

File

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

95-399

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the Yamhill)
 County Comprehensive Plan (1974) to Change the)
 Designation from Commercial Forestry to Parks and)
 Recreation, to Amend the Official Zoning Map from)
 Forestry (F-80) to Recreation Commercial (RC), and)
 Taking an Exception from Statewide Planning Goal 4)
 on an Approximately 15-Acre Portion of Tax Lots)
 2625-302 and 2625-303 to Allow a Horse Rental)
 Facility, Motel and Cabins, and a Dwelling for a)
 Resident Manager; and a Conditional Use Approval to)
 Allow a Campground on a 108 Acre Portion of Tax)
 Lots 2625-300, 2625-302 and 2625-303; Applicant)
 Frank Walker and Associates for Flying M Associates;))
 Planning Dockets PAZ-8-94 and C-35-94;

ORDINANCE 595

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on June 28, 1995, Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E. E. Bunn being present.

WHEREAS, on December 9, 1994 Frank Walker and Associates for Flying M Associates ("Applicant") filed planning docket applications PAZ-8-94 and C-35-94 for a Comprehensive Plan Map amendment from Commercial Forestry to Parks and Recreation, a zone change from Forestry (F-80) to Recreation Commercial (RC), an exception to Statewide Planning Goal 4, on a 12-Acre portion of tax lots 2625-300, 302 and 303, to allow a horse rental facility, motel and cabins, and on two separate 3-acre areas to allow two dwellings for resident managers as part of a campground, and a conditional use approval to allow development of a campground on 108 acres, west of Flying M Ranch, as more particularly described on Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, on February 2, 1995 the Yamhill County Planning Commission held a public hearing to consider the application and continued the matter to allow applicant to amend the application to delete the two separate 3-acre areas for two dwellings and, instead to enlarge to 15 acres the area to be rezoned and to include only one dwelling for a resident manager; and

WHEREAS, on May 4, 1995, the Yamhill County Planning Commission held a public hearing on the amended application, at which evidence and testimony was received, and that following the close of the hearing, voted unanimously to approved the zone change and conditional use, and to recommend approval of the comprehensive plan amendment and exception, and referred the matter to the Board of Commissioners; and

WHEREAS, on May 31, 1995, the Board held a public hearing on the amended application, at which testimony and evidence was received, and that following the close of the hearing and the record, the Board deliberated and voted to tentatively approve the amended application for the comprehensive plan amendment, zone change, exception, and conditional use, and directed staff to prepare an ordinance

and findings in support of approval, Commissioners Goecks and Johnstone voting aye, Commissioner Bunn abstaining; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference provide a justification for approval of the application, including the taking of an exception to Statewide Land Use Planning Goal 4; and

WHEREAS, the attached Exhibit "A" demonstrates that the proposed exception and amendment to the Yamhill County Comprehensive Plan, Plan Map, and Official Zoning Map of Yamhill County are in the best interests of the citizens of Yamhill County; Now Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Comprehensive Plan and Plan Map (1974) are hereby amended as specified in the attached Exhibit "B", made part of this ordinance by reference, to reflect a plan designation of "Parks and Recreation" on a portion of Tax Lots 2625-302 and 2625-303 as described and shown in Exhibit "B".

Section 2. In adopting the plan amendment specified in this ordinance, the county hereby takes an exception to Statewide Planning Goal 4.

Section 3. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning district designation of "Recreation Commercial (RC)".

Section 4. A conditional use permit for development of a campground on a 108 acre portion of Tax Lots 2625-300 2625-302 and 2625-303 is approved, subject to the conditions set forth in Exhibit "A".

Section 5. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

DONE at McMinnville, Oregon this 28th day of June, 1995.



