

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 Approving a Plan Amendment     | ) |               |
| from Agriculture/Forestry Large Holding to      | ) |               |
| Agriculture/Forestry Small Holding, and a Zone  | ) |               |
| Change from AF-20 Agriculture/Forestry to       | ) |               |
| AF-10 Agriculture Forestry Small Holding for a  | ) | ORDINANCE 774 |
| 41 Acre Parcel, Tax Lots 3226-494 and 3226-496, | ) |               |
| Applicant Steven Wilson of Bucks Corporation,   | ) |               |
| Docket PAZ-08-04, Taking an Exception to Goals  | ) |               |
| 3 and 4, and Declaring an Emergency             | ) |               |

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business at 10:00 a.m. on July 20, 2005, in Room 32 of the courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Steven Wilson of Bucks Corporation applied for a comprehensive plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding, a zone change from AF-20 Agriculture/Forestry to AF-10 Agriculture Forestry Small Holding and taking an exception to Goals 3 and 4 for a 41 Acre Parcel located on Lesley Road, Newberg, Yamhill County, Tax Lots Nos. 3226-494 and 3226-496, Docket PAZ-08-04.

B. A public remand hearing was held before the Planning Commission on April 7, 2005 to consider testimony and evidence, after which the Commission voted to approve the application and forwarded it to the Board of Commissioners; and

C. At its regularly scheduled June 22 and July 13, 2005 public hearings, the Board heard evidence and testimony and voted unanimously to approve the application and directed that findings in support of the application be prepared for consideration on July 20, 2005; NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 20<sup>th</sup> day of July, 2005, at McMinnville, Oregon.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

By: Anne M. Britt  
Deputy ANNE BRITT



Mary P. Stern  
Chair MARY P. STERN

Leslie Lewis  
Commissioner LESLIE LEWIS

APPROVED AS TO FORM:

Rick Sanai  
RICK SANAI  
Assistant County Counsel

Kathy George  
Commissioner KATHY GEORGE

Accepted by Yamhill County  
Board of Commissioners on  
7/20/05 by Board Order  
# 05-610

**Exhibit "A"**

**Reasons Goal Exception Criteria and Analysis**

1. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking an exception to the goals. The applicants are applying for a "reasons" exception to Goals 3 and 4.
2. **OAR 660-04-020 Goal 2, Part II© Exception Requirements**

**(2) The four factors in Goal 2 Part II© required to be addressed when taking an exception to a goal are:**

*(a) "Reasons justify why the state policy embodied in the applicable goals should not apply". The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land*

**Response:**

The subject site consists of one tax lot containing two parcels, each developed with one existing single-family residence. Both parcels have frontage on Lesley Road but access to the property via private paved roads, from Wilsonville Road. The roads climb up the south-facing slope of Ladd Hill in a gently curving manner and intersects with Lesley Road. The change in elevation from Wilsonville Road to the terminus of Lesley Road is approximately 450 feet.

TL 494 Parcel 1 is the site of a residence and attached garage, two additional detached garages, a workshop, a garden shed, and a well. TL 494 Parcel 2 also has an existing residence and a well. Both parcels are irregularly shaped. The southern property line of Parcel 2 is adjacent to a 60' road access and utility easement on Tax Lot 495. The southern portion of Parcel 2 is crossed by view easement lines running generally in a northeast-to-southwest direction.

The subject site is characterized by long, smooth convex slopes. Both parcels have hillsides which primarily face south, though the curvature of the hill also exhibits east and west-facing slopes. The site provides panoramic views of the Coast Range, the valley, and Mt. Hood, especially

from Parcel 1, which contains a local high point. The elevations range from approximately 300' at the western tip of TL 494 to approximately 725' near the northern boundary. Approximately 31% of the site has slopes of 30-50% and another 11% of the site has slopes between 20% and 30%.

