold Creek must be what he refers to as "carefully in accordance with Streamside Protection guidelines". Perhaps the actual pulling back of the banks of Gold Creek with an excavator is what they refer to as 'monitoring Gold Creek to ensure there is adequate fish passage'... and so on.

I feel quite sorry for Wallace Lien, for instance, when he writes that there is no issue with water because it will be supplied by the Grand Ronde Community Water Association, which do have one residential hookup for the existing rental house on the property. Wallace Lien is an attorney for the GRCWA and knows that that residential hookup cannot be extended to other buildings which is in the bylaws! I was on the board of the GRCWA for years and there are two neighbors here on Gold Creek that are on that board now.

How about the three septic systems somewhere on the hill to service the 50 cabins and yurts 'planned' are simply assumed to exist, or be permitted just as an extra? And these bathhouses get their water where? I count 57 buildings, but the descriptions of these vary from page to page.

I'm copying Dave Thompson at ODF and Carrie Landrum at DSL with this note to you, as I feel that for your planning department to make an informed decision on the Sulamita request; the incredible damage already done must be recognized and accounted for. It would seem that these huge transgressions must be remedied, however one would do that, before any further discussion or permission of any development on that property by these applicants, could go on.

Yours; (Victor) Mark Havel

6955 Gold Creek Rd, Willamina OR 97396

Sent from Mail for Windows



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek

Mark Havel <vmarkhavel@gmail.com>

Sun, Jan 8, 2023 at 9:23 PM

To: THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>, LANDRUM Carrie * DSL <Carrie.LANDRUM@dsl.oregon.gov>

Hello Dave;

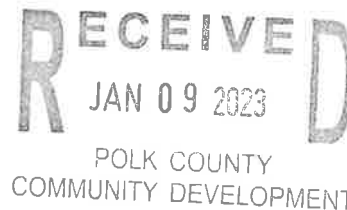
Thank you for coming out to Gold Creek last Thursday as it was my pleasure to have you tour our place and get to meet the new service forester, John. Thanks too for the help with my notification of operations for this year.

I'm writing you now and copying you on other correspondences with Polk Co Planning and the Dept of State Lands, since the issue we have here on Gold Creek with the runaway development and land use problems involve all three agencies purviews. I have asked Carrie Landrum at the DSL especially, to look at the water impacts that have occurred.

Please let me know if you would like to come out to my place again, any time. I'm also hoping that you and DSL and the Polk Co. Planning dept will immediately discuss how the three agencies must work together.

Yours; Mark

Sent from Mail for Windows





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Gold Creek

Mark Havel <vmarkhavel@gmail.com>

Sun, Jan 8, 2023 at 9:23 PM

To: LANDRUM Carrie * DSL <Carrie.LANDRUM@dsl.oregon.gov>

Cc: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>, THOMPSON Dave K * ODF <Dave.K.THOMPSON@odf.oregon.gov>

Hello Carrie;

Perhaps you remember our correspondences last spring and summer, regarding a neighboring property, with significant water resources that was being devastated by heavy equipment.

When I got no results in our correspondences, I kept talking to the Oregon Dept of Forestry and the Polk County Planning Dept, who have become more engaged with the issue in the last few months and are now as fully aware of the situation as our neighborhood involvement can make them.

Polk county issued a stop order in the fall and now is considering a conditional use permit for the property. I am a contiguous neighbor and see over the fence, that *what is written in the application is not what is on the ground*, especially in the treatment of the water resources.

Your agency is who is responsible for the water resources, and these waters are between the jurisdictions of ODF looking at the forests on the hill, or lack of them, and Polk Co Planning looking just at the potential development that is described in the permit request. Neither of these agencies does what yours does and looks at the terrible treatment that all of the water resources on this land have endured. Work went on for 5 or 6 months, 12 hour days with at least 5 pieces of heavy equipment. Non an inch was spared, including the filling of the wetland, diversion of 2 seasonal streams and actual excavation of the banks of Gold Creek, a large fish bearing stream!

Dave Thompson from ODF saw the forest side of this picture Thursday and I visited Polk County planning on Friday and they are considering the good sounding but fictitious application and no one has looked at the actual devastation, erosion, siltation etc. not to mention the water and sewage of 50 dispersed cabins and yurts, on top of the 7-building primary center.

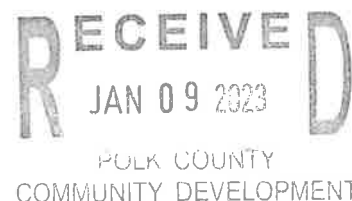
Please Carrie, this cannot go on without your agencies immediate and full investigation. What is asked for in the permit application doesn't even recognize what damage has been done, and that most of the earth moving development that is spoken of is already in place!

Please let me know if you would like to come to my place to see the view over the fence, to see what I have been observing for nearly a year. And immediately, please, contact ODF and Polk county planning, to discuss how the three agencies must work together.

Yours; (Victor) Mark Havel

Gold Creek Rd, Willamina, OR 97396

[Quoted text hidden]





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Supporting Photos-Sulamita Camp

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Mon, Jan 9, 2023 at 8:37 AM

To: ronandbarbarasmith@onlinenw.com

Cc: ronandbarbarasmith@onlinenw.com

Received, thank you.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Supporting Photos-Sulamita Camp

1 message

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>

Sun, Jan 8, 2023 at 7:24 PM

To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Cc: ronandbarbarasmith@onlinenw.com

Hello,

You may already have the attached photos; if not please add them to the Sulamita application file.

The "prior landowner" photo represents the appearance of the property prior to the purchase by Sulamita Recreational Center. The other two photos show the extensive work done on the property BEFORE the conditional use application was filed. The photos were obtained without trespassing on the property at 7425 Gold Creek Road.

Thank You,

Barbara Smith

3 attachments



Prior Landowner.jpg
582K

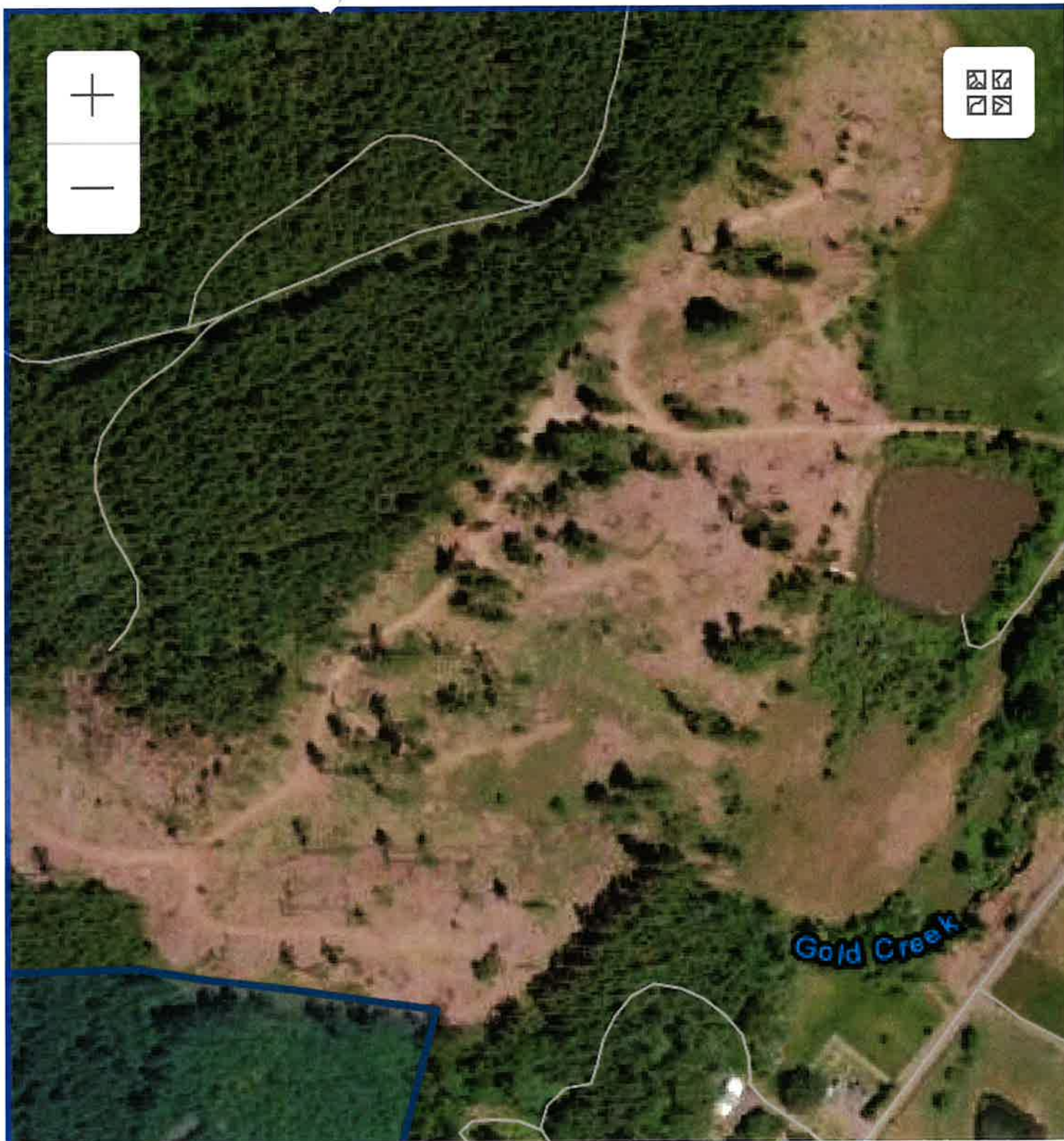


Sulamita Cabin Sites.jpg
166K

RECEIVED
JAN 09 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Sulamita 1 Facing North.jpg
153K









Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center application

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: ronandbarbarasmith@onlinenw.com
Cc: ronandbarbarasmith@onlinenw.com

Mon, Jan 9, 2023 at 8:36 AM

Received, thank you. All of your emails/comments have been included in the record.

Sidney
[Quoted text hidden]

--
Sidney Mulder, Planning Manager
Polk County Community Development
Phone: (503) 623-9237
Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Recreation Center application

1 message

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>

Sun, Jan 8, 2023 at 7:10 PM

To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Cc: ronandbarbarasmith@onlinenw.com

Good Evening Sidney,

Please print out the attached document to be included in the Sulamita Recreation Center conditional use application file. Please confirm that you have received this and placed it in the file.

We appreciate your continued assistance and explanation of the planning process.

Thank You,

Ron and Barbara Smith
7530 Gold Creek Road
Willamina OR 97396
971.237.3265

 **Sulamita.docx**
16K

RECEIVED
JAN 09 2023
POLK COUNTY
COMMUNITY DEVELOPMENT

The following comments are in reference to the pending conditional use application from the Sulamita Recreation Center LLC. The proposal is for development of a large youth camp located at 7425 Gold Creek Road, Willamina, OR.

All of the letters of support included with the application are from the Slavic Evangelical Church with the inference that it is the church organization developing the camp. The owner of the property is the Sulamita Recreational Center LLC—also, the permit is filed under a different name (Sulamita Recreation Center). Does the name error result in a new application being required?

Sulamita Recreational Center, LLC was registered as a non-profit in February 2022. With this short history, I was not able to locate any additional information or tax filings such as Form 990. It is difficult to assess the goals, revenue, or other factors commonly used to determine the charitable and business practices of this non-profit. Again, it is the Sulamita Recreational Center LLC that intends to develop the camp, NOT the Slavic Evangelical Church. Any religious exemptions do not apply.

There are several inconsistencies in the application, beginning with the inaccurate name on the application. The application needs to be submitted with the correct legal name.

The application infers that domestic water will be supplied by the Grand Ronde Community Water Association (GRCWA). There is currently water service from the Grand Ronde Community Water Association supplying the home on the property, but the volume of water to support 300 or more campers will require a commercial water source. No application for additional water service has been approved by the GRCWA Board of Directors.

Page 7 of the application details the farm impact study and states that *“there are several large timber tracts and one dairy in the area. Otherwise, the area consists of small non-farm uses, mostly with houses.”* This statement is incorrect. There are multiple properties adjacent to the Sulamita property that are actively managed for commercial crops including grass seed, grain, timber, and commercial livestock. Common farming and timber management activities include fertilizer and herbicide application, planting, combining, forage harvest, and large-scale timber harvesting. This would lead to safety concerns if campers happen to be trespassing on adjoining properties. In addition, the camp development is removing land from active agricultural use, which is a departure from Polk County’s Comprehensive Plan:

Polk County will endeavor to conserve for agriculture those areas which exhibit a predominance of agricultural soils, and an absence of nonfarm use interference and conflicts.

While emergency services would be delivered by the West Valley Fire, the sheer potential volume of needed services could exceed capacity and result in increased response times for the community. During a busy period with traffic accidents and other large events such as the Pow-Wow, the addition of a large camper population would put a strain on emergency services.

The application does not adequately address traffic concerns. Gold Creek Road is a small county road and is frequently used by commercial logging and farm equipment, rock trucks and log trucks in addition to residential traffic. A traffic study is needed to measure the impact from 300 plus campers and support staff.

I challenge that the property currently meets standards for Timber Conservation. Since taking ownership, the majority of trees have been removed from the property, including those planted after the recent logging. As stated in the application, the land is essentially bare ground with the intent to leave it bare. During recent heavy rains, there were observations of mud and debris flow moving into Gold Creek. My understanding is that Sulamita has no plans in place to replant and has a current written warning on file from Oregon Department of Forestry for violations of forest practices.

The Polk County Comprehensive Plan states the following goals:

- 1. To conserve and protect and encourage the management of forest lands for continued timber production, harvesting and related uses.*
- 2. To conserve and protect watersheds, fish and wildlife habitats, riparian areas and other such uses associated with forest lands.*

Since acquiring the property, the Sulamita development group has taken actions without regard to county and state regulations, including the following:

The property was logged about 2020 by the previous landowner and replanted in accordance with Oregon Forest Practices.

- Sulamita has removed all the young trees along with the down wood debris. Current regulations require a minimum of two down logs left per acre.
- An extensive network of gravel roads has been developed on the property. This was done well in advance to the camping application permit.
- Campsites have been established and fully developed prior to any permit application.
- Significant activity occurred on the property's wetland. There have been numerous contacts to Oregon State Lands and Oregon Water Resources.
- Water for the pond was diverted from a seasonal stream and Gold Creek. While Sulamita does have a legal water right from Gold Creek, the water usage is ONLY approved for fish culture, not a reservoir used for swimming or other recreational water activities.

Due to the concerns detailed here and in prior communications, we are opposed to the current conditional use application made by Sulamita Recreation Center. We are confident that the Polk County Planning Department will carefully consider input from local residents in the Gold Creek community.

Thank You,

Barbara and Ron Smith
7530 Gold Creek Road
Willamina OR 97396
ronandbarbarasmith@onlinenw.com
971.237.3265



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Application-deadline for preliminary comments

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Mon, Jan 9, 2023 at 8:35 AM

To: ronandbarbarasmith@onlinenw.com

Cc: ronandbarbarasmith@onlinenw.com

Received, thank you. I am currently within the 30-day "completeness check" for this application, in which I will be sending out a letter requesting additional information from the applicant. At this point, I do not have a good estimate for when the recommendation will be completed.

Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Application-deadline for preliminary comments

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>

Sun, Jan 8, 2023 at 1:04 PM

To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Cc: ronandbarbarasmith@onlinenw.com

Good Afternoon Sidney--

When will you be submitting a recommendation on the Sulamita Youth Camp permit application?

Gold Creek Ranch would like to submit preliminary comments on the Sulamita Recreation Center's application for a conditional use permit for a your camp.

Gold Creek Ranch has discovered significant errors in the conditional use permit application, including blatant misrepresentations regarding nearby farm uses and wildlife uses.

Therefore, Gold Creek Ranch would like to submit preliminary comments before any recommendation is made regarding the application.

Thank You,

Gold Creek Ranch
503.876.2933

RECEIVED
JAN 09 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

regulations for native soil

Tisdell, Christina <tisdell.christina@co.polk.or.us>
To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Thu, Jan 5, 2023 at 8:14 AM

Hi Sidney,

See the OAR's below. I also attached the sections for the Onsite Wastewater Rules

OAR 340-071-0220

(1) Criteria For standard subsurface systems. Each site must meet all of the conditions in this section to be approved for a standard subsurface system.

(f) The site has not been filled or the soil has not been modified in a way that would in the opinion of the agent, adversely affect functioning of the system.

(h) The site of the initial and replacement absorption facility is not covered by asphalt or concrete or subject to vehicular traffic, livestock, or other activity that would adversely affect the soil.

OAR 340-071-0130 General Standards, Prohibitions and Requirements

(12) Initial and replacement absorption area. Except as provided in specific rules, the absorption area, including installed system and replacement area, must not be subject to activity that is likely, in the opinion of the agent, to adversely affect the soil or the functioning of the system. This may include but is not limited to vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modification.

Christina Tisdell, REHS

Environmental Health Supervisor

Polk County Community Development


850 Main Street


Dallas OR. 97338

Phone: (503) 623-9237

[Quoted text hidden]

2 attachments

 **0130.pdf**
1571K

 **071-0220.pdf**
643K

(2) Committee composition and term. The TRC may consist of up to 9 persons appointed for 3-year, staggered terms by and serving at the pleasure of the Director. The TRC may include onsite wastewater treatment experts from local government, DEQ, equipment manufacturers, consultants, installers and pumpers and other persons with technical or scientific knowledge applicable to the onsite program.

(3) Chair. The Director will approve the chair of the TRC for a term determined by the Director.

(4) Meeting frequency. DEQ may convene the TRC as necessary and reimburse members for reasonable expenses in accordance with DEQ policy.

(5) Staffing. DEQ will provide the necessary technical, engineering, and clerical staff and services for the TRC to fulfill its responsibilities in a timely, professional, informed, and responsible manner.

Stat. Auth.: ORS 454.625 & 468.020

Stats. Implemented: ORS 454.775

Hist.: DEQ 27-1994, f.& cert. ef. 11-15-94; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0120

Jurisdiction and Policy

(1) DEQ may enter agreements with local governmental units authorizing those units to become DEQ's agents for permitting onsite systems, including receiving and processing applications, issuing permits, enforcing, and performing required inspections for onsite systems that do not require WPCF permits. DEQ retains those responsibilities for systems in nonagreement counties and for all systems that require WPCF permits.

(2) Each owner of real property is jointly and severally responsible for:

- (a) Treating wastewater generated on that property in conformance with the rules adopted by the commission;
- (b) Connecting all plumbing fixtures from which wastewater is or may be discharged to a sewerage facility or onsite system approved by DEQ or an agent;
- (c) Maintaining, repairing, and replacing the onsite system on that property as necessary to ensure proper operation of the system; and
- (d) Complying with all requirements for construction, installation, maintenance, replacement, and repair of onsite systems required in this division and OAR chapter 340, division 073.

Stat. Auth.: ORS 454.625 & 468.020

Stats. Implemented: ORS 454.615, 454.655, 454.665, 454.725 & 454.755

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0130

General Standards, Prohibitions and Requirements

(1) Protection of public waters from public health hazards. An agent may not authorize installation or use of a system that is likely to pollute public waters or create a public health hazard. If, in the judgment of the agent, the minimum standards in this division will not adequately protect public waters or public health on a particular site, the agent must require a system to meet requirements that are protective. This may include but is not limited to increasing setbacks, increasing drainfield sizing, or using an alternative system. The agent must provide the applicant with a written statement of the specific reasons why more stringent requirements are necessary.

(2) Approved treatment and dispersal required. All wastewater must be treated and dispersed in a manner approved in accordance with these rules.

- (3) Prohibited discharges of wastewater. A person may not discharge untreated or partially treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters. Such discharge constitutes a public health hazard and is prohibited.
- (4) Prohibited discharges to systems. A person may not discharge into any system cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or nonaqueous substances that are detrimental to the performance of the system or to groundwater.
- (5) Increased flows prohibited. Except where specifically allowed by this division, a person may not connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction-installation permit.
- (6) System capacity. Each system must have adequate capacity to properly treat and disperse the maximum projected daily sewage flow. The projected quantity of sewage flow must be determined from **Table 2** or other information the agent determines to be valid.
- (7) Material standards. All materials used in onsite systems must comply with standards in this division and OAR chapter 340, division 073.
- (8) Encumbrances. Before a permit to install a new system may be issued, the site for the new system must be approved pursuant to OAR 340-071-0150 and be free of encumbrances (such as easements or deed restrictions) that could prevent the installation or operation of the system from conforming with the rules of this division.
- (9) Plumbing fixtures connected. All plumbing fixtures in dwellings, commercial facilities, and other structures from which sewage is or may be discharged must be connected to and discharge into an approved area-wide sewerage system or an approved onsite system that is not failing.
- (10) Future connection to sewerage system. Placement of plumbing in buildings to facilitate connection to a sewerage system is encouraged in areas where a district has been formed to provide sewerage facilities.
- (11) Property lines crossed: All or part of an onsite system, including areas for future repair or replacement, may be located on one or more lots or parcels different from the lot or parcel on which the facility the system serves is located. The lots and parcels may be under the same or different ownership:
- (a) For each lot or parcel different from and under different ownership than the lot or parcel served, the owner of the lot or parcel served must ensure that a utility easement and covenant against conflicting uses is executed and recorded in such owner's favor, on a form approved by the agent, in the county land title records. The easements and covenants must accommodate the parts of the system, including a 10-foot setback surrounding the areas for future repair or replacement, that lie beyond the property line of the facility served and must allow entry by the grantee, successor, or assigns to install, maintain, and repair the system;
 - (b) For each lot or parcel different from but under the same ownership as the lot or parcel served, the owner of the property must execute and record in the county land title records, on a form approved by DEQ, an easement and a covenant in favor of the State of Oregon:
 - (A) Allowing the state's officers, agents, employees, and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the servient lot or parcel;
 - (B) Agreeing not to put that portion of the servient lot or parcel to a conflicting use; and
 - (C) Agreeing, upon severance of the lots or parcels, to grant or reserve and record a utility easement and covenant against conflicting uses, in a form approved by DEQ, in favor of the owner of the lot or parcel served by the system in accordance with subsection (a) of this section.

(12) Initial and replacement absorption area. Except as provided in specific rules, the absorption area, including installed system and replacement area, must not be subject to activity that is likely, in the opinion of the agent, to adversely affect the soil or the functioning of the system. This may include but is not limited to vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modification.

(13) Operation and maintenance. Owners of onsite systems must operate and maintain their systems in compliance with all permit conditions and applicable requirements in this division and must not create a public health hazard or pollute public waters. Operation and maintenance requirements for systems under WPCF permits are established by the WPCF permits required in this division.

(14) Construction. An agent may limit the time period during which a system can be constructed to ensure that soil conditions, weather, groundwater, or other conditions do not adversely affect the reliability of the system.

(15) Permit requirements:

(a) A person may not cause or allow construction, alteration, or repair of a system or any part thereof without a WPCF permit issued under OAR 340-071-0162 or a construction-installation, alteration, or repair permit under OAR 340-071-0160, 340-071-0210, and 340-071-0215 except for emergency repairs authorized under OAR 340-071-0215(1) and (2);

(b) The following systems must be constructed and operated under a renewable WPCF permit issued pursuant to OAR 340-071-0162:

(A) Any system or combination of systems located on the same property or serving the same facility and having a total sewage flow design capacity greater than 2,500 gpd. Flows from single family residences or equivalent flows on separate systems incidental to the purpose of the large system or combination of systems (e.g., caretaker residence for a mobile home park) need not be included;

(B) A system of any size, if the septic tank effluent produced is greater than residential strength wastewater as defined in OAR 340-071-0100 or systems using pretreatment methods other than grease traps and grease interceptor tanks to achieve residential strength wastewater;

(C) Except as provided for in section (16)(d) of this rule, other systems that are not described in this division and do not discharge to surface public waters or the ground surface.

(16) WPCF permits for existing facilities:

(a) The owner of an existing system required to have a WPCF permit under subsection (15)(b) of this rule is not required to obtain a WPCF permit until a system major repair or major alteration of a system, or facility expansion, is necessary;

(b) The permittee of an existing aerobic treatment unit, recirculating gravel filter, commercial sand filter, or alternative treatment technology system constructed or operating under a WPCF permit that is no longer required under section (15) of this rule may request DEQ to terminate the permit:

(A) The permittee must submit, on a form approved by DEQ:

(i) A copy of the service contract required in OAR 340-071-0290, 340-071-0302, or 340-071-0345; and

(ii) A written statement from a maintenance provider certifying that the system is not failing.

(B) DEQ will send a letter to the permittee to terminate a WPCF permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system.

340-071-0220**Standard Subsurface Systems**

(1) Criteria For standard subsurface systems. Each site must meet all of the conditions in this section to be approved for a standard subsurface system.

(a) Effective soil depth must extend 30 inches or more below the ground surface as shown in Table 3. A minimum 6-inch separation must be maintained between the layer that limits effective soil depth and the bottom of the absorption facility.

(b) Water table levels must be predicted using standards in OAR 340-071-0130(23).

(A) The permanent water table must be at least 4 feet below the bottom of the absorption facility, except in defined geographic areas where DEQ has determined through a groundwater study that less separation will not degrade groundwater or threaten public health. In these exception areas, the permanent water table must be at least 24 inches below the ground surface.

(B) A temporary water table must be 24 inches or more below the ground surface. An absorption facility may not be installed deeper than the top of the temporary water table.

(C) A groundwater interceptor may be used to intercept or drain water from an absorption area on sites with adequate slope to permit proper drainage. An agent may require a demonstration that the site can be de-watered before issuing a site evaluation report approving the site. Where required, groundwater interceptors are an integral part of the system but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface water bodies that are required for the wastewater absorption area.

(c) Except as provided in subsection (d) of this section, soil with rapid or very rapid permeability must be 36 inches or more below the ground surface. A minimum 18-inch separation must be maintained between soil with rapid or very rapid permeability and the bottom of absorption trenches.

(d) Sites may be approved with no separation between the bottom of absorption trenches and soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the groundwater table and a minimum 6-inch separation is maintained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of nongravelly (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(e) Slopes do not exceed 30 percent or the slope/effective soil depth relationship set forth in Table 3.

(f) The site has not been filled or the soil has not been modified in a way that would in the opinion of the agent, adversely affect functioning of the system.

(g) The site is not on an unstable land form that might adversely affect operation of the system.

(h) The site of the initial and replacement absorption facility is not covered by asphalt or concrete or subject to vehicular traffic, livestock, or other activity that would adversely affect the soil.

Riparian setback/SFHA map



Date: 1/6/2023

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 legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.

Riparian/LIDAR/SFHA map



Date: 1/6/2023
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 legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.