By: Jayne Mitchell
Deputy JAYNIE MITCHELL

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

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YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks
Chairman DENNIS L. GOECKS

Robert Johnstone
Commissioner ROBERT JOHNSTONE

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

EXHIBIT "A"
ORDINANCE 595

DATE OF PRELIMINARY APPROVAL

THE BOARD OF COMMISSIONERS: **May 31, 1995**

DATE OF FINAL APPROVAL BY

THE BOARD OF COMMISSIONERS: **June 14, 1995**

DOCKET NOS.: PAZ-8-94 and C-35-94

REQUEST: Comprehensive Plan amendment from Commercial Forestry to Parks and Recreation, Zoning Map amendment from Forestry District (F-80) to Recreation Commercial (RC), and Exception to Statewide Planning Goal 4 on 15 acre portion of Tax Lots 2625-302 and 2625-303 to allow horse rental facility, motel and cabins, and dwelling for resident manager, and a Conditional Use on 108 acre portion of Tax Lots 2625-300, 2625-302 and 2625-303 to allow a campground.

APPLICANT: Frank Walker and Associates for Flying M Associates

TAX LOTS: 2625-300, 302 and 303

LOCATION: West of and adjacent to Flying M Ranch, approximately nine miles west of Yamhill.

FINDINGS:

A. Background Facts:

1. Property size: The proposed uses will occupy 123 acres, predominantly on the southern portion of Tax Lots 300 and 302 and all of Tax Lot 303. The proposed zone change is for 15 acres.
2. Access: Private road. Flying M Road, a gravel public road, ends at the section line between Range 5 and 6 West.
3. On-site Land Use: The 123 acre area is a relatively level valley bisected by the Yamhill River, with steep hillsides rising to the north and south. The property is wooded and brushy. A mobile home, barn and pole building are located on Tax Lot 303.
4. Surrounding Land Use: The subject site is surrounded by forested mountains to the north, west and south, and consists of large parcels used for commercial forestry. Lands directly east are part of the Flying M Ranch, including an air strip, lodge, motel, camping areas, horse facilities and residences.

5. Surrounding Zoning: Lands to the north, west and south are zoned Forestry (F-80). Land to the east is zoned Agriculture/ Forestry (AF-20) and Recreation Commercial (RC).

6. Soils: Sheets 5 and 6 of the Yamhill County Soil Survey indicate the area of the proposed zone change and conditional use is composed of the following soils:

<u>Soil Type (Symbol)</u>	<u>% Slope</u>	<u>% of Property</u>	<u>Cuft/Ac/Yr</u>
Alluvial Land (AL)	--	50	130
Olyic (OLE)	5-30	37	160
Melby (MEE)	3-30	13	165

7. Fire Protection: Yamhill Rural Fire District.

8. Taxes: All three tax lots receive a forest tax deferral.

9. Previous Actions: Docket P-904-78 partitioned a 320 acre parcel into two 80 acre and one 160 acre lots (Tax Lots 2625-300, 301 and 302). Docket P-928-78 approved a partition for mortgage purposes on Tax Lot 2625-300 which created Tax Lot 303. Tax Lots 300 and 303 were required to be recombined upon completion of financing. Docket C-282-78 approved a single family dwelling on Tax Lots 2625-300/303. In addition, there have been several actions on Flying M Ranch property directly east of the subject property, including approval in 1977 for a zone change to RC and planned unit development to allow expansion of the Flying M facilities on approximately 80 acres (Docket PA-42-77/Z-120-77).

10. Explanation of proposed development: The request is to allow an expansion of the Flying M Ranch, on 123 acres directly west of the existing facility. The proposal includes rezoning an irregularly shaped 15 acre area predominantly on Tax Lot 303 but extending north into Tax Lot 302. The purpose of the zone change is to move a portion of the resort business away from the main lodge and airstrip area. Uses would include horse rentals, leading trail rides, and providing parking and services for riders bringing their own horses to ride on Flying M and surrounding properties.

The proposal also includes food service and construction of a motel and/or cabins to provide overnight accommodations to the horse riders. The proposed location for these uses is an area south of the Yamhill River, near an existing mobile home and pole barn. The "finger" of proposed rezone land extending north of the river would be used for construction of a dwelling for a resident manager on the hillside overlooking the other resort facilities. The remainder of the 123 acres is proposed to be developed into a campground for horse and tent camping.