A drainage channel runs along the northwestern property line of Parcel 1 and continues downhill in a southwesterly direction. Both parcels support some Ponderosa Pine, Douglas Fir, oak trees, and grasses. Parcel 1 is wooded on small portions toward the north and west and Parcel 2 is wooded on a small westernmost portion of the lot. The soil on the site is too poor to support productive commercial forestry, in contrast to soil in nearby areas. Many of the trees planted on the site have died, and those which have survived are significantly smaller than trees planted at the same time on nearby sites. A soil investigation on the site indicated that TL 494 has 97.57% Low Value soils and 2.43% High Value soils. The investigation also determined by the Capability Classification that the site has 86.32% Class 6 soils and 13.68% Class 2 and Class 4 soils. The soil is essentially a thin layer overlaying broken rock (basalt saprolite). This condition can be clearly observed in the cuts made during the construction of the private roads on site.

(b) *"Areas which do not require a new exception cannot reasonably accommodate the use."*

(A) *The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.*

(B) *To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed.*

**Response:**

The subject site fulfills a need for rural residential uses which have adequate fire protection and will not generate inordinate service demands since they have individual domestic wells, sewage disposal systems, and a private road system resulting in limited access points on county roads. The area has forestry limitations due to the poor soil and the high potential for conflicts with the adjacent rural residential properties. The proposed AF-10 zoning will fit well with the rural residential development already in place in the immediate surroundings, and is similar to the AF-10

properties in Exception Areas 1.4, 1.10, 1.11, 1.12, 1.13, and 1.15, which constitute the study area. The subject area has a high amenity value for rural residential use, and is an area where such needs can be accomplished without compromising County goals of urban containment and orderly urban development.

For purposes of this request for a zone change to AF-10, the County can interpret "other lands so zoned" as used in YCZO 1208.02(B) as meaning other AF-10 zoned land within the vicinity of the subject parcels, and define the vicinity as being parcels within Exception Areas 1.4, 1.10, 1.11, 1.12, 1.13, and 1.15 (the North Newberg, Wynooski Subdivision, St. Paul Highway, Fernwood, Wilsonville, and Earlwood/Parrett Mountain exception areas). These exception areas lie within 5 miles of the subject site, and one lies within 1 mile of the site. Considering the parcels in these exception areas, the County can find that there is an existing, demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry, the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.

Yamhill County staff inventoried the supply of residential lots in the Exception Areas noted above in June 1999. The applicant inspected the Exception Areas in October 2004 to identify lots that have been developed since 1999. Maps showing the developed lots in the Exception Areas are included as **Appendix A-4**. The maps utilize a black dot to indicate development as of June 1999 and utilize a hatch pattern to designate parcels that have been developed since June 1999. The maps demonstrate a high degree of existing development in the Study Area.

Third, the applicant has submitted a letter from a real estate broker indicating a strong market demand for 10-acre lots, if the land is maintained and has private access and/or view property. The applicant has visually surveyed the undeveloped AF-10 lots in Exception Areas 1.4, 1.10, 1.11, 1.12, 1.13, and 1.15 (the North Newberg, Wynooski Subdivision, St. Paul Highway, Fernwood, Wilsonville, and Earlwood/Parrett Mountain exception areas) and found a shortage of ten-acre sized parcels. These exception areas contained only four parcels which were vacant, zoned AF-10, and between 10 and 20 acres in size. One additional parcel was slightly smaller than ten acres (9.7 acres) and another two were over 20 acres. See

**Table 1.**

**Table 1  
Undeveloped AF-10 lots in Study Area with Areas Over 9 Acres**

| <b>Yamhill County Tax Map</b> | <b>Lot</b> | <b>Approximate Size (acres)</b> |
|-------------------------------|------------|---------------------------------|
| 3-2-8                         | 2700       | 16.5                            |
| 3-2-14-BB                     | 901        | 10                              |
| 3-2-15                        | 2301       | 9.7                             |
| 3-2-16-AC                     | 13800      | 14.74                           |
| 3-2-28                        | 100        | 10.65                           |
| 3-2-36                        | 3702       | 21.03                           |
| 3-2-36                        | 4200       | 47.35                           |

Most of the undeveloped lots in the study area are considerably smaller than the minimum lot size (10 acres) for the AF-10 district. In order to meet the stated purpose of the AF-10 district (“to provide for low density rural residential development” YCZO Section 501.01), the County needs an adequate supply of ten-acre parcels and needs to provide more parcels in this area of the ten-acre size suggested by the AF-10 zoning. Comprehensive Plan Rural Area Development Goal I.B.2<sup>1</sup> and Policy I.B.2.b<sup>2</sup> support and require the ten-acre parcel size.

