

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Comply with LCDC Remand)
Order 91-RA-792 relating to)
Goal 5 issues Concerning an)
area known as Walker Flat;)
Amending the Yamhill County)
Zoning Ordinance, No. 310, as)
amended, to Make Textual)
Amendments to the Limited)
Use Overlay District and to)
Establish Watershed and)
Scenic Waterway Districts;)
Amending Certain Compre-)
hensive Plan Policies;)
Adopting a "Walker Flat)
Goal 5 Report"; Imposing)
Overlay Districts; Repealing)
Ordinance 511 and Declaring)
an Emergency. Planning)
Docket G-6-93.)

ORDINANCE 566

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on December 29, 1993, commissioners Dennis L. Goecks and Ted Lopuszynski being present.

WHEREAS, on July 25, 1990 the county enacted Ordinance 511 as the Goal 5 program for an area known as Walker Flat to complete the Goal 5 element of Periodic Review exclusive of issues related to historic resources; and

WHEREAS, among other determinations made in the adoption of Ordinance 511, the Board concluded that Walker Flat was not a significant fish and wildlife habitat, natural area or wetland resource under Goal 5 or the Goal 5 administrative rules; and

WHEREAS, Ordinance 511 was submitted to the Department of Land Conservation and Development (DLCD) with Board Order 90-524 as the county's final local periodic review order on Goal 5 matters except for historic resources; and

WHEREAS, the Land Conservation and Development Commission (LCDC) considered the matter on August 2, 1991 and LCDC determined that Ordinance 511 and Board Order 90-524 did not meet Goal 5 or the Goal 5 administrative rules as they applied to Walker Flat; and

ORDINANCE 566
December 29, 1993
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Section 4. Adoption of Walker Flat Goal 5 Report.

The "Walker Flat Goal 5 Report", attached to this ordinance as Exhibit "C", is hereby adopted. Exhibit "C" is by this reference made a part of this ordinance.

Section 5. Imposition of Watershed Overlay.

A "Watershed Overlay" is hereby imposed on the area shown on the attached Exhibit "D" as the McGuire Dam drainage area, the Walter Link Dam drainage area and the proposed Walker Creek Dam drainage area. Section 905 of the Yamhill County Zoning Ordinance, No. 310 as amended, shall govern allowable uses and land use actions within the boundaries of the overlay area. Exhibit "D" is by this reference made a part of this ordinance.

Section 6. Imposition of Scenic Waterway Overlay.

a. A "Scenic Waterway Overlay" is hereby imposed on the area shown on the attached Exhibit "E" as the area within the boundaries of the Nestucca River Scenic Waterway and the Walker Creek Scenic Waterway. Section 906 of the Yamhill County Zoning Ordinance, No. 310 as amended, shall govern allowable uses and land use actions within the boundaries of the overlay area. Exhibit "E" is by this reference made a part of this ordinance.

b. If there is any discrepancy between the map attached as Exhibit "E" and any scenic waterway map for the same area promulgated by the Oregon Parks and Recreation Department, the state map shall be controlling, and the Planning Director is authorized to conform the overlay map to the state map.

Section 7. Imposition of Limited Use Overlay.

A "Limited Use Overlay" is hereby imposed on the area shown on the attached Exhibit "F" that is designated "Walker Flat Limited Use Overlay". Section 904 of the Yamhill County Zoning Ordinance, No. 310 as amended, shall govern land use actions within the boundaries of the overlay area. Allowable uses within the limited use overlay area shall be limited to (a) uses allowed under the Oregon Forest Practices Act, ORS 527.610 to 527.770, 527.009(1) and 527.992; and (b) forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash. Exhibit "E" is by this reference made a part of this ordinance.

WHEREAS, on October 28, 1991, LCDC issued Remand Order 91-RA-792. The order required the county to take several specified actions to amend the county's comprehensive plan and land use regulations. Among the actions required was the designation of Walker Flat as a "significant" fish and wildlife habitat, natural area and wetland resource; and

WHEREAS, after LCDC issued Remand Order 91-RA-792, the county petitioned the Oregon Court of Appeals to review the order. On October 14, 1992 the court affirmed LCDC's order. Yamhill County v. LCDC, 115 Or App 468 (1992). The decision by the Court of Appeals constitutes a final appellate determination on the matter; and

WHEREAS, adoption of this Ordinance 566 is intended to comply with all remaining Goal 5 periodic review requirements imposed by Remand Order 91-RA-792: NOW, THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Repeal of Ordinance 511.

Ordinance 511, adopted July 25, 1990, is hereby repealed and of no further force or effect.

Section 2. Amendment of Revised Goals and Policies.

Subsections "C", "G" and "J" of Section II of the Revised Goals and Policies of the Yamhill County Comprehensive Plan, Ordinance 206 as amended, are amended to reflect the changes set forth in the attached Exhibit "A". Language contained in brackets is deleted and language underlined and italicized is added. Exhibit "A" is by this reference made a part of this ordinance.

Section 3. Amendments to Limited Use Overlay District; Establishment of Watershed Overlay District and Scenic Waterway Overlay District.

Section 904 of the Yamhill County Zoning Ordinance, No. 310 as amended, is hereby repealed and replaced in its entirety by a new Section 904 contained in the attached Exhibit "B". Section 905, establishing a new Watershed Overlay District, is hereby added to the Yamhill County Zoning Ordinance, No. 310 as amended, as set forth in the attached Exhibit "B". Section 906, establishing a new Scenic Waterway Overlay District, is hereby added to the Yamhill County Zoning Ordinance, No. 310 as amended, as set forth in the attached Exhibit "B". Exhibit "B" by this reference is hereby made a part of this ordinance.

Section 8. Severability Clause.

This ordinance is severable. If any section or subsection contained in this ordinance or any of its exhibits is found to be invalid or unconstitutional by a court of last resort, that section of subsection shall be severed from this ordinance and the remainder of this ordinance shall remain valid.

Section 9. Effective Date.

Sections 1 through 8 are effective upon passage of this ordinance.

Section 10. Emergency Clause.

This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DONE at McMinnville, Oregon this 29th day of December, 1993.

ATTEST



CHARLES STERN
County Clerk

By: Jaynie Mitchell
Deputy JAYNIE MITCHELL

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

(Not Available for Signature)

Chair DEBI OWENS

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Accepted by Yamhill County
Board of Commissioners on
12-29-93 by Board Order
93-912.

EXHIBIT "A" TO ORDINANCE 566
(Plan Policy Revisions)

NOTE: New language is underlined and deleted language is [bracketed].

SECTION II

THE LAND AND WATER

* * *

C. WATER RESOURCES

SUMMARY

Efficient use of county water resources is a benefit to all citizens, as water is an essential part of the liveability of an area.

GOAL STATEMENT

1. To conserve and to manage efficiently our water resources in order sustain and enhance the quantity and quality of flows for all consumptive and non-consumptive uses, and to abate flood, erosion, and sedimentation problems.

POLICIES

a. Yamhill County will cooperate with federal and state agencies, the cities of the county, and the local soil and water conservation district to identify, conserve and develop water resources on a long-range, multiple-use basis in response to need, with full consideration given to the benefits, costs, potential uses and carrying capacity of the resource.

b. Yamhill County will continue participation in the FEMA National Flood Insurance Program to prevent flood-caused losses of life and property, by identifying and mapping the floodplains and floodways of the county, restricting land use within the floodplains to those which are open and undeveloped, including forestry, agriculture, wildlife habitat and recreational areas and encouraging improved watershed management practices and the construction of watershed storage projects for flood control.

c. Yamhill County will support the establishment of minimum stream flows to ensure the continuance of beneficial in-stream uses.

- d. Yamhill County will support Soil and Water Conservation District efforts to aid in erosion to aid in erosion, sediment and run-off control. (amend. by Ord. 471, 12/28/88).
- e. Yamhill County will coordinate with and support city, regional, state and federal water-quality plans and programs so that high water quality will be achieved in the cities of the county, that sound watershed management practices will take place, and that improved treatment of point and nonpoint sources of water pollution will be achieved. (amend. by Ord. 233, 4/9/80).
- f. Yamhill County will continue to support the water well monitoring programs of the U.S. Geological Survey and State Department of Water Resources in order to better manage the county's groundwater resources.
- g. Yamhill County will encourage a study by the U.S. Geological Survey of major groundwater recharge areas in the county.
- h. Yamhill County will encourage the prudent use of all county resources and support the development of water conservation techniques and practices.
- i. Where conflicting uses are identified or intended, in specific proposals or programs, the economic, social, environmental and energy consequences of the conflicting uses shall be determined as used as a basis for decision-making.
- j. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act. (amend. by Ord 471, 12/28/88).
- k. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including riprap and fill, should be reviewed by the appropriate state permitting authority to insure that they are necessary, are designed to incorporate

vegetation where possible, and designed to minimize adverse impacts on water currents, erosion and accretion patterns. (amend. by Ord. 471, 12/28/88).

l. Yamhill County will rely upon the Forest Practices Act and regulations adopted under that Act to ensure protection of surface water on non-federal forest lands from forest activities that negatively impact surface waters. (amend. by Ord. 471, 12/28/88).

m. Yamhill County will coordinate with the cities with watersheds in the county to identify municipal watershed areas as an overlay to the Official Zoning Map. Within the designated Watershed Overlay, the county will provide notice of proposed land use actions to the affected city. The affected city shall have an opportunity to forward a recommendation on the proposed land use action prior to a final county decision, and may propose specific conditions to protect water quality.

n. Yamhill County will complete the Goal 5 process for wetlands in the county, other than Walker Creek, no later than the next required periodic review of the county's land use plan and regulations. (amend. by Ord. 471, 12/28/88). Specifically, the Goal 5 process for the following significant resource sites shall be completed by the next periodic review:

East Creek
South McGuire
Nelson's Golden Valley
Upper Nestucca
Nestucca River
Cedar Creek
Neverstill
Meadow Lake
Tillamook Burn 1
Tillamook Burn 2

G. ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS

SUMMARY

An inventory of ecologically and scientifically significant natural areas in Yamhill County was completed by the Nature Conservancy in 1977. In 1988, the Oregon Natural Heritage Data Base of the Nature Conservancy completed an update of Yamhill County natural areas that included a review of the significance of those sites listed in the 1977 inventory and investigation of additional sites.