11. Application history: The request was first heard by the Planning Commission on February 2, 1995. The original application included a request for two dwellings for resident managers as part of the campground. Since these dwellings did not comply with the Yamhill County Zoning Ordinance or state rules, the applicant requested a continuance to allow him to amend the application. The revised application enlarged the size of the area requested to be rezoned in order to include a single new dwelling for a resident manager. This amended request

went to a hearing before the Planning Commission on May 4, 1995, and was approved unanimously.

B. Ordinance Considerations.

1. The proposed uses that will occur in the 15 acre exception/ rezone area are horse rentals, lodging, food service, retreats, group gatherings and a manager's residence. These uses come within the definition of a "resort", which is defined by Section 202 of the YCZO as:

"RESORT: Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals, and related tourist services are provided in conjunction with such recreational use."

2. YCZO Section 601.02(A) of the YCZO lists a "resort" as a permitted use in the RC district, subject to site design review.

3. YCZO Section 601.02(G) lists a dwelling in conjunction with a permitted use as allowed in the RC district. The Board interprets "conjunction" to mean joined or in combination with. The applicant has submitted a revised site plan (Revised Figure 1 in Addendum #2 dated April 18, 1995) indicating that the proposed manager's residence would be located on the other side of the river and 1000 feet or more from the other proposed resort facilities. The manager's residence will provide a vantage point from which to monitor access to and activities occurring within the campground area. The Board finds that the manager's residence will be a dwelling in conjunction with the permitted use (resort).

4. YCZO Section 601.07(A) limits the number of dwellings permitted in the RC district to one dwelling per parcel. Since a mobile home currently exists on Tax Lot 2625-303 within the 15 acre area proposed to be rezoned to RC, the additional dwelling will be located on Tax Lot 2625-302 which has no existing dwellings.

C. Exception to Statewide Planning Goal 4.

1. The request for a zone change to RC will require taking an exception to Statewide Planning Goal 4, Forest Lands. Goal 4 is:

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

2. Goal 2, Part II(c), ORS 197.732, OAR 660-04-020(2) and 660-04-022 state the requirements for taking an exception to a goal. Briefly, there are three methods to justify an exception: 1) the land is physically developed to an extent that it is no longer available for uses allowed by the goal; 2) the land is irrevocably committed to uses not allowed by the goal; and

3) reasons justify why the goal should not apply. The applicant has chosen to justify a "reasons" exception.

3. OAR 660-04-020 and -022 detail the requirements for reasons exceptions. Section 660-04-022(1) states:

... reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

4. The Board finds that the requirements of OAR 660-04-022(1) have been satisfied as follows:

4.1 The Board finds that there is a demonstrated need for the proposed use or activity as required by OAR 660-04-022(1)(a), based on the following. The applicant has focused primarily on the need for the proposed expansion as justification for why the policy embodied in Goal 4 should not apply. Regarding (a) above, Statewide Goal 8, "Recreational Needs" aims:

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The Goal includes guidelines for planning and siting recreation facilities, including consideration of energy consequences by giving priority to non-motorized recreational activities; meeting recreational needs of high density population centers and visitors to the state; minimizing environmental deterioration; not exceeding the carrying capacity of air, land and water resources; availability to the public at nominal cost; and giving high priority to enhancing recreational opportunities on public waters of the state. The proposed horse facilities comply with the Goal by providing non-motorized recreation at moderate cost, providing access to natural areas and the Yamhill river while causing minimal disturbance to natural resources, and satisfying recreational needs of the county, Portland metro area, and visitors from out-of-state.

The applicant has provided information showing that business at the Flying M Ranch has increased considerably over the years, illustrating a need for the proposed uses. There is an additional need for an expansion of the existing Flying M facilities because of congestion and possibly hazardous conditions since all activities are currently centered in a small area around the lodge and airstrip. The applicant asserts that there is a need to move the horse facilities a greater distance away, which will alleviate much of the congestion. The proposed motel and cabins would be located near the horse facilities in order to accommodate riders.