RECEIVED
JAN 06 2023

FORM 6-4-1-100

POLK COUNTY
COMMUNITY DEVELOPMENT
**OREGON FOREST PRACTICES ACT
COMPLAINT INVESTIGATION REPORT**

COMPLAINT FROM (Name) (2) Complainants wish to remain anonymous
(Organization) Private Landowners
(Address) Gold Creek Rd
(Phone)

COMPLAINT RECEIVED BY (Name) Dave Thompson
(Title) Stewardship Forester
(Office) Dallas
(Date) 12/06/2022 (Time) Afternoon

COMPLAINT RECEIVED VIA Phone Mail
 In Person E-Mail

COMPLAINT INVESTIGATED BY (Name) Dave Thompson
(Title) Stewardship Forester
(Office) Dallas
(Date) 12/07/2022

LOCATION OF COMPLAINT (Legal) T6S R7W Section 21 – Gold Creek Rd
(Landowner) Stan Velichko
(Stream Name) N/A

DESCRIPTION OF COMPLAINT
Both Complainants called to let me know the Landowner was burning slash piles, and wanted to know if they were allowed to be burning today. Also wanted to know about the reforestation requirements, as it looks like the Landowner is developing the property and not reforesting.

INVESTIGATION RESULTS: GENERAL
Slash Burn Issue - The day in question was a burn day, according to the smoke management instructions. The Landowner had filed a NOAP for treatment of slash (burning), had filed a burn

registration form, but had not contacted us about burning so did not have ODF permission to be burning that day. I visited the unit, and sure enough, the Landowner was burning his slash piles. I contacted the Landowner, and he told me he had called Andrew Bird (Protection Supervisor, in charge of slash burning) on his cell phone, but did not get ahold of him so he left a message. Andrew Bird is on vacation this week, so he would not have answered his phone. I told the Landowner that he should not be burning without a permit from ODF, and that he needs to contact the ODF office to get permission to burn. I told him he would be getting a written warning for burning without a permit, and that he needs to contact us the day before he wants to burn to make sure it is a burn day before he burns any more piles.

Reforestation Issue – The current Landowner purchased the property in March of 2022, after the previous owner completed the clearcutting in the Fall of 2020. Technically the reforestation of the property is due Fall of 2022, but since it is a new Landowner the reforestation due date was extended to Fall of 2023. I discussed the reforestation obligation with the current Landowner, and advised him that if he is indeed going to convert the property to a use other than forestry, he needs to submit a Notification for Change in Land Use and complete a Plan for Alternate Practice – Conversion of Forestland to a Non-Forest Use, collect the required signatures, and submit the completed form back to me.

INVESTIGATION RESULTS: DAMAGE (Type)	None
(Extent)	N/A
(Operator)	Stan Velichko
Rules Violated	

INVESTIGATION RESULTS: FOLLOW-UP ACTION

- Described investigation findings and follow-up action to complainant
- Citation issued Court appearance required
- Repair order issued Date repair to be completed
- Referred to another agency for investigation

REMARKS _____

INTERAGENCY DISTRIBUTION

- Department of Agriculture
- Department of Environmental Quality
- Department of Fish and Wildlife
- Department of Geology & Mineral Industries
- Division of State Lands
- Pesticide Analytical and Response Center
- _____

David Thompson
Signature

12/8/22
Date

David Thompson
Stewardship Forester

COMPLAINT

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ ORS 153.045 or 153.069

<input type="checkbox"/> CRIME(S) (See A on Back)	OR (Not Both)	<input type="checkbox"/> VIOLATION(S) (See B on Back)	<input type="checkbox"/> Traffic <input type="checkbox"/> Other <input type="checkbox"/> Wildlife <input type="checkbox"/> Boating <input type="checkbox"/> Commercial Fishing
--	-------------------------	--	---

STATE OF OREGON)
 CITY/OTHER PUBLIC BODY)
 COUNTY OF Polk)

Docket No. WARNING
 Court: Municipal Justice
 Juvenile Circuit

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:

DEFENDANT

ID Type: CDL Non-CDL ID No: _____ State: _____ License Class: _____

Name: Last VELICHKO First STAN MI

Address: 12650 SE 13TH DR Tel No: 503 825-3549

City: HAPPY VALLEY State: OR Zip Code: 97086 Def. is: Passenger Employed to drive WLANDRINEZ

Sex: _____ Race: _____ DOB: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:

Offense Date Month Day Year Time AM PM Highway Private
 on or about: DEC 7 2022 1:00 Premises open to public

At or near Location: 7425 GOLD CR RD, WILLAMINA, OR 97396

INVOLVING THE FOLLOWING:

REL. INFO

Type: _____ Regis/VIN/ID No. _____ State: _____ Accident Injury
 Property damage Endanger others

Vehicle year, make, model, style, color, OR Other, describe: _____

Other: _____ Driver not Reg. Owner Haz Material
 Commercial Veh.

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

OFFENSE(S)

1. Violated (cite ORS/ORD/rule) ORS 477.515 Describe BURNING WITHOUT A PERMIT Alleged Spd _____ Designated Spd _____ Posted Limit Radar
 VBR Pace Laster

Intentional Knowing Reckless Criminal negligence Safety Corridor Pstd Sch Zn Hwy Wk Zn 1. Presumptive fine: _____
 No culpable mental state Hwd Wk Zn

2. Violated (cite ORS/ORD/rule) _____ Describe _____ 2. Presumptive fine: _____
 Intentional Knowing Reckless Criminal negligence No culpable mental state

3. Violated (cite ORS/ORD/rule) _____ Describe _____ 3. Presumptive fine: _____
 Intentional Knowing Reckless Criminal negligence No culpable mental state

OTHER

Expl. _____

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint:

Date Issued: DECEMBER 12, 2022 1st Officer Signature: David Thompson Officer(s) Agency ID: 62900
 1st Officer ID No: P1140
 2nd Officer ID No. _____

Print 1st Officer Name: DAVID THOMPSON

2nd Officer or arresting person (if not officer): Signature: _____ Print name: _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:

Mo/Day/Year: _____ Time: _____ Location: _____

WARNING ONLY



NOTIFICATION OF OPERATIONS/PERMIT TO OPERATE POWER-DRIVEN MACHINERY (NOAP)



Notification Number: 2022-552-05852
Operation Name: Stan Velichko

This NOAP includes the following for the lands described in the NOAP:

- The Oregon Department of Forestry or local Forest Protective Association has issued a permit to use fire or operate power-driven machinery.
- *Before you use fire, contact the local office of the Oregon Department of Forestry or Forest Protective Association to see if additional burn permit and/or Smoke Management Program regulations apply.*

Person Submitting the NOAP: Stan Velichko
Date NOAP Submitted: April 30, 2022
Report Generated: January 6, 2023

Notifier Comment

Hello. Thank you for your help to finish this applications. Stan.

Waiting Period

You must wait at least 15 days after successful submittal of this NOAP before starting the activities in the NOAP (see OAR 629-605-0150(1)). You may ask the Stewardship Forester to waive this 15-day waiting period, **but you must wait the full 15 days unless the Stewardship Forester notifies you that you may start sooner.**

Oregon Department of Forestry Contact Info

Dallas
825 Oak Villa Rd
Dallas, Oregon 97338
Phone: (503) 934-8146
Stewardship Forester: Andrew Bird
Email: andrew.a.bird@oregon.gov

Operator's Fire Emergency Contact

Contact Name: Stan Velichko
Phone: 503-805-3599

Landowner(s)

Stan Velichko
Sulamita Recitational Center
12650 SE 137th Dr
Happy Valley, Oregon 97086
(503) 805-3599

Notice to Landowner(s)

Reforestation may be required after timber harvesting. The Oregon Department of Forestry may conduct on-site inspections for compliance with forest practice and fire protection laws. Land use conversion to non-forest use is subject to other state and local regulations, which may affect use or development of a site.

Written Plans

A Written Plan (in addition to this NOAP) is required before operation activities can begin near the protected resources listed with the Unit information or Site Conditions below or otherwise described to you by the Stewardship Forester ([OAR 629-605-0170](#) (2), (3), and (5)). The Written Plan must describe in detail how the resource(s) will be protected during the operation. There is a waiting period for Written Plans that is separate from the notification waiting period. Contact your Stewardship Forester for more information.

Formal Comments from Oregon Department of Forestry

Andrew A Bird on 5/5/2022

A Statutory Written Plan is not required for this operation. The identified protected resources are not within or near the operational area as mapped on the submitted NOAP. Waiver of the 15-day waiting period to operate has been granted at the request of the Landowner.

Andrew A Bird on 5/2/2022

Notification received. Edited Activities, Unit Map, and added Treatment of Slash at the Landowners request.

Site Conditions (reported by the Notifier)

Stream within 100 feet of area.

Small lake (<= 8 acres) within 100 feet of area.

Slope of steepest 1/3 area: 5 %.

Notices

Submitting this Notification of operations on lands described in the NOAP constitutes consent for Department staff to access the property to ensure compliance with state law and rules governing forest practices through on-site inspections. The landowner must notify the stewardship forester to withdraw this consent.

Permission from Landowner and Timber Owner Required for Operators, purchasers, contractors, general public:

Submitting this notification does **not** give permission for operators, purchasers, contractors, or the general public to enter someone else's land or remove forest products. Anyone doing so must first obtain permission from the landowner and timber owner.

Pesticide Use: Pesticide users must follow all pesticide product label requirements, including any that prohibit applications near or into streams or other water bodies! Pesticide users must be sure the label that comes with the pesticide product allows the planned use! Contact the Oregon Department of Agriculture [here](#) or at 503-986-4635 for information on allowed uses of pesticide products.

Operations Near Utility Lines: If you are conducting timber harvesting or road construction within 100 feet of overhead utility lines contact the local utility in accordance with ORS 757.805 - Oregon's Overhead Safety Act and OAR 437-007-0230 - Power Line Safeguards. Identification tags are located on each pole.

Call the Oregon Utility Notification Center at 811 at least 2 business days before starting timber harvesting, road construction, or any other activities involving excavation that may affect an underground utility line. The Center will coordinate with the appropriate utility companies to locate underground utility lines that may be affected by your activities.

Using Water for Pesticides or Slash Burning: If you plan to use on-site water (water from a stream, for example) to mix pesticides or for slash burning, you must provide a copy of this NOAP to the local offices of the Oregon Water Resources Department and the Oregon Department of Fish and Wildlife (see ORS 537.141).

Registrants & Subscribers: There may be registrants and/or subscribers who receive this Notification. See the Notification Summary page within the E-Notification system or contact ODF for more details.

NOAP Changes: The notifier must inform the Oregon Department of Forestry of any changes in a NOAP before the activity takes place. A new NOAP may be required.

Unit 1 of 1: T6SR7W Sec21

37.3 acres Polk County(s)

T6S R7W Sec16,T6S R7W
Sec21

Regulated Use Area: WO-3

Operator:
Stan Velichko
Sulamita Recitational Center
12650 SE 137th Dr
Happy Valley, Oregon 97086
(503) 805-3599

Activity: Site Preparation /Afforestation
Start: 5/2/2022 **End:** 12/31/2022

Method(s): Mechanical

Operator:
Stan Velichko
Sulamita Recitational Center
12650 SE 137th Dr
Happy Valley, Oregon 97086
(503) 805-3599

Activity: Treatment of Slash
Start: 5/2/2022 **End:** 12/31/2022

Method(s): Mechanical,
Burning - piles

Resources on or near this Unit

Statutory Written Plan required within 100 feet of

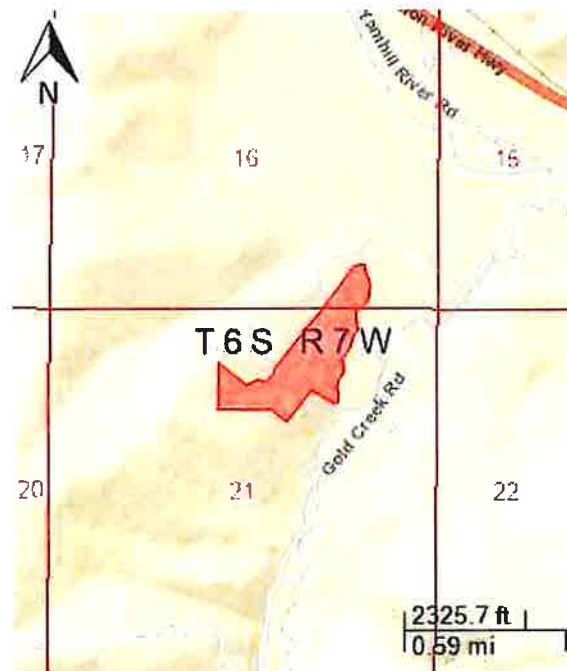
Statutory Written Plan required within 300 feet of

Wetlands: Freshwater Pond

Notes:

1. A statutory written plan is required for operations within 300 feet of Estuarine or Marine Wetlands, not 100 feet as may be shown above.
2. Contact your Stewardship Forester about streams not shown on the map.

Unit Map: T6SR7W Sec21





NOTIFICATION OF OPERATIONS/PERMIT TO OPERATE POWER-DRIVEN MACHINERY (NOAP)



Notification Number: 2020-552-04380
Operation Name: Oksenholt

This NOAP includes the following for the lands described in the NOAP:

- The notifier has given notice to the State Forester that an operation will be conducted.
- The Oregon Department of Forestry or local Forest Protective Association has issued a permit to use fire or operate power-driven machinery.
- **Before you use fire, contact the local office of the Oregon Department of Forestry or Forest Protective Association to see if additional burn permit and/or Smoke Management Program regulations apply.**
- The notifier has given notice to the State Forester and the Department of Revenue of the intent to harvest timber.

Person Submitting the NOAP: Coby Rieger
Date NOAP Submitted: March 30, 2020
Report Generated: January 6, 2023

Waiting Period

You must wait at least 15 days after successful submittal of this NOAP before starting the activities in the NOAP (see OAR 629-605-0150(1)). You may ask the Stewardship Forester to waive this 15-day waiting period, **but you must wait the full 15 days unless the Stewardship Forester notifies you that you may start sooner.**

Oregon Department of Forestry Contact Info

Dallas
825 Oak Villa Rd
Dallas, Oregon 97338
Phone: (503) 934-8146
Stewardship Forester: Jennifer Erdmann
Email: jennifer.erdmann@oregon.gov

Operator's Fire Emergency Contact

Contact Name: Coby Rieger
Phone: (503) 812-7120

Landowner(s)

Erling Oksenholt
Hallie Farms
1800 N.E. Lake Cove Dr.
Lincoln City, Oregon 97367
15419942272

Notice to Landowner(s)

Reforestation may be required after timber harvesting. The Oregon Department of Forestry may conduct on-site inspections for compliance with forest practice and fire protection laws. Land use conversion to non-forest use is subject to other state and local regulations, which may affect use or development of a site.

Timber Owner

Erling Oksenholt
Hallie Farms
1800 N.E. Lake Cove Dr.
Lincoln City, Oregon 97367
15419942272

Notice to Timber Owner

If timber is harvested, the party owning the timber at the point it is first measured is responsible for payment of Oregon timber taxes.

Written Plans

A Written Plan (in addition to this NOAP) is required before operation activities can begin near the protected resources listed with the Unit information or Site Conditions below or otherwise described to you by the Stewardship Forester ([OAR 629-605-0170](#) (2), (3), and (5)). The Written Plan must describe in detail how the resource(s) will be protected during the operation. There is a waiting period for Written Plans that is separate from the notification waiting period. Contact your Stewardship Forester for more information.

Formal Comments from Oregon Department of Forestry

Jennifer Erdmann on 8/10/2020

Streams are all non-fish in this unit. No statutory written plan will be required.

Jennifer Erdmann on 3/31/2020

This Operation has streams that have not been classified as either Fish Use (Type F) or Non-Fish Use (Type N). All non-classified streams will be treated as Type F until such time as a field survey for fish use has been conducted according to established protocols set by ODF and ODF&W.

Site Conditions (reported by the Notifier)

Stream within 100 feet of area.

Small lake (<= 8 acres) within 100 feet of area.

Notices

Submitting this Notification of operations on lands described in the NOAP constitutes consent for Department staff to access the property to ensure compliance with state law and rules governing forest practices through on-site inspections. The landowner must notify the stewardship forester to withdraw this consent.

Permission from Landowner and Timber Owner Required for Operators, purchasers, contractors, general public:

Submitting this notification does *not* give permission for operators, purchasers, contractors, or the general public to enter someone else's land or remove forest products. Anyone doing so must first obtain permission from the landowner and timber owner.

Pesticide Use: Pesticide users must follow all pesticide product label requirements, including any that prohibit applications near or into streams or other water bodies! Pesticide users must be sure the label that comes with the pesticide product allows the planned use! Contact the Oregon Department of Agriculture [here](#) or at 503-986-4635 for information on allowed uses of pesticide products.

Operations Near Utility Lines: If you are conducting timber harvesting or road construction within 100 feet of overhead utility lines contact the local utility in accordance with ORS 757.805 - Oregon's Overhead Safety Act and OAR 437-007-0230 - Power Line Safeguards. Identification tags are located on each pole.

Call the Oregon Utility Notification Center at 811 at least 2 business days before starting timber harvesting, road construction, or any other activities involving excavation that may affect an underground utility line. The Center will coordinate with the appropriate utility companies to locate underground utility lines that may be affected by your activities.

Using Water for Pesticides or Slash Burning: If you plan to use on-site water (water from a stream, for example) to mix pesticides or for slash burning, you must provide a copy of this NOAP to the local offices of the Oregon Water Resources Department and the Oregon Department of Fish and Wildlife (see ORS 537.141).

Registrants & Subscribers: There may be registrants and/or subscribers who receive this Notification. See the Notification Summary page within the E-Notification system or contact ODF for more details.

NOAP Changes: The notifier must inform the Oregon Department of Forestry of any changes in a NOAP before the activity takes place. A new NOAP may be required.

Unit 1 of 1: Oksenholt

31.9 acres Polk County(s)

T6S R7W Sec16,T6S R7W
Sec21

Regulated Use Area: WO-3

Operator:

Coby Rieger
Rieger Logging LLC
8595 Bewley Creek Road
Tillamook, Oregon 97141
(503) 842-7887

Activity: Clearcut/Overstory Removal
Start: 4/13/2020 **End:** 12/31/2020
Remarks:

Method(s): Ground
Quantity: 1000.00 MBF

Operator:

Coby Rieger
Rieger Logging LLC
8595 Bewley Creek Road
Tillamook, Oregon 97141
(503) 842-7887

Activity: Treatment of Slash
Start: 4/6/2020 **End:** 12/31/2020
Remarks:

Method(s): Burning -
piles

Resources on or near this Unit

Statutory Written Plan required within 100 feet of

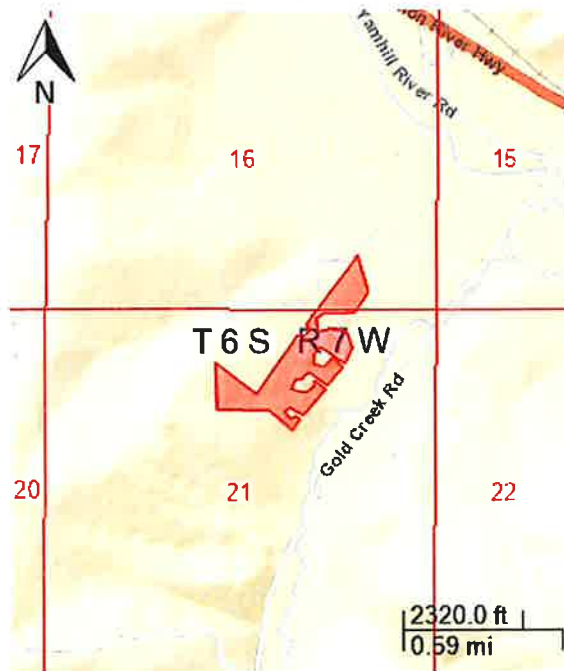
Statutory Written Plan required within 300 feet of

Wetlands: Freshwater Pond

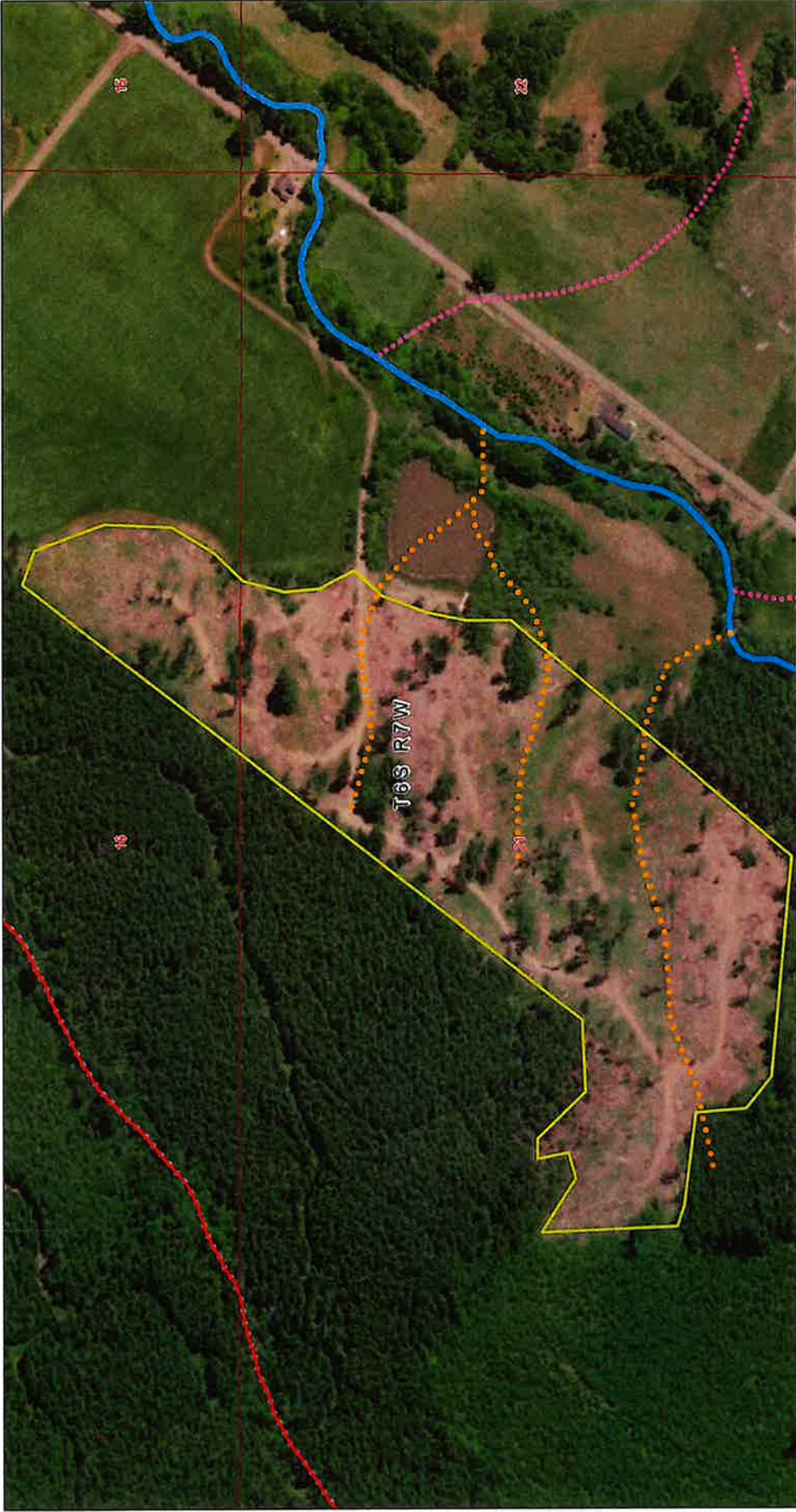
Notes:

1. A statutory written plan is required for operations within 300 feet of Estuarine or Marine Wetlands, not 100 feet as may be shown above.
2. Contact your Stewardship Forester about streams not shown on the map.

Unit Map: Oksenholt



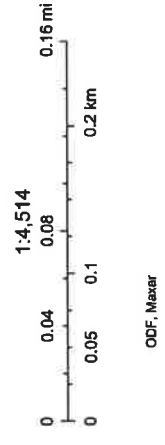
ArcGIS Web Map



1/6/2023, 1:45:30 PM

- Sections
- Township Range
- Fish, Large
- Fish, Small
- Nonfish, Small
- Unknown, Small
- Salmon, Steelhead, and Bull Trout
- Small

Yellow = AREA SUBJECT TO REFORESTATION RULES





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Development--Gold Creek Road

Mulder, Sidney <mulder.sidney@co.polk.or.us>
To: ronandbarbarasmith@onlinenw.com

Wed, Jan 4, 2023 at 5:03 PM

Received, thank you. I have included your email into the record for this file and added your email address to the interested parties list. The application can be viewed here at our office anytime during normal business hours. You can also obtain copies of the record, however, we do charge copy fees of \$0.25/page for the first 10 pages, and \$0.10/page thereafter.

Please let me know if you have any other questions.

Best,
Sidney

[Quoted text hidden]

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Wed, Jan 4, 2023 at 2:15 PM

To: Kelly Hodney <hodney@eotnet.net>

Cc: Mark Havel <vmarkhavel@gmail.com>, Loree <loree.havel@gmail.com>, hodney@eotnet.net

Kelly,

I prepare a staff report/recommendation, but our Community Development Director is the decision maker. Once the Decision is issued, there is a 12 day appeal period. If the Decision were to be appealed, a public hearing would be scheduled.

I will be sending out a "request for comments" prior to the Director's decision being issued.

Sidney

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Kelly Hodney <hodney@eotnet.net>

Mon, Jan 2, 2023 at 7:37 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: Mark Havel <vmarkhavel@gmail.com>, Loree <loree.havel@gmail.com>, hodney@eotnet.net

Thank you for providing this information. I don't know that there's much timber left in the Timber Conservation zone at this point.

I will need to see if I can get off from work to come get a copy of the application. Is it a body of persons that makes the decision, or is it a decision you make? If the former, is there a formal meeting period during which members of the Gold Creek community can provide input or testimony?

From: Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sent: Tuesday, December 27, 2022 11:18 AM

To: Kelly Hodney <hodney@eotnet.net>

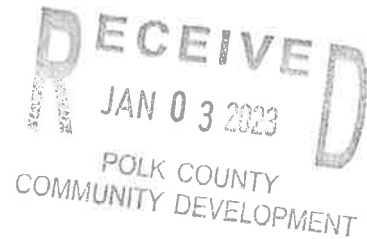
Cc: Mark Havel <vmarkhavel@gmail.com>; Loree <loree.havel@gmail.com>

Subject: Re: Request for Copy of Conditional Use Permit

Good morning Mr. and Mrs. Hodney,

[Quoted text hidden]

[Quoted text hidden]





Mulder, Sidney <mulder.sidney@co.polk.or.us>

Recall: Request for Copy of Conditional Use Permit

Kelly Hodney <hodney@eotnet.net>

Mon, Jan 2, 2023 at 7:40 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>

Cc: Mark Havel <vmarkhavel@gmail.com>, Loree <loree.havel@gmail.com>, hodney@eotnet.net

Kelly Hodney would like to recall the message, "Request for Copy of Conditional Use Permit".

--
This email has been checked for viruses by AVG antivirus software.
www.avg.com

 **winmail.dat**
2K

RECEIVED
JAN 03 2023
POLK COUNTY
COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Sulamita Development--Gold Creek Road

ronandbarbarasmith@onlinenw.com <ronandbarbarasmith@onlinenw.com>
To: mulder.sidney@co.polk.or.us

Fri, Dec 30, 2022 at 4:10 PM

Good Afternoon,

We are a neighbor of the Sulamita development on Gold Creek Road; our property is directly across the county road.