GOAL STATEMENT

To protect land and water areas that have substantially retained their natural character and land and water areas that, although altered in character, are important as habitat for plant, animal or marine life, for the study of natural historical, scientific, or paleontological features or for the appreciation of their natural features.

POLICIES

a. Yamhill County's Goal 5 analysis of information on Yamhill County natural areas, provided by the Oregon Natural Heritage Data Base, is included in an attachment to the county's Revised Local Periodic Review Order of 1988-89 and is a data base supplement adopted as background information to the Comprehensive Plan, by reference.

[b. An area designated as "Walker Flat" has been identified by the Nature Conservancy as a significant natural area. For reasons set forth in the Walker Flat Goal 5 analysis developed by the county in 1990, Walker Flat is not included on the Plan inventory as an ecologically or scientifically significant natural area. (amend. by Ord. 471, 12/28/88).]

J. POTENTIAL AND APPROVED FEDERAL WILD AND SCENIC WATERWAYS AND STATE SCENIC WATERWAYS

SUMMARY

The Statewide Comprehensive Outdoor Recreation Plan (SCORP) (1983) developed by the State Parks and Recreation Division of the Oregon Department of Transportation, lists certain Yamhill County River segments as possessing "sufficient resource values to include them in an inventory of potential study for future designation into either the State Scenic Waterways System or the National Wild and Scenic Rivers System." (P. 47). Other rivers and streams may be designated for protection by the state or federal government in the future.

GOAL STATEMENT

1. To protect approved federal wild and scenic waterways and state scenic waterways, and to coordinate with state and federal agencies studying potential federal wild and scenic waterways and state scenic waterways.

POLICIES

a. The following river segments are identified as potential scenic waterways:

1. Willamette River (federal status) from southern county border downstream approximately 26 miles from Salem.
2. Nestucca River (state) [and federal status] from the lower end of Old Meadow Lake to county border.
3. Nestucca (Little) River (federal status) entire length within Yamhill County.

Zoning along the above-listed segment of the Willamette is entirely EF-40 and AF-20, both resource zone designations. The segment of the Nestucca in Yamhill County is located entirely within the F-40 district, which is a resource designation, or on BLM property. The segment of the Little Nestucca in Yamhill County is entirely within the F-40 district or in the Siuslaw National Forest. Yamhill County recognizes and designates the above-listed river segments as significant Goal 5 resources.

b. Yamhill County shall coordinate with state and federal agencies in applying the Statewide Planning Goal 5 rule process in the event a study is made for designation of any of the above-listed river segments as a federal, wild, and scenic river and/or State Scenic Waterway.

c. The Nestucca River (from immediately below the McGuire Dam downstream to its confluence with East Creek) and Walker Creek (from its source to the confluence with the Nestucca River) is designated a State Scenic Waterway. So long as it retains its state designation, the county recognizes Walker Creek, and that portion of the Nestucca River within Yamhill County, as a significant Goal 5 resource. It is the county's intent to remove the designation of Walker Creek as a significant Goal 5 resource if the state scenic waterway designation is removed in the future. Removal of the county's Scenic Waterway Overlay designation will require a Comprehensive Plan Amendment and a revised ESEE consequences analysis under Goal 5. The county recognizes that the State Parks and Recreation Department has the lead role in the development of management plans and review of land use activities adjacent to designated state scenic waterways. The county will coordinate and cooperate with the State Parks and Recreation Department and property owners within the scenic waterway boundary to ensure compatibility and consistency of regulatory controls.

EXHIBIT "B" TO ORDINANCE 566
(Amending Limited Use Overlay District;
Establishing Watershed Overlay District
and Scenic Waterway Overlay District)

Note: Section 904 in this exhibit replaces the existing Section 904 in the Yamhill County Zoning Ordinance, No. 310 as amended. New language in Section 904 is underlined; deleted language is [bracketed] and *italicized*.

Sections 905 and 906 are new additions to the zoning ordinance. Both sections are adopted in their entirety.

* * *

904. LIMITED USE OVERLAY DISTRICT (LU)

904.01 Purpose.

The purpose of the Limited Use Overlay District is to limit permitted use(s) and activities in a specific location to only those uses and activities which are justified and approved through Comprehensive Plan ['reasons'] exceptions under ORS 197.732 [(1)(c)] or other authorized statutory or administrative rule procedure.

904.02 Area of Application

The LU Overlay District shall [only] apply to that specific area for which a reasons exception has been taken or other area as deemed appropriate to protect Goal 5 resources. The Limited Use Overlay District is intended to carry out the administrative rule requirement for ['reasons'] exceptions pursuant to OAR 660-14-018 [(3)(a)] and ORS 197.732 [(1)(c)] and for Goal 5 resource protection pursuant to OAR 660-16-010.

904.03 Allowable Uses

- A. When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.
- B. The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.

- C. Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.
- D. Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

904.04 Procedures [and Standards]

- A. The Limited Use Overlay District is to be applied through a zone amendment application utilizing the Type C process at the time the underlying zone is being changed in the case of an exception.
- B. It shall not be necessary to disclose in the public hearing notice of a zone change that a Limited Use Overlay may be applied.
- C. The ordinance adopting overlay zone shall, by section reference or by name, identify those permitted uses in the zone that will remain permitted uses or become conditional uses. The description of the permitted or conditional use may be qualified as necessary to achieve the intent of the LU overlay zone.

[In order for an LU District to be approved, findings satisfying each of the following factors must be made and shall be included in the adopting ordinance:

- A. That permitted uses and activities will be limited to those uses and activities justified and approved in the exception, as required by OAR 660-04-108(3)(a).
- B. That a review has been made of all districts in the ordinance, and it has been determined that none of those districts limit the uses and activities, as required by OAR 660-04-018(3)(a).
- C. That the location proposed in the underlying district is equally or better-suited than any other possible district.]

904.05 Map Amendment

The Official County Zoning Map shall be amended to show an LU on any parcel where the Limited Use Overlay District has been approved.

904.06 Site Plan Review

Uses approved in an LU District [are] may be subject to Section 1101, Site Design Review. The LU Ordinance may indicate any special concerns or location requirements that must be addressed in the site plan. All other specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval or adopting ordinance.

* * *

SECTION 905 WATERSHED OVERLAY DISTRICT

905.01 Purpose. The purpose of the Watershed Overlay District is to identify municipal watershed areas as an overlay to the Official County Zoning Map. Within the designated Watershed Overlay, Yamhill County will provide the respective city an opportunity to participate in land use actions to be taken by the county.

905.02 Area of Application. The boundaries of the Watershed Overlay District shall be defined in coordination with individual cities and potentially affected property owners. Yamhill County will not apply the Watershed Overlay District unless specifically requested by a city. The boundaries of the Watershed Overlay District will be defined to follow established topographic and drainage patterns.

905.03 Allowed Uses. Uses within a designated Watershed Overlay District shall be allowed as provided in the underlying zone, subject to the notification and review procedure applicable to the proposed use. Uses and activities governed by the provisions of the Forest Practices Act are exempt from the Watershed Overlay District.

905.04 Review Procedure. Prior to final action, land use actions within a designated Watershed Overlay District shall be forwarded to the respective city for review and recommendation. Land use actions shall include, but not be limited to, the following:

- A. Plan Map Amendments
- B. Zone Changes
- C. Conditional Use Permits
- D. Subdivisions and Partitions
- E. Public Improvement Projects

905.05 Review Criteria. In addition to the review criteria established in the underlying zone and other sections of the zoning

ordinance, Yamhill County shall consider the potential effect of land use actions on water quality values within designated watershed areas. Conditions may be imposed on development permits to protect water quality.

SECTION 906

SCENIC WATERWAY OVERLAY DISTRICT

906.01 **Purpose.** The purpose of the Scenic Waterway Overlay District is to reflect the designation of Oregon Scenic Waterways on the Official County Zoning Map. Additionally, the Overlay describes the review process administered by the State Parks and Recreation Department under the Scenic Waterways Act (ORS 390.805-390.925).

906.02 **Area of Application.** The Scenic Waterway Overlay District applies only to river segments included within the Oregon Scenic Waterways system. Under the provisions of Oregon Revised Statutes, a scenic waterway includes the river and its shoreline and all land and tributaries within one-quarter mile of its banks. The boundaries of the Scenic River Overlay to the Yamhill County Zoning Map are defined to correlate with the boundaries established by the State Parks and Recreation Department.

906.03 **Prohibited Uses.** To protect the free-flowing character of designated rivers for fish, wildlife and recreation, the Scenic Waterways Act specifically prohibits placer mining and construction of dams, reservoirs, or impoundments within scenic waterways. This statutory prohibition takes precedence over the permitted and conditional uses listed in the underlying zone.

906.04 **Allowed Uses.** Uses that are not specifically prohibited under the Scenic Waterways Act are allowed as provided in the underlying zone, subject to a notification and review procedure administered by the State Parks and Recreation Department.

906.05 **Review Procedure.**

A. Property owners wishing to build roads or houses, develop mines, cut timber or make other proposed changes within one-quarter mile of each side of a designated scenic waterway must notify the State Parks and Recreation Department in advance. Within one year of notification, State Parks and Recreation must decide if a proposed change will affect the scenic beauty of the river. The Scenic Waterways Act allows the Parks and Recreation Commission to purchase land or timber if impairment of a river's scenic qualities cannot be prevented by any other means.