4.2 The Board finds that the requirements of 660-04-022(1)(b) and (c) have been satisfied based on the following. The proposed horse facility depends upon riding trails in the adjacent mountains, including trails to Trask Mountain and Tillamook which have been developed for overnight horse camping trips. The existing Flying M resort is an additional resource or special feature upon which the proposed use depends since it is an established resort which attracts the horse riders who will use the new horse facility and overnight accommodations.

5. OAR 660-04-020(2) lists the four factors in Goal 2 Part II(c) that must be addressed when taking a reasons exception:

- (a) *Reasons justify why the state policy embodied in the applicable goals should not apply;*
- (b) *Areas which do not require a new exception cannot reasonably accommodate the use;*
- (c) *The long term environmental, economic, social and energy consequences resulting from the use at 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 areas requiring a goal exception other than the proposed site; and*
- (d) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

These criteria are addressed in Findings C.6 through C.9, below.

6. The Board finds that the requirement of 660-04-020(2)(a) has been satisfied. The Board finds that the reasons discussed in finding B.4 above justify why the state policy embodied in the applicable goals should not apply, as required by OAR 660-04-020(2)(a).

7. The Board finds that the requirement in OAR 660-04-020(b) that areas which do not require a new exception cannot reasonably accommodate these uses, has been satisfied as follows. Exception areas within or near existing cities are too far away from the existing, established business, which relies on the surrounding resource land for trail riding. There is a 5 acre parcel zoned RC which is located approximately one mile east of the Flying M Ranch. The applicant states that this parcel is unsuitable because it does not provide direct access to the trails utilized by horse riders, is too small for the proposed uses, and is located next to an active rock quarry and heavily travelled gravel road which creates noise and a lack of privacy.

7.1 Other exception land in the area is the 75 acres of RC zoned land which is the site of the existing Flying M facility. OAR 660-04-020(2)(b)(B)(i) and (ii) indicate that the analysis of availability of land which would not require a new exception must also consider whether the proposed uses could be reasonably accommodated by increasing the density of existing uses in this exception area.

7.2 The 75 acres zoned RC contains the main lodge, a 24 unit motel, a smaller 4 unit lodge, 8 cabins, camping areas, parking, the airstrip, picnic areas and a corral for horse rentals. In 1977, as part of a requested zone change to RC and Planned Unit Development (Docket PA-42-77/Z-120-77), the 75 acre area was approved for construction of a total of 160 units for overnight accommodation. Many of the areas that had been proposed for these units were instead developed as campsites. Steep slopes on the northern edge of the exception area also prevent development of the full 75 acres.

Conceivably, density in the area could be increased or some of the campsites could be removed to allow construction of the proposed new uses. However, the applicant has indicated that the purpose of the proposed motel/cabins is specifically to accommodate horse riders, so adequate area must be provided for parking horse trailers and tethering horses nearby. This will require larger areas than could be provided by increasing the density within the existing RC zoned area. The proposed horse staging area will also require more space for corrals and horse trailer parking than is available in the existing RC area. Consequently, the horse facilities and overnight accommodations could not be reasonably accommodated either on this 75 acre exception area, or any other non-resource land in the county.

7.3 The proposed resident manager's dwelling, which will be in conjunction with the resort, could easily be accommodated within the existing exception area. The applicant states that the proposed location on a hillside overlooking the proposed campground and resort is necessary in order to have a view of the facilities, to watch for fires or other unauthorized activities, and to regulate horse rider's access to certain trails on the northern portion of the ranch.

8. The Board finds that the requirements of OAR 660-04-020(1)(c), are satisfied based on the following.

8.1 The economic, environmental, social and energy consequences analysis should include reasons why the consequences of the use at the proposed site are not significantly more adverse than if the uses were located elsewhere, and should include consideration of which resource land is least productive, the ability to sustain resource uses near the proposed site, and the long-term economic impact caused by removal of the land from the resource base.