<sup>1</sup> YCCP Rural Area Goal I.B.2 provides:

To accommodate the demand for rural residential development at very low densities and in areas which are not amenable to integrated neighborhood designs, provided such areas are suited to the uses intended and exhibit high amenity value, and such developments do not preempt farm or forest lands, or generate inordinate service demands on their own.

<sup>2</sup> YCCP Rural Area Policy I.B.2.b provides:

The Comprehensive Plan also requires the County to provide enough land to accommodate “a variety of housing types in different residential environments...to serve the housing needs of all components of the county population” (as described in Housing Policy I.E.I.c<sup>3</sup>).

Undeveloped 10-acre properties have been generating a significant amount of interest, and a local realty said there are an overwhelming number of buyers looking for buildable pieces of rural property. This indicates a component of the county population is intensely interested in living on a ten-acre parcel in this area close to town. As the real estate broker wrote, “I have found buildable property around 10 acres in Yamhill County to be very desirable if the land is maintained, with some sort of private access and/or view property. Within the last couple of years, buyers would consider this type of property hard to find and practically unattainable! Marketability on this kind of acreage would be highly sought after”.

Reading the cited Housing policy and Rural Area Development goal and policies together, the County recognized a need for rural residential housing and required zoning to accommodate that need. The County can find there is now a shortage of ten-acre parcels needed to accommodate the housing need of a component of the county population desiring a rural residential lifestyle, in the AF-10 district in the vicinity of Tax Lot 494, and that the proposed rezone will help alleviate that shortage.

An analysis of the development within the exception areas comprising the study area is found in the following four tables. These tables indicate the total number of lots (defined as the number of existing tax lots plus the number of new lots that could be created by partitioning or subdivision), the number of lots developed as of 1981, and the subsequent development in the time periods 1981-1999 and 1999-2004. The tables also list the percent development, the total number of vacant lots, and the number of lots smaller than and larger than 10 acres.<sup>4</sup>

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a. Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated small holding areas where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage disposal systems, and possibly rural fire protection.

<sup>3</sup> YCCP Rural Area Housing Policy I.E.I.c provides:

c. Yamhill County will provide opportunities for a variety of housing types in different residential environments, including single-family structures, conventional and modular type construction, and mobile homes to serve the housing needs of all components of the county population.

<sup>4</sup> The number of lots developed between 1999 and 2004 was determined via field visits in October 2004, at which time the number of vacant lots smaller than 10 acres and vacant lots at least 10 acres in size was determined. This figure may differ from the total number of vacant lots indicated in the tables, which was computed as the difference between the total lots (determined by County staff) and the number of developed lots. This discrepancy may be traced to property line adjustments, partitions, and other changes.

**Table 2**, which describes the North Newberg Exception Area (1.4), indicates that the area is 84% developed, and has only 2 undeveloped AF-10 lots that are at least 10 acres in size.

Table 2  
Developed Lots in Exception Area 1.4

| North Newberg Exception Area |            |                |           |           |            |             |                   |           |                  |
|------------------------------|------------|----------------|-----------|-----------|------------|-------------|-------------------|-----------|------------------|
|                              |            | Developed Lots |           |           |            |             | Vacant Lots, 2004 |           |                  |
| Zone                         | Total Lots | 1981           | 1981-1999 | 1999-2004 | 2004 total | % developed | total             | <10 acres | 10 or more acres |
| VLDR-1                       | 33         | 0              | 32        | 1         | 33         | 100%        | 0                 | N/A       | N/A              |
| VLDR-2.5                     | 178        | 68             | 64        | 10        | 142        | 80%         | 36                | N/A       | N/A              |
| AF-10                        | 49         | 40             | 3         | 1         | 44         | 90%         | 5                 | 2         | 2                |
| <b>Total</b>                 | <b>260</b> | <b>108</b>     | <b>99</b> | <b>12</b> | <b>219</b> | <b>84%</b>  | <b>41</b>         |           |                  |