I understand that the Sulamita development group has applied for a conditional use permit for a youth camp.

- Could you please email me a copy of the permit application, or provide direction on getting a copy.
- Please add my name and email to your list of interested parties on this application so that official feedback can be submitted during the comment period.

It is concerning that a significant amount of prep work was done prior to Sulamita applying for any permits. The attached before and after photos clearly indicate that the intent has always been to develop a permanent camp infrastructure, regardless of any county or state regulations. The logical order of business would have been to get approval prior to the large financial investment that the Sulamita group has already made.

Ongoing concerns include the lack of water and septic for large camping populations along with wildfire dangers to adjacent landowners. I would also be interested to know if other agencies are looking at the impacts from the activity that has already occurred, including creek diversion and filling of wetlands.

Please reach out with any questions. I certainly look to the county planning teams to consider concerns from all impacted parties in the Gold Creek area.

Thank You,

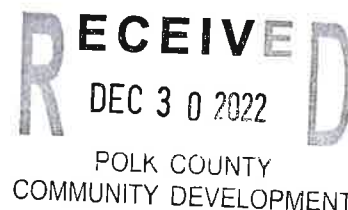
Barbara Smith
7530 Gold Creek Road
Willamina OR 97396
971.237.3265



3 attachments



Sulamita Cabin Sites.jpg
166K





Sulamita 1 Facing North.jpg
153K



Prior Landowner.jpg
582K

~~RECEIVED~~
DEC 29 2022
POLK COUNTY
COMMUNITY DEVELOPMENT

RECEIVED
DEC 30 2022
POLK COUNTY
COMMUNITY DEVELOPMENT



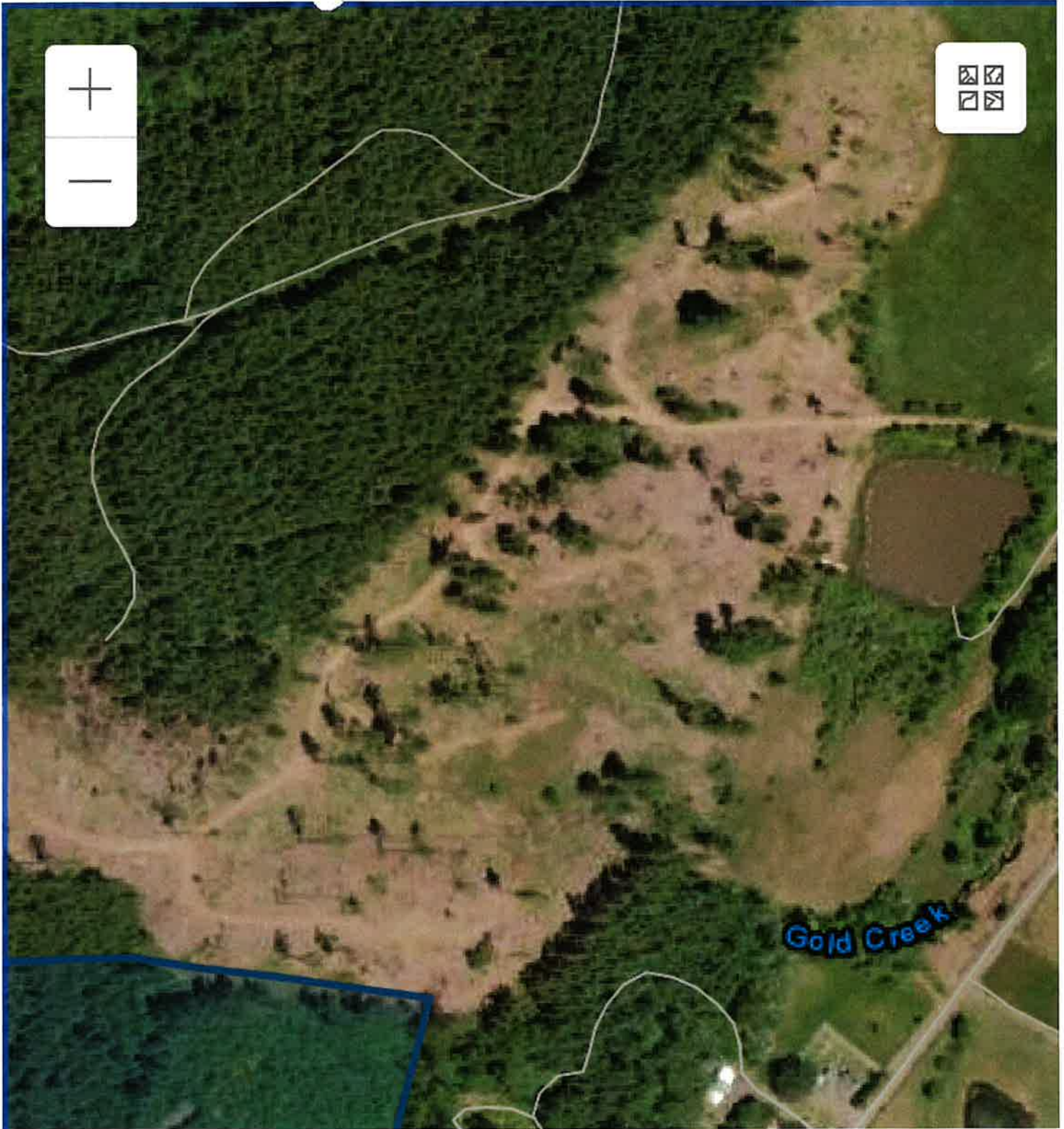
~~RECEIVED~~
DEC 29 2022
POLK COUNTY
COMMUNITY DEVELOPMENT

RECEIVED
DEC 30 2022
POLK COUNTY
COMMUNITY DEVELOPMENT



~~RECEIVED~~
DEC 29 2022
POLK COUNTY
COMMUNITY DEVELOPMENT

RECEIVED
DEC 30 2022
POLK COUNTY
COMMUNITY DEVELOPMENT



RECEIVED
 DEC 30 2022
 POLK COUNTY
 COMMUNITY DEVELOPMENT

~~RECEIVED~~
~~DEC 29 2022~~
 POLK COUNTY
 COMMUNITY DEVELOPMENT



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Fwd: Fwd: Land Use concerns, Sulamita Recreation, Willamina

Mordhorst, Lyle <mordhorst.lyle@co.polk.or.us>

Fri, Dec 30, 2022 at 10:50 AM

To: ronandbarbarasmith@onlinenw.com, Sidney Mulder <mulder.sidney@co.polk.or.us>

Barbara,

The land owner currently has an application on file so going into the future I am turning you over to work directly with Sidney Mulder in our planning Dept.. I have to limit my involvement so if this would happen to go into a land use dispute I would be a decision maker. Therefore I can not have any ex parte communication on this issue.

Thank you,

Lyle Mordhorst

Lyle Mordhorst
Polk County Commissioner
503-623-8173

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Fwd: Fwd: Land Use concerns, Sulamita Recreation, Willamina

1 message

Mordhorst, Lyle <mordhorst.lyle@co.polk.or.us>

Fri, Dec 30, 2022 at 9:48 AM

To: Sidney Mulder <mulder.sidney@co.polk.or.us>

Hello Sidney,

Have you seen or heard anything new on this piece of property? Are you receiving any complaint emails or calls on this? Do you know the last time Jerry drove by it?

Thank you,

Lyle

Lyle Mordhorst
Polk County Commissioner
503-623-8173

----- Forwarded message -----

From: <ronandbarbarasmith@onlinenw.com>

Date: Fri, Dec 30, 2022 at 8:08 AM

Subject: Re: Fwd: Land Use concerns, Sulamita Recreation, Willamina

To: <mordhorst.lyle@co.polk.or.us>

Good Morning,

There continues to be concerns with the Sulamita property development on Gold Creek Road. Multiple neighbors have been contacting Polk County, and to my understanding there have been no permit applications.

The most recent activities have been burning very large piles of debris and trash. With the recent heavy rains, the bare ground is certainly leading to increased erosion and mud flow into the creek. Sulamita is now working with an attorney.

Please provide any advice on the best way to ensure that Sulamita is accountable to follow current land use regulations.

I appreciate your continued interest.

Best wishes for the New Year!

Barbara Smith
971.237.3265

On 2022-10-29 11:42 am, ronandbarbarasmith@onlinenw.com wrote:

> Good Morning,

>

> It was good to see you at the courthouse earlier this week, and we
> truly appreciate your continued interest in the Sulamita property
> development up Gold Creek.

>

> Many neighbors are uneasy about the camp, and the event that Sulamita
> hosted last month did not provide clear insight into what is
> ultimately planned as far as buildings or necessary infrastructure.
> The church leader did indicate that he felt they could build what they
> wanted without permits or adjoining landowner notification. They did
> discuss hosting youth camps for up to a few hundred campers at a time.

>

> The most recent activity is the placement of several shipping
> containers right behind the house.

>

> The picture below shows the sites that have been prepped for camping
> or possibly cabins.

>

> Thank You--Barbara Smith (971.237.3265)

>

> ----- Original Message -----

> Subject: Land Use concerns, Sulamita Recreation, Willamina

> Date: 2022-09-05 8:19 am

> From: ronandbarbarasmith@onlinenw.com

> To: mordhorst.lyle@co.polk.or.us

> Cc: pope.craig@co.polk.or.us, gordon.jeremy@co.polk.or.us

>

> Good Morning,

>

> We appreciated the earlier correspondence with Lyle concerning the
> recent property development at 7425 Gold Creek Road in Willamina. Our
> understanding is that the county is in the investigative stage
> following the filing of a formal complaint.

>

> The property owner, Sulamita Recreation Center, is hosting an event on
> Saturday September 10th at 1pm, and this should be a good opportunity
> to learn more about the future plans for the development of the
> camp/venue. We are hoping that local elected officials could also
> attend. The address is 7425 Gold Creek Road, Willamina.

>

> Pictures showing the extensive development of the property are
> attached. Gold Creek neighbors continue to be concerned about the
> impact of the camp, including fire danger, traffic, water and sewer
> considerations and more. In addition, there are questions about the
> wetlands that have been filled in, water diversion from Gold Creek,
> and the impacts that the development will have on downstream
> irrigators and property owners.

>

> Please reach out with any questions, and we hope to see one of our
> elected Polk County Board of Commissioners on Saturday September 10th.

>

> Thank You,

>

> Ron and Barbara Smith

> 971.237.3265 Barbara

> 503.931.3054 Ron



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Thu, Dec 29, 2022 at 8:20 AM

To: Mark Havel <vmarkhavel@gmail.com>

Cc: Kelly Hodney <hodney@eotnet.net>, Loree <loree.havel@gmail.com>

Mark,

Thank you for your comments. All comments/concerns/issues raised will be considered as part of this conditional use permit application process. I have printed your email and included it in the record to be reviewed/addressed as part of the staff report.

I would be happy to discuss this application with you and answer your questions about the process and/or review and decision criteria. I am available next week except we will be closed on Monday. Feel free to give me a call to set up a time, (503) 623-9237.

Best,
Sidney

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Mark Havel <vmarkhavel@gmail.com>

Wed, Dec 28, 2022 at 11:29 PM

To: "Mulder, Sidney" <mulder.sidney@co.polk.or.us>, Kelly Hodney <hodney@eotnet.net>

Cc: Loree <loree.havel@gmail.com>

Hello Sidney Mulder;

Thank you for the note and information on the Sulamita Recreation property status. I would like to talk to you and any other planners that are considering this Conditional Use Permit before or during your Decision making process rather than just the 10 days before this Decision is issued. I am not against a youth camp in principle at all, but as a contiguous neighbor I am very concerned of the level of development already in place and the outcome of simply letting this go on.

In my view, over the fence, enormous ecological harm and many instances of violations of the forest practices act and water authority guidelines have taken place over this past 9 months, with perhaps 6 months of 12 hour days of several pieces of earthmoving equipment. The level of compaction with at least 5 passes of heavy machinery over every inch, the many thousands

of yards of earth that was moved, the seasonal streams that were scoured out and diverted, the wetland that was filled and replaced with 10's of truckloads of sand and a further 50 loads of imported boulders to rivett the bank, seems far from the purpose of a youth camp. Even the pulling back of the banks of Gold Creek with excavators seems so far from fine that I am wishing our agencies like yours and the ODF will take this seriously. It is a Mediterranean resort with just the buildings to come, with no regard for anything but recreational excavating, in my view.

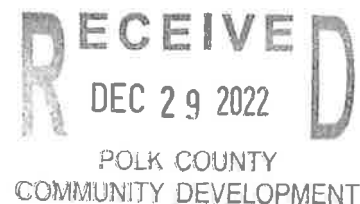
Further, the building sites at the furthest reaches of the Sulamita property, where it abuts mine and Weyerhaeuser properties seem a recipe for trespass and fire threat, with firewood cascading into my property from their piles of planned fuel wood.

I hope that all of these points are already being considered by your County planning team and that I may come in to your offices at your convenience to discuss. I will be visiting with the folks at ODF next week and would wish to visit with your team as well.

Yours; Mark Havel

Sent from Mail for Windows

[Quoted text hidden]



1967

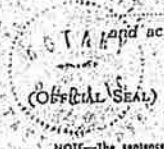
KNOW ALL MEN BY THESE PRESENTS, That JEAN D. SUTTNER hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CARL E. SUTTNER hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Polk, State of Oregon, described as follows, to-wit:

See attachment

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ nothing.
 However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which).
 In construing this deed the singular includes the plural as the circumstances may require.
 Witness grantor's hand this 23rd day of December, 1969.

Jean D. Suttner
 Jean D. Suttner

STATE OF OREGON, County of Multnomah) ss. JEAN D. SUTTNER December 23, 1969
 Personally appeared the above named



and acknowledged the foregoing instrument to be her voluntary act and deed.
 Before me: *F. Leo Smith*
 Notary Public for Oregon
 My commission expires 10/1/72

NOTE-The sentence between the symbols @, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

Bargain and Sale Deed

JEAN D. SUTTNER

TO
CARL E. SUTTNER

AFTER RECORDING RETURN TO
F. LEO SMITH
 ATTORNEY AT LAW
 PACIFIC BLDG.
 PORTLAND, OREGON 97204

176857

STATE OF OREGON, } ss.
 County of Polk

I certify that the within instrument was received for record on the 17th day of January, 1970, at 11:15 o'clock AM, and recorded in book 1 on page 440.
 Record of Deeds of said County.

DO NOT USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTY WHERE USED

Witness my hand and seal of County of Polk

Lyn Hardy
 County Clerk Title.
 By *Arthur Jones* Deputy.

0470

0441

1 Ranch located on Gold Creek Road, Willamina, Oregon, legal
2 description as follows:

3 Beginning at a point on the Southeasterly boundary line
4 of the Levi Burden Donation Land Claim, Notification
5 No. 7826, Claim No. 46 in Township 6 South, Range 7 West,
6 Willamette Meridian, Polk County, Oregon, 17.33 chains
7 South 37° 30' West from the Northeast corner of said
8 Claim in Section 15 and running thence North 52° 30' West
9 6.24 chains; thence South 37° 30' West 11.23 chains;
10 thence North 52° 30' West 15.66 chains to the South-
11 easterly boundary line of land formerly owned by C. J.
12 Hussey; thence South 37° 30' West along said boundary
13 line 43 chains, more or less, to the Southwesterly
14 boundary line of said Claim; thence North 50° 30' West
15 along said boundary line 24 chains, more or less, to
16 the North boundary line of Section 21 in said Township
17 and Range; thence West 60 links to the Northwest corner
18 of the Lot Numbered 1 of said Section; thence South 20
19 chains to the Southwest corner of said Lot; thence East
20 28.49 chains to the Southeast corner of said Lot, on the
21 Southwesterly boundary line of said Claim, thence South
22 50° 30' East along said boundary line 7 chains, more or
23 less, to the Southwest corner of the 10-acre tract con-
24 veyed by James M. Wooden and wife, to Lester C. Wooden;
25 thence North 37° 30' East 8.05 chains; thence South 61°
26 East 11 chains to the Southeasterly boundary line of
27 said Claim; thence North 37° 30' East 45.295 chains to
28 the place of beginning.

29 SAVE AND EXCEPT: Beginning at a point on the South line
30 of the Northeast Quarter (NE 1/4) of the Northwest Quarter
31 (NW 1/4) of said Section 21 which is 6.00 chains West of
32 the Southeast corner of the Northeast Quarter (NE 1/4) of
33 the Northwest Quarter (NW 1/4) of said Section 21; thence
34 North a distance of 11.60 chains, more or less, to the
35 South line of Levi Burden Donation Land Claim; thence
36 North 52° East along South line of Levi Burden Donation
37 Land Claim a distance of 13.88 chains, more or less, to
38 North line of Section 21; thence West a distance of 2.88
39 chains, more or less, to Northwest corner of Northeast
40 Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of
41 Section 21; thence South a distance of 20.0 chains, more
42 or less, to Southwest corner of Northeast Quarter (NE 1/4)
43 of the Northwest Quarter (NW 1/4) of Section 21; thence
44 East a distance of 14.0 chains, more or less, to the
45 place of beginning.

46 FURTHER SAVE AND EXCEPT: Beginning at a point in the
47 center of the County Road, North 37° 30' East, 684.75 feet
48 from the Southeast corner of said Donation Land Claim;
49 thence North 61° West 233.56 feet along the Northeast
50 boundary line of the land described in Volume 159, Page 725,
51 Polk County Deed Records; thence North 37° 30' East,
52 1189.52 feet; thence South 52° 30' East 231 feet to the
53 center of the County Road on the Southeast boundary of
54 the above Donation Land Claim; thence South 37° 30' West
55 along the Southeast boundary of the above Donation Land
56 Claim 1155 feet to the point of beginning.

57 FURTHER SAVE AND EXCEPT any portion of the above described
58 within the boundaries of public roads and highways.

NO. 176857
FILED Jan 14 1970 AT 11:10 AM
LYN HARDY, POLK COUNTY CLERK
Y ESTHER JANSEN, DEPUTY

Oregon Water Resources Department Water Rights Information Query

Cert:39458 OR

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

Contact Information (Click to Collapse...)

▼ Contact information

OWNER:
 ▶ CARL E SUTTNER
 1580 NEWPORT AV APT 8
 BEND, OR 97701

Water Right Information (Click to Collapse...)

Status: Non-Cancelled
County: Polk
Basin: Willamette
File Folder Location: Salem
Watermaster District: 22

Scanned Documents (Click to Expand...)

Point(s) of Diversion (Click to Collapse...)

- ▶ **POD 1 - UNNAMED STREAM/RS > GOLD CREEK**
- ▶ **POD 2 - UNNAMED STREAM/RS > GOLD CREEK**

Place(s) of Use (Click to Collapse...)

[Add TRS grouping](#)

- ▶ **Use - FISH CULTURE**
(Primary); Priority Date: 4/18/1968

Water Right Genealogy (Click to Collapse...)

....*No genealogy records available for this water right, try the family link below instead.*

[View Water Rights in same Family](#)

[Report Errors with Water Right Data](#)



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Mulder, Sidney <mulder.sidney@co.polk.or.us>

Tue, Dec 27, 2022 at 11:17 AM

To: Kelly Hodney <hodney@eotnet.net>

Cc: hodney@eotnet.net, Mark Havel <vmarkhavel@gmail.com>, Loree <lore.e.havel@gmail.com>

Good morning Mr. and Mrs. Hodney,

I have received your email and included it in the record for planning file CU 22-21.

We have received a conditional use permit for a proposal to establish a youth camp within the Timber Conservation (TC) zone. The application materials are available for inspection here at our office anytime during normal business hours, and copies can be obtained for \$0.25/page for the first 10 pages and \$0.10/page thereafter.

Conditional use permits have a 10 day comment period in which all neighboring property owners within 750 feet of the subject property will receive notice prior to the Decision being issued. I have added your email address and your physical address to our "interested parties" list to ensure that you will also receive notice. I also added the CC'd email addresses to the notification list.

Please feel free to contact me with any further questions.

Regards,

Sidney

--

Sidney Mulder, Planning Manager

Polk County Community Development

Phone: (503) 623-9237

Email: mulder.sidney@co.polk.or.us

[Quoted text hidden]



Mulder, Sidney <mulder.sidney@co.polk.or.us>

Request for Copy of Conditional Use Permit

Kelly Hodney <hodney@eotnet.net>

Fri, Dec 23, 2022 at 3:40 PM

To: bizon.kayla@co.polk.or.us, mulder.sidney@co.polk.or.us, mcguigan.austin@co.polk.or.us, muller.miranda@co.polk.or.us, burns.michael@co.polk.or.us, knudson.eric@co.polk.or.us, patoine.chris@co.polk.or.us

Cc: hodney@eotnet.net, Mark Havel <vmarkhavel@gmail.com>, Loree <lore.e.havel@gmail.com>

I understand you recently received a conditional use permit application from the following, and we are requesting a copy. It could either be emailed to us or sent by U.S. mail.

SULAMITA RECREATION CENTER LLC

7425 Gold Creek Rd.

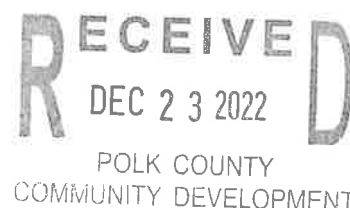
Willamina, OR 97396

Mailing address: 12650 SE 137th Dr., Happy Valley, OR 97086

Account #286206

Map # 067210000100

Code – Tax # 4408-286206



We would also like to know what Polk County's process is for reviewing and making a decision on a conditional use permit and if the neighbors' input is requested as part of that review process.

Please add to the record our, and many of the Gold Creek neighbors', continuing concerns. The primary owner of Sulamita is in the construction business in the Portland area and is well versed in land zoning and land use restrictions and the need for appropriate permits before proceeding with a construction project. Nevertheless, they decided they were going to make it into a church campground (this is what they have told the neighbors) and came in and started moving earth around the pond, cutting and removing trees in the timber-zoned area without replanting, building new roads, had numerous people living in the house despite it being zoned and septic approved for single-family dwelling, cleared land and set up concrete foundations for multiple occupants, etc. Despite having full knowledge that the activities were not allowed, Sulamita chose to move forward without first obtaining the required permits. They have been disingenuous from the outset, and having already proven to be a "bad player," we have no confidence in their keeping their promises if granted a conditional use permit. We also have fears they could subsequently sell the land to a new owner with revised land use zoning restrictions and turn it into an RV park, mobile home park, or KOA. We've already witnessed RVs heading up the road into the wooded area earlier this year.

Granting them any deviation from the land use restrictions they were fully aware of when they purchased the property jeopardizes the whole neighborhood. There has already been increased traffic on the road from their personal vehicles and all the gravel trucks and other construction equipment. The church, which does not own the land but we have been informed would be the primary user, is a very large church with thousands of members. The traffic on our road would be overwhelming with the potential number of campers each week. But, more importantly, those of us who live on Gold Creek continue to live here or purchased our properties based on the protection the zoning/land use restrictions gives us with regard to our property values as well as in maintaining the quiet and privacy of our rural neighborhood. They don't live here, they just want to use the property for, essentially commercial purposes, regardless of the fact they knew it was not zoned for these uses before they purchased it.

They have a lot of money. They should have used it to buy land that permitted the requested activities or uses.

Thank you,

Don and Kelly Hodney

6610 Gold Creek Rd.

Willamina, OR 97396



Virus-free.www.avg.com

OREGON SECRETARY OF STATE
Corporation Division

[HOME](#)
 [Business Xpress](#)
 [business name search](#)
 [oregon business guide](#)
[license directory](#)
[business registry/renewal](#)
[forms/fees](#)
[notary public](#)
[uniform commercial code](#)
[uniform commercial code search](#)
[documents & data services](#)

Business Name Search

[New Search](#)
[Printer Friendly](#)

Business Entity Data

12-23-2022

10:54

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
317216-81	DNP	ACT	OREGON	10-20-1992	10-20-2023	
Entity Name	SLAVIC EVANGELICAL CHURCH "SULAMITA", A MENNONITE BRETHERN CHURCH					
Foreign Name						
Non Profit Type	RELIGIOUS WITH MEMBERS					

[New Search](#)
[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	20575 NE SANDY BLVD				
Addr 2					
CSZ	FAIRVIEW	OR	97024	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	09-24-2017	Resign Date	
Name	JOSEPH	I	BEREZHINSKIY				
Addr 1	6511 NE FREMONT ST						
Addr 2							
CSZ	PORTLAND	OR	97213	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	20575 NE SANDY BLVD					
Addr 2						
CSZ	FAIRVIEW	OR	97024	Country	UNITED STATES OF AMERICA	

Type	PRE	PRESIDENT			Resign Date	
Name	ANATOLY		LUKASHOV			
Addr 1	5236 SE 104 AVE					
Addr 2						
CSZ	PORTLAND	OR	97266	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			Resign Date	
------	-----	-----------	--	--	-------------	--

Name	STANISLAV	VELICHKO		
Addr 1	8429 SE 138TH DR			
Addr 2				
CSZ	PORTLAND	OR	97236	Country UNITED STATES OF AMERICA















[New Search](#)[Printer Friendly](#)



Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SLAVIC EVANGELICAL CHURCH "SULAMITA", A MENNONITE BRETHERN CHURCH	EN	CUR	12-01-2014	
SLAVIC EVANGELICAL CHURCH, A MENNONITE BRETHERN CHURCH	EN	PRE	08-27-1993	12-01-2014
SLAVIC FOURSQUARE CHURCH	EN	PRE	10-20-1992	08-27-1993

Please read before ordering Copies.[New Search](#)[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	10-23-2022		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	12-09-2021		FI		
	AMENDED ANNUAL REPORT	10-18-2021		FI		
	AMENDED ANNUAL REPORT	11-02-2020		FI		
	AMENDED ANNUAL REPORT	09-18-2019		FI		
	AMENDED ANNUAL REPORT	10-30-2018		FI		
	AMENDED ANNUAL REPORT	09-24-2017		FI	Agent	
	AMENDED ANNUAL REPORT	09-24-2016		FI		
	AMENDED ANNUAL REPORT	09-30-2015		FI		
	ARTICLES OF AMENDMENT	12-01-2014		FI	Name	
	AMENDED ANNUAL REPORT	09-26-2014		FI		
	AMENDED ANNUAL REPORT	09-20-2013		FI		
	AMENDED ANNUAL REPORT	10-04-2012		FI		
	AMENDED ANNUAL REPORT	09-18-2011		FI		

	AMENDED ANNUAL REPORT	09-17-2010		FI		
	AMENDED ANNUAL REPORT	09-24-2009		FI		
	ANNUAL REPORT	09-23-2008		FI		
	ANNUAL REPORT	09-13-2007		FI		
	ANNUAL REPORT	09-29-2006		FI		
	ANNUAL REPORT PAYMENT	09-15-2005		SYS		
	ANNUAL REPORT PAYMENT	09-16-2004		SYS		
	ANNUAL REPORT PAYMENT	09-16-2003		SYS		
	ANNUAL REPORT PAYMENT	09-11-2002		SYS		
	ANNUAL REPORT PAYMENT	09-12-2001		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	03-07-2001		FI	Agent	
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	03-07-2001		FI		
	STRAIGHT RENEWAL	10-12-2000		FI		
	STRAIGHT RENEWAL	09-13-1999		FI		
	STRAIGHT RENEWAL	09-09-1998		FI		
	CHANGED RENEWAL	09-09-1998		FI		
	STRAIGHT RENEWAL	09-12-1997		FI		
	STRAIGHT RENEWAL	11-05-1996		FI		
	STRAIGHT RENEWAL	10-04-1995		FI		
	NB AMENDMENT	09-13-1994		FI		
	STRAIGHT RENEWAL	09-12-1994		FI		
	AMENDED RENEWAL	09-22-1993		FI		
	ENTITY NAME CHANGE	08-27-1993		FI		
	NEW FILING	10-20-1992		FI		

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site, please contact : corporation.division@sos.oregon.gov

© 2022 Oregon Secretary of State. All Rights Reserved.