8.2 Environmental consequences which might result from the proposed uses include potential impacts to riparian vegetation along the Yamhill River, impacts from run-off, erosion and animal wastes entering the river, and interference with big game winter habitat. The SWCD has expressed concerns about animal wastes and other runoff into the river, and has suggested that a management plan addressing those issues be developed. The proposed dwelling location would be located in an area that the applicant indicated is being actively managed to provide winter feeding areas for elk. It is also on Olyic soil with 30% - 60% slopes, which the Soil Survey indicates has severe erosion hazards and rapid runoff in cleared areas.

8.3 There will be some economic impact caused by removing the 15 acres from forest use. Soils in the proposed exception area are Alluvial Land, Melby and Olyic, which have a capability to produce 130 - 165 cubic feet per acre per year of wood fiber. (Soils in the county range from a capability of 0 - 165 cubic feet per acre per year of wood fiber.) The expanded resort facilities and manager's residence would preclude the exception area from timber production, and may have other economic costs resulting from limiting certain forest practices such as aerial spraying near the development.

8.4 The major adverse social consequence is increased traffic on gravel roads leading to the Flying M Ranch. While individual homeowners along the roads may be affected by increased traffic and dust, Public Works has reviewed the request and has not expressed any concerns about increased traffic on the road system.

8.5 There are no significant energy consequences. The Flying M Ranch is already an established resort which attracts visitors from throughout the area. While the proposed uses may increase visitor trips to the site, the increased energy used for transportation purposes will not be significant.

9. The Board finds that the requirement in OAR 660-04-020(d) is satisfied based on the following.

9.1 The proposed uses are compatible, or can be made compatible with adjacent forestry activities and natural resources. Surrounding forest lands are owned by the subject property owners, Willamette Industries and the BLM. Willamette Industries, the BLM and the state Department of Forestry have expressed concern about increased numbers of horse riders using the area, increased fire danger and possible limiting effects on forest practices. Setbacks from adjacent forest lands for all development and an aggressive fire protection program can make the uses compatible with adjacent forest activities.

9.2 The proposed uses may have impacts to the natural values of the Yamhill River because of removal or trampling of riparian vegetation and introduction of animal waste into the river. Setbacks from the river and maintenance of riparian vegetation within the setback will assure that the uses will be compatible with the natural resource values of the adjacent river.

D. Zone Change and Plan Amendment Provisions and Analysis.

1. The Plan Amendment portion of the request is not subject to local review criteria. The zone change portion of the request must comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

- A. *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
- B. *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 or 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.

- C. That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
- D. That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- E. That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

The findings regarding these criteria are provided in subsections D.2 through D.6 below.

2. The Board finds that the applicable comprehensive plan goals and policies are satisfied, as required by YCZO Section 1208.02 A, based on the following. The area of the proposed zone change is identified as sensitive winter range for big game on the Critical Wildlife Habitat map (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. Soil Conservation Services). Comprehensive Plan Goal II.D.1.f states:

In the Sensitive and Peripheral Big Game Winter Range, all proposed zone changes and applications for partitions will be referred to the Oregon Department of Fish and Wildlife for determination of conflicts with big game habitat requirements. In the event the Department identifies and informs the county that site-specific habitat conflicts exist, the county will not approve said zone changes without seeking resolution of such conflicts.

ODFW was sent a copy of the requested zone change and did not indicate any concerns or conflicts.

3. The Board finds 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 or 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, as required by YCZO Section 1208.02 B, are satisfied as follows:

- 3.1 The Board finds that the requirement in section 1208.02 B has been met. The applicant indicates that business at the Flying M Ranch has increased substantially over the years, including use of the facility for horse riding, and that the existing motel and cabins are often at capacity. The Ranch provides recreational opportunities not available elsewhere, as well as economic benefits to the county. The availability and suitability of other lands zoned RC which would allow the proposed uses was discussed in Findings C.4 and C.7 above.

The Board concludes that the request complies with this criterion because there is a market demand for the expanded facilities, there are no other suitable lands available, and the Ranch is important to the economy of the area.

4. The Board finds that the requirement in section 1208.02 C has been met. The shape of the requested zone change area, and the proposed location of the resident manager's dwelling at some distance from other resort facilities on a steep forested hillside raises some concerns about the appropriateness of the proposal. The area is surrounded by forest land and sensitive big game winter habitat, and would introduce human activity and development into a previously undeveloped natural area. This would change the density and pattern of development, would require the extension and/or improvement of roads and utilities and increase the need for fire protection.