B. Yamhill County will not accept a land use application for a use within the Scenic Waterway Overlay District until the State Parks Department notification and review process is completed.

**EXHIBIT "C" TO ORDINANCE 566
(Walker Flat Goal 5 Report -
Findings and Conclusions)**

I. INTRODUCTION

This exhibit to Ordinance 566 sets forth the findings and conclusions of the Yamhill County Board of Commissioners relative to the Goal 5 analysis of Walker Flat.

Yamhill County enacted Ordinance 511 on July 25, 1990. The ordinance was enacted as the Goal 5 program for an area known as Walker Flat to complete the Goal 5 element of Periodic Review exclusive of historic resources. Among other determinations made in the adoption of Ordinance 511, the Board concluded that Walker Flat was not a significant fish and wildlife habitat, natural area or wetland resource under Goal 5 or the Goal 5 administrative rules.

Ordinance 511 was submitted to the Department of Land Conservation and Development (DLCD) with Board Order 90-524 as the county's final local periodic review order on Goal 5 matters except for historic resources. (The county subsequently completed Goal 5 requirements for historic resources.)

Consideration of Ordinance 511 and Board Order 90-524 was delayed for several months until the Land Conservation and Development Commission (LCDC) heard the matter on August 2, 1991. LCDC determined that Ordinance 511 and Board Order 90-524 did not meet Goal 5 or the Goal 5 administrative rules as they applied to Walker Flat.

On October 28, 1991, LCDC issued Remand Order 91-RA-792. The order required the county to take the following actions relative to Walker Flat and other wetland resources:

- a. Designate Walker Flat a "significant" fish and wildlife habitat, natural area and wetland resource under OAR 660-16-000(5)(c). Identify conflicting uses (OAR 660-16-005) that could negatively impact significant Goal 5 resources. If there are no conflicting uses for an identified resource, adopt policies and ordinance provisions, as appropriate, which insure preservation of the Goal 5 resources (OAR 660-16-005(1)). If conflicting uses are identified, determine the economic, social, environmental and energy consequence of conflicting uses. In analyzing the ESEE Consequences, consider both the impacts on the resource site and on the conflicting use, and consider the applicability of other statewide planning goals (OAR 660-16-005(2)). Based on this analysis, develop a program to achieve Goal 5 (OAR 660-16-010).
- b. Adopt a plan policy which requires that the county complete by the next periodic review the Goal 5 rule requirements for the following significant resource sites:

<u>Site</u>	<u>Resource Type</u>	
	<u>Wetlands</u>	<u>Sidalcea</u>
- East Creek	X	
- South McGuire	X	
- Nelson's Golden Valley	X	X
- Upper Nestucca	X	
- Nestucca River	X	X
- Cedar Creek	X	
- Neverstill	X	

- | | | | |
|---|------------------|---|---|
| - | Meadow Lake | X | X |
| - | Tillamook Burn 1 | X | X |
| - | Tillamook Burn 2 | X | X |
- c. Revise the ESEE analysis and conclusion for the Walker Creek Watershed and Potential Municipal Reservoir site to be consistent with the ESEE analysis and conclusions for all other significant Goal 5 resources including state scenic waterway.
- d. Either delete Scenic Waterway Policy (c) or revise it to make it clear that removal of the county's Scenic Waterway Overlay designation requires a plan amendment and a revised ESEE consequences analysis under Goal 5.

After LCDC issued Remand Order 91-RA-792, the county petitioned the Oregon Court of Appeals to review the order. On October 14, 1992 the court affirmed LCDC's order. Yamhill County v. LCDC, 115 Or App 468 (1992). The decision by the Court of Appeals constitutes a final appellate determination on the matter.

Ordinance 566 is intended to comply with all remaining Goal 5 periodic review requirements imposed by Remand Order 91-RA-792. This Exhibit "C" to Ordinance 566 constitutes the county's Walker Flat Goal 5 Report.

II. STATEWIDE GOAL 5 AND GOAL 5 ADMINISTRATIVE RULE

Statewide Goal 5 and its associated administrative rule (OAR 660-16-000) provide the framework for Yamhill County's evaluation of Walker Flat. Goal 5 addresses open spaces, scenic and historic areas and natural resources as follows:

GOAL: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The location, quality and quantity of the following resources shall be inventoried:

- a. Land needed or desirable for open space;
- b. Mineral and aggregate resources;
- c. Energy sources;
- d. Fish and wildlife areas and habitats;
- e. Ecologically and scientifically significant natural areas, including desert areas;
- f. Outstanding scenic views and sites;
- g. Water areas, wetlands, watersheds and groundwater resources;
- h. Wilderness areas;
- i. Historic areas, sites, structures and objects;
- j. Cultural areas;

- k. Potential and approved Oregon recreational trails;
- l. Potential and approved federal wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

The Goal 5 administrative rule outlines a series of planning steps to:

- inventory listed Goal 5 resources by location, quantity and quality
- evaluate the significance of each inventoried resource site
- if the resource is significant, identify potential conflicting uses of the resource site
- evaluate the long-term consequences of protecting the resource site, allowing the conflicting use, or a combination of the two.

After long-term consequences are identified and evaluated, a decision is made by the local jurisdiction as to what level of resource protection would be in the public interest for each Goal 5 resource and site identified. Plan policies and/or land use controls are then developed to implement the decision.

Although Goal 5 provides a process to conserve open space and protect natural and scenic resources, the process is essentially a subjective "balancing" and not purely scientific or objective. No specific standards are provided in the Goal or administrative rule to describe what constitutes a "significant" Goal 5 resource. However, the administrative rule states that the determination of quality requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself.

The Goal 5 administrative rule also provides an opportunity for local jurisdictions to delay the Goal 5 process when some information is available indicating the possible existence of a resource site, but that information is not adequate to identify with particularity the location, quality, and quantity of the resource site. With the exception of the Walker Flat site, LCDC has allowed Yamhill County to delay the Goal 5 process with respect to wetlands until the next periodic review. Therefore, the issue of significance of the Walker Flat wetland cannot be assessed in the context of a county-wide inventory and evaluation of wetland resources.

III. CONTEXT FOR GOAL 5 REVIEW

For the past decade, the Walker Flat site has been studied intensively as a potential municipal water reservoir for the City of McMinnville. Two existing City of McMinnville reservoirs (Haskins and McGuire) are located in proximity to the proposed Walker Flat reservoir.

In addition, as directed by LCDC Remand Order 91-RA-792, Yamhill County is required to recognize Walker Flat as a "significant" fish and wildlife habitat, natural area and wetland resource under OAR 660-16-000(5)(c).

The City of McMinnville Water & Light Department owns the land area which is the subject of this Goal 5 review (including portions of Sections 15, 16, 21

& 22 of Township 3 South, Range 6 West). Adjacent lands are under the ownership of Willamette Industries and the Bureau of Land Management (BLM).

A. Relationship of Goal 5 to the Forest Practices Act

The Walker Flat site and adjacent lands are designated for Commercial Forestry use on the Yamhill County Comprehensive Plan Map and the private lands are zoned F-80 (Forestry District, 80 acre minimum). Yamhill County does not apply zoning to BLM lands.

The Oregon Legislature revised the Forest Practices Act in 1987, giving the Board and Department of Forestry new responsibilities and clarifying state and county roles relative to regulation of commercial forest lands. The adoption of House Bill 3396 voided all local land use authority over forest practices. Additionally, the passage of House Bill 3396 prohibits county regulation of forest operations to protect Goal 5 values.

ORS 527.710(3) requires the state Board of Forestry to "collect and analyze the best available information and establish inventories of the following resource sites":

- threatened or endangered fish and wildlife species;
- sensitive bird nesting, roosting, and watering sites;
- biological sites that are ecologically and scientifically significant; and
- significant wetlands

In summary, the amendments to the Forest Practices Act and charge to the Board of Forestry to inventory and protect four specific categories of resources is essentially a transfer of responsibilities from the counties to the Department of Forestry. However, staff at DLCD has required that Yamhill County proceed through the Goal 5 process at the Walker Flat site because there are other Goal 5 resources which will not be included in the Board of Forestry inventories and categories of uses other than forest practices which are allowed in the F-80 District.

B. Relationship of Goal 5 to Management Plans for Federal Land

The portion of the Walker Flat site which is under private ownership (McMinnville Water & Light) is the focus of this Goal 5 review. BLM activities on federal land adjacent to Walker Flat are governed primarily by the National Environmental Policy Act (NEPA).

Construction of a municipal reservoir at the Walker Flat site requires a right-of-way permit from BLM to inundate federal land adjacent to the McMinnville Water & Light Department ownership. Therefore, BLM has been the lead federal agency responsible for consolidating and coordinating the environmental review of the project to date. An Environmental Assessment was distributed in September 1983. (Exhibit 35 in materials at DLCD related to the Walker Flat Goal 5 process. References to numerical exhibits in this document are those materials.) In July, 1984, Part I of a mitigation plan agreement for wetlands, wildlife, and potential cultural resource impacts was signed by the Bureau of Land Management, U.S. Fish & Wildlife Service, Oregon Dept. of Fish & Wildlife and McMinnville Water & Light Department (Exhibit 13). Part 2 of the final mitigation plan for fisheries impacts was delayed until in-stream flow studies were completed.

The discovery of the presence of Sidalcea nelsoniana at the site in 1984 resulted in a deferral of a BLM decision on the right-of-way permit pending five years of monitoring and studies of the plant. Additionally, BLM determined that

an Environmental Impact Statement would be required before proceeding with the project.