For the Wynoski Subdivision, St. Paul Highway, and Fernwood Exception Areas (1.10, 1.11, & 1.12), described in

**Table 3**, the area is 76% developed, and again there are only 2 undeveloped AF-10 lots that are at least 10 acres in size.

Table 3  
Developed Lots in Exception Areas 1.10, 1.11, 1.12

| Wynoski Subdivision, St. Paul Highway, Fernwood |            |                |           |           |            |             |                   |           |                  |
|---|------------|----------------|-----------|-----------|------------|-------------|-------------------|-----------|------------------|
|   |            | Developed Lots |           |           |            |             | Vacant Lots, 2004 |           |                  |
| Zone  | Total Lots | 1981           | 1981-1999 | 1999-2004 | 2004 total | % developed | total             | <10 acres | 10 or more acres |
| VLDR-1  | 18         | 2              | 0         | 1         | 3          | 17%         | 15                | N/A       | N/A              |
| VLDR-2.5  | 65         | 21             | 18        | 5         | 44         | 68%         | 21                | N/A       | N/A              |
| AF-10   | 100        | 68             | 12        | 12        | 92         | 92%         | 8                 | 12        | 2                |
| <b>Total</b>                                    | <b>183</b> | <b>91</b>      | <b>30</b> | <b>18</b> | <b>139</b> | <b>76%</b>  | <b>44</b>         |           |                  |

In the Wilsonville and Earlwood/Parrett Mountain Exception Areas (1.12 & 1.15), the area is 69% developed, and there are only 2 undeveloped AF-10 lots that are at least 10 acres. See **Table 4**.

Table 4  
Developed Lots in Exception Areas 1.13, 1.15

| Wilsonville, Earlwood/Parrett Mountain |            |                |           |           |            |             |                   |           |                  |
|--|------------|----------------|-----------|-----------|------------|-------------|-------------------|-----------|------------------|
|  |            | Developed Lots |           |           |            |             | Vacant Lots, 2004 |           |                  |
| Zone                                   | Total Lots | 1981           | 1981-1999 | 1999-2004 | 2004 total | % developed | total             | <10 acres | 10 or more acres |
| VLDR-2.5                               | 111        | 40             | 26        | 5         | 71         | 64%         | 40                | N/A       | N/A              |

|              |            |           |           |           |            |            |           |   |   |
|--------------|------------|-----------|-----------|-----------|------------|------------|-----------|---|---|
| AF-10        | 61         | 30        | 9         | 8         | 47         | 77%        | 14        | 7 | 2 |
| <b>Total</b> | <b>172</b> | <b>70</b> | <b>35</b> | <b>13</b> | <b>118</b> | <b>69%</b> | <b>54</b> |   |   |

Table 5 summarizes the previous three tables.

Table 5  
Developed Lots in Study Area

| Exception Areas 1.4, 1.10, 1.11, 1.12, 1.13, 1.15 |            |                |            |           |            |             |                   |           |                  |
|---|------------|----------------|------------|-----------|------------|-------------|-------------------|-----------|------------------|
|   |            | Developed Lots |            |           |            |             | Vacant Lots, 2004 |           |                  |
| Zone  | Total Lots | 1981           | 1981-1999  | 1999-2004 | 2004 total | % developed | total             | <10 acres | 10 or more acres |
| VLDR-1  | 51         | 2              | 32         | 2         | 36         | 71%         | 15                | N/A       | N/A              |
| VLDR-2.5  | 354        | 129            | 108        | 20        | 257        | 73%         | 97                | N/A       | N/A              |
| AF-10   | 210        | 138            | 24         | 21        | 183        | 87%         | 27                | 21        | 6                |
| <b>Total</b>                                      | <b>615</b> | <b>269</b>     | <b>164</b> | <b>43</b> | <b>476</b> | <b>77%</b>  | <b>139</b>        |           |                  |