SULAMITA RECREATION CENTER

12650 SE 137th Drive
Happy Valley, OR 97086

APPLICATION FOR CONDITIONAL USE TO ESTABLISH A YOUTH CAMP

On Property Located at

7425 Gold Creek Rd
Willamina, OR 97396

Tax Lot 100 - Map 6.7.21

WALLACE W. LIEN



1004 Crescent Dr NW
Salem, OR 97304
503-585-0105 / wallace.lien@lienlaw.com

SULAMITA RECREATION CENTER, LLC
*Application for Conditional Use to Establish a Youth Camp
on Tax Lot 100 on
Polk County Assessor's Map 6.7.21*

***** INDEX TO APPLICATION DOCUMENTS *****

1. Polk County Land Use Permit Application
2. Applicant's Justification Statement
 - Exhibit A Deed
 - Exhibit B Property Profiles for TL 100
 - Exhibit C Assessor Map 6.7.21
 - Exhibit D Zone and Plan Map
 - Exhibit E Aerial Photographs
 - Exhibit F Ground Photographs
 - Exhibit G Site Plan
 - Exhibit H Business Registry for Sulamita Recreation Center, LLC
 - Exhibit I Grand Ronde Water Certification
 - Exhibit J Water Rights Certificate and Map
 - Exhibit K Farm Impacts Test
 - Exhibit L West Valley Fire District Map
 - Exhibit M Soil Map of Area
 - Exhibit N Topographical Map of the Subject Property
 - Exhibit O Letters of Support (4)
 - Exhibit P Streamside Protection Plan
 - Exhibit Q Fire Safety Protection Plan

LAND USE PERMIT APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

COMPLETED BY STAFF	
Received By: <u>MB</u>	<input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Comp. Plan Amendment
Date Submitted: <u>12/12/22</u>	<input type="checkbox"/> Farm Dwelling <input type="checkbox"/> Replacement Dwelling
Application No.: <u>CU22-21</u>	<input type="checkbox"/> Forest Dwelling <input type="checkbox"/> Variance
Fee: <u>\$834.00</u>	<input type="checkbox"/> Land Use Determ. <input type="checkbox"/> Zone Change
Fee Paid: <u>Yes</u>	Staff Notes: <u>Youth Camp</u>
Receipt No.: <u>39222</u>	

Please type or clearly print all of the requested information below.

I. PROPERTY OWNER(S)

Name Sulakita Recreation Center LLC
Mailing Address 12650 SE 137th DR
City Happy Valley State OR Zip 97086
Daytime Phone _____
Email (optional) _____

II. APPLICANT (IF DIFFERENT THAN OWNER)

Name Wallace W. Lien
Mailing Address 1004 Crescent Dr NW
City Salem State OR Zip 97304
Daytime Phone 503-585-0105
Email (optional) WALLACE.LIEN@LienLaw.com

III. PROPERTY

Location or Address 7425 Gold Creek Rd Tax Acct. No. 286206 Acreage 100.65
Township 6S; Range 7W; Section(s) 21; Tax Lot(s) 100
Comp. Plan Designation Timber Zone Timber Conservation
School District: WILLAMINA Fire District: West Valley Fire District
Water Service Type: Ground Rove Water Sewage Disposal Type: Septic

IV. REQUEST SUMMARY (Example: "To establish a small tract template dwelling in the TC Zoning District.")

Establish a Youth Camp

V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Polk County Subdivision and Partition Ordinance (PCSO) and/or the Polk County Zoning Ordinance (PCZO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request.

The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete.

An incomplete application will postpone the decision, or may result in denial of the request. *Please mark the items below to ensure your submittal is complete.*

Application Check List

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Polk County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is a twelve (12) day appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Polk County Community Development Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

Pastor S. H. Velez

Signatures of owners that appear on deed and/or authorized agent
*If signed by an agent, owner's written authorization must be attached.
*Electronic signatures are not accepted.

PLEASE NOTE: THIS APPLICATION MUST BE RETURNED IN PERSON.

BEFORE THE POLK COUNTY, OREGON
PLANNING DIVISION

In the Matter of the Application of:)
)
 SULAMITA RECREATION CENTER,)
 LLC)
)
 for a Conditional Use approval to)
 establish a Youth Camp in the TC zone)
 on Property located at 7425 Gold Creek Rd)
 Willamina, Oregon 97396, and identified as)
 TL100, Map 6.7.21)

Case No.

APPLICANT'S JUSTIFICATION

COMES NOW, the Sulamita Recreation Center, LLC, by and through its attorney, Wallace W. Lien, and does hereby submit the following justification for the approval of a conditional use to establish a Youth Camp on their property located at 7425 Gold Creek Rd, Willamina, Oregon, which site is identified as Tax Lot 100, Map 6.7.1.

1. Nature of the Application

This proposal is to establish a Youth Camp in the Timber Conservation (TC) zone. A Youth Camp is allowed as a conditional use in the zone pursuant to Polk County Zoning Ordinance (PCZO) 177.040(X).

The Applicant is a non-profit public benefit company. See Exhibit H. The Applicant is owned and operated by the Slavic Evangelical Church, and will be a haven for youth attached to the church and to other local youth who would benefit from the programs to be provided.

2. Background Facts

The subject property is 100.65 acres in size, and is located in the Timber Conservation zone. Exhibit B. The property has a highly irregular configuration. Exhibit C. There is one house on the site which is located near and gets its access from Gold Creek Road. Exhibit C.

The property is served by a septic system, and gets its water from the Grand Ronde Community Water Association. Exhibit I. Suttner Reservoir is located in the middle of the site, and the Applicant has water rights to use that reservoir. Exhibit J.

The terrain is variable with flat lands along Gold Creek Road at a base elevation of 305 feet, then climbing in elevation to the north and west to approximately 550 feet. Exhibit N. The northeasterly portion of the parcel is open and has been used for pasture and grassland in the past. Exhibit E. The portion of the property to the southwest, up from the reservoir has been in trees, which were recently harvested prior to the sale to the Applicant. See the last photograph in Exhibit

E for a post-logging aerial view.

The subject property is just to the south of Highway 18, east of Grand Ronde. Properties adjoining the site to the north and east are zoned for exclusive farm use, with pockets of acreage residential use to the north and south. Properties to the south and west are zoned for timber conservation. Exhibit D.

The Applicant was formed in early 2022 for the purpose of establishing a Youth Camp to serve the youth of the Slavic Evangelical church as well as local youth who would benefit. The Applicant searched for suitable property, and found the subject property and purchased it in March, 2022.

The Youth Camp is a nonprofit corporation as defined under ORS 65.001. The purpose of the Youth Camp is to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. No juvenile detention center or juvenile detention facility is involved with this application.

A campground as described in ORS 215.283(2)(c), 215.213(2)(e) and OAR 660-006-0025(4)(e) is not proposed to be established in conjunction with this Youth Camp. There is no existing or proposed golf course to be associated with this Youth Camp.

As shown on the site plan (Exhibit G attached hereto), this proposal will provide for the following facilities:

Recreational facilities that include an abundance of open areas that are suitable for ball fields, volleyball courts, soccer fields, archery range, hiking and biking trails that are provided in conjunction with the site's natural environment. There is no swimming pool proposed, but Suttner Reservoir will be utilized for water fun. No intensively developed facilities such as tennis courts or gymnasiums are proposed.

The cooking and eating facilities are included in one 50'x100' building. Food services will be limited to the operation of the Youth Camp and for the camp participants. The ancillary sale of individual meals will be offered only to staff, family members or guardians of youth camp participants.

Three separate bathrooms are proposed, and these will be stand alone restrooms, not in the same building as any of the sleeping quarters.

There is a meeting hall multipurpose building, winter retreat lodge and spa house proposed to supplement camp activity, none of which include primary cooking or eating facilities.

The existing dwelling on the property will be inhabited by a full time caretaker, which dwelling is separated to some extent from the Youth Camp itself.

Sleeping quarters include 10 summer cabins and 30 yurts that are 20'x20' in size. None of these sleeping quarters will have bathrooms or cooking facilities. None of the camp facilities will be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

An 80' wide setback is provided from all boundaries that are to TC zoned properties where no structures will be allowed. Access to the yurt area is by walking trail.

Internal drives connect all of the different camp areas, and sufficient parking is provided for staff and visitors and suppliers. There is proposed a gravel area behind the caretaker's dwelling where a RV hookup will be provided for temporary use by staff or visiting instructors.

Once the camp is at full operation it will have a maximum youth participation of 300, and a maximum staff level of 50. It is expected that it will take several years for full build out and maximum participation to be accomplished.

There is no present plan to provide adult programs at this site.

All of the proposed facilities here are well in excess of 250' from Gold Creek Road, and the neighboring property to the north. Some of the yurts, a bathroom building and some of the summer cabins are within the 250' boundary to the west and south.

The property is within the boundaries of the West Valley Fire District, and will be provided fire and ambulance service from that District. Exhibit L. Applicant's fire prevention plan also addresses fire protection in the areas where the 250' setback is not achieved.

An inventory of surrounding properties and their use and characteristics was accomplished. The study area included all of the parcels on the Assessor Map 6.7.21 where the subject property is located and the three surrounding Assessor Maps 6.7.15 (parcels to the south of Highway 18), 6.7.16 and 6.7.22. This provides an adequate surrounding area for study for assessment of the farm impacts test. A table showing all the information available on each tax lot in the study area is as follows:

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
100	6.7.21	100.65	TC	Yes	dwelling and open space	Subject Property
103	6.7.21	19.5	TC	Yes	Dwelling and outbuildings	
104	6.7.21	5.81	TC	No	Dwelling and outbuilding	100 year floodplain

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
200	6.7.21	10.0	TC	Yes	Dwelling and outbuildings	100 year floodplain
300	6.7.21	200.0	TC	Yes	Forest land	Weyerhaeuser
400	6.7.21	134.55	TC	Yes	Forest land	Weyerhaeuser
402	6.7.21	1.32	TC	Yes	Forest land	
500	6.7.21	2.15	AR5	Yes	Vacant	
600	6.7.21	5.36	AR5	Yes	Dwelling	
601	6.7.21	6.71	AR5	Yes	Dwelling and outbuildings	
602	6.7.21	5.33	AR5	Yes	Dwelling and shop	
700	6.7.21	165.6	TC	Yes	Forest land	
701	6.7.21	1.65	TC	No	Vacant	
800	6.7.21	8.25	AR5	No	Dwelling and outbuildings	100 year flood plain
801	6.7.21	8.07	AR5	Yes	Vacant	100 year flood plain
802	6.7.21	7.83	AR5	Yes	Dwelling and machine shed	100 year flood plain
803	6.7.21	7.92	AR5	Yes	Dwelling and outbuildings	100 year flood plain
804	6.7.21	8.37	AR5	No	Dwelling and outbuildings	100 year flood plain
806	6.7.21	4.86	AR5	Yes	Dwelling and barn	100 year flood plain
807	6.7.21	5.04	AR5	Yes	Dwelling and barn	100 year flood plain
808	6.7.21	9.85	AR5	No	Dwelling and outbuildings	
809	6.7.21	5.0	AR5	No	Dwelling	100 year flood plain

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
810	6.7.21	5.0	AR5	No	Vacant	100 year flood plain
900	6.7.21	8.38	AR5	Yes	Dwelling	
901	6.7.21	13.96	AR5	No	Dwelling, barn, machine shed and lean to	
101	6.7.22	10.37	TC	Yes	Forest land	Hampton Resources 100 year flood plain
201	6.7.22	40.0	TC	Yes	Forest land	Hampton Resources
202	6.7.22	49.3	TC	Yes	Forest land	Hampton Resources
300	6.7.22	89.37	EFU	Yes	Dwelling and outbuildings	farm use
301	6.7.22	26.56	TC	Yes	Forest land	Hampton Resources
302	6.7.22	32.22	TC	Yes	Forest land	Hampton Resources
303	6.7.22	146.47	EFU	Yes	Machine shed and feeder barn	100 year flood plain farm use
400	6.7.22	3.88	TC	No	Utility	City of Willamina
401	6.7.22	157.5	TC	Yes	Forest land	Hampton Resources
500	6.7.22	120.66	TC	Yes	Dwelling and outbuildings and forest land	
100	6.7.15	94.97	EFU/FF	Yes	Dwelling and outbuilding and farm use	
200	6.7.15	19.0	EFU	Yes	Dwelling and outbuildings	
202	6.7.15	24.98	EFU	Yes	Dwelling and outbuildings	
401	6.7.15	22.0	EFU	Yes	Dwelling and outbuildings	

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
600	6.7.15	7.02	AR5	No	Dwelling and outbuilding	100 Year flood plain
800	6.7.15	.26	AR5	No	Dwelling	
900	6.7.15	7.5	AR5	Yes	Dwelling and outbuildings	100 Year flood plain
1000	6.7.15	38.87	EFU	Yes	Dwelling and outbuildings	100 Year flood plain
1100	6.7.15	.90	AR5	No	Dwelling and outbuilding	100 Year flood plain
1200	6.7.15	.51	EFU	No	Dwelling and outbuilding	100 Year flood plain
1300	6.7.15	82.4	EFU	Yes	Dwelling and outbuildings and farm use	100 Year flood plain
1400	6.7.15	2.02	EFU	No	Dwelling and machine shed	100 Year flood plain
1401	6.7.15	.84	EFU	No	Dwelling and shed	100 Year flood plain
1500	6.7.15	1.0	EFU	No	Dwelling and shed	100 Year flood plain
800	6.7.16	106.48	TC	Yes	Forest land	
801	6.7.16	187.86	EFU	Yes	Dairy Farm	100 Year flood plain
802	6.7.16	3.26	EFU	Yes	Dwelling and outbuildings	
901	6.7.16	205.0	TC	Yes	Forest land	
1100	6.7.16	15.0	TC	Yes	Forest land	
		2,247.4				

There are 55 tax lots in the study area, which comprises 2,247.4 acres. Weyerhaeuser is the largest landowner in the study area with 334.55 total acres of forest land, and Hampton Resources is a close second with 315.95 acres over several different tax lots. There are several other smaller tracts owned and managed as forest lands. There is one large dairy farm (Shenk's Dairy).

There is a mixture of zones in the study area, including AR5, EFU, FF and TC. The majority of lands in the study area are forest lands. The AR5 zone includes pockets of lands along the highway and Gold Creek Road to the north and south of the subject property. The TC zone, and the majority of the timber land is located to the west.

Parcel sizes in the study area vary from a .26 acre parcel to the Weyerhaeuser property which is actually two tax lots combining for 334.55 acres. 28 of the 55 parcels are under 10 acres in size. The average parcel size is just over 40 acres.

Aside from the Dairy, there are no parcels in farm use as defined by ORS and the PCZO. Agricultural activities that do go on are personal in nature and comprise gardening and animal husbandry. The forest lands in the area are held for long term harvesting, and annual maintenance and attendance to those lands is minimal.

All the information gathered for this farm impacts test was taken from Polk County online resources. Copies of the Polk County Assessor's Summary Report for each of the 55 parcels is available upon request, but are not included here as the reports are easily accessible online. Copies of the Assessor Maps and an aerial photograph of the study area are included here as Exhibit K.

There is an identified 100 year floodplain along Gold Creek that is recognized on the Site Plan, and for which no development is proposed. Exhibit G.

3. Compliance with Approval Criteria

A Youth Camp is an allowed conditional use in the TC zone. PCZO 177.040(X). The approval criteria for the conditional use is found in PCZO Chapter 119, PCZO 177.050, 177.080, 177.090, and OAR 660-006-0031. This is a new proposed use, therefore ORS 215.130 does not apply. Compliance with each of the approval criteria is demonstrated as follows:

177.050. GENERAL REVIEW STANDARDS [OAR 660-006-0025(5)]. To ensure compatibility with farming and forest activities, the Planning Director or hearings body shall determine that the proposed use meets the following requirements:

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

(B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

Sections A and B set forth the commonly referred to Farm Impacts Test. As noted above, the Applicant has performed a detailed farm impacts study. This study shows there are several large timber tracts and one dairy in the area. Otherwise the area consists of small non-farm uses, mostly with houses.

In this case access is taken directly onto Gold Creek Road, at a location that has adequate site distance. Gold Creek Road itself has sufficient capacity to handle the additional traffic from the Youth Camp, and the capacity is such to have no conflicts between this additional traffic and any farm or forest trucks, many of which don't use Gold Creek Road in any event.

The Youth Camp is providing an 80' setback for all yurts from the adjoining lands zoned TC and currently in forest use. This setback will alleviate any conflict between the Youth Camp and adjoining uses. The large pasture area will remain in farm use, and that land adjoins other lands zoned EFU.

There are no facts revealed in the study that would indicate any conflicts or adverse consequences to area farm or forest uses. The farm impacts test is satisfied.

(C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Subsections 177.035(B) and 177.040(A), (G), (N), and (V).

This is not an approval criteria, but rather a mandate once approval of the conditional use is granted. In this case compliance can be made a condition of approval, and the Applicant will willingly record the required declaration. This is not a criteria but will be satisfied by imposition and compliance with a condition of approval.

(D) All 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.

In this case there are two identified areas that are addressed in this application. The first is the big game habitat that encompasses a portion of the southwesterly area of the subject property. The first issue for compliance is the imposition of an 80' wide setback area from the property line where no structures will be located. The second is that there are no roads accessible by vehicles in the big game habitat area. In those areas there are only walking trails. There are no cooking or garbage disposal areas in the big game habitat land, so there is nothing to attract deer or elk onto the site. No hunting of any kind will be allowed on the property.

The second issue is the 100 year flood plain that accompanies Gold Creek. This is addressed by not providing for any development within the identified area.

The last issue relates to fish protection for Gold Creek. Management of the floodplain area along Gold Creek will be done in accordance with the Streamside Protection guidelines published by the Oregon Forestry Department. Exhibit P. This plan includes maintaining live trees and vegetation along Gold Creek to provide cover, shade and adequate water temperature. New trees and vegetation will be planted within the floodplain area that over time will provide more cover and

shade. A part of the camp activities will be to monitor Gold Creek to ensure there is adequate fish passage along Gold Creek to enhance feeding and spawning.

Each of the identified plan areas are adequately addressed in this application. This criteria is satisfied.

PCZO 119.030. POWER TO HEAR AND DECIDE CONDITIONAL USES. The Hearings Officer or Planning Director (refer to Section 111.240) shall hear and decide only those applications for conditional uses, their expansion or alteration, which are listed in this ordinance.

This proposal is to establish a Youth Camp in the Timber Conservation (TC) zone. A Youth Camp is allowed as a conditional use in the zone pursuant to Polk County Zoning Ordinance (PCZO) 177.040(X). This criteria is satisfied.

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

(A) That he or she has the power to grant the conditional use.

As noted above, the proposed Youth Camp is listed in the TC zone as a conditional use, which then gives the staff the power and authority to grant the use.

(B) That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone.

The purpose and intent of the TC zone is found at PCZO 177.010. The focus is of course on the conservation and protection of forest lands for continued timber production, harvesting and related uses. Ancillary purposes include protection for watersheds, soil, fish and wildlife habitats. In addition, the purpose of the TC zone is to allow for the orderly development of recreational uses. Since a Youth Camp is an allowed conditional use that provides recreational uses for young people, it will be in harmony with the zone. This criteria is satisfied.

(C) 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 119.150 sets forth specific conditional uses that carry requirements that are not applicable here as a Youth Camp is an allowed conditional use and not a specific conditional use. This criteria is satisfied.

(D) 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.

This is not an approval criteria, but direction for the imposition of conditions. Upon approval

and the imposition of conditions, those must meet the standards of this section. This section is not an approval criteria, and does not need to be complied with here.

The next set of requirements that need to be addressed are found at PCZO 177.080 related to general siting standards for structures.

(A) All new dwellings and structures authorized under the provisions of this Ordinance 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 the building site which:

(1) Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;

There are no dwellings proposed. The only dwelling on the property is the existing house that is not impacted by this application. There is an 80 foot setback from all adjoining TC property, which meets all the standards in that zone. The structures that are adjacent to the 80 feet setback are all temporary yurts. There is one restroom building and 10 permanent cabins that are located outside the 80 foot setback as well. There are no structures on the side of the property where it adjoins the EFU zone. That area is currently in agricultural use and will continue to be, with only an access road passing along the property lines. Topography rises to the rear of the property, but not at a steep angle. The subject property has been logged, so there are no forestry uses now taking place. The proposed site plan satisfies this criteria.

(2) Ensures that forest operations and accepted farming practices will not be curtailed or impeded;

The 80 foot setback ensures compatibility with forestry operations to the west and to the south. No vehicular access is proposed within that setback, and no structures are proposed for that area either. There is nothing proposed for this Youth Camp that will curtail or impede forest or farming operations on surrounding lands. This criteria is satisfied.

(3) Minimizes the amount of forest lands used for the building sites, road access and service corridors.

The subject property was logged prior to acquisition by the Applicant. There remain only a few trees, none of which are commercial. The yurts are temporary structures. The other proposed structures are around Suttner Reservoir, or are in the middle of the site and will be nested in among the existing agricultural uses. This criteria is satisfied

(4) Consistent with the provisions of Section 177.090 minimizes the risk associated with wildfire.

The provisions of PCZO 177.090. Set forth the siting standards for new dwellings and structures with regard to fire protection.

(A) 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.

The fire management plan for the Youth Camp is developed in compliance with the Recommended Fire Siting Standards in forest land areas. A copy of that manual is attached hereto as Exhibit L. The backbone of the fire management plan is the use of Suttner Reservoir as a water source to assist in putting out local fires. The access road can accommodate fire fighting equipment, and a platform area will be provided for ease in establishing pumping units. Appropriate signage is planned to ensure ease in access. This criteria is satisfied.

(B) Road access to the structure shall meet the County road design standards.

This is not an approval standard, but a mandate for how the access road is to be constructed. As such it is more appropriately identified as a condition of approval. In any event, the Applicant will ensure the access road to Suttner Reservoir is constructed to county design standards.

(C) 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.

The property has been logged and is now basically bare land. There will be maintained an 80 foot setback that is free of structures and new trees that will provide the primary fuel break. Dead fuel sources will be continuously and routinely removed. This criteria is satisfied.

(D) 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.

The 80 foot setback will include not only the primary 30 foot fuel break, but also the secondary 50 foot fuel break. This criteria is satisfied.

(E) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

This is not an approval criteria, but rather is a performance standard that can be dealt with as a condition of approval. The only places that include a chimney are the existing house; the kitchen; the meeting house and the retreat lodge, all of which are located in the agricultural area far away from the trees in the TC zone. This criteria is satisfied.

(F) 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.

This is not an approval criteria, but rather is a performance standard that can be dealt with as a condition of approval. The Applicant will install all necessary and applicable signage required by the county. This criteria is satisfied.

(G) The dwelling shall meet the following requirements:

(1) The dwelling has a fire retardant roof. This is not an approval criteria, but rather is a performance standard that can be dealt with as a condition of approval. All new permanent structures will be constructed with fire retardant roofing materials. This criteria is satisfied.

(2) The dwelling will not be sited on a slope of greater than 40 percent. None of the proposed structures involved in this Youth Camp will be sited on a slope of greater than 40 percent. This criteria is satisfied.

(3) 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. The domestic water source for the proposed structures is the Grand Ronde Community Water Association, which is a public water system approved by the Oregon Health Authority. See Exhibit I. This criteria is satisfied.

(4) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. The property is within the boundaries of, and will be served both fire protection and ambulance service from the West Valley Fire District. See Exhibit L. This criteria is satisfied

(5) 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. This criteria is moot as the subject property is within the West Valley Fire District and will be served by that District.

(6) If the dwelling has a chimney or chimneys, each chimney has a spark arrester. This is not an approval criteria. It is a performance standard that can be applied as a condition of approval.

(H) If meeting the requirements of Section 177.090(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. Because this proposal does comply with PCZO 177.090(G), this alternative criteria is moot.

(5) 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. The subject property is not within the Willamette River Greenway. The references to flood hazard, development in the forested area and riparian and habits have already been discussed. This criteria is satisfied.

(B) 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 629-024-0101(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. The property is now and will be in the future served domestic water by the Grand Ronde Community Water Association, which is a public water system approved and governed by the Oregon Health Authority. See Exhibit I.

(C) 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 longterm road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. Access to the site is by Gold Creek Road, which is a public road. This criteria is satisfied.

(D) Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements:

(1) 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.

(2) The Planning Department shall notify the Polk County Assessor of the above condition at the time the dwelling is approved.

(3) 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.

(4) 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.

This application is for a conditional use Youth Camp, not for a dwelling. No new dwelling is sought as a part of this application. This criteria does not apply.

In addition to the above referenced provisions of the PCZO, OAR 660-006-0031 relating to Youth Camps is addressed as follows:

(1) A youth camp may be established in compliance with the provisions of this rule. The purpose of this rule is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. This proposal is for a Youth Camp that is self-contained and located on a suitable parcel, and as explained above is compatible with its surroundings. This provision is not an approval criteria.

(2) Changes to or expansions of youth camps established prior to the effective date of this rule shall be subject to the provisions of ORS 215.130. This is a proposed new Youth Camp, and does not involve changes or expansion to a pre-existing camp. This criteria does not apply.

(3) A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The Applicant here is a nonprofit corporation as defined under ORS 65.001. See Exhibit H. The proposed Youth Camp is intended to serve youth that are 18 and under, with an emphasis on outdoor recreational and educational experiences. No juvenile detention is involved here. This criteria is satisfied.

(4) An application for a proposed youth camp shall comply with the following:

(a) The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by subsection (4)(b) of this rule a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff. The maximum proposed participants for this Youth Camp is 300, and that is not projected to occur for several years after opening. There are 30 yurts and 20 summer cabins that will provide sleeping accommodations for youth and staff. Assuming 4 people per unit, that allows up to 200 overnight participants with others being day campers. This criteria is satisfied.

(b) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under subsection (4)(a) of this rule. It is not anticipated that this accommodation will be necessary initially, but as the program grows it may be an asset to the Youth Camp to have this ability. Therefore, as a part of this application, allowance for this accommodation is requested.