Public meetings have been conducted to establish the scope of a full Environmental Impact Statement (EIS) for the project (Exhibits 34, 65 & 66). McMinnville Water & Light Department and the BLM have not proceeded with the preparation of an EIS. The majority of the documents in the record pertain to the BLM environmental review process for the proposed reservoir. (See Appendix in materials at DLCD.)

IV. ASSESSMENT OF WALKER FLAT GOAL 5 SIGNIFICANCE

The following findings and conclusions reflect the Board of Commissioners assessment of the Walker Flat site relative to the location, quantity and quality of Goal 5 resources, based on the existing evidence in the record. Where possible, the assessment of quality or "significance" of a particular Goal 5 resource is placed in the context of other resource sites in Yamhill County.

a. Land needed or desirable for open space

Findings: Yamhill County has not completed a site-specific inventory of land needed or desirable for open space. Additionally, no new evidence has been submitted to support designation of Walker Flat as an open space resource on the County Plan. Therefore, the Board concludes that the Walker Flat site is not significant as an open space resource.

b. Mineral and aggregate resources

Findings: A county-wide inventory of mineral aggregate resource sites was completed in the early 1980's. The Walker Flat site is not identified as a significant mineral aggregate resource in the existing inventory. Aggregate mining associated with road construction for timber activities in the F-80 District is governed by the Forest Practices Act (FPA) and is exempt from county land use regulation. Therefore, the Board concludes that the Walker Flat site is not a significant mineral/aggregate resource.

c. Energy sources

Findings: Yamhill County has not completed a site-specific inventory of energy sources. Original plans for the proposed Walker Creek dam included provisions for hydroelectric generation (Exhibit 14). Following additional studies, the hydro features were subsequently removed from the project.

The Northwest Power Planning Council is considering a petition by the Oregon Dept. of Fish & Wildlife to classify Walker Creek as a "protected" reach. If approved, the designation would not preclude the municipal water supply project, but would be a barrier to installing a hydro component (Exhibit 108). Based on the existing information in the record, the Board concludes that Walker Flat site is not a "significant" energy source.

d. Fish and wildlife areas and habitat

Findings: Habitat values of the Walker Flat site are associated with the upland Douglas-fir forest and diverse wetlands traversed by Walker Creek and associated drainage ways. Walker Flat is included within the Sensitive Winter Range for big game designated on the Yamhill County Plan Map. Approximately 147,500 acres of Yamhill County are included within the Sensitive Winter Range boundary (Exhibit 42, p. 20). The Sensitive Winter Range boundary essentially follows the commercial forestry areas of the Coast Range and provides for restriction of development densities to protect commercial forestry resources and associated big game habitat values.

As noted in Exhibit 8, the basis habitat requirements of big game include food, water, cover and freedom from harassment. These habitat requirements are common throughout Yamhill County and the Coast Range where logging practices or fires have resulted in mixed stands of mature forest, brushlands, and clear cuttings. The most important of these habitat areas are those located below 2,000 elevation. Deer, elk, and other animals concentrate in these lower elevation areas for feeding during the critical winter months.

In addition to the upland forest in the Walker Creek basin, the vegetation associated with the Walker Creek drainage forms distinct wetland vegetation communities. Exhibit 35 groups wetland vegetation types in Walker Flat into three categories: grass-sedge meadow, willow-spirea shrub thicket, and red alder riparian forest. Regional trend estimates prepared by BLM in 1981 suggest that second growth conifer habitat types are increasing in northwestern Oregon, riparian areas are stable, and nonforested wetlands are declining (Exhibit 35, p. 3-20). More recent trend information has not been provided in the record.

The BLM Environmental Assessment also identified the abundance of snags throughout the wetland areas and the adjacent upland forest as another significant aspect of wildlife habitat values in the Walker Flat area (Exhibit 35, p. 3-20).

Walker Creek is the uppermost tributary to the Nestucca River. According to the Heintz Report (Exhibit 8), large runs of summer steelhead trout enter the Nestucca River, but only a few adults migrate into Yamhill County to spawn below McGuire Reservoir. The use of Walker Creek by coho salmon and steelhead trout has been limited by barriers along the Nestucca River. In particular, a .4 mile long, 8-10% gradient bedrock chute below the old Meadow Lake damsite severely limited coho and steelhead access to Walker Creek (Exhibit 35, p. 3-12; Exhibit 16, p. 13).

The contribution of Walker Flat wetlands to the maintenance of water quality in the Nestucca River is recognized as a habitat value for fisheries. Letters in the record from the Northwest Steelheaders (Exhibit 44 & 45) emphasize the importance of retaining and protecting headwaters areas for downstream anadromous habitat.

In summary, LCDC has acknowledged that the Yamhill County "sensitive winter range" designation and associated policies and standards provide adequate Goal 5 protection of wildlife habitat values. Additional plan policies and ordinances (Floodplain District) and provisions of the Forest Practices Act restrict the removal of riparian vegetation along streams to protect fish and wildlife habitat values.

Much of the evidence in the record is focused on habitat values associated with the diverse wetland at Walker Flat. Given the context of the significant acreage of Yamhill County included within the sensitive Winter Range, and the extensive number of streams draining forested uplands, the evidence does not lead the Board of Commissioners to a conclusion that Walker Flat habitat values are distinct from other forested Coast Range areas.

However, in accordance with requirements imposed by LCDC Remand Order 91-RA-792, the Board of Commissioners hereby designates Walker Flat as a "significant" fish and wildlife habitat.

e. Ecologically and scientifically significant natural areas, including desert areas

Findings: Testimony presented during these proceedings confirms the presence of Sidalcea nelsoniana at Walker Flat, and certain commentators urge that the site be designated a significant natural area because of the presence of the species. (Exhibits 43, 51, 52, 57, 60, 63-64, 69-71, 78, 79 and 81.)

Sidalcea is listed as a threatened plant species by the Oregon Department of Agriculture as part of the State Endangered Plant Species Program, and the plant is under consideration for listing under the Federal Endangered Species Act. To date, the U.S. Fish & Wildlife Service has not made a status determination. In addition, the Bureau of Land Management has nominated approximately 30-40 acres of BLM land adjacent to Walker Flat for a federal Area of Critical Environmental Concern designation, although no final decision regarding such status will be made by the agency until their Resource Management Plan is prepared in 1990-91. Such federal lands are not within the County's jurisdiction for purposes of Goal 5 compliance. (Exhibits 18, 23, 27-29, 39, 61, 71, 110 and 129.)

Based upon the evidence presented, Walker Flat contains an estimated 5,449 Sidalcea nelsoniana in 1989, with fewer than one-third of these plants distributed on federally managed land and, therefore, protected. This population constitutes less than 10% of all known naturally-occurring plants. An additional 5,379 plants are located at six other sites in the Coast Range in habitats similar to that found at Walker Creek. Of the total estimated naturally-occurring population of 19,522 plants, almost 50% occur in the Willamette Valley and approximately 28% occur at Walker Flat. The six largest populations are Tillamook Burn 1 (4,460), Finley National Wildlife Refuge (2,341), OSU Turkey Farm (1,586), McTimmonds Valley (1,184) and Salem Airport (1,055) (Exhibit 133). (Exhibits 110 and 129.)

According to expert testimony received by the County, the distribution of Sidalcea nelsoniana is not limited to wetlands. The species occurs infrequently on the edges of riparian woods and conifer forests. It has never been found in areas that are permanently wet. Available evidence indicates that most of the populations found in the Willamette Valley and the Coast Range appear to be healthy, and there is no credible evidence to indicate that the population present at Walker Flat is more susceptible to survivability or propagation than other populations present at 11 Coast Range sites and 30 Willamette Valley sites. (Exhibit 129, Testimony of Judith Glad.)

Since the initial observation of Sidalcea nelsoniana at Walker Flat in 1984, McMinnville Water & Light Department has undertaken substantial studies of the Walker Flat population, and the Department has undertaken the transplanting of seedlings and rhizomes at six sites in the Coast Range since 1986. (Exhibits 27-29.) As of the summer of 1989, approximately 1,273 transplants, or 78% of the seedlings and 88% of the rhizomes, were surviving with growth and flower rates similar to natural Sidalcea populations. Based upon this evidence and testimony presented below, the Board concludes that the Sidalcea population enjoys a relatively high rate of survivability through the transplanting process. (Exhibit 110 and 129.) Further, such evidence presented by qualified experts noted above serves to outweigh conflicting testimony presented during the hearings process. (Exhibit No. 131.)

In addition to Sidalcea nelsoniana, testimony has been received regarding the occurrence of Iris tenax var. gormanii at Walker Flat. (Exhibits 43 and 81.) However, the County notes that any such occurrence is unverified and that credible expert testimony has been offered by CH2M Hill indicating that this particular species is not an independent biological entity. (Exhibit 129.) In a similar manner, the County finds no credible evidence to support the claim that another listed species -- Poa laxiflora occurs at Walker Flat. According to testimony presented by a qualified plant ecologist and associated experts, intensive field work at the site has yielded no specimens of this particular plant.

Finally, the following testimony was received from the Oregon Natural Heritage Database regarding the value of the site as a natural area in general terms:

"This is a very significant natural area, clearly the most important in the County. It has very high quality in native wetlands, dominated by sedges and bulrush, high quality grasslands dominated by red fescue, and an important and natural stream system. In addition, it has the largest population in the world of Sidalcea nelsoniana which is considered to be threatened throughout its range." (Exhibit 18).

The County finds such testimony to be extremely general with regard to ecological values and, in fact, the value relied upon by the commentators are found throughout the Coast Range portion of the County. Further, for the reasons discussed below regarding wetland values, the County understands that a finding of significance requires a demonstration of the relative value of a particular resource as compared to comparable resources within the County, and the commentator offers no such information or analysis to support such an assessment.