For all these exception areas comprising the study area, the areas zoned AF-10 are 87% developed, and there are only 6 undeveloped lots at least 10 acres in size. From 1981 to 1999, 24 AF-10 lots were developed, and from 1999 to 2004, another 21 AF-10 lots were developed. At this rate, the remaining AF-10 lots will soon be developed. **Out of 210 total lots zoned AF-10 when the Exception Areas were created in 1980, only 6 lots are still undeveloped and at least 10 acres in size.**

These findings support the conclusions that there is a demand which the proposed use will satisfy, that there is a lack of available 10-acre parcels in the vicinity, and that there is a need for rural residential housing on this property.

- (i) *Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?*

**Response:**

The two proposed dwelling units can not be accommodated on non-resource land because an analysis of the vacant non-resource land in the exception illustrated that those lots are not comparable to the subject site. Most of the undeveloped lots are considerably smaller than the minimum lot size (10 acres) for the AF-10 district. In order to meet the stated purpose of the AF-10 district, the County needs an adequate supply of ten-acre parcels and needs to provide more parcels in this area of the ten-acre size suggested by the AF-10 zoning.

- (ii) *Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses,*

*not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?*

**Response:**

The applicant could not find any resource land within the Study Area that was irrevocably committed to non-resource uses and no evidence to the contrary was submitted by any opponent to this application. The Board can conclude that the proposed use can not be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses.

*(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

**Response:**

The two proposed dwelling units can not be located on ten acre parcels within an Urban Growth Boundary (UGB). It is better for the County to provide additional land for rural residential hobby farm/forest uses on non-resource lands such as the subject property, than to not provide such additional rural residential land, which would artificially limit housing options for its citizens. The Board can find that the placement of rural residential uses on land within an UGB would not be an efficient and appropriate use of such urban or urbanizable land.

*(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.*

**Response:**

There are 139 undeveloped lots in the study area, only 27 of which are zoned AF-10 (with the remainder zoned VLDR-1 and VLDR-2½) (see

**Appendix A-4).** There are several factors that distinguish Lot 494 from the other undeveloped AF-10 properties in the study area.

#### Size

The subject property, when divided as allowed in the AF-10 zone, will contain four lots of at least ten acres. The property is well suited by size to become an AF-10 district in this vicinity. The AF-10 minimum lot size is 10 acres, but **61% (129 out of 210) of the AF-10 parcels in the study area are smaller than 10 acres.** Of the 27 undeveloped AF-10 parcels in the study area, 21 are smaller than 10 acres. Only 6 are over 10 acres, and another parcel is 9.7 acres, so there are seven comparable vacant residential properties in the study area.

Lots that are under 10 acres in size are generally considered too small to be comparable to the subject site, and parcels over approximately 12 acres are likely to be considered too large. A person seeking a ten-acre parcel is not likely to be satisfied with five or six acres. Parcels half the size of the minimum lot size should not be considered comparable to full sized lots. **Twenty-one of the 27 vacant AF-10 lots are smaller than 10 acres.** As illustrated by the existence of multiple zoning districts in the County, five acres is not the same as ten acres. Of the seven properties initially deemed as potentially comparable, only 3 fall in the range between 9 and 11 acres, and the other 4 are over 14 acres.

#### Location

The paved private roads running through Tax Lot 494 and the surrounding properties of Ladd Hill Estates provide easy access to Wilsonville Road. This location does not subject the homes to the noise and other impacts of living immediately adjacent to a busy road, nor does it require traveling on a gravel road to reach the property, nor does it necessitate the construction of new access roads or long driveways. Consequently, the location and access of the proposed exception area is unique. Of the other comparable properties in the study area, three are accessed via gravel roads, three front on paved county roads, and one abuts Highway 99. The first three are inconvenient and the last four would be noisier than the subject site.