Therefore, the Board finds that the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.

5. The Board finds that the requirement in section 1208.02 D has been met, based on the availability of other lands in the county which would allow the proposed uses, as discussed in Finding C.7 above.

6. The Board finds that the OAR requirements for an exception have been addressed as required by section 1208.02 E, based on the findings in Section C. above.

E. Conditional Use Provisions and Analysis.

1. The applicant has requested conditional use approval for 108 acres to be used as a campground.

1.1 The request must satisfy the conditional use criteria of YCZO Section 1202.02, as follows:

- A. *The use is listed as a conditional use in the underlying zoning district;*
- B. *The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;*
- C. *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.*
- D. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.*

- E. *The proposed use is appropriate, considering the adequacy of the public facilities and services existing or planned for the area affected; and*
- F. *The use is or can be made compatible with existing uses and other allowable uses in the area.*

1.2. Under YCZO Section 401.05, conditional uses in the F-80 district must also meet the following requirements:

- A. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;*
- B. *The proposed use will not significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and*
- C. *A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Section 401.04.*

1.3 These requirements are considered in Findings E.2 through E.11, below.

3. The Board finds that the requirements of YCZO §1202.02 A have been satisfied because campgrounds are listed as a conditional use in the F-80 district. Section 401.12 B defines a campground as:

An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. The park or campground may be public or private.

4. The Board finds that the requirements of YCZO §1202.02 B have been satisfied because the use is consistent with the Comprehensive Plan goals relating to forest lands, water resources and fish and wildlife habitat relate to the proposed campground.

4.1 Goal II.B, Forest Lands, Policy 1.a, states:

Yamhill County will cooperate with federal and State agencies, large private timber owners and small woodland owners to manage forest and grazing lands for the highest aggregate economic, recreational and ecological benefits which these lands can sustain,

including timber production, livestock range, fish and wildlife habitat, watershed protection, erosion control and recreational use.

The proposed campground use complies with this policy because it allows recreational use while still preserving the timber production capabilities on the majority of the site. Wildlife habitat value can be maintained or enhanced if camping is restricted during winter and early spring and open campground areas are seeded to provide winter grazing for big game. Recreational use of the property will bring greater economic benefits than timber production alone.

4.2 Comprehensive Plan Goal II.C, Water Resource, Policy 1.b states:

Yamhill County will continue participation in the FEMA National Flood Insurance Program to prevent flood-caused loss of life and property, by identifying and mapping the floodplains and floodways of the county, restricting land uses 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.

As shown on FIRM 4101249 0125 C, part of the subject property lies in the flood hazard area of the Yamhill River. The applicant has indicated that the floodplain area along both sides of the river will be utilized for tent camping. Development will include picnic tables and portable toilets. Provided there are no permanent buildings, the campground would not require a floodplain development permit, pursuant to Section 901.05 of the YCZO. The proposed campground complies with Comprehensive Plan Policy II.C.1.a since it is an open, recreational use.

4.3 Comprehensive Plan Goal II.B.1.j states:

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.

The Yamhill River, which runs through the proposed campground, is shown as a resident trout and anadromous fish spawning and rearing stream on the comprehensive plan map. In order to protect riparian vegetation and comply with Plan Policy II.B.1.j, development or removal of existing vegetation should be prohibited within 100 feet of the high-water line of the river.

4.4 The proposed campground areas are on land identified as sensitive winter range for big game on the Critical Wildlife Habitat map (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. Soil Conservation Services). Comprehensive Plan Goal II.D, Fish and Wildlife, Policy 1.c states:

All identified sensitive wildlife areas will be classified as exclusive agriculture, forest land or open space. No major land use change, including but not limited to road construction and recreational developments will be permitted without approval measures to limit undesirable impacts on sensitive wildlife areas.