In summary, the County has received testimony indicating that three rare plants -- Sidalcea nelsoniana, Iris tenax var. gormanii and Poa laxiflora -- should serve as the basis for a decision to identify Walker Flat as a significant natural area. Based upon the reasoning and evidence noted above, the County finds that the Iris is not an independent biological entity and the Poa is not known to occur at Walker Flat. With regard to Sidalcea nelsoniana, the County finds that there is potential protection on state and federal lands, the presence of healthy populations of the plant at 11 Coast Range sites and 30 additional sites in the Willamette Valley and documented evidence of transplant success and a high rate of survivability. The above evidence did not lead the Board of Commissioners to a conclusion that Walker Flat should be designated as a "significant" natural area.

However, in accordance with requirements imposed by LCDC Remand Order 91-RA-792, the Board of Commissioners hereby designates Walker Flat as a "significant" natural area.

f. Outstanding scenic views and sites

Findings: Yamhill County has not completed an inventory of outstanding views and sites. LCDC has not required that the county proceed with a detailed inventory and analysis of outstanding scenic views and sites as a component of periodic review. In the absence of a county-wide inventory or evidence in the record, the Board concludes that Walker Flat does not warrant designation as an outstanding scenic site.

Designation of Walker Creek as a statewide scenic waterway provides an opportunity for State Parks Department review of land use and management activities within 1/4 mile of Walker Creek for compatibility with scenic waterway qualities.

g. Water areas, wetlands, watersheds and groundwater resources

Findings: Walker Flat as shown on Exhibit F, is an area of approximately 70 acres which includes jurisdiction wetlands, marsh areas, grass meadows and forest that is located within the watershed for the City of McMinnville. Walker Flat is not identified on existing inventories in the Yamhill County Plan as a significant groundwater resource area. The multiple and conflicting resource values of Walker Flat are focused most specifically on this element of Goal 5.

(1) Municipal Water Supply

Findings: Planning Guidelines to Goal 5 state: "Reservoir sites should be identified and protected against irreversible loss." McMinnville Water & Light has identified Walker Creek as a future municipal water reservoir site and has committed years of effort and financial resources to the regulatory process

required to construct the project. To date, McMinnville Water & Light has not secured the federal permits needed to construct the dam and the project has been blocked with the inclusion of Walker Creek on the State Scenic Waterways system. Additionally, McMinnville Water & Light has not proceeded with Yamhill County land use permits. In the absence of the scenic river prohibition on construction of new dams, a Conditional Use Permit would be required to construct a municipal water impoundment in the F-80 District.

McMinnville Water & Light completed several studies in the late 50's and early 60's to identify and evaluate potential municipal water sources. Alternatives that were considered included groundwater, the Willamette River, and reservoirs in the North and South Yamhill River basins. State officials with the Water Resources Department suggested that McMinnville Water & Light examine the diversion and storage of winter runoff from the Nestucca River. In 1962, McMinnville Water & Light Department was granted state permits for two impoundments, one on the upper reaches of the Nestucca River and one on Walker Creek. (Exhibits 6, 36 & 37.)

The Yamhill County Comprehensive Plan states: "As more people became increasingly dependent on surface water for farming and municipal and industrial uses, the County could become a water-deficit area during the dry season (p. 30). The Plan also indicates that several opportunities to construct major watershed storage projects in both the foothills and the bottomlands of the County offer potential to capitalize on a range of water-resource benefits from flood and erosion control to irrigation, municipal and industrial water supply, and recreation (p. 31).

A draft of the City of McMinnville's periodic review order documents that the City Plan recognizes the Walker Creek reservoir as a potential future water supply project (Exhibit 12). Water System Studies prepared by McMinnville Water & Light in 1974 (Exhibit 37) and 1987 (Exhibit 36) also document that Walker Flat is significant as a future reservoir site. Based on the studies and evidence in the record, and based on testimony provided by representatives of McMinnville Water & Light Department regarding their intent to exercise the water right on Walker Creek, the Board concludes that Walker Flat warrants designation as a "significant" watershed and potential municipal reservoir site.

(2) Wetlands

Findings: Based upon available evidence, the Walker Flat area contains approximately 30 acres of jurisdictional wetland under private ownership. This portion of the area is comprised of a complex of wetland and upland areas, surrounded by intermingled conifer forests and riparian mixed woodlands. Wetland elements scattered through grass meadows and along Walker Creek include marsh and emergent wetland, scrub/shrub wetland and wet meadows. The wetland area is surrounded by conifer forests which is managed for timber production. A complete description of wetland values at this site are set forth in Exhibits 35, 39, 110 at 13 and 124.

The County has received testimony from various individuals and organizations regarding the significance of these wetland values at Walker Flat. (Exhibits 35, 44, 45, 47-49, 53, 68, 72-76, 93, 110, 124, 125, 129-131.) Of these comments, only Mr. John Christy of Oregon National Heritage Database (Exhibit 25), Mr. Kenneth F. Bierly of the Oregon Division of State Lands (Exhibit 124), and representatives of CH2M Hill (Exhibits 110 and 129) offer qualifications as expert in wetland assessment by virtue of their education and/or experience. Of these individual comments, it appears to the County that CH2M Hill representatives have conducted the most extensive review of Walker Flat wetland values, owing, in part, to their completion of numerous on-site studies of Sidalcea nelsoniana since 1986. The firm's most recent analysis of available wetland data for the site was prepared for McMinnville Water & Light Department and submitted during these proceedings. The accuracy of this information, which

includes data and analysis regarding the relative significance of Walker Flat wetland values among Coast Range wetlands, was not refuted during these proceedings.

For purposes of Goal 5 compliance there are two key components to the analysis to be undertaken by the County. First, a valid inventory of significant wetland resources must include a determination of the location, quantity and quality of a given resource site. Second, the assessment of the quality of each site must be based upon the site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. See OAR 660-16-000(1)(3). In a similar manner, a determination of the quantity of a cumulative resource requires consideration of the relative abundance of that resource. Based upon information presented during these proceedings, it is understood that the Oregon Court of Appeals has ruled that Goal 5 and the corresponding administrative rule adopted by LCDC precludes a determination that a particular resource is significant for inventory purposes absent documentation of the relative value of comparable resources within at least the given jurisdiction. McCoy v. Linn County, 90 Or App 271, _____ P 2d _____ (1988).

Given the above understanding the County notes that the bulk of the testimony in evidence with regard to wetland values presented during these proceedings addresses Walker Flat without regard to its relative resource values or abundance. (Exhibits 34, 45, 47-49, 50, 62, 68, 72-76, 93, 125, 130, 131.) For example, testimony offered by the Oregon Natural Heritage Data Base suggests only that:

"Walker Creek is also a significant wetland in the northern Coast Range province of Oregon. Wetlands in the Coast Range are small and widely scattered, and most have been altered by road building, grazing and logging, or have been impounded for log ponds and reservoirs. In contrast, Walker Creek has largely escaped such alterations, and this is why it ranks so highly" (Exhibit 125)

Although Mr. Christy offers a general reference to "wetlands" in the Coast Range", there is virtually no evidence or testimony presented as to the location, size, quantity or quality of any of these other resources, let alone those particular sites which would provide the basis for the required relative value assessment. As with these comments, the additional testimony noted above regarding wetland significance provides no comparative information on a geographic or other basis and, in most cases, provides no other definition or stated rationale for the commentator's conclusion of relative or individual significance. Consequently, the County find that such information and testimony, standing alone, is neither credible nor of substantial value in determining the significance of the particular wetland resource found at Walker Flat.

In a similar manner, testimony offered by Mr. Ken Bierly of the Oregon Division of State Lands addresses the quality and significance of the Walker Flat wetland in isolation from other wetland sites within or outside the County. (Exhibit 124.) Although Mr. Bierly notes the historic loss of wetlands generally and offers a range of potential indicators of "significance" for the County's consideration, there is no analysis or information regarding the abundance of comparable wetlands or the value in relation to this particular resource.

On behalf of McMinnville Water and Light Department, CH2M Hill has prepared and presented a report addressing the distribution of Coast Range wetlands within the County. (Exhibit 110.) This report, which is based upon existing data available in the public record, defines Coast Range wetlands such as Walker Creek to include those riparian and non-riparian wetlands were considered to extend 25 feet on either side of a stream course, while non-riparian wetlands within this category are identified from the U.S. Fish and Wildlife Service National Wetlands Inventory, U.S. Soil Conservation Service soil maps, U.S. Geological Service maps

and field notes and maps compiled during inventory projects conducted by the commentator throughout the Coast Range. (Exhibit 110 at 7.)

The report, which was prepared by Dr. Richard Mishaga, Ecologist, Ms. Judith Glad, Plant Botanist, and Ms. Michelle Gertz, Wetland Ecologist, identifies 809 acres of non-riparian wetlands and 1,194 acres of riparian wetlands within the study area. For purposes of classification, inventoried wetlands are distributed among four categories based upon size. In addition to providing this assessment of location and quantity of comparable Coast Range wetlands, the report provides a general assessment of the relative quality of these individual sites as defined by plant associations. (Exhibit 110 at 13-14.)

The evidence presented in this report and the accompanying testimony by CH2M Hill representatives, which the County finds to be credible and based upon substantial expertise in wetland assessment, represents the sole evidence available to the County with regard to the relative significance of the Walker Flat wetland. This evidence and testimony, which reflects an assessment of the location, quantity and quality of comparable resources in the County, indicates that Walker Flat is one of 19 sites within the study area having a non-riparian acreage of between 10 and 50 acres.

Taken together, this information indicates that the Walker Flat resource, with a total of 30 acres of jurisdictional riparian and non-riparian wetlands, currently identified within the study area. In addition, the study identifies two comparable wetlands within the County - Neverstill and Meadow Lake - and two such resources in adjoining counties - Blue Lake and Warnicke Creek - which are larger in area. Based upon this analysis and the author's expertise, the report concludes that the Walker Flats wetland is not unique with respect to (1) vegetation quality, composition and diversity, (2) wetland elevation, size and abundance, and (3) presence of Sidalcea. The evidence does not lead the Board of Commissioners to a conclusion that Walker Creek is a significant wetland.