#### Other Factors

Tax Lot 494 Parcels 1 and 2 have panoramic views to the south. TL 494 Parcels 1 and 2 slope downhill to the south, and the home sites for the two future residences is likely to be on the upper view portion of the property. One of the comparable seven lots inspected by the real estate broker was deemed to have a "partial view" and the rest were not considered to be view properties.

- (c) *The long-term environmental, economic, social and energy consequences resulting from the proposed site with measures designed to reduce adverse*

*impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;*

**Response:**

A detailed soil investigation concluded that the site has **97.57% Low Value soils** and 2.43% High Value soils. The Capability Classification indicates that the site has **86.32% Class VI soils** and 13.68% Class II and Class IV soils. This site is not "predominantly Class I, II, III and IV soils."

The site contains predominantly Low Value Soils (97.57%), with **54% of the site determined to be Stonyland**. Of the 32 plots at which Stonyland was described on site, 19 were 10 inches or less to bedrock (average depth 10.6 inches). Many of these plots also contained significant proportions of gravel and cobbles. According to the Yamhill County Soil Survey, Stonyland has low fertility and an available water capacity of 2 to 4 inches, which is insufficient to retain enough water to allow consistent plant growth. Evidence of this condition is provided by the fact that cherry trees were planted in the early 1980s but all the trees except one died. Furthermore, Douglas Fir trees have died, and those Ponderosa Pines that have survived continue to die, as well

Given the limited moisture-holding capacity of these soils and prevailing southerly aspects on this property, the grazing season would be limited to late winter and sprin

Due to the higher elevation of the site, the area has slightly cooler and windier weather than that of the agricultural land adjacent to Wilsonville Road.

The site has no source of irrigation, since the land is too far from the Willamette River to draw river water. The existing wells and water tanks are dedicated for domestic use and fire protection, and are not suitable for irrigation purposes.

Structures on the site include two single-family residences, three garages, a shed, a workshop, a garden shed, and three water tanks. Other development on the site includes two septic systems, two wells, driveways, a tennis court, a swimming pool, and private roads. The Ladd Hill Estates area, in which the subject site is located, is partially developed with large single-family residences on parcels of at least 20 acres. **This residential subdivision has full improvements**, including a private paved roadway network and underground utilities, including electric and telephone service and water lines for the fire hydrants. Parts of some of the adjacent lots are used for forestry production. However, these lots have better soils and different exposure.

The poor soil conditions on site (97.57% Low Value Soils) preclude farm use, regardless of technological or energy inputs. The Stonyland does not permit tilling the soil.

As observed in the Yamhill County Planning staff report, **much of the site has slopes in excess of 20%, which hinders agricultural production**. If a commercial agricultural enterprise were undertaken on the subject site, conflicts would arise with neighboring properties, given the current character of the area. Potential conflicts include the noise, chemical trespass, odors, dust, and farm traffic. For instance, aerial spraying would be difficult because chemicals exhibit a tendency to drift onto adjacent residential parcels.

- **Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event**

The Ladd Hill Estates area is partially developed with large single-family residences on parcels above the 20-acre minimum of the AF-20 zone. The subject site is not adjacent to agricultural operations, and consequently is not necessary for farm practices in the area.

For the reasons stated above, the Board can conclude that the long term environmental, economic, social and energy consequences resulting from the use at the proposed site do not require measures designed to reduce adverse impacts and that the proposed use is not significantly more adverse than would typically result from the same proposed use being located in other areas requiring a Goal exception.

- (d) *"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.*

**Response:**

The subject site consists of one tax lot containing two parcels, each developed with one existing single-family residence. Both parcels have frontage on Lesley Road but access the property via private paved roads, one of which leads from Wilsonville Road. The roads climb up the south-facing slope of Ladd Hill in a gently curving manner and intersect with Lesley Road. The change in elevation from Wilsonville Road to the terminus of Lesley Road is approximately 450 feet.