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp. No adult programs are currently planned, but as with the prior criteria, as the Youth Camp grows and its programs mature, it would be beneficial to provide some limited adult programs. Therefore, as a part of this application, allowance for this accommodation is requested.

(d) The provisions of OAR 660-006-0025(5)(a) are complied with. This is a duplicate of the criteria specified in the PCZO farm impacts test which is addressed above and will not be repeated here for the sake of brevity. This criteria is satisfied.

(e) A campground as described in ORS 215.283(2)(c), 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp. No such campground is proposed. This criteria is satisfied.

(f) A youth camp shall not be allowed in conjunction with an existing golf course. No golf course exists or is proposed in this project. This criteria is satisfied.

(g) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties. The subject property has its own water rights, which include Suttner Reservoir. In addition, domestic water will be supplied by the Grand Ronde Community Water Association. As such there is no potential for interference with any water rights on adjacent parcels.

(5) The youth camp shall be located on a lawful parcel that is:

(a) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least:

(A) 80-acres if located in eastern Oregon.

(B) 40-acres if located in western Oregon.

The subject property is over 100 acres in size. Exhibit B. The subject property is a lawfully established parcel. Exhibit A. The site was recently logged, and now the formerly forested areas are basically bare. The majority of the parcel is in wheat and pasture uses which continue, and will be included in the outdoor programs for the youth. The topography is gently sloping near Gold Creek Road and increasing in slope to the south and west into the formerly forested area. The existence of Suttner Reservoir is a primary enhancement for youth programs and fire protection. The site is more than sufficient to support the proposed number of youth and staff to be served. This criteria is satisfied.

(b) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(A) The proposed setback will prevent conflicts with commercial resource management practices;

(B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

The proposed Youth Camp provides sufficient buffer from adjacent lands to prevent any conflicts with commercial activities in the area. The TC zoned property to the south and west consists of a large forest tract currently under forest management. The proposed 80 foot setback along those borders is sufficient to ensure no conflicts. Along the northerly boundary where there is the adjacent EFU zoned land, there is no structure planned within 600 feet (Retreat Lodge). Gold Creek Road lies along the entire eastern boundary, and the only structure in that area is the proposed Spa House which will be approximately 400 feet from the road. The existing house lies approximately 125 feet from the road, and has its own private drive entrance separate from the entrance to the Youth Camp.

The TC area buffer will consist of open space that will be routinely patrolled for downed fuel, and will be well maintained. In addition, the slope of the property places the forested area much higher in elevation than the majority of the Youth Camp.

The only permanent structures near the setback areas for the TC zone are the three bathroom buildings and the Spa House. These are approximately 100 feet away from the property line, and included in this Application is a request to approve the site plan with these structures allowed. The placement of the bathrooms is critical in two ways. The first is within the general vicinity of the yurts and summer cabins, none of which have bathroom facilities. The second is for the location of septic lines and drainfields. There is nothing about the placement of these structures that will conflict with commercial resource management practices either on the forest lands or the agricultural lands to the north. All of these structures are within the boundaries of the Youth Camp, well away from the access point on Gold Creek Road, therefore there will be no significant increase in safety hazards associated with vehicular traffic. The location of the structures on the site plan provide sufficient setback buffer for nearby and adjacent uses, from visual and audible aspects of youth camp activities. After all, we are talking about bathroom buildings, not play areas. The amount of noise coming from a bathroom building that is next to a forest presents absolutely no conflict at all. The same is true for the Spa House, which is located near Suttner Reservoir and Gold Creek, and therefore is more isolated and there is more vegetation to provide additional buffering. This criteria is satisfied.

(c) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

Each of the bathroom buildings will be connected to individual septic system. The bathroom building in the northwest portion of the property will have a drainfield and repair area in the open area to the south. The farthest south bathroom will have its drainfield and repair area between the walking trails to the west. The Kitchen will have its drainfield and repair area to the north in the open field area.

Septic system feasibility is shown by the existence of a long time fully functional septic system that serves the existing house. In addition, given the fact that the property is so large (over 100 acres) with no other septic systems or water wells in the area to deal with, septic approval is clearly feasible. Also, the soil map for the site shows soil types that are conducive to successful placement of drainfields. Exhibit M. Finally, it is accepted that a condition of approval will be imposed requiring Polk County approval of all septic systems prior to any construction.

As shown in the farm impacts test, Exhibit K, the area is sparsely populated with only 55 tax lots in 2,247.4 acres. 34 of those tax lots have dwellings, and each of those are on their own septic system. There simply is not sufficient demand to warrant the cost of a new public sewer system.

This criteria is satisfied.

(d) Predominantly forestland if within a mixed agricultural/forest zone as provided for under OAR 660-006-0050.

The subject property is zoned for Timber Conservation (TC) and is not within a mixed agricultural/forest zone such as the Polk County Farm Forest (FF) zone. This criteria is therefore not applicable.

(6) A youth camp may provide for the following facilities:

(a) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

Recreational facilities proposed here include unimproved open space that is suitable for outdoor play for soccer, softball and other similar sports. There is an extensive walking/hiking trail system, and Suttner Reservoir will be used for water based activities. There are no tennis courts, gymnasiums or golf course proposed. This proposal only provides for allowed facilities.

(b) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

All cooking and eating will take place in the kitchen/cafeteria building. Food service will be limited to provisions for participants and staff and any family members that may be visiting the camp. This criteria is satisfied.

(c) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.

The bathing and laundry facilities are provided in three separate buildings located throughout the camp. There are no sleeping quarters included in the bathroom facilities. This criteria is satisfied.

(d) Up to three camp activity buildings, not including primary cooking and eating facilities.

Included in this site plan are the Winter Retreat Lodge, the Meeting Hall and the Spa House. These will provide locations for camp activities. None of these three buildings have cooking or eating facilities. This criteria is satisfied.

(e) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

Sleeping quarters propose here include 30 temporary yurts, and 20 summer cabins. None of the sleeping quarters include bathroom or kitchen facilities. They sleeping quarters are reserved solely for participants and staff. No individual rentals are allowed. There is a temporary RV hook up south of the existing house that may be used by visiting families, or by guest staff on site only for a limited duration. This criteria is satisfied.

(f) Covered areas that are not fully enclosed.

There are no covered areas proposed at this time. This criteria is satisfied.

(g) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

The existing house will act as the caretaker's residence, and its garage will house maintenance equipment and material, as well as act as the primary storage area for the Youth Camp. The Meeting Hall will have an office for administrative services as well as acting as the infirmary for the Youth Camp. This criteria is satisfied.

(h) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

There is no provision in this plan for an on-site medical care provider. The close proximity of the ambulance services provided by the West Valley Fire District make it possible to treat any sickness or injury in a timely fashion without on-site medical care. This criteria is satisfied.

(I) A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.

The existing house on the site will act as the caretaker's residence. No new dwelling for this purpose is necessary or proposed. This criteria is satisfied.

(7) A proposed youth camp shall comply with the following fire safety requirements:

(a) The fire siting standards in OAR 660-006-0035;

(b) A fire safety protection plan shall be developed for each youth camp that includes the following:

(A) Fire prevention measures;

(B) On site pre-suppression and suppression measures; and

(C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(c) Except as determined under subsection (7)(d) of this rule, a youth camp's on-site fire suppression capability shall at least include:

(A) A 1000 gallon mobile water supply that can access all areas of the camp;

(B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;

(C) A sufficient number of fire fighting hand tools; and

(D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(d) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.

(e) The provisions of OAR 660-006-0031(7)(d) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

As noted above, the subject property is located within the boundaries of the West Valley Fire District, and will be provided with fire protection by that District. The Youth Camp has developed a fire safety protection plan in accordance with OAR 660-06-035 and the West Valley Fire District, in which the provisions of the OAR are incorporated. Exhibit Q.

Given the proposed fire safety plan, coverage by West Valley Fire District and the presence of Suttner Reservoir as a plentiful source of water for fire fighting purposes, it is requested that Polk County recognize that the fire safety as proposed herein is adequate. This criteria is satisfied.

(8) The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator'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 or 30.937.

This is not an approval criteria. Upon approval of this application, this condition will be imposed and the Applicant will comply with it in full.

(9) Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) that exist on forest lands.

This is a policy statement and not an approval criteria.

(10) The provisions of this rule shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3) commencing October 12, 2000. A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this rule, or to ensure compliance with any standards or criteria.

This is also a policy statement and not an approval criteria.

Where the subject property is located within identified resource zones. PCZO Chapter 182 must be examined. In this case the camp is within the big game habitat area, and Gold Creek is an identified fish habitat. As noted above, both resource protective overlays have been provided for on the site through significant setbacks.

Further, the protective provisions of PCZO Chapter 182 only apply where the proposed conditional use involves a "conflicting use." The list of "conflicting uses" that trigger the requirements of PCZO Chapter 182 are set forth in PCZO 182.070(A), and include for fish habitat: (a) Loss of streamside vegetation; (b) Road construction; (c) Development along lake/reservoir shorelines; (d) Dam construction; (e) Aggregate removal. For big game habitats, the "conflicting uses" are: (a) Residential development; (b) Roads; (c) Landfills; (d) Commercial feedlots; (e) Airports; and (f) Open concrete canals. The youth camp here proposes none of the uses that are listed, and therefore this proposal does not rise to the level of a "conflicting use" and the provisions of PCZO Chapter 182 do not apply.

Each and every approval criteria that applies to this application has been fully and completely satisfied.

4. Conclusion

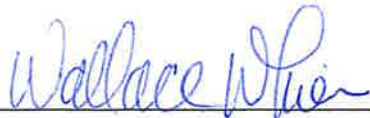
This is a complex application that has been fully thought through in every detail. The subject property has been recently logged, is over 100 acres and has Suttner Reservoir located on it, making it perfect for a recreational youth camp.

The Applicant is a non-profit with the intent and purpose of providing youth of the

community a place to go and to learn about and appreciate the great Oregon outdoors. The camp's location is perfect as it lies close to Highway 18, making it easily accessible, and is within the service area of both the Grand Ronde Community Water Association for the provision of domestic water, and the West Valley Fire District for the provision of fire and ambulance services.

Each and every approval criteria has been addressed and satisfied. This application should be approved.

Respectfully submitted this 9th day of December, 2022.



Wallace W. Lien, Attorney for Applicant

FNT: 60222201368

RECORDING REQUESTED BY:

Western Title & Escrow

255 SW Coast Highway, Suite 100
Newport, OR 97365

GRANTEE'S NAME:

Sulamita Recreation Center, an Oregon Limited Liability Company

AFTER RECORDING RETURN TO:

Stanislav P. Velichko
Sulamita Recreation Center, an Oregon Limited Liability Company
12650 SE 137th Drive
Happy Valley, OR 97086

SEND TAX STATEMENTS TO:

Sulamita Recreation Center, an Oregon Limited Liability Company
12650 SE 137th Drive
Happy Valley, OR 97086

286206 and 067210000100
7425 Gold Creek Road, Willamina, OR 97396

RECORDED IN POLK COUNTY		2022-003144
Valerie Unger, County Clerk		03/11/2022 02:32:59 PM
REC-WD	Cnt=1 Str=5 K. WILLIAMS	\$106.00
\$20.00	\$11.00 \$10.00 \$60.00 \$5.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Hallie Farms LLC, an Oregon limited liability Company, Grantor, conveys and specially warrants to Sulamita Recreation Center, an Oregon Limited Liability Company, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is Nine Hundred Fifty-One Thousand Five Hundred And No/100 Dollars (\$951,500.00).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



SPECIAL WARRANTY DEED - STATUTORY FORM
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 3/11/22

Hallie Farms LLC, an Oregon Limited Liability Company
By Its Manager:
Kalzen Asset Management LLC, an Oregon Limited Liability Company
By Its Manager:
Mount Bachelor Village Corporation, an Oregon Corporation

BY: [Signature]
Kyle Murphy, President

State of Oregon
County of Deschutes

This instrument was acknowledged before me on 3/11/22 by Kyle Murphy, President Mount Bachelor Village Corporation, manager of Kalzen Asset management LLC, manager of Hallie Farms LLC.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 01-07-25

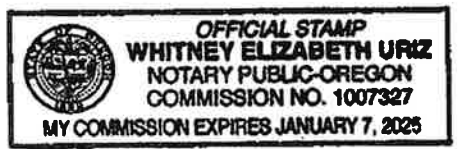


EXHIBIT "A"
Legal Description

Beginning at a point on the Southeasterly boundary line of the Levi Burden Donation Land Claim, Notification No. 7826, Claim No. as, in Township 6 South, Range 7 West of the Willamette Meridian in Polk County, Oregon, 17.33 chains South 37° 30' West from the Northeast corner of said Claim in Section 15 and running thence North 52° 30' West 6.24 chains; thence South 37°30' West 11.23 chains; thence North 52°30' West 15.66 chains to the Southeasterly boundary line of land formerly owned by C. J. HUSSEY; thence South 37° 30' West along said boundary line 43 chains, more or less, to the Southwesterly boundary line of said Claim; thence North 50° 30' West along said boundary line 24 chains, more or less, to the North boundary line of Section 21, in said Township and Range; thence West 60 links to the Northwest corner of the Lot Numbered 1 of said Section; thence South 20 chains to the Southwest corner of said Lot; thence East 28.49 chains to the Southeast corner of said Lot, on the Southwesterly boundary line of said Claim; thence South 50° 30' East along said boundary line 7 chains, more or less, to the Southwest corner of the 10 acre tract conveyed by James M. Wooden and wife, to Lester C. Wooden; thence North 37° 30' East 8.05 chains; thence South 61° East 11 chains to the Southeasterly boundary line of said Claim; thence North 37° 30' East 45.295 chains to the place of beginning.

SAVE AND EXCEPT: Beginning at a point on the South line of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of said Section 21 which is 6.00 chains West of the Southeast corner of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of said Section 21; thence North a distance of 11.60 chains, more or less, to the South line of the Levi Burden Donation Land Claim; thence North 52° East along the South line of Levi Burden Donation Land Claim a distance of 13.88 chains, more or less, to the North line of Section 21; thence West a distance of 2.88 chains, more or less, to the Northwest corner of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of Section 21; thence South a distance of 20.0 chains, more or less, to the Southwest corner of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of Section 21; thence East a distance of 14.0 chains, more or less, to the place of beginning.

FURTHER SAVE AND EXCEPT: Beginning at a point in the center of the County Road, North 37° 30' East and 684.75 feet from the Southeast corner of said Donation Land Claim; thence North 61° West 233.56 feet along the Northeast boundary line of the land described in Volume 159, Page 725, Polk County Deed Records; thence North 37° 30' East 1189.52 feet; thence South 52°30' East, 231.0 feet to the center of the County Road on the Southeast boundary of the above Donation Land Claim; thence South 37° 30' West along the Southeast boundary of the above Donation Land Claim, 1155 feet to the point of beginning.

FURTHER SAVE AND EXCEPT any portion of the above-described tract of land lying within the boundaries of the public road and highways.

EXHIBIT "B"
Exceptions

Subject to:

As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Rights of the public to any portion of the Land lying within the area commonly known as public roads or highways.

Reservation, exception or other severance of minerals, together with the implied or express appurtenant rights to use the surface of the land for the development or extraction of such minerals, contained in or disclosed by instrument,

In favor of: O.C. Railroad Co.

Reservation of: see document for details

Recording Date: April 22, 1891

Recording No.: Volume 22, page 478

The Company makes no representation as to the present ownership of this interest or its encumbrances.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjacent property owners

Purpose: Ingress and egress

Recording Date: November 18, 1970

Recording No: Book 11, page 430

Said easement was confirmed by document recorded November 24, 1970 in Book 11, page 467.

POLK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

NOT OFFICIAL VALUE

May 23, 2022 10:40:53 am

Account # 286206
 Map # 067210000100
 Code - Tax # 4408-286206

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name SULAMITA RECREATION CENTER LLC

Deed Reference # 2022-3144

Agent

Sales Date/Price 03-11-2022 / \$951,500.00

In Care Of

Appraiser MOSKAL, JAY

Mailing Address 12650 SE 137TH DR
 HAPPY VALLEY, OR 97086

Prop Class 541 MA SA NH Unit
 RMV Class 501 01 20 000 16259-1

Situs Address(s)	Situs City
ID# 1 7425 GOLD CREEK RD	WILLAMINA

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
4408 Land	532,580			Land	0
Impr.	165,260			Impr.	0
Code Area Total	697,840	394,850	211,931		0
Grand Total	697,840	394,850	211,931		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
4408	0	<input checked="" type="checkbox"/>		TC	Farm Use Unzoned	100	A	4.00	B2	007*	33,680
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	21.65	B2	007*	182,290
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	17.25	B3	007*	118,850
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	4.00	B7	007*	2,000
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	10.00	H3	007*	59,500
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	2.00	H4	007*	7,820
4408	0	<input type="checkbox"/>		TC	Farm Use Unzoned	100	A	16.00	H6	007*	31,360
4408	0	<input type="checkbox"/>		TC	Market	100	A	24.75	H5	005	61,130
4408					OSD - AVERAGE	100					30,000
4408	1	<input checked="" type="checkbox"/>		TC	Rural Site	100	A	1.00	H3	005	5,950
Grand Total								100.65			532,580

Code Area	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
4408	1	1951	138	One story with attic	100	2,272	165,260
Grand Total						2,272	165,260

Code Area	Type	Exemptions/Special Assessments/Potential Liability												
<p>NOTATION(S):</p> <ul style="list-style-type: none"> ■ FP/RFPD OVERLAP ZONE - NO CODE SPLIT ■ FARM POT'L ADD'L TAX LIABILITY ■ 100 YEAR FLOOD PLAIN ■ FORESTRY PER ACRE PROTECTION CHARGE ■ FARM DEFERRAL ADDED 2000 Deferral #3149 <p>4408</p> <p>FIRE PATROL:</p> <ul style="list-style-type: none"> ■ OR FORESTRY FIRE TIMBER ■ FIRE PATROL SURCHARGE 														
		<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Amount</td> <td>128.80</td> <td>Acres</td> <td>100.65</td> <td>Year</td> <td>2022</td> </tr> <tr> <td style="text-align: right;">Amount</td> <td>47.50</td> <td></td> <td></td> <td>Year</td> <td>2022</td> </tr> </table>	Amount	128.80	Acres	100.65	Year	2022	Amount	47.50			Year	2022
Amount	128.80	Acres	100.65	Year	2022									
Amount	47.50			Year	2022									



IMPORTANT
This Map for Assessment
and Taxation Purposes
IS FOR OFFICIAL USE ONLY

SEC. 21 T6S R7W WM
POLK COUNTY

Scale 1" = 400'

6.7.21

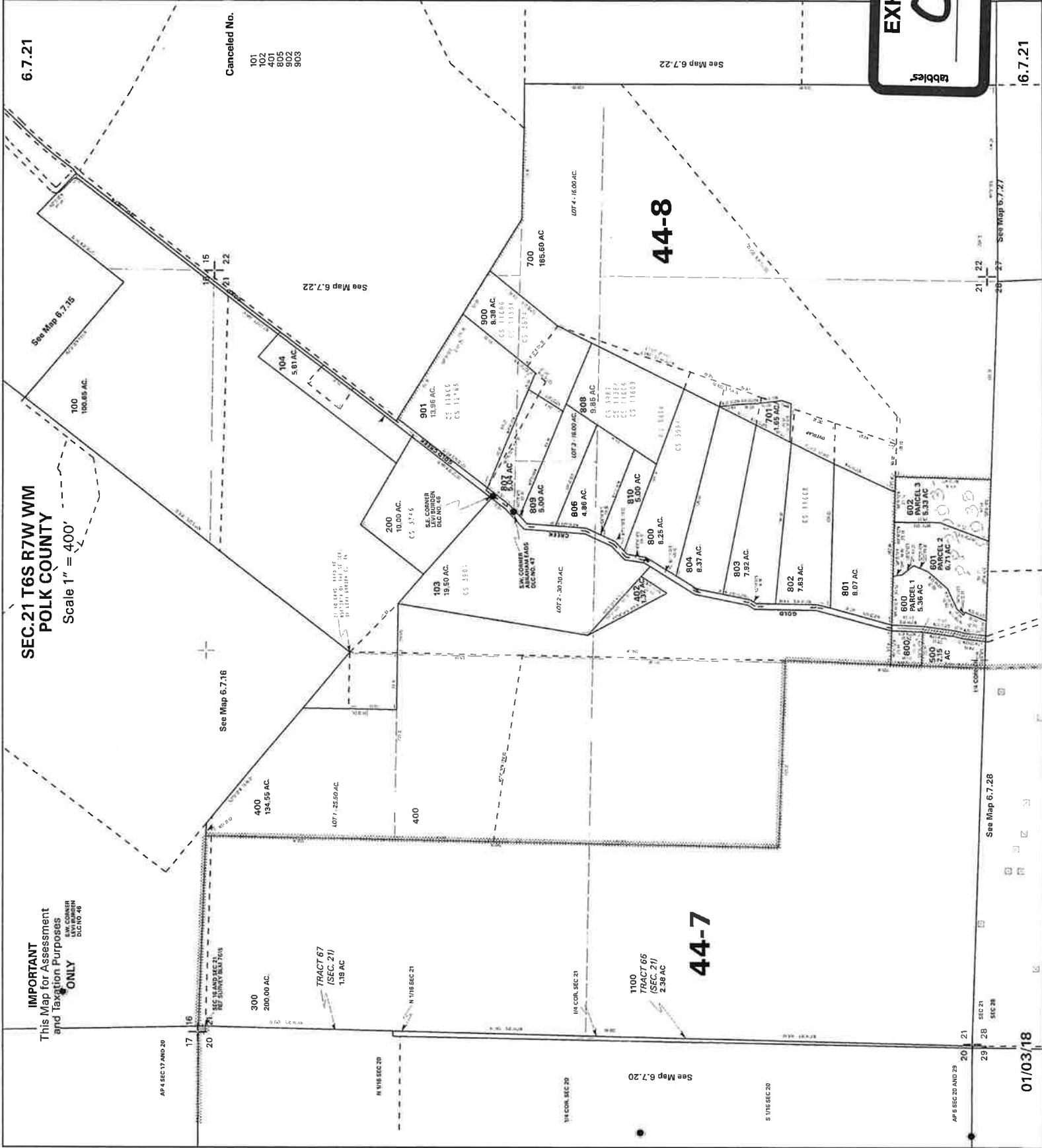


EXHIBIT
C
tabbles

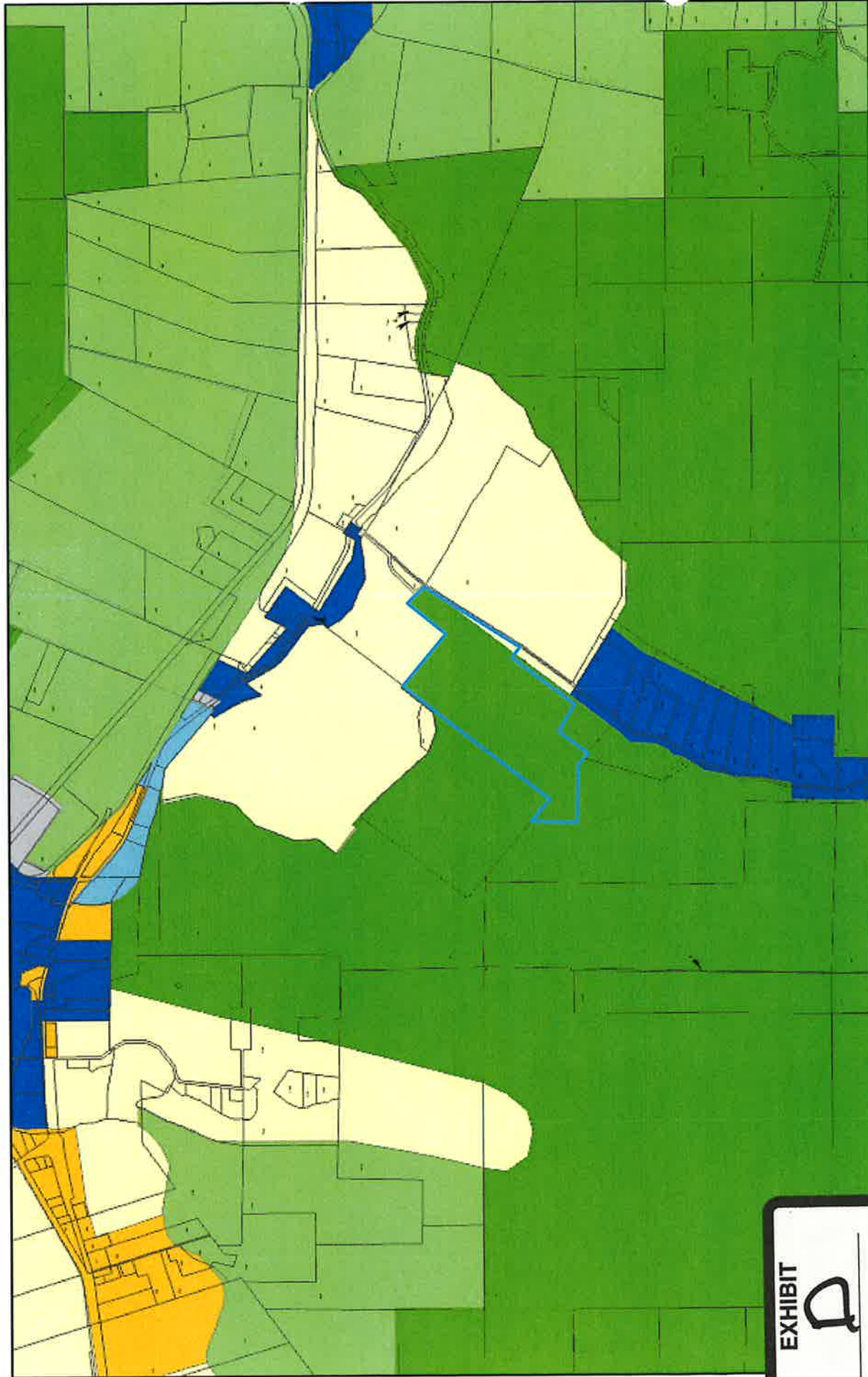
01/03/18

See Map 6.7.28

See Map 6.7.27

6.7.21

Sulamita Recreation Center



9/1/2022, 5:27:10 PM

1:36,112

- Taxlots
- Polk County Zoning
- Acreage Residential 5 Acre Minimum Zone
- Exclusive Farm Use Zone
- Farm/Forest Zone
- Farm/Forest Overlay Zone
- Northwest Polk Community Commercial Zone

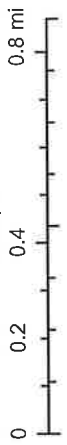


EXHIBIT **D**

tabbles

Esri, NASA, NGA, USGS, FEMA | NRCS, USDA, Polk County | Polk County Assessor, Polk County GIS | Esri Community Maps Contributors, State of Oregon GEO, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land

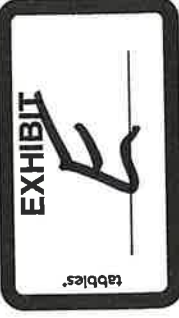


Sulamita Recreation Center
7425 Gold Creek Rd, Willamina, OR 97386
TL100 - Map 6, 7, 21