However, in accordance with requirements imposed by LCDC Remand Order 91-RA-792, the Board of Commissioners hereby designates Walker Flat as a "significant" wetland.

h. Wilderness areas

Findings: There are no designated wilderness areas in the vicinity of Walker Flat or within Yamhill County and the Board has concluded that this category of Goal 5 does not apply to the Walker Flat analysis.

i. Historic areas, sites, structures and objects

Findings: Yamhill County's historical resources inventory includes historic and cultural sites, structures and objects. The Walker Flat site is not listed on the existing inventory. Additionally, a literature search, consultation with the State Historic Preservation Office and field reconnaissance were completed as a component of the 1983 Environmental Assessment of the Walker Creek project. No cultural resources meeting the minimum criteria for National Register of Historic Places eligibility were identified at Walker Flat (Exhibit 35, p. 3-32). The Board therefore concludes that the Walker Flat site is not a significant cultural area.

j. Cultural areas

Findings: Yamhill County's historical resources inventory includes historic and cultural sites, structures and objects. The Walker Flat site is not listed on the existing inventory. Additionally, a literature search, consultation with the State Historic Preservation Office and field reconnaissance were completed as a component of the 1983 Environmental Assessment of the Walker Creek project. No cultural resources meeting the minimum criteria for National Register

of Historic Places eligibility were identified at Walker Flat (Exhibit 35, p. 3-32). The Board therefore concludes that the Walker Flat site is not a significant cultural area.

k. Potential and approved Oregon recreational trails

Findings: No approved or potential Oregon recreational trails are designated in the Yamhill County Comprehensive Plan and the Board has concluded that this category of Goal 5 is not applicable for the Walker Flat analysis.

l. Potential and approved federal wild and scenic waterways and state scenic waterways

Findings: With the passage of Ballot Measure 7 in 1988, 11 segments of Oregon rivers were added to the Oregon Scenic Waterways System, including the Nestucca River and Walker Creek. The Nestucca River is designated as a state scenic waterway from McGuire Dam to the north boundary of Section 30, T3S, R8W (approximately 23 miles - Yamhill and Tillamook Counties); and Walker Creek is designated as a state scenic waterway from its source to the confluence with the Nestucca River (approximately 3 miles - Yamhill County). See Exhibits 11, 17 and 19.

As noted in Exhibit 67, the Oregon Parks Department has lead management responsibility for administering the state scenic waterways program. In addition, the Water Resources Department, Division of State Lands, and State Marine Board have special responsibilities under the Act.

One of the key elements of the program is the notification review process required when landowners undertake logging, mining, building construction, and other improvements within 1/4 mile of the banks of any scenic waterway. A management plan will ultimately be adopted for each river in the system, with specific rules tailored to each river's unique conditions. Staff with State Parks anticipate that an assessment of the resource values associated with the Walker Creek/Nestucca River system will be initiated during the summer of 1990. Following public review of the resource values, it is anticipated that a management plan will be adopted in 1991.

The designation of Walker Creek as a scenic waterway prohibits the construction of a dam and reservoir at Walker Flat. ORS 390.835(1) provides as follows:

"390.385(1) It is declared that the highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the Water Resources Commission, upon a finding that such diversion is necessary to uses designated in ORS 536.310(12), and in a manner consistent with the policies set forth under ORS 390.805 to 390.925. The Water Resources Commission shall administer and enforce the provisions of this subdivision."

Given that Walker Creek and the Nestucca River have been included on the State Scenic Waterways system through the initiative process, the Board recognizes that the Yamhill County Plan must inventory Walker Creek and the portion of the Nestucca River within the Yamhill County as designated state scenic waterways and a significant Goal 5 resource.

VI. ADMINISTRATIVE RULE FRAMEWORK FOR CONFLICTING USE ANALYSIS

OAR 660-16-005 states:

"It is the responsibility of local government to identify conflicts of inventoried Goal 5 resource sites. This is done primarily by examining the uses allowed in broad zoning districts established by the jurisdiction (e.g., forest and agricultural zones). A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy (ESEE) consequences."

The Walker Flat site is designated for Commercial Forestry use on the Yamhill County Comprehensive Plan and is zoned F-80. The stated purpose of the F-80 District is:

"...to identify and protect land designated as Forestry on the Comprehensive Plan that is suitable and desirable primarily for commercial forestry activities and for uses such as recreation, watersheds, reservoirs, grazing, etc., that are compatible with commercial forestry activities..." (Section 401, Yamhill County Zoning Ordinance)

A. F-80 District

A summary of permitted uses and conditional uses in F-80 District follows. This list provides the basis for the conflicting use analysis required by the Goal 5 administrative rule.

Permitted Uses

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
5. Farm use.
6. Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.
7. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
8. Exploration for mineral and aggregate resources.

9. Towers and fire stations for forest fire protection.
10. Widening of roads within existing rights-of-way.
11. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
12. Uninhabitable structures accessory to fish and wildlife enhancement.
13. Disposal site for solid waste.
14. Dwellings as permitted by state law.
15. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
16. Destination resorts.
17. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
18. Private hunting and fishing operations without any accommodations.

Conditional Uses

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Mining and processing of oil, gas or other subsurface resources.
5. Parks and campgrounds.
6. Television, microwave and radio communication facilities and transmission towers.
7. Fire stations for rural fire protection.
8. Utility facilities for the purpose of generating power.
9. Aids to navigation and aviation.
10. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
11. Reservoirs and water impoundments.
12. Firearms training facility.
13. Cemeteries.
14. Private seasonal accommodations for fee hunting operations.
15. New distribution lines (e.g. gas, oil, geothermal) with rights-of-way 50 feet or less in width and new electric transmission lines with right of way widths of up to 100 feet.

16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
 17. Home occupations.
 18. Expansion of existing airports.
 19. Public road and highway projects.
 20. Private accommodations for fishing occupied on a temporary basis.
 21. Forest management research and experimentation facilities.
- B. Uses Regulated by the Forest Practices Act**

The Oregon Legislature amended the Forest Practices Act (FPA) in 1987 to shift all responsibilities for regulation of timber harvest activities from counties to the Department of Forestry. The passage of House Bill 3396 precludes county regulation of forest operations to protect Goal 5 values. Therefore, even though forestry activities are the primary land use contemplated in the F-80 District, the Forest Practices Act preempts consideration of forestry activities as a "conflicting use" under the provisions of Goal 5.

Although Yamhill County does not have jurisdiction to regulate forestry activities at Walker Flat, the designation of Walker Creek as a state scenic waterway provides the Oregon Parks Department with the authority to review timber harvest and other land use and management activities within 1/4 mile of the banks of the waterway for compatibility with the Scenic Waterways Act. Following adoption of a management plan for Walker Creek/Nestucca River, all land use and management activities within 1/4 mile of the banks of the waterways will be reviewed by the Parks Department for compatibility with specific criteria and standards of the management plan.

Additionally, the Department of Forestry has adopted administrative rule provisions to regulate timber harvest activities in proximity to Class I streams and municipal water supply sources. Walker Creek is designated a Class I stream and timber harvest activities in the McGuire and Walker Creek basins are conducted in accordance with water quality protection objectives of the Forest Practices Act.

C. Walker Flat Fish and Wildlife Habitat - Conflicting Use Analysis

Given that LCDC Remand Order 91-RA-792 required Yamhill County to designate Walker Flat as a "significant" fish and wildlife habitat, the Yamhill County Board of Commissioners has recognized that the Comprehensive Plan must inventory Walker Flat as a significant Goal 5 resource. However, individual members of the Board of Commissioners have emphasized that the designation responds to the requirements imposed by the Remand Order but does not necessarily follow from the evidence before the Board in this proceeding.

As indicated in the conflicting use analysis for the Walker Creek Scenic Waterway and the Walker Creek Watershed (subsections (F) and (G), below), construction of a dam or reservoir or other water impoundment facility is specifically prohibited in the subject area because of the scenic waterway designation. Therefore, a dam or reservoir cannot be considered a "potential conflicting use" to the fish and wildlife habitat as the Board has concluded there is not need for Yamhill County to proceed through an evaluation of the economic, social, environmental and energy (ESEE) consequences of balancing the habitat values and the potential reservoir values.

Other than uses specifically prohibited by statute (dams, reservoirs, placer mining within the waterways), all other land use and management activities

which are listed as a permitted or conditional use in the F-80 District and which occur within 1/4 mile of the banks of Walker Creek (i.e. Walker Flat) are subject to a notification and review process by the Oregon Parks Department.

The Oregon Parks Department has begun work on Scenic Waterway Management Plan for the Nestucca/Walker Creek which will identify values that are "special attributes" of the scenic waterway. The Scenic Waterway Act requires that the Department administer each scenic waterway to protect the values that caused it to be included in the system. Primary emphasis is given to protecting aesthetic, scenic, fish and wildlife, scientific and recreation features, based on the special attributes of each scenic waterway (ORS 390.845).

Additionally, Walker Flat is located within the Sensitive Big Game Winter Range of Yamhill County and is afforded the protection of that overlay and the notification requirements to the State Department of Fish and Wildlife.

With the exception of forest practices, Yamhill County has the authority under Goal 5 to limit uses in the F-80 District which may conflict with the designated fish and wildlife habitat (such as forest dwellings, mining operations, signs, utility facilities etc.). However, the county can also defer to the State Parks Department notification and review process as an existing state program designed to achieve the purposes of Goal 5. The Board did not receive any testimony or evidence which argued for Yamhill County regulation beyond the State Parks Department program of the potential uses which may conflict with the fish and wildlife habitat, the sensitive Big Game Winter Range and the protection afforded through the Forest Protection Act.