TL 494 Parcel 1 is the site of a residence and attached garage, two additional detached garages, a workshop, a garden shed, and a well. TL 494 Parcel 2 also has an existing residence and a well. Both parcels are irregularly shaped. The southern property line of Parcel 2 is adjacent to a 60' road access and utility easement on Tax Lot 495. The southern portion of Parcel 2 is crossed by view easement lines running generally in a northeast-to-southwest direction.

The subject site is characterized by long, smooth convex slopes. Both parcels have hillsides which primarily face south, though the curvature of the hill also exhibits east and west-facing slopes. The site provides panoramic views of the Coast Range, the valley, and Mt. Hood, especially from Parcel 1, which contains a local high point. The elevations range from approximately 300' at the western tip of TL 494 to approximately 725' near the northern boundary. Approximately 31% of the site has slopes of 30-50% and another 11% of the site has slopes between 20% and 30%.

A drainage channel runs along the northwestern property line of Parcel 1 and continues downhill in a southwesterly direction. Both parcels support some Ponderosa Pine, Douglas Fir, oak trees, and grasses. Parcel 1 is wooded on small portions toward the north and west and Parcel 2 is wooded on a small westernmost portion of the lot. The soil on the site is too poor to support productive commercial forestry, in contrast to soil in nearby areas. Many of the trees planted on the site have died, and those which have survived are significantly smaller than trees planted at the same time on nearby sites. As noted in **Appendix A-1**, a soil investigation

on the site indicated that TL 494 has 97.57% Low Value soils and 2.43% High Value soils. The investigation also determined by the Capability Classification that the site has 86.32% Class 6 soils and 13.68% Class 2 and Class 4 soils. The soil is essentially a thin layer overlaying broken rock (basalt saprolite). This condition can be clearly observed in the cuts made during the construction of the private roads on site.

Immediately north of the subject site the land rises up to a local peak with elevation 758'. To the west, south, and east, the land generally slopes downward to Wilsonville Road, after which the land has much more gradual slopes down toward the Willamette River. Creeks are present on parcels to the east and west of the subject site.

The Ladd Hill Estates area is partially developed with large single-family residences on parcels above the 20-acre minimum of the AF-20 zone. **Exhibit 2, Existing Zoning** illustrates the subject site and the surrounding area. The area is generally zoned AF-20, although the flatter parcels along Wilsonville Road are zoned EF-20 and EF-80. All the parcels immediately adjacent to Tax Lot 494 are zoned AF-20, with the exception of Tax Lots 1600 and 1603, which are zoned EF-80, although the EF-20 and EF-80 lots are substantially smaller than 80 acres.

Out of 678.55 acres included in the immediate area, 92.3% of the area is zoned AF-20, with the remainder zoned for exclusive farm use. Despite the 20-acre and 80-acre minimums of the zoning designations, over 36% of the parcels in the neighborhood have an area less than 10 acres, and a full 63.6% of the parcels are below 20 acres.