Legend
📍 7425 Gold Creek Rd
📍 Hampton Lumber Smiley Face Safe?
📍 Sulamita Recreation Center

Google Earth

900 ft



Sulamita Recreation Center

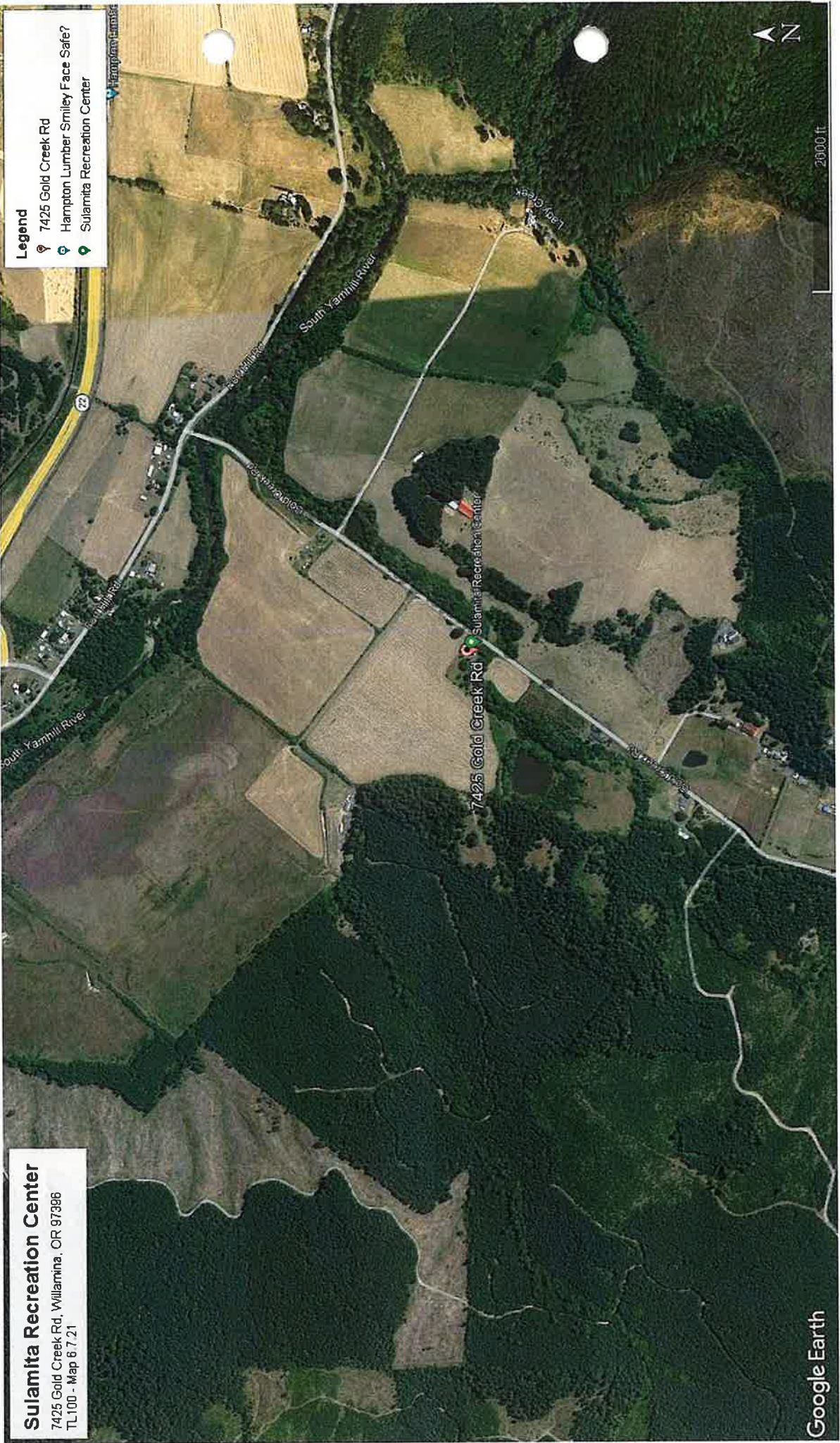
7425 Gold Creek Rd, Willamina, OR 97396
TL100 - Map 6.7.21

Legend

- 7425 Gold Creek Rd
- Hampton Lumber Smiley Face Safe?
- Sulamita Recreation Center



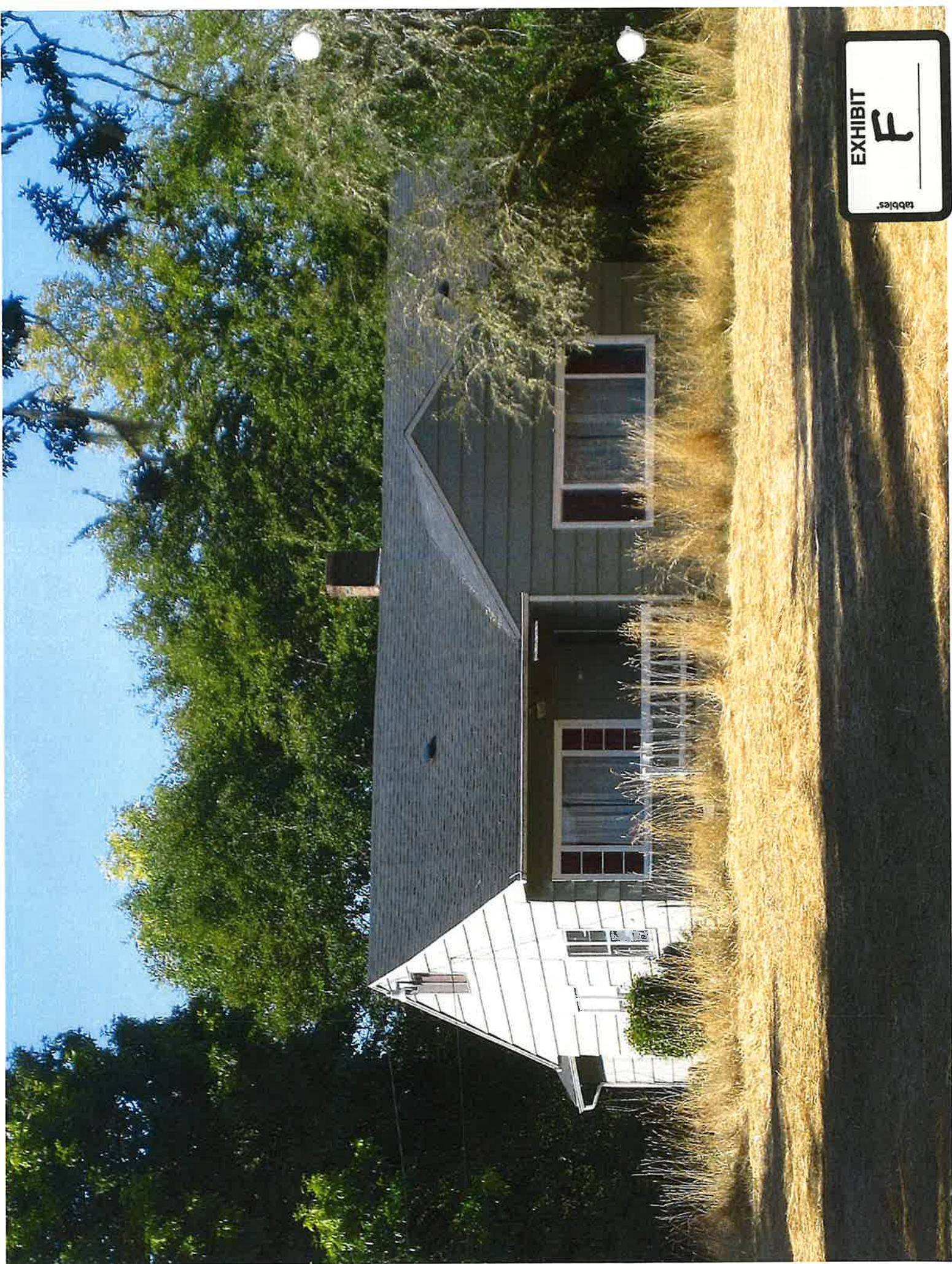
Sulamita Recreation Center
7425 Gold Creek Rd, Willamina, OR 97396
TL100 - Map 6.7.21



Legend

- 7425 Gold Creek Rd
- Hampton Lumber Smiley Face Safe?
- Sulamita Recreation Center

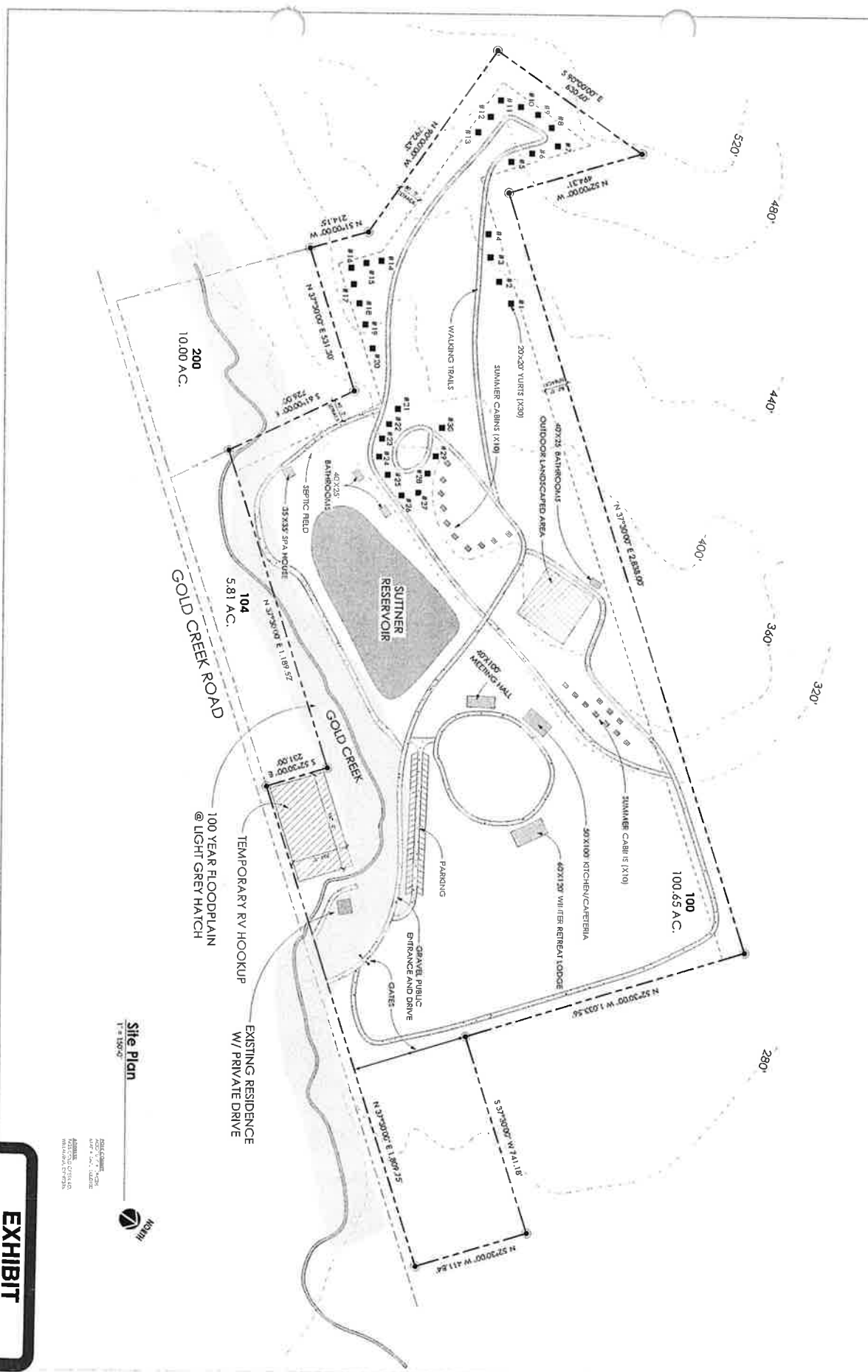




tabbles®
EXHIBIT
F

NOTE: THE CLIENTS AND PROJECTOR HAVE REPRESENTED AND WARRANTED TO THE ENGINEER THAT ALL INFORMATION PROVIDED TO THE ENGINEER IS TRUE, ACCURATE, COMPLETE AND CONSISTENT. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED TO HIM/HER AND HAS FOUND NO APPARENT DISCREPANCIES. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CALCULATIONS SHOWN ON THESE PLANS AND DOES NOT INCLUDE THE VERIFICATION OF THE ACCURACY OF THE INFORMATION PROVIDED TO HIM/HER. THE ENGINEER DOES NOT WARRANT THAT THE INFORMATION PROVIDED TO HIM/HER IS COMPLETE OR ACCURATE. THE CLIENTS AND PROJECTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE ACCURACY OF THE INFORMATION PROVIDED TO HIM/HER.

PROJECT NO. 100001-100002
 COUNTY OF GOLD COUNTY
 CITY OF ASTORIA
 PROJECT NAME: SUTNER RECREATION CENTER
 PROJECT LOCATION: 7425 GOLD CREEK ROAD, ASTORIA, OR 97103
 PROJECT OWNER: GOLD COUNTY
 PROJECT MANAGER: DANIELA GONCALVES



Site Plan



DANIELA GONCALVES
 ARCHITECT
 1000 10TH ST, SUITE 100
 ASTORIA, OR 97103
 503.325.1234
 www.danilag.com

EXHIBIT **G**

Sulamita Recreation Center

7425 Gold Creek Rd.

panfilovdennis@gmail.com



danilag@gnic@gmail.com

Date: 9/13/2022
 2:14:17 PM
A1.1
 Site Plan

Plan: DOXA
 Design

Scale: 1" = 150'-0"

Business Registry Business Name Search

[New Search](#)

Business Entity Data

09-04-2022 12:25

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1932727-97	DNP	ACT	OREGON	02-18-2022	02-18-2023	
Entity Name SULAMITA RECREATIONAL CENTER						
Foreign Name						
Non Profit Type PUBLIC BENEFIT WITH MEMBERS						

[New Search](#)

Associated Names

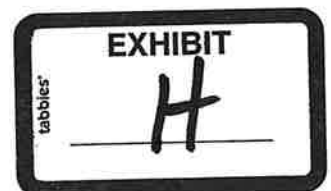
Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT	Start Date	02-18-2022	Resign Date
Name	STANISLAV P VELICHKO			
Addr 1	12650 SE 137TH DR			
Addr 2				
CSZ	HAPPY VALLEY OR 97086	Country	UNITED STATES OF AMERICA	

Type	MAL MAILING ADDRESS	Start Date	02-18-2022	Resign Date
Name	STANISLAV P VELICHKO			
Addr 1	12650 SE 137TH DR			
Addr 2				
CSZ	HAPPY VALLEY OR 97086	Country	UNITED STATES OF AMERICA	

Type	PRE PRESIDENT	Start Date	02-18-2022	Resign Date
Name	STANISLAV P VELICHKO			
Addr 1	12650 SE 137TH DR			
Addr 2				
CSZ	HAPPY VALLEY OR 97086	Country	UNITED STATES OF AMERICA	

Type	SEC SECRETARY	Start Date	02-18-2022	Resign Date
Name	PAVEL ASPIDOV			
Addr 1	10105 SE 131ST AVE			
Addr 2				



CSZ	HAPPY VALLEY	OR	97086		Country	UNITED STATES OF AMERICA
------------	--------------	----	-------	--	----------------	--------------------------

[New Search](#)


Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SULAMITA RECREATIONAL CENTER	EN	CUR	02-18-2022	

Please [read](#) before ordering [Copies](#).

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ARTICLES OF INCORPORATION	02-18-2022		FI	Agent	

**Oregon Health Authority
Center for Health Protection
Drinking Water Services**

800 NE Oregon St. Suite 640
Portland, OR 97232-2162
(971)673-0405
FAX: (971)673-0694
TTY-Nonvoice: (971)673-0372

Public Water System Compliance Information

September 24, 2021

The GRAND RONDE COMMUNITY WTR ASSN in Polk County is classified as a "community" water supply and is identified on the Oregon Health Authority Drinking Water Services public water system inventory by **Public Water System (PWS) Identification Number OR4100338**. This classification is based on the system serving 959 residential connections and a population of 2,500 people.

Public water systems are subject to the requirements of Oregon Administrative Rules, Chapter 333 as administered by the Oregon Health Authority. The state rules are established as required by the federal Safe Drinking Water Act and Environmental Protection Agency.

For specific information regarding this water system, check Data Online at <https://yourwater.oregon.gov/inventory.php?pwsno=00338> or contact:

KARL EKSTROM
GRAND RONDE COMMUNITY WTR ASSN OR4100338
503-879-5624



STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CARL E. SUTTNER**

97701

of **1580 Newport Ave. Apt 8, Bend**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of an unnamed stream and reservoir constructed under application number **R-44724**, permit number **R-5292** a tributary of **Gold Creek (South Yamhill River)** for the purpose of **fish culture**

under Permit No. **33507** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **April 18, 1968**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.05 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$** as projected with Burden DLC 46, Section 21, T. 6 S., R. 7 W., W. M., Stream and Res. - 1740 feet North and 660 feet East, Gold Creek, 1640 feet North and 880 feet East both from SW Corner. * The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to _____ of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

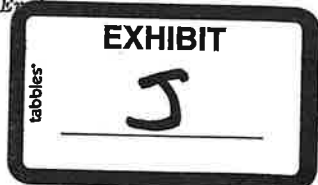
**NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
Both as projected within Burden DLC 46
Section 21
T. 6 S., R. 7 W., W. M.**

* Eades DLC 47.

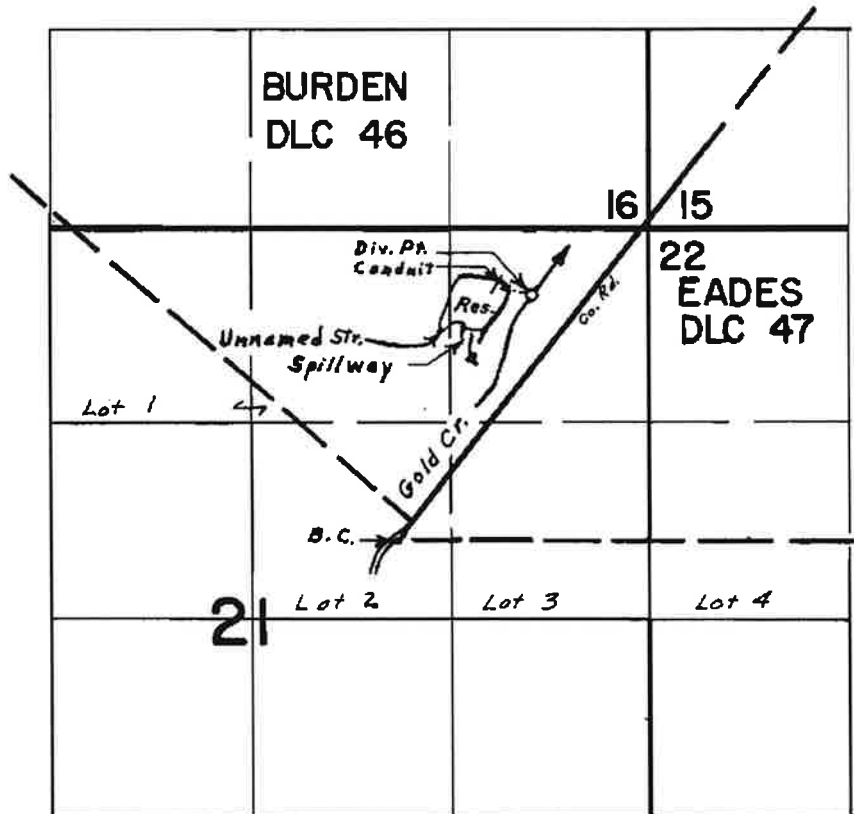
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this date. **September 21, 1973**

.....**Chris L. Wheeler**.....
State Engineer



T.6S.R.7W. W.M.



Div. Pts. located: Unn. Str. & Res., 1740' N. & 460' E.; Gold Creek, 1650' N. & 880' E., both from S.W. Cor. Eades D.L.C. 47

FINAL PROOF SURVEY UNDER

Application No. 44725 R-44724 Permit No. 33507 R-5292
IN NAME OF

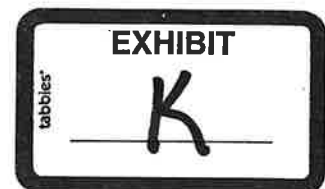
CARL E. SUTTNER

Surveyed SEPT 28 19 72, by L. GOULD

FARM IMPACTS TEST

An inventory of surrounding properties and their use and characteristics was accomplished. The study area included all of the parcels on the Assessor Map 6.7.21 where the subject property is located and the three surrounding Assessor Maps 6.7.15 (parcels to the south of Highway 18), 6.7.16 and 6.7.22. This provides an adequate surrounding area for study for assessment of the farm impacts test. A table showing all the information available on each tax lot in the study area is as follows:

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
100	6.7.21	100.65	TC	Yes	dwelling and open space	Subject Property
103	6.7.21	19.5	TC	Yes	Dwelling and outbuildings	
104	6.7.21	5.81	TC	No	Dwelling and outbuilding	100 year floodplain
200	6.7.21	10.0	TC	Yes	Dwelling and outbuildings	100 year floodplain
300	6.7.21	200.0	TC	Yes	Forest land	Weyerhaeuser
400	6.7.21	134.55	TC	Yes	Forest land	Weyerhaeuser
402	6.7.21	1.32	TC	Yes	Forest land	
500	6.7.21	2.15	AR5	Yes	Vacant	
600	6.7.21	5.36	AR5	Yes	Dwelling	
601	6.7.21	6.71	AR5	Yes	Dwelling and outbuildings	
602	6.7.21	5.33	AR5	Yes	Dwelling and shop	
700	6.7.21	165.6	TC	Yes	Forest land	
701	6.7.21	1.65	TC	No	Vacant	
800	6.7.21	8.25	AR5	No	Dwelling and outbuildings	100 year flood plain
801	6.7.21	8.07	AR5	Yes	Vacant	100 year flood plain



Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
802	6.7.21	7.83	AR5	Yes	Dwelling and machine shed	100 year flood plain
803	6.7.21	7.92	AR5	Yes	Dwelling and outbuildings	100 year flood plain
804	6.7.21	8.37	AR5	No	Dwelling and outbuildings	100 year flood plain
806	6.7.21	4.86	AR5	Yes	Dwelling and barn	100 year flood plain
807	6.7.21	5.04	AR5	Yes	Dwelling and barn	100 year flood plain
808	6.7.21	9.85	AR5	No	Dwelling and outbuildings	
809	6.7.21	5.0	AR5	No	Dwelling	100 year flood plain
810	6.7.21	5.0	AR5	No	Vacant	100 year flood plain
900	6.7.21	8.38	AR5	Yes	Dwelling	
901	6.7.21	13.96	AR5	No	Dwelling, barn, machine shed and lean to	
101	6.7.22	10.37	TC	Yes	Forest land	Hampton Resources 100 year flood plain
201	6.7.22	40.0	TC	Yes	Forest land	Hampton Resources
202	6.7.22	49.3	TC	Yes	Forest land	Hampton Resources
300	6.7.22	89.37	EFU	Yes	Dwelling and outbuildings	farm use
301	6.7.22	26.56	TC	Yes	Forest land	Hampton Resources
302	6.7.22	32.22	TC	Yes	Forest land	Hampton Resources
303	6.7.22	146.47	EFU	Yes	Machine shed and feeder barn	100 year flood plain farm use
400	6.7.22	3.88	TC	No	Utility	City of Willamina

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
401	6.7.22	157.5	TC	Yes	Forest land	Hampton Resources
500	6.7.22	120.66	TC	Yes	Dwelling and outbuildings and forest land	
100	6.7.15	94.97	EFU/FF	Yes	Dwelling and outbuilding and farm use	
200	6.7.15	19.0	EFU	Yes	Dwelling and outbuildings	
202	6.7.15	24.98	EFU	Yes	Dwelling and outbuildings	
401	6.7.15	22.0	EFU	Yes	Dwelling and outbuildings	
600	6.7.15	7.02	AR5	No	Dwelling and outbuilding	100 Year flood plain
800	6.7.15	.26	AR5	No	Dwelling	
900	6.7.15	7.5	AR5	Yes	Dwelling and outbuildings	100 Year flood plain
1000	6.7.15	38.87	EFU	Yes	Dwelling and outbuildings	100 Year flood plain
1100	6.7.15	.90	AR5	No	Dwelling and outbuilding	100 Year flood plain
1200	6.7.15	.51	EFU	No	Dwelling and outbuilding	100 Year flood plain
1300	6.7.15	82.4	EFU	Yes	Dwelling and outbuildings and farm use	100 Year flood plain
1400	6.7.15	2.02	EFU	No	Dwelling and machine shed	100 Year flood plain
1401	6.7.15	.84	EFU	No	Dwelling and shed	100 Year flood plain

Tax Lot	Map	Size (acres)	Zone	Deferral	Use	Comments
1500	6.7.15	1.0	EFU	No	Dwelling and shed	100 Year flood plain
800	6.7.16	106.48	TC	Yes	Forest land	
801	6.7.16	187.86	EFU	Yes	Dairy Farm	100 Year flood plain
802	6.7.16	3.26	EFU	Yes	Dwelling and outbuildings	
901	6.7.16	205.0	TC	Yes	Forest land	
1100	6.7.16	15.0	TC	Yes	Forest land	
		2,247.4				

There are 55 tax lots in the study area, which comprises 2,247.4 acres. Weyerhaeuser is the largest landowner in the study area with 334.55 total acres of forest land, and Hampton Resources is a close second with 315.95 acres over several different tax lots. The Hampton Resources property is the location of the “Happy Face.” There are several other smaller tracts owned and managed as forest lands. There is one large dairy farm (Shenk’s Dairy).