D. Walker Flat Natural Area - Conflicting Use Analysis

Despite testimony and evidence to the contrary, the Board of Commissioners has responded to the requirements imposed by LCDC Remand Order 91-RA-792 and designated Walker Flat as a "significant" natural area.

For purposes of this analysis, the rationale used in other sections of this exhibit regarding the scenic waterway protection and the prohibition of specific uses (dams, reservoirs, etc.) is also applicable here.

As for the other uses listed in the F-80 District, outside of timber harvest activities, Yamhill County has the authority under Goal 5 to place limits on those uses. Potential conflicts exist between the Walker Flat natural area and such uses as mining, utility facilities, solid waste landfills, campgrounds, etc. However, McMinnville Water and Light Department owns the property where Walker Flat is located and, as in the case of protecting the Water quality in the area for municipal purposes, it is doubtful that the owner would propose any use now allowed which would compromise that water quality and hence, negatively impact the natural area.

E. Walker Flat Wetland - Conflicting Use Analysis

Because of the interconnections of Walker Flat wetland to the other Goal 5 resources reviewed in this exhibit, the ESEE analysis is the same as the review for Walker Flat fish and wildlife habitat, natural area, scenic waterway and watershed already existing elsewhere in this exhibit.

F. Walker Creek Scenic Waterway - Conflicting Use Analysis

Given that Walker Creek has been included in the State Scenic Waterways system through the initiative process, the Yamhill County Board of Commissioners has recognized that the Comprehensive Plan must inventory Walker Creek as a designated waterway and significant Goal 5 resource. However, individual members of the Board of Commissioners have emphasized that the county's designation only reflects the state designation and that a local determination based on the

evidence before the Board would not necessarily conclude that Walker Creek is a scenic waterway.

The "conflicting use analysis" process of the Goal 5 Administrative Rule can be abbreviated for the inventoried scenic waterway. As referenced on page 20 of this exhibit, ORS 390.835(1) specifically prohibits construction of a dam or reservoir or other water impoundment facility within a designated scenic waterway.

Therefore, even though the Yamhill County Zoning Ordinance lists municipal water supply, treatment or storage facility as a conditional use in the F-80 District, the designation of Walker Creek as a state scenic waterway supersedes the county zoning ordinance provisions and the development of a dam or reservoir cannot be considered a "potential conflicting use" to the state scenic waterway and the Board has concluded there is no need for Yamhill county to proceed through an evaluation of the economic, social, environmental and energy (ESEE) consequences of balancing the scenic waterway values and the potential reservoir values.

Other than the uses specifically prohibited by statute (dams, reservoirs, placer mining within the waterways), all other land use and management activities which are listed as a permitted or conditional use in the F-80 District and which occur within 1/4 mile of the banks of Walker Creek are subject to a notification and review process by the Oregon Parks Department.

The Oregon Parks Department has begun work on a Scenic waterway Management Plan for the Nestucca/Walker Creek which will identify values that are "special attributes" of the scenic waterway. The Scenic Waterway Act requires that the Department administer each scenic waterway to protect the values that caused it to be included in the system. Primary emphasis is given to protecting aesthetic, scenic, fish and wildlife, scientific and recreation features, based on the special attributes of each scenic waterway (ORS 390.845).

With the exception of forest practices, Yamhill County has the authority under Goal 5 to limit uses in the F-80 District which may conflict with the designated scenic waterway (such as forest dwellings, mining operations, signs, utility facilities etc.). However, the county can also defer to the State Parks Department notification and review process as an existing state program designed to achieve the purposes of Goal 5. The Board did not receive any testimony or evidence which argued for Yamhill County regulation beyond the State Parks Department program of potential uses which may conflict with the designated scenic waterway.

G. Walker Creek Watershed - Conflicting Use Analysis

The Board of Commissioners has concluded that the Walker Flat site is a significant watershed and potential municipal reservoir site. Watersheds are specifically identified as a Goal 5 resource to be inventoried by counties, and planning guidelines to Goal 5 state: "Reservoir sites should be identified and protected against irreversible loss."

McMinnville Water and Light Department has water right permits dating from 1958 to divert and impound water from Walker Creek for municipal use. Construction of the dam and reservoir has been blocked with the inclusion of Walker Creek in the State Scenic Waterways system. However, McMinnville Water and Light Department owns the watershed surrounding Haskins Reservoir, McGuire Reservoir and the proposed Walker Creek Reservoir and will ensure that the watershed and water quality values are protected for municipal use.

Timber harvest activities in this watershed are regulated by the Department of Forestry and the Forest Practices Act rather than Yamhill County. Specific rules have been adopted by the Department of Forestry to address protection of

water quality values adjacent to Class I streams and municipal water supply sources.

Outside of timber harvest activities, Yamhill County has the authority under Goal 5 to limit uses in the F-80 District which may conflict with protection of the municipal watershed such as mining activities, solid waste landfill, campgrounds, utility facilities, etc.). However, McMinnville Water and Light Department owns and manages the immediate watershed area and is doubtful that the owner would propose to establish any use which would conflict with protection of water quality in the watershed.

In June of 1981, the McMinnville City Council and the Yamhill County Board of Commissioners jointly signed an urban area management agreement (Ordinance #270). This intergovernmental agreement includes policies and an exhibit includes Haskins Reservoir, McGuire Reservoir, Walker Flat and associated drainage basins.

Language in the agreement states that Yamhill County will provide notice of proposed land use actions within the "watershed area of influence" that may affect water quality. The City of McMinnville shall have an opportunity to forward a recommendation on the proposed land use actions prior to a final county decision. The agreement does not specifically define uses "that may affect water quality." However, the provisions of the agreement establish the location of the municipal watershed and bind the county to coordinate with the city on land use actions to ensure protection of water quality.

No evidence or testimony was provided to the Board regarding potential uses in the underlying F-80 District which would conflict with watershed resource values.

VII. PROGRAM TO ACHIEVE GOAL 5

OAR 660-16-010 states:

"Based on the determination of the economic, social environmental and energy consequences, a jurisdiction must develop a program to achieve the Goal. Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to resolve conflicts with specific sites in any of the following three ways listed below.

- "(1) Protect the Resource Site
- "(2) Allow Conflicting Uses Fully
- "(3) Limit Conflicting Uses

A. Walker Flat Fish and Wildlife Habitat, Natural Area and Wetland Program

As indicated under subsection (B), below, Walker Creek Scenic Waterway Program, the Scenic Waterways Act constitutes a program to protect the scenic waterway resource. In doing so, aspects of the Walker Flat fish and wildlife habitat, the natural area and the wetland will also be protected. In addition, the Walker Flat site is afforded protection as a fish and wildlife habitat through the Yamhill County Big Game Winter Range Overlay and the Forest Practices Act.

As noted above, there are a number of existing protective mechanisms in place for the Walker Flat site and surrounding area. Further, it is in the best interest of the sole property owner of Walker Flat, McMinnville Water and Light

Department, to prevent the occurrence of conflicting uses in the Walker Creek Watershed. However, the Board of Commissioners recognizes that there is at least a possibility that other afflicting use may be allowed in the Walker Flat area and that additional protection may be warranted. Toward that end, a limited use overlay will be applied to Walker Flat. The overlay will limit uses to forestry operations and other uses as allowed by the Forest Practices Act. In order to amend the Limited Use Overlay or remove it in the future a zone amendment would be necessary.

The Board concludes that the protections contained in land use plan and regulation amendments set forth in Exhibits "A", "B" and "F" to this Ordinance 566 constitute a program adequate to protect the Walker Flat fish and wildlife habitat, natural area and wetland.

B. Walker Creek Scenic Waterway Program

The State Parks Department has the lead management responsibility for administering the state scenic waterways program. The program is detailed in adopted statutes (ORS 390.805 - 390.925) and Oregon Administrative Rules adopted for Oregon Scenic Waterways.

The Scenic Waterways Act constitutes a *program to protect the resource site*. ORS 390.835(1) The statute specifically provides as follows:

"390.835(1) It is declared that the highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the Water Resources Commission, upon a finding that such diversion is necessary to uses designated in ORS 536.310(12), and in a manner consistent with the policies set forth under ORS 390.805 to 390.925. The water Resources Commission shall administer and enforce the provisions of this subdivision."

The State Parks Department has begun work on a Scenic Waterway Management Plan for the Nestucca River and Walker Creek. As part of the management planning process, the Parks Department will specifically identify the jurisdictional boundaries of the scenic river designation and identify values that are "special attributes" of the scenic waterway.

Other than the uses specifically prohibited by statute, all other land use and management activities which are listed as a permitted or conditional use in the F-80 District and which occur within 1/4 mile of the banks of Walker Creek or the Nestucca River are subject to a State Parks Department notification and review process.

Given the existence of a state program designed to protect the values of designated state scenic waterways, the Board has concluded that it is not necessary for Yamhill County to develop a separate Goal 5 program. However, the Board does propose to adopt a new plan policy in the Comprehensive Plan to specifically address scenic waterways. Additionally, a new Scenic Waterway Overlay section is proposed to be included in the Yamhill County Zoning Ordinance and applied as an Overlay to the Official County Zoning Map to reference county coordination with the state program. The text of the policy language is provided in Exhibit "A". The text of the overlay amendments to zoning ordinance is contained in Exhibit "B". The overlay map that identifies the designated state scenic waterways is attached as Exhibit "E".

The Board concludes that the implementing policies and ordinance provisions set forth in the enclosed Exhibits "A", "B", "D" and "E" support the State Parks Department program to protect the designated state scenic waterways.