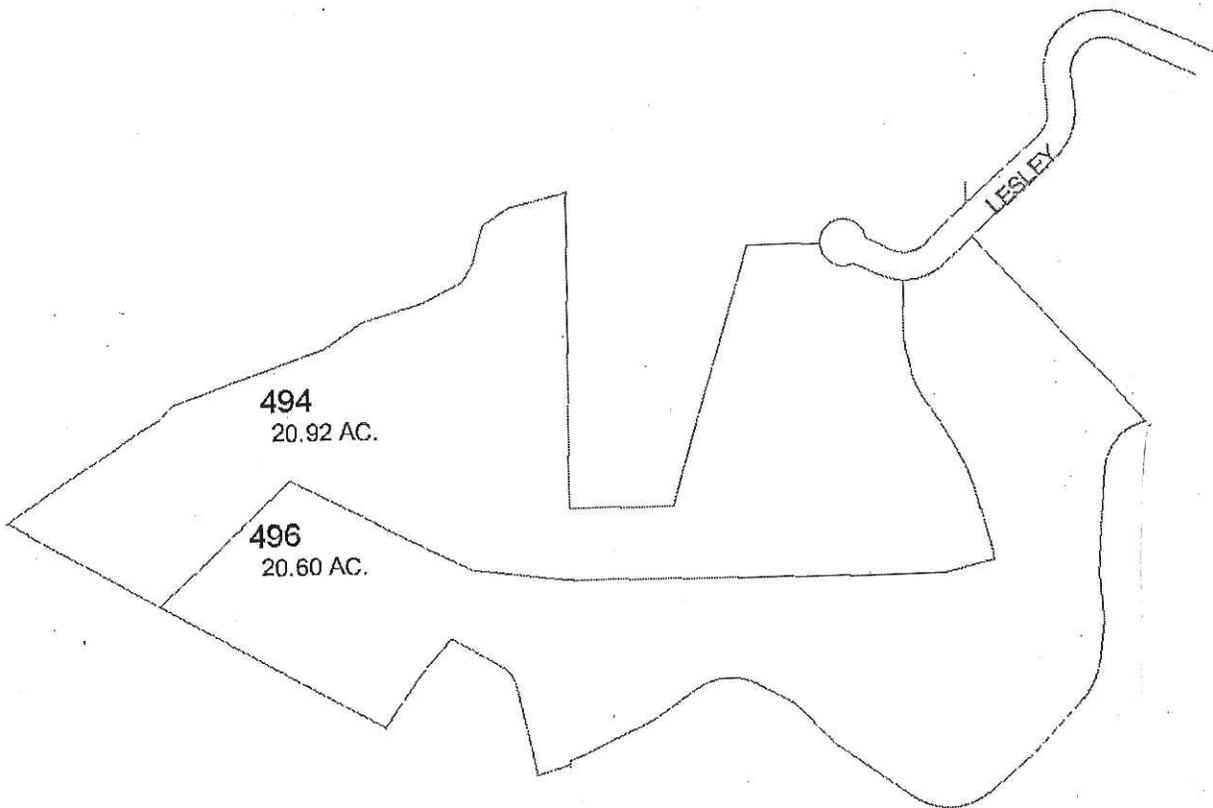
The parcels in Ladd Hill Estates contain both single-family residences and forested areas, which are currently being maintained for timber production. The soil quality on parts of the parcels surrounding the subject site is better than that on the subject site: trees on the surrounding parcels exhibit higher survival rates and growth rates.

The proposed exception area is relatively small (41.5 acres). The applicant has specifically targeted the exception to these two parcels where the poor soil quality makes it impracticable to perform productive forestry operations. Some portion of each of the parcels on Ladd Hill is wooded, with varying degrees of success in timber production; the subject site has been non-productive. The subject site is more intensely developed than the neighboring parcels, containing not only two rural residences but a variety of outbuildings and roads. All of these parcels are interconnected by a private network of paved roads that also connects to Wilsonville Road and Lesley Road.

As previously noted, each parcel in the subject site is currently served by a private well and septic system. Parcel 1 also contains three water tanks storing 26,000 gallons of water which supply fire hydrants placed along the private roads. The proposed exception area is located within the Newberg Rural Fire Protection District. The site is served with electrical power by Portland General Electric and telephone service, both of which are distributed throughout the neighborhood in underground utility trenches located in easements along the private roads.

EXHIBIT MAP FOR ORDINANCE NO. 774  
PLAN AMENDMENT AND ZONE CHANGE  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
JULY 20, 2005

FOR A COMPREHENSIVE PLAN AMENDMENT FROM  
AGRICULTURE/FORESTRY LARGE HOLDING TO AGRICULTURE/FORESTRY  
SMALL HOLDING AND  
TO CHANGE OFFICIAL ZONING MAP FROM  
*AF-20 AGRICULTURE/FORESTRY USE*  
TO  
*AF-10 AGRICULTURE/FORESTRY SMALL HOLDING*



CHANGE APPLIES TO TAX LOTS 3226-494 and 496 DESCRIBED ABOVE

APPROXIMATE SCALE - 1 INCH = 400 FEET

Ex. B 1/1  
B.O. 05-610