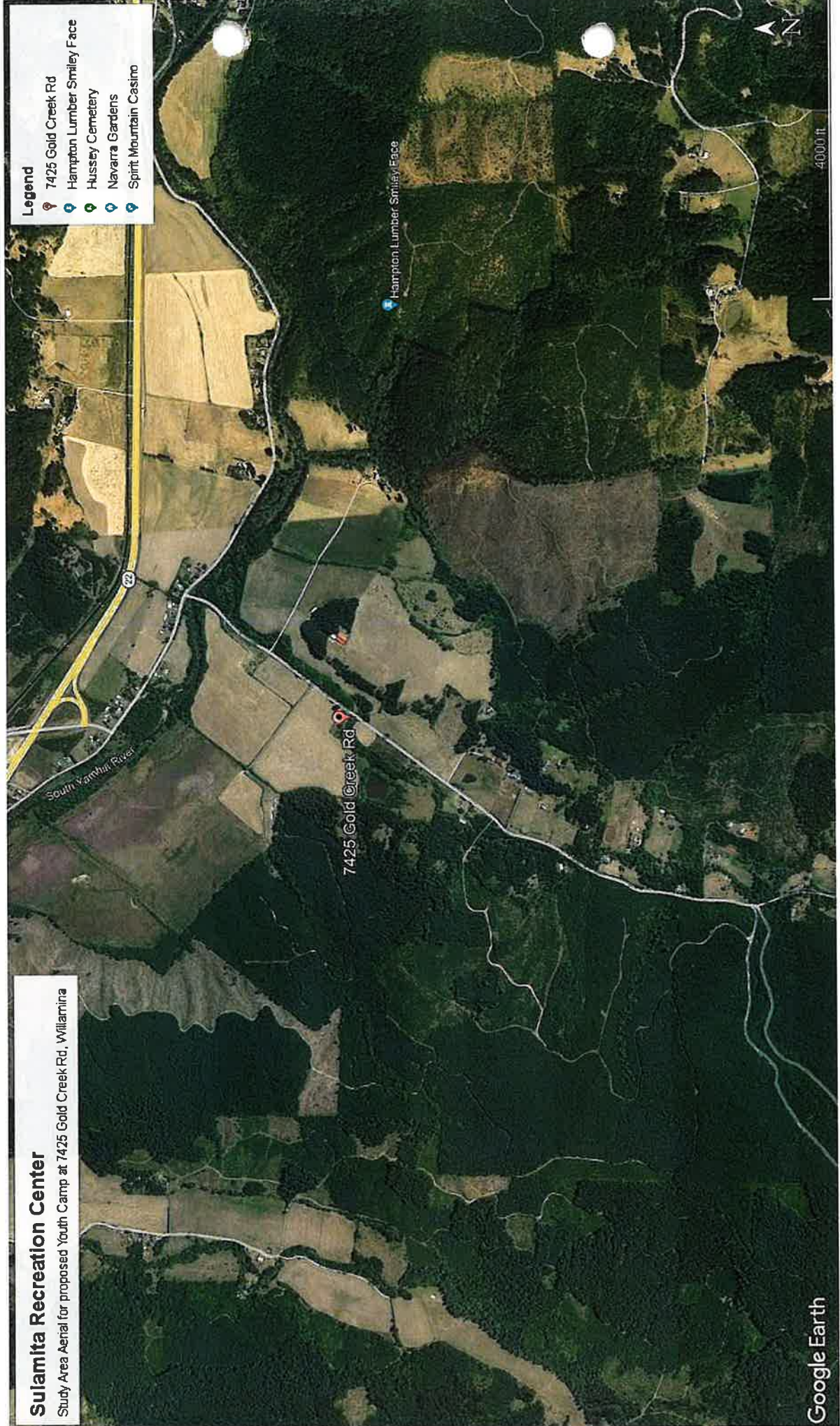
There is a mixture of zones in the study area, including AR5, EFU, FF and TC. The majority of lands in the study area are forest lands. The AR5 zone includes pockets of lands along the highway and Gold Creek Road to the north and south of the subject property. The TC zone, and the majority of the timber land is located to the west.

Parcel sizes in the study area vary from .26 acre parcel to the Weyerhaeuser property which is actually two tax lots combining for 334.55 acres. 28 of the 55 parcels are under 10 acres in size. The average parcel size is just over 40 acres.

Aside from the Dairy, there are no parcels in farm use as defined by ORS and the PCZO. Agricultural activities that do go on are personal in nature and comprise gardening and animal husbandry. The forest lands in the area are held for long term harvesting, and annual maintenance and attendance to those lands is minimal.

Sulamita Recreation Center

Study Area Aerial for proposed Youth Camp at 7425 Gold Creek Rd., Willamina



Legend

- 7425 Gold Creek Rd
- Hampton Lumber Smiley Face
- Hussey Cemetery
- Navarra Gardens
- Spirit Mountain Casino

**SEC.21 T6S R7W WM
POLK COUNTY**

Scale 1" = 400'

6.7.21

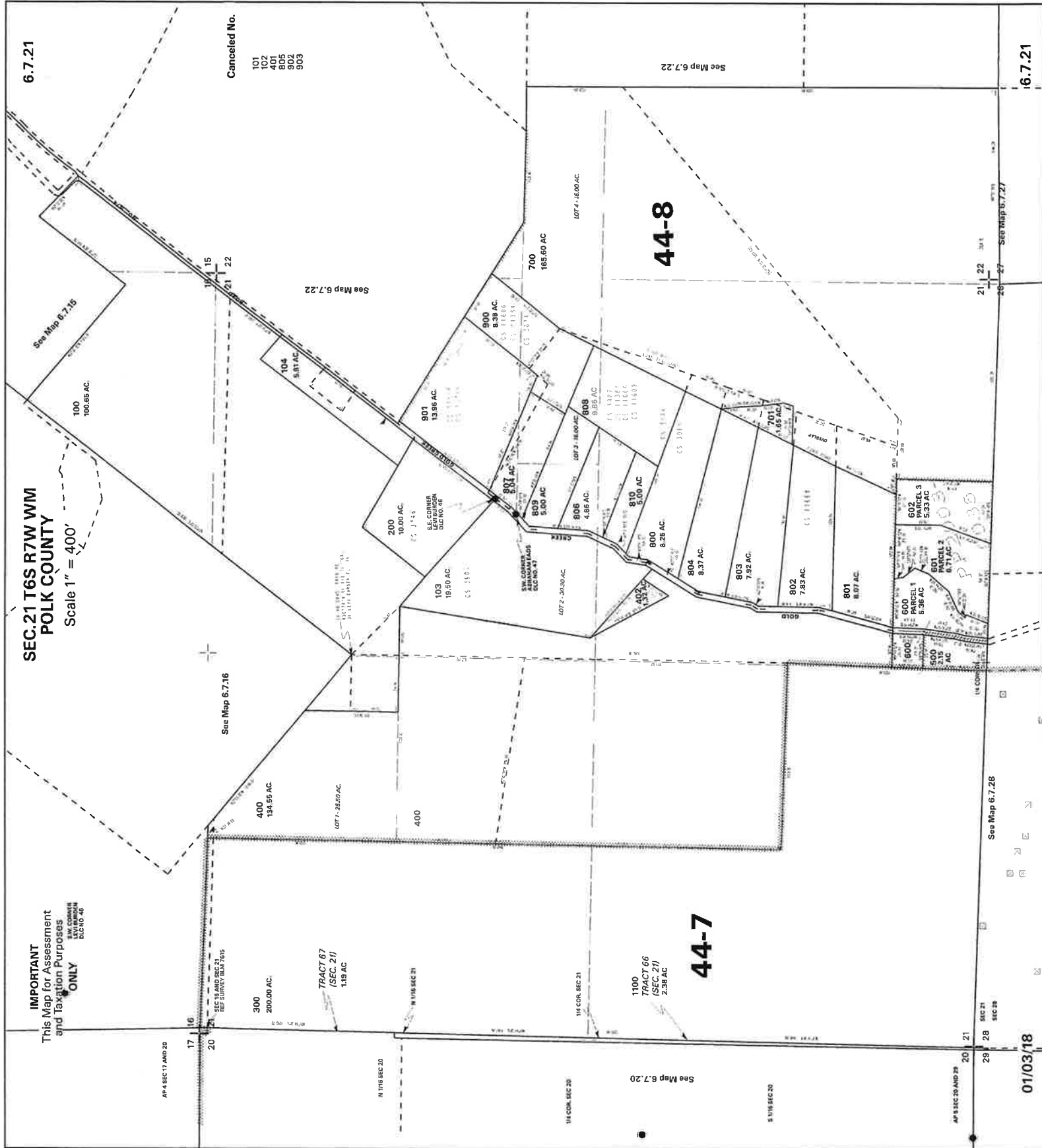
6.7.21

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

STATE OF IOWA
LAW NUMBER
DLC NO. 46

Canceled No.

- 101
- 102
- 401
- 805
- 902
- 903



01/03/18

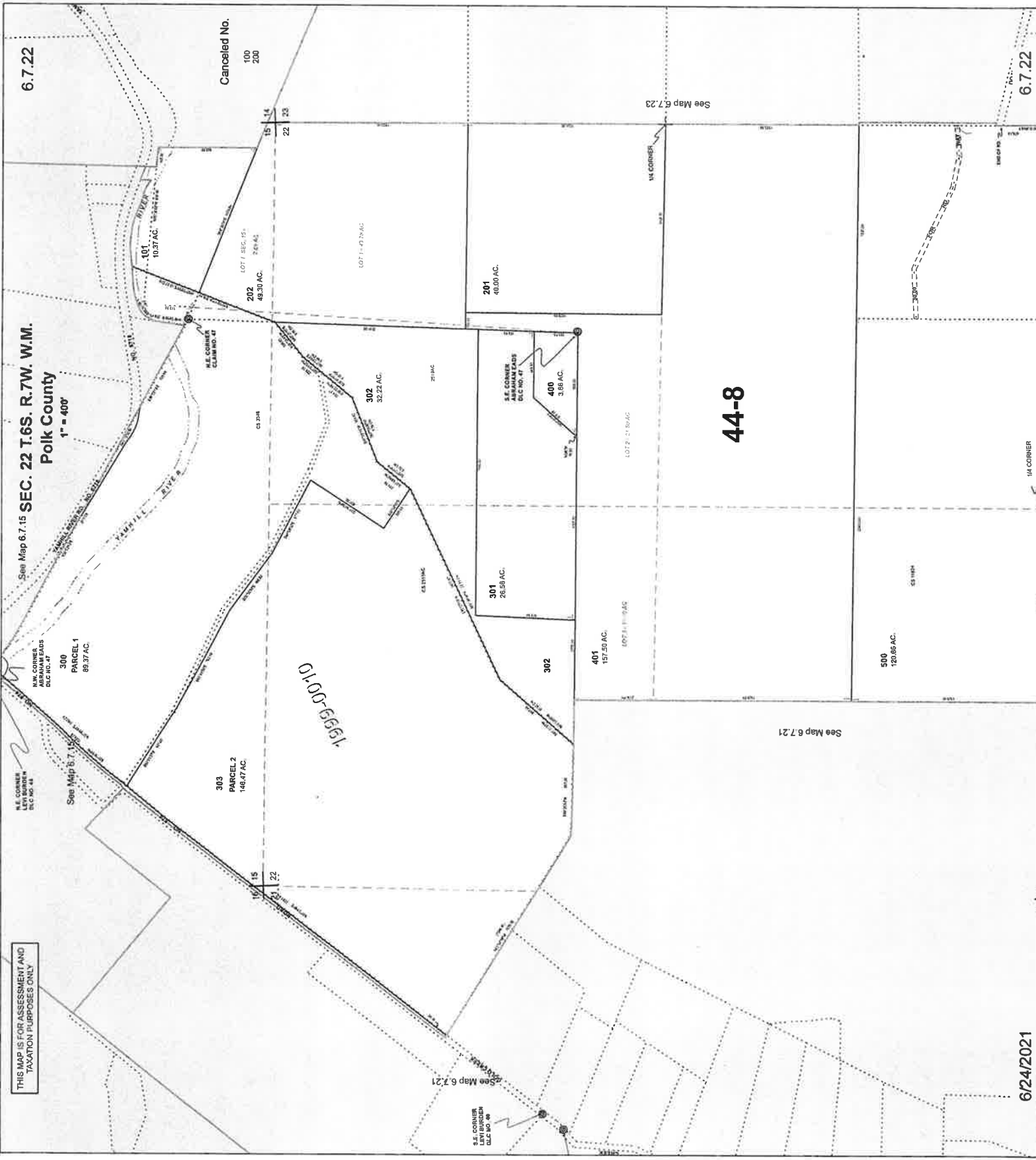
THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

See Map 6.7.15 SEC. 22 T.6S. R.7W. W.M.
Polk County
1" = 400'

6.7.22

Canceled No.
100
200

6.7.22



44-8

21.12

6/24/2021

THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

SEC. 16 T.6S. R.7W. W.M.
Polk County

6.7.16

See Map 6.7.9C

1100
15.00 AC.

17 | 16

9 | 10
16 | 15

LOT 2 - 16.28 AC.

LOT 3 - 6.38 AC.

N.W. CORNER
LEVI BURDISH
DLC NO. 43

901
205.00 AC.

Canceled No.
100
200
300
400
500
600
700
800
900
1000
1001
1002
1003
1200

44-8

See Map 6.7.16A

801
107.86 AC.

800
106.46 AC.

S.W. CORNER
LEVI BURDISH
DLC NO. 44

901

TRACT 68
(25.00 AC.)
1.28 AC.

See Map 6.7.21

S.E. CORNER
WILLIAM BURDISH
DLC NO. 34

S.E. CORNER
GEORGE MARKER
DLC NO. 31

S.E. CORNER
LEVI BURDISH
DLC NO. 34

S.E. CORNER
LEVI BURDISH
DLC NO. 44

S.E. CORNER
NATHAN WEBER
DLC NO. 45

S.W. CORNER
WILLIAM BURDISH
DLC NO. 45

III CORNER

See Map 6.7.21

15 | 15
21 | 22

10/30/2020

6.7.16

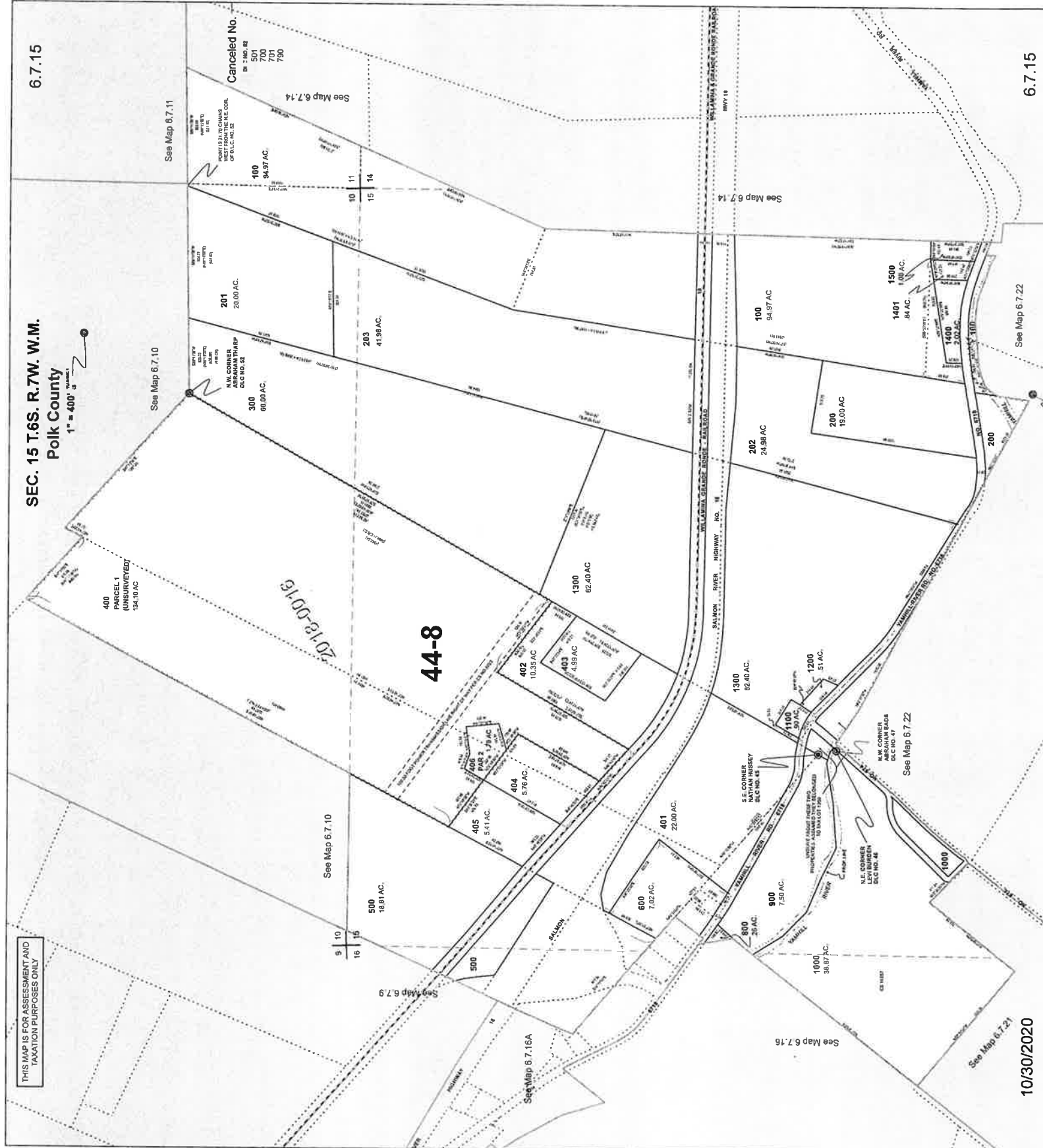
SEC. 15 T.6S. R.7W. W.M.
Polk County

1" = 400' AS SHOWN

6.7.15

6.7.15

THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY



10/30/2020

See Map 6.7.22

See Map 6.7.15

See Map 6.7.15

See Map 6.7.14

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

See Map 6.7.10

Who is West Valley Fire District?

History:

In 1986, Willamina Rural and Grand Ronde Fire Districts consolidated to form Willamina Fire District. The ambulance services remained separate from the fire services until 1994. West Valley Fire District was formally organized in 2004. The West Valley name was adopted to be more inclusive since the district no longer covered only Willamina.

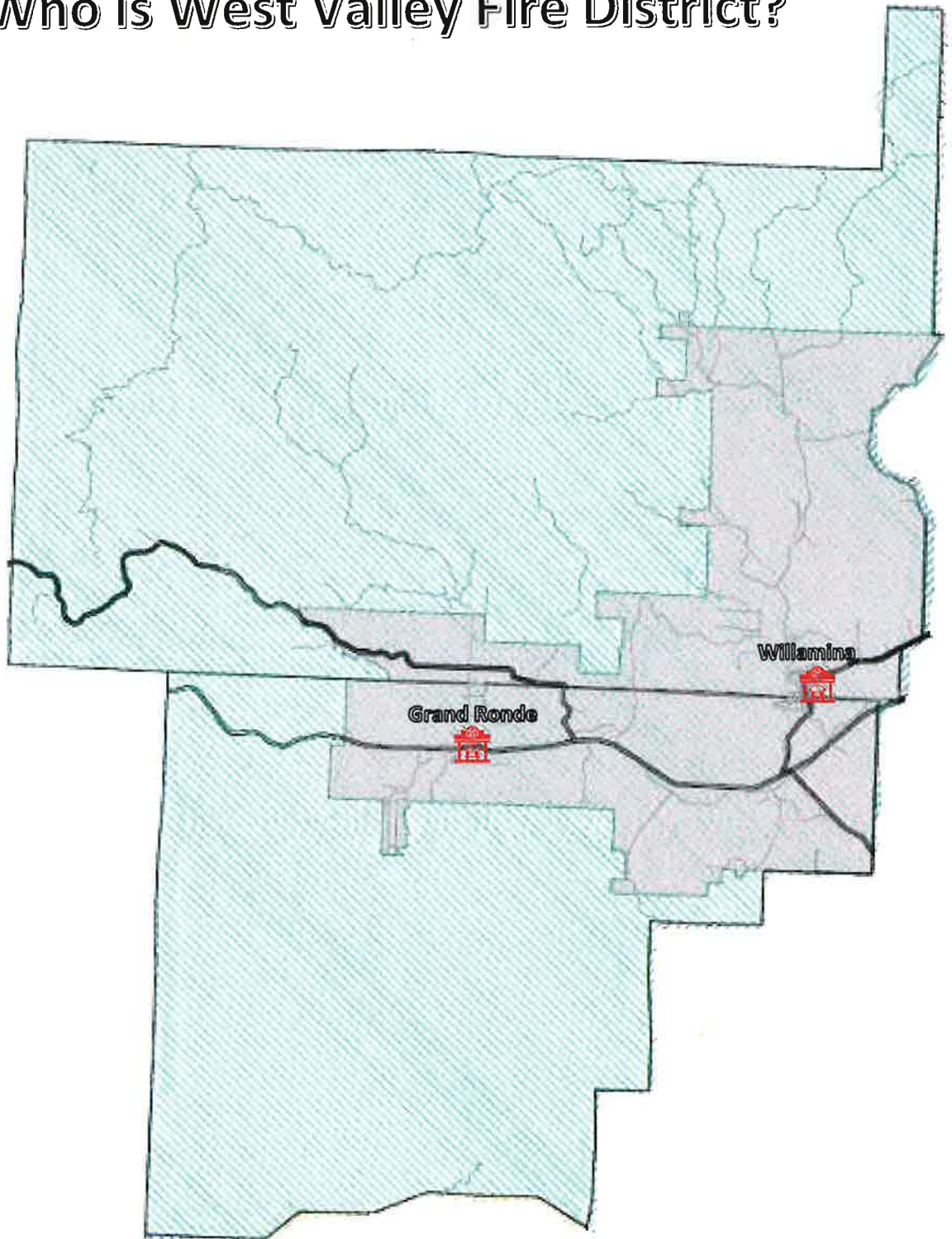
Definitions:

An ambulance service area (ASA) is the designated response zone for transporting ambulances managed within each county. West Valley's ASA covers 264 square miles and is shown in the map on the left with blue lines.

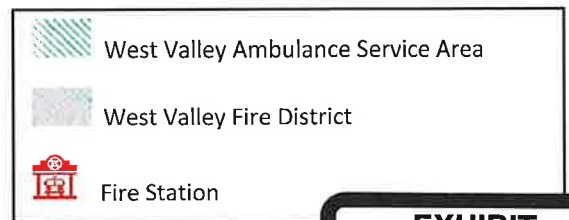
A fire district is the designated response area for fire services. West Valley's Fire District has two fire stations and covers 62 square miles. It is shown on the map with pink lines.

Partners:

West Valley Fire District works closely with The Confederated Tribes of Grand Ronde, Sheridan and SW Polk Fire Districts and has many mutual aid agreements with surrounding agencies.



0 0.75 1.5 3 4.5 6 Miles



SEC. 21 T6S R7W WM

POLK COUNTY

SCALE 1" = 400'

Fire Dist. —

21 6 7

17 16
20 21

300

1/4 Corner

SEE MAP NO 16 6 7

106-111

dead No.
101
201

SEE MAP NO 2067

44-2

SEE MAP NO. 2267

20 21
29 28

21 22
28 27

tabbles

EXHIBIT

M



PCMAPS 5

from Polk County GIS

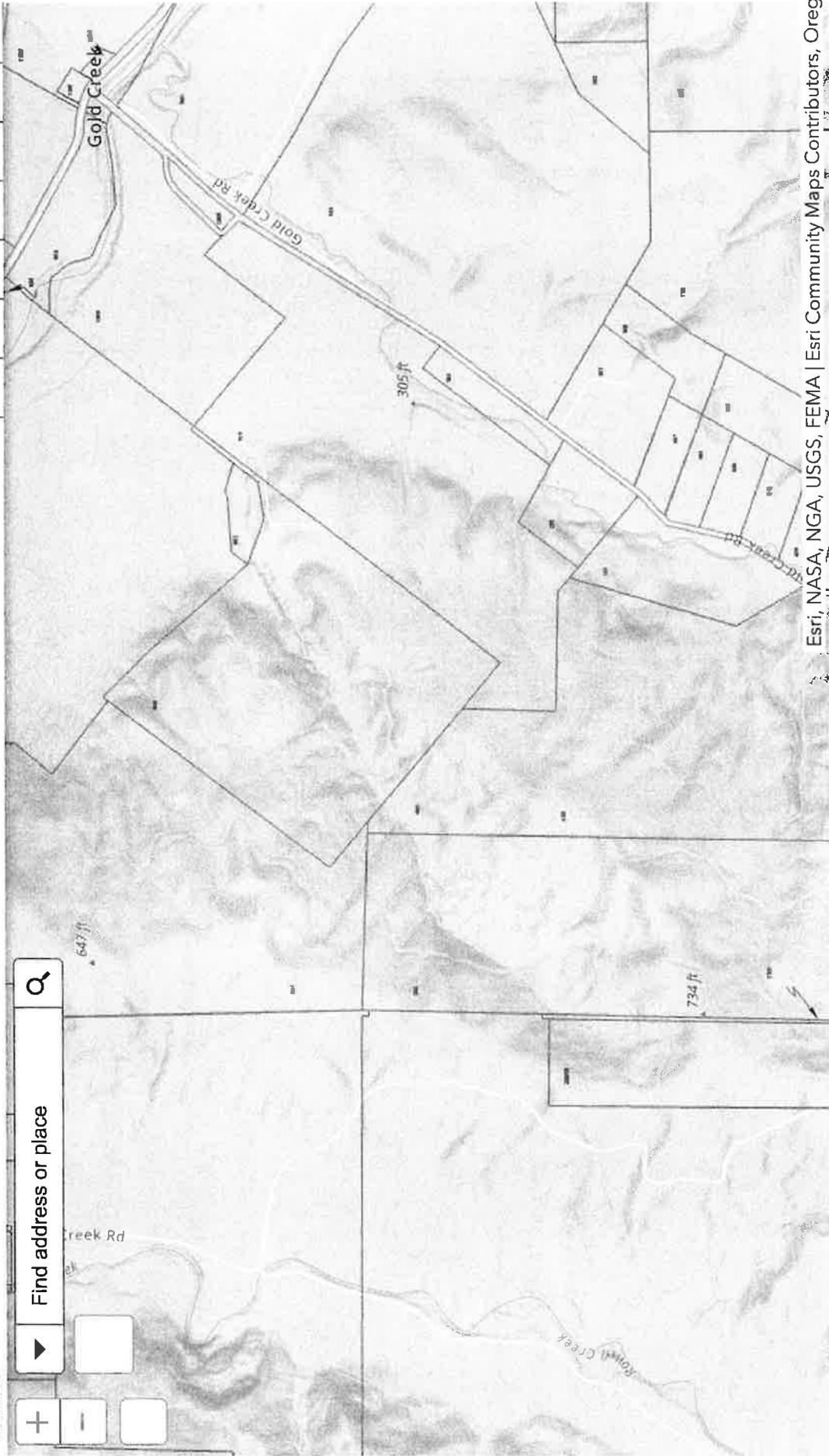


Find address or place

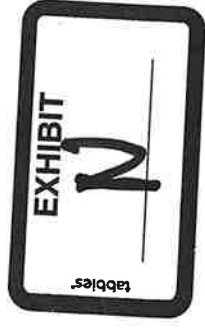


647 ft

Creek Rd



Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Oregon





SULAMITA

20575 NE.Sandy Blvd. + Fairview OR 97024
Phone: (503) 491-9953 + Fax: (503) 661-9769

November 1, 2022

To Whom it May Concern at Polk County,

This letter is to inform you that we want to build a camping retreat at: **7425 Gold Crk, Willamina, OR 97396.**

One of the uses of the campsite will be for our kids and teens events, including summer camp. We are a family friendly church, and have a lot of children and teens, thus it's difficult to find campsites to rent that can host everyone. We would love to be able to host more events and do a bigger outreach.

Slavic Evangelical Church "Sulamita", a 501(c)3 nonprofit organization, Federal Tax ID# 93-1095915.

If you have any questions or need additional information, please reach out!