C. Walker Creek Watershed Program

The Board of Commissioners has concluded that the Walker Flat site is a significant watershed resource and potential municipal reservoir site. Specific policies in the Yamhill County Comprehensive Plan and an adopted intergovernmental agreement between Yamhill County and the City of McMinnville address protection of the municipal watershed areas surrounding Haskins Reservoir, McGuire Reservoir, and Walker Flat.

McMinnville Water and Light Department owns and manages the bulk of the identified watershed areas (approximately 6,000 acres) and will ensure that the watershed areas are protected for municipal use.

Forest management activities are the primary use contemplated in the underlying F-80 District. Timber harvest activities in the Walker Flat watershed are regulated by the Department of Forestry and the Forest Practices Act rather than Yamhill County. Specific provisions of the FPA address protection of water quality values adjacent to Class I streams and municipal water supply sources.

No evidence was presented at the previous public hearings to support a program to prohibit conflicting uses to protect the Walker Flat watershed. The Board has concluded that existing plan policy language needs to be amended and a watershed overlay adopted to implement a Goal 5 program to balance the watershed resource with potential conflicting uses. Other cities in Yamhill County may want to request application of the watershed overlay to their respective municipal watersheds.

Proposed Comprehensive Plan policy language is provided in Exhibit "A" and the text of the Watershed and Scenic Waterway Overlay Districts is provided in Exhibit "B". A map which identifies the watershed boundary for Haskins, McGuire and Walker Creek Watershed Areas is enclosed as Exhibit "D".

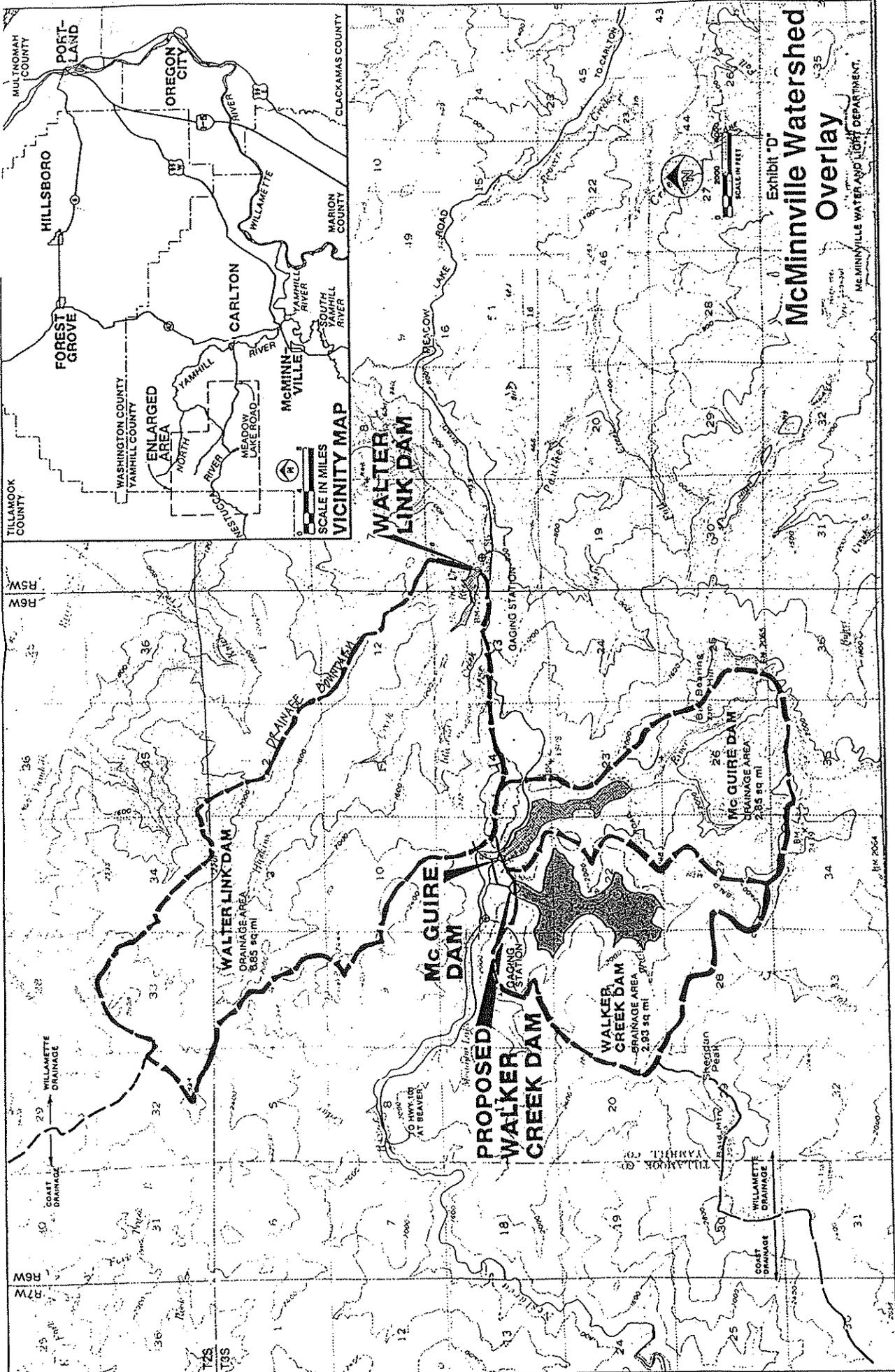
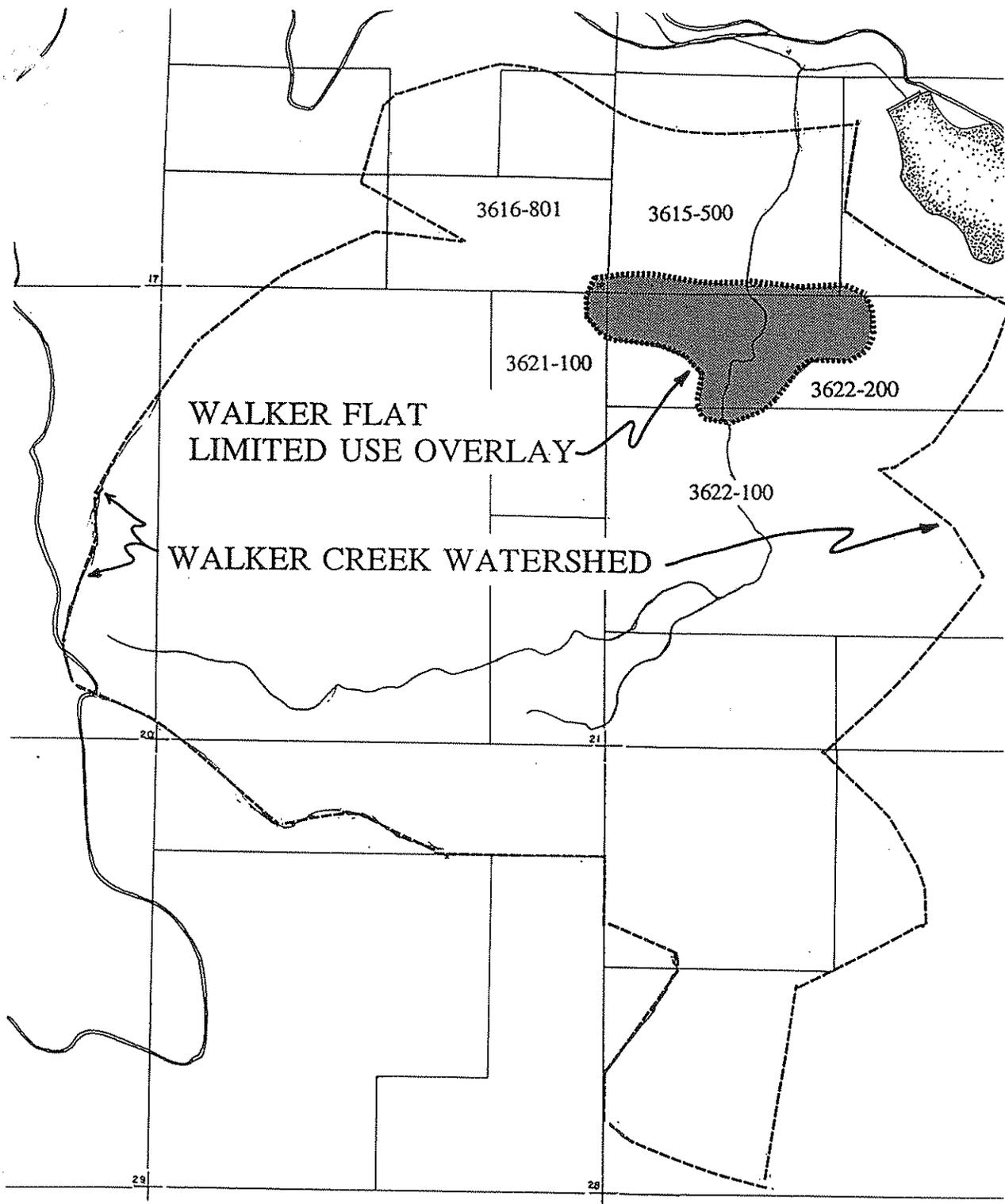


Exhibit "D"
**McMinnville Watershed
 Overlay**

MCMINNVILLE WATER AGG. DIST. DEPARTMENT

Exhibit "D"
 Ordinance 566



WALKER FLAT
LIMITED USE OVERLAY

WALKER CREEK WATERSHED

EXHIBIT "F" FOR ORDINANCE NO: 566

ADOPTED BY THE YAMHILL COUNTY
BOARD OF COMMISSIONERS
DECEMBER 29, 1993

- Not to scale

- Change applies to the shaded portion of the identified tax lots

ORDINANCE 566 - Ex. F
(Walker Flat Limited
Use Overlay)
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