Respectfully,

Kids and Teens Leaders

[Handwritten signatures of Kids and Teens Leaders]





SULAMITA

20575 NE.Sandy Blvd. + Fairview OR 97024
Phone: (503) 491-9953 + Fax: (503) 661-9769

November 1, 2022

To Whom it May Concern at Polk County,

This letter is to inform you that we want to build a camping retreat at: **7425 Gold Crk, Willamina, OR 97396.**

One of the uses of the campsite will be for our kids/teens/youth events, including summer and winter camp. We desire to build a camp for the next generation to have a safe and friendly environment to gather freely. Every year we host camps for different age groups, and we'd love to be able to do more activities with them at our own campsite instead of having to constantly rent at various locations.

Slavic Evangelical Church "Sulamita", a 501(c)3 nonprofit organization, Federal Tax ID# 93-1095915.

If you have any questions, please reach out!

Respectfully,

Sulamita Church Leaders



SULAMITA

20575 NE.Sandy Blvd. + Fairview OR 97024
Phone: (503) 491-9953 + Fax: (503) 661-9769

November 1, 2022

To Whom it May Concern at Polk County,

This letter is to inform you that we want to build a camping retreat at: **7425 Gold Crk, Willamina, OR 97396.**

One of the uses of the campsite will be for our kids and teens events, including summer camp. We are a family friendly church, and have a lot of children and teens, thus it's difficult to find campsites to rent that can host everyone. We would love to be able to host more events and do a bigger outreach.

Slavic Evangelical Church "Sulamita", a 501(c)3 nonprofit organization, Federal Tax ID# 93-1095915.

If you have any questions or need additional information, please reach out!

Respectfully,

Kids and Teens Leaders

Traspidov
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Sergiy Shul'k
Vlad Trach
[Signature]
[Signature]

Slavic Evangelical Church Sulamita

The activities that we engage in during our youth camp help in team building, leadership growth, strengthen self-discipline, give opportunities for volunteering, and self-reflection. At our camps we have devoted bible studies, times for worship, physically and mentally challenging activities. All of this helps to focus our attention on deepening our relationship with Christ.

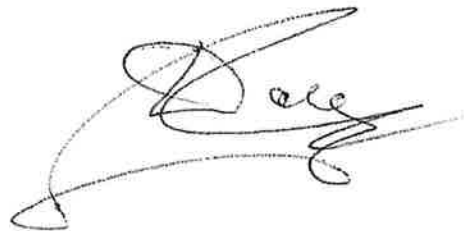
Camp gives us an opportunity implement what we have learned at church and practice it on a more practical level. For example, we have multiple big group activities that give opportunity for the youth to gain leadership skills as well as show their creativity. There are also multiple services held throughout the duration of camp that gives the opportunity for the next generation on preachers and ministry leaders to practice. These services consist of sermons, worship songs, testimonies and more. This teaches the youth to develop self-discipline for their ministries when they return back from camp. Most importantly, these trips deepen relationships between youth members and their relationship with Christ.

Sincerely,

Sulamita Youth Ministry

09/20/2022

Gnat Dotsenko





Forest Facts

STREAMSIDE PROTECTION

October 2012

Oregon's riparian (streamside) protection rules enacted in 1994 under the Forest Practices Act were the most comprehensive ever passed in the state. They were created after three years of considering science and policies that pertained to water protection and classification, beginning with the 1991 legislative session and Senate Bill 1125. The bill instructed the

Board of Forestry and the Oregon Department of Forestry to revise stream protection rules so that fish in all Oregon streams would be equally protected. All private, state and local government forest landowners or operators conducting operations near streams, lakes, or wetlands must comply with the rules. The Senate Bill established a clear target for water quality by developing best management practices.

Rules allow flexibility in addressing needs

To ensure that appropriate management practices are being used in the best ways possible to protect riparian areas on forestlands and improve stream habitat, these rules allow for flexibility in the way they are implemented. This flexibility also provides incentive for landowners to address restoration needs.

Four critical areas addressed by the riparian protection rules

1. Maintaining live trees and vegetation along streams and other waters. This enhances biodiversity and improves fish habitat by providing cover, shade, adequate stream temperature levels, sediment reduction, snags and downed wood, nutrients, and bank protection.



2. Increasing large, mature wood along streams that, over time, will fall into streams and enhance fish habitat.
3. Maintaining adequate fish passage up and down the length of a stream, because ensuring that fish have opportunities to move along the length of streams is important for spawning, feeding and avoiding reaches of streams with high temperatures or low flows.
4. Stream and landscape variation. To provide the most appropriate protection to a variety of streams and waters, the riparian rules created nine different stream classifications and additional lake and wetland classifications.

Key rule components

- All fish bearing streams have riparian management areas between 50 and 100 feet, which include vegetation and conifer trees. Within these areas, all fish bearing or streams used for domestic water, as well as all other medium and large streams, require a 20-foot no-harvest buffer on each side of the stream. An exception to the rule, however, is when it is necessary to restore a stand of trees.
- The revised stream classification system contains nine classes, rather than just two under former rules. The system identifies seven geographic regions, as well as streams with fish or used for domestic use, and whether the stream is large, medium or small, based on water volume.

In addition

- Rules related to harvest practices, road construction, stream crossings and fish passage have been strengthened considerably.
- There are now incentives for landowners to purposely place large woody debris in streams to enhance habitat, where appropriate.

- The volume of conifer trees retained along fish-bearing streams has substantially increased over those retained under previous rules. This helps ensure there are future opportunities for conifer trees to fall naturally into streams, and that stream structure and fish habitat continue to improve. The rules also allow for an increase in trees that are retained to provide shade, which helps maintain stream temperatures for aquatic life.
- The Department of Forestry uses physical habitat characteristics (stream steepness or watershed area, for example) to determine if a stream would have fish use. In some instances, the department (with the help of the Department of Fish and Wildlife) uses fish surveys to help refine the classifications.
- The Board of Forestry can adopt special protection rules for streams that aren't in compliance with state water quality standards or streams with threatened and endangered species. A monitoring program examines how the rules are working and provides opportunities to follow-up on potential problem areas and progress.

More information

The rules were implemented in early summer of 1994, and Oregon Department of Forestry (ODF) personnel work with cooperators, landowners and operators to help educate them on rule requirements.

More information can be obtained by contacting any ODF field office, or at:

<http://cms.oregon.gov/ODF/pages/index.aspx>.

SULAMITA RECREATIONAL YOUTH CAMP

7425 Gold Creek Road

Willamina, OR 97396

FIRE SAFETY PROTECTION PLAN

November 1, 2022

The following rules, regulations and guidelines are intended to provide fire safety for all participants and staff, and should be adhered to at all times. This plan is formulated in accordance with the Oregon Forestry Department OAR 660-06-035 et seq, and is made in conjunction with the West Valley Fire District.

1. The access roads within the camp shall remain open and unobstructed at all times.
2. Outside camp fires shall be allowed only in designated areas, and then only during safe conditions. No outdoor camp fire shall be left unattended, and all such fires shall be put completely out prior to leaving the area.
3. No stoves, candles or other fire implements shall be allowed in any yurt or summer cabin.
4. There shall be an access road to Suttner Reservoir that comes to within 15 feet of the water's edge. A reserved area for pumping units shall be provided nearby. There shall be provided a turnaround provided sufficient to allow fire fighting equipment to come and go to Suttner Reservoir. The primary access road to the pumping area shall have a 20 foot wide gravel all-weather surface, sufficient to support all fire fighting equipment of the West Valley Fire District, with at least a 13' 6" vertical clearance. Permanent signage shall be installed at the access to Gold Creek Road, and on internal drives sufficient to direct fire fighting equipment to the pumping area.
5. There shall be maintained an 80 foot setback from all TC zoned areas. The setback area shall be patrolled regularly for downed limbs and other debris that could be fuel for a fire. All such fuel shall be removed and disposed of at the direction of camp staff. Natural low growing vegetation shall be maintained in the setback area.
6. No structures of any kind shall be allowed to be erected within the setback area.
7. There shall be maintained a fire break safety zone around each permanent structure of a minimum of 30 feet. The setback area shall be patrolled regularly for downed limbs and other debris that could be fuel for a fire. All such fuel shall be removed and disposed of at the direction of camp staff. Natural low growing vegetation (less than 24 inches in height) shall be maintained in the setback area. Non-flammable such as rock or gravel shall be used next to structures. No bark mulch shall be placed adjacent to any structure. New trees within this setback shall be spaced at 15 feet or more apart, and regularly pruned to remove dead



branches. Tree limbs shall be pruned so that no limbs or branches are closer than 8 feet from the ground.

8. A fire alarm of sufficient volume to be heard throughout the camp shall be installed and maintained at the Meeting Hall. In the event of fire, the alarm shall be sounded and shall remain blasting until all camp participants and staff are fully accounted for.
9. Upon the sounding of the alarm, all camp participants and staff shall immediately congregate at the meeting hall. The Camp Director, or designee shall take a head count to ensure all are accounted for. In the event of missing persons, two teams of 3 camp staff shall be dispatched to different parts of the camp to find the missing persons. In the event the Meeting Hall is on fire or in danger of fire, the meeting place for all on-site shall be the Caretaker's Dwelling. A map showing the location of the meeting place and alternative is attached hereto. Signage along all access roads and trails shall be posted showing the preferred route to the Meeting Hall and the Caretaker's Dwelling.
10. Immediately upon the arrival of camp participants and staff, teams of 25 participants, led by a camp staff member, shall begin evacuation along the access drive toward Gold Creek Road. Assembly for those evacuated shall be at the temporary RV pad on Gold Creek Road. Available vehicles shall be acquired and evacuees shall be transported to the parking lot of the Spirit Mountain Hotel. All participants shall be allowed to notify parents or guardians of their evacuation upon reaching the hotel.
11. A fire drill shall take place at least once every 10 days between the months of June through September, and monthly otherwise.
12. There shall be provided during the months of June through September, a 1000 gallon mobile water supply that can access all areas of the camp together with a 30 gallon-per-minute water pump and an adequate amount of hose and nozzles.
13. Camp participants and staff shall be educated in the use of hand tools in the creation of fire breaks and putting out small localized fires. Hand tools such as shovels, picks, pick-ax, etc shall be available in sufficient amounts at the Caretaker's dwelling, and made available for training and in case of fire.
14. All permanent structures shall have fire retardant roofing materials installed.
15. This Plan should be reviewed annually, and updated as needed to comply with new factual or legal conditions. The Camp Director shall appoint two Fire Captains among the camp staff who shall participate in the review and updating of this Plan, and to assist in the training and administration of this Plan. The Fire Captains shall be fully trained in the use of the mobile water supply and pumping system, and shall be responsible for the upkeep thereof.

EVACUATION PLAN

SCALE: 1" = 150'-0"
DATE: 11/13/2012
PROJECT: SUTNER RECREATION CENTER
DRAWN BY: [unintelligible]
CHECKED BY: [unintelligible]
APPROVED BY: [unintelligible]

7425 Gold Creek Rd.
Portland, OR 97205
portland@mkxll.com

Sulamita
Recreation Center

Polk County
DORA
DBCH

11/13/2012
11:41:11 AM

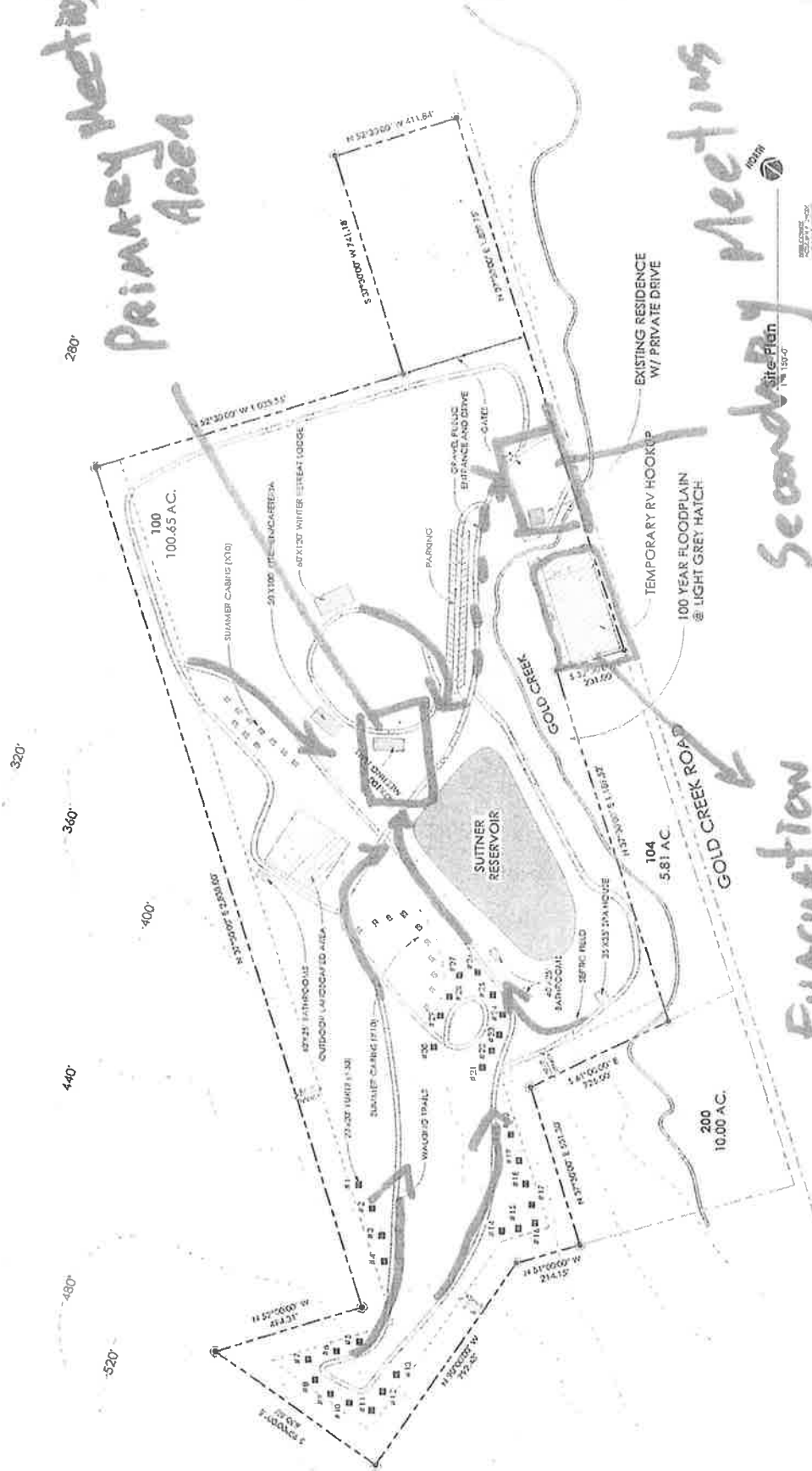
A1.1
Site Plan

Scale: 1" = 150'-0"

PRIMARY MEETINGS
AREA

SECONDARY MEETINGS
AREA

EVACUATION
STAGING AREA



11/13/2012
11:41:11 AM

A1.1
Site Plan

Scale: 1" = 150'-0"

LAND USE PLANNING NOTES >>>



NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

"[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

"(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.

"(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

"(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures *and* Fire Safety Design Standards for Roads

Published by:

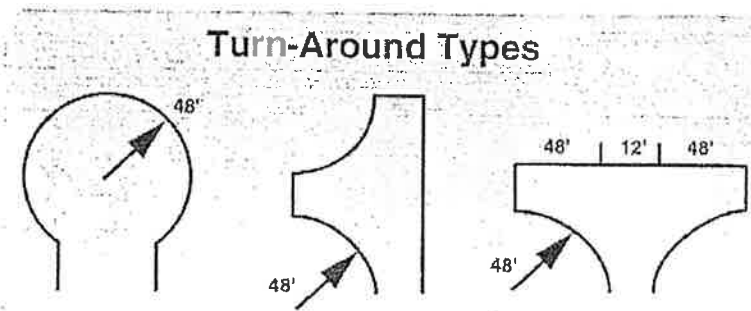
Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.



Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

1. **Access**— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a 48-foot radius of one of the types shown in the illustration below.
2. **Identification**— Emergency water supplies should be clearly marked along the access route with a county approved sign.

B. Fuel Break Standards:

1. **Primary Safety Zone**— The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

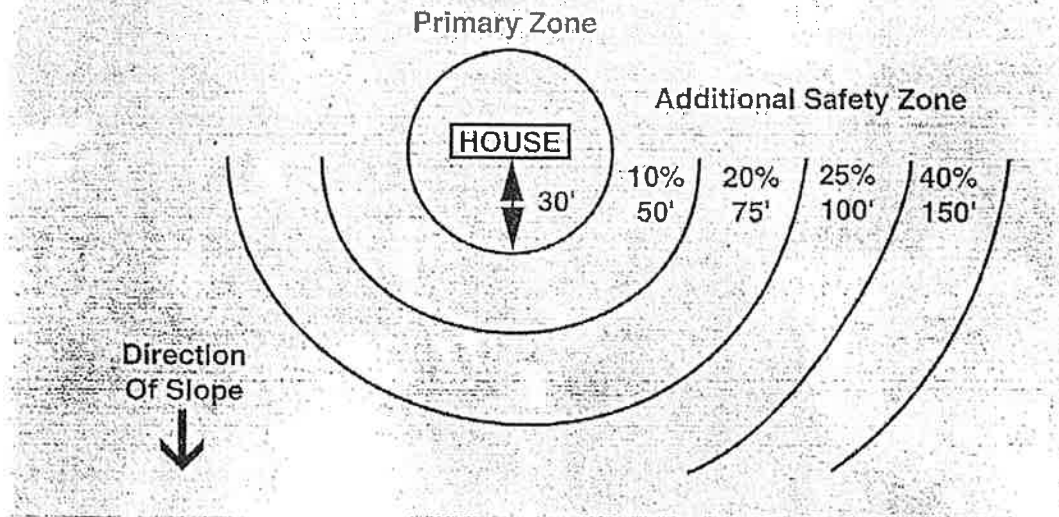
2. **Secondary Fuel Break**— The secondary fuel break is a fuel break extending a mini-

Size of Primary Safety Zone by Percent Slope

Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



imum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

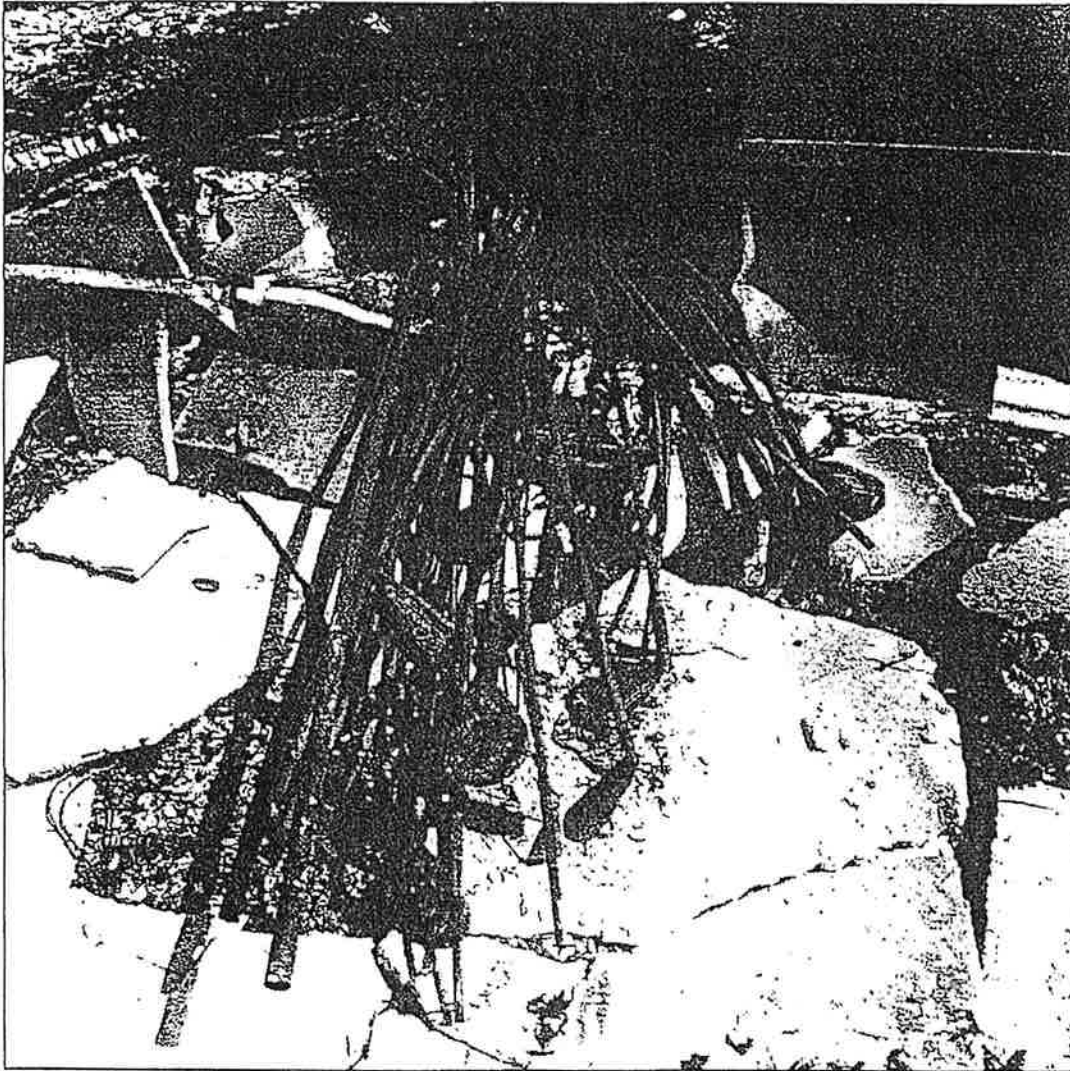
A. Road Standards (public roads and private roads accessing 2 or more residences):

1. **Right-of-ways**— Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. Cul-de-Sacs— Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-a-rounds. All turn-a-rounds should be marked and signed as "NO PARKING."

3. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. Road Grades— Road grades should not exceed an average of 8 percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

mum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".

2. Vehicle Passage Turnouts— Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.

3. Dead-end driveways— Dead-end driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end driveways should have turn-a-rounds of not less than 48-foot radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

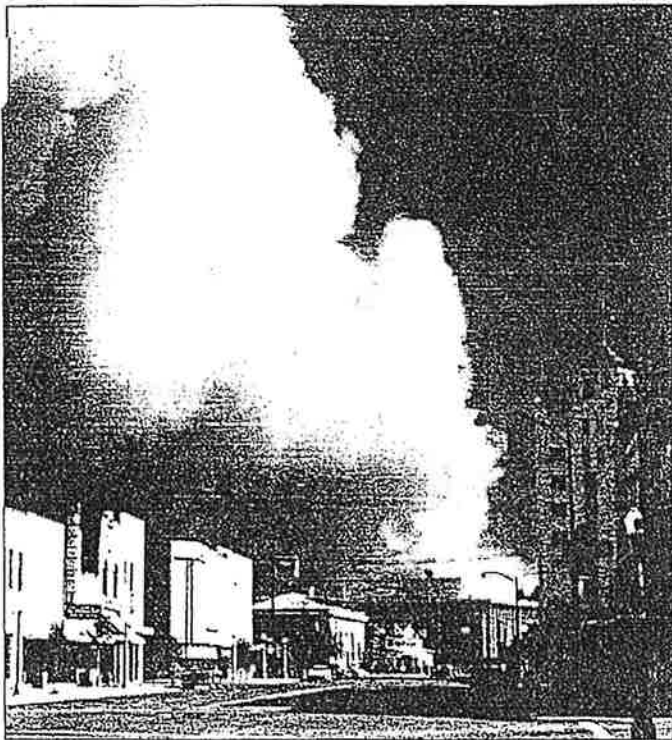
- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".

- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are seasonal. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

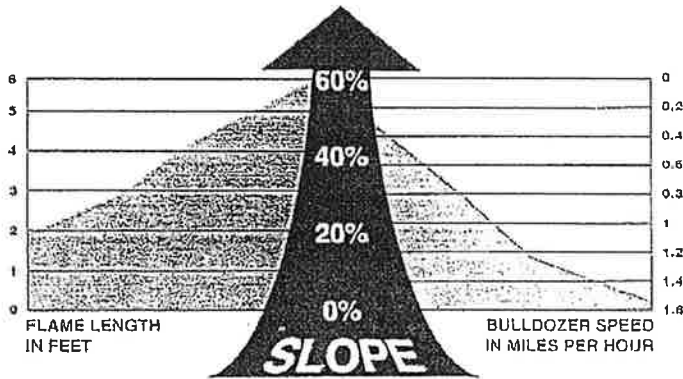
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of the Democrat-Herald, Athol.

The Relationship of Flame Length to Fuel Type and Slope: Two Situations

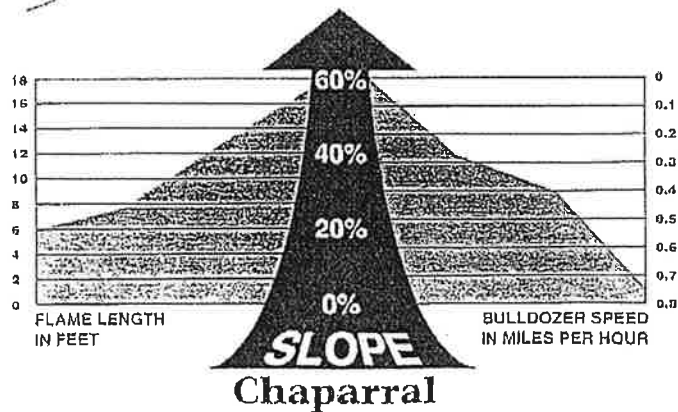
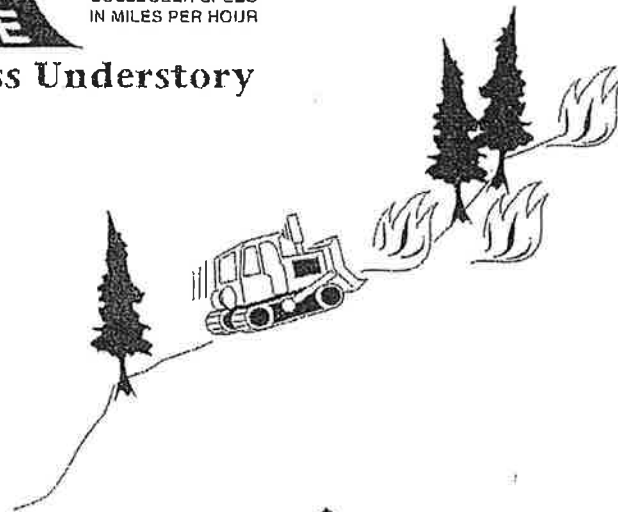


Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length. Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Chaparral

Information Provided By:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

To Order Copies of This Publication
Call or Write:

Oregon Department of Forestry
Public Affairs Office
2600 State Street
Salem, Oregon 97310
503-378-2562

*mailbox not initialized
and cannot accept any
messages.*



Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

REWARDING W/FORESTRY