The major impediments to use of an area by big game are fencing or other barriers that prevent movement of animals, dogs that chase animals, and human disturbance. These potential impacts can be mitigated by requiring as a condition of approval that the area remain unfenced and that the campground not be used during the winter months when big game are in the area.

5. The Board finds that the requirements of YCZO §1202.02 C have been satisfied. The parcel is suitable for the proposed use of tent and horse camping because it is a natural forested area of sufficient size (108 acres) to allow dispersed use while retaining the natural qualities of the site. The location, which is adjacent to the existing Flying M Ranch facility, is suitable based on access and integration with existing development including roads, trails, and overnight lodging.

6. The Board finds that the requirements of YCZO §1202.02 D have been satisfied. The use will not negatively affect the character of the area. Permitted uses in the F-80 district are primarily related to timber production and protection of natural resources. The applicant has indicated that the owners of the Flying M Ranch have a working relationship with Willamette Industries, owners of adjacent forest land, to allow horse trail riding on Willamette Industries property in return for maintenance and use of roads on Flying M property.

Normal forest practices on surrounding lands, including logging, slash burning or use of herbicides and fertilizers would not be substantially impaired by the location of the proposed campground (although use of the campground might have to be limited when these activities are occurring on adjacent lands). There are no known conflicts between the existing Flying M facility and uses on surrounding properties.

The applicant has also indicated that the owners of Flying M have an agreement with the Department of Fish and Wildlife (ODFW) for management of the property for elk habitat. The applicant indicates that the clearing of campsites will produce suitable habitat grazing areas for elk, and that no conflicts will occur because the campground will not be utilized during the

months that elk and other big game utilize the area. A primitive campground, with retention of most of the natural vegetation on the property, will not alter the character of the area or substantially limit the use of surrounding properties for forestry and natural resource uses.

7. The Board finds that the requirements of YCZO §1202.02 E have been satisfied. Existing public facilities and services are adequate to serve the proposed campground. No public water or sewer facilities exist in the area, but the campground can be adequately served with a well and either septic drainfields or chemical toilets. The county sanitarian will need to approve the sewage disposal method. Electricity and phone service are available, although unlikely to be used in the camping areas. Other services of concern are road access and fire protection. The public portion of Flying M Road ends at the eastern edge of the site - the road is private beyond that point. Improvement and maintenance of the private road for access and fire safety will be the responsibility of the property owners. The public portion of Flying M Road will see increased traffic if the campground is approved. No figures have been provided as to how many how many additional traffic trips will be generated with the expanded facilities. The County Road Department has not indicated any concerns over road access. The Yamhill Rural Fire District was notified of this request and has not responded, so it is not known whether emergency fire service is adequate. The applicant has indicated that a pumper truck and other emergency fire fighting equipment is maintained on-site.

8. The Board finds that the requirements of YCZO §1202.02 F have been satisfied. Regarding compatibility with existing and allowable uses in the area, the main concern is conflicts with or impacts on forest practices on surrounding commercial forest lands. As discussed in Finding D.6 above, the campground will have little impact on forest practices on adjacent lands.

9. The Board finds that the proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands, as required by YCZO §401.05 A. Forest practices in the form of logging, replanting, and aerial application of fertilizers and chemicals are occurring or are likely to occur on adjacent properties. The applicant has indicated that many of these activities are timed to occur when the campground would not be occupied. Consequently, the campground would not significantly change or increase the cost of normal forest practices. There are no agricultural uses in the area.

10. The Board finds that the proposed use will not significantly increase fire suppression costs or significantly increase risks to firefighting personnel, as required by YCZO §401.05 B. The large numbers of people that will utilize the site, along with its location in a forested setting increases the fire risk. The Yamhill Rural Fire District was notified of this request but had not responded by the time this report was written. The applicant has indicated that strict fire protection measures are used, including restriction of campfires during high fire danger periods and maintenance of an on-site pumper truck and fire equipment. Roads serving the camping area will allow access by fire trucks, so fire suppression costs and risks to fire personnel should not increase significantly. A condition of any approval should require that the entire camping area be accessible to emergency fire vehicles through the construction of roads that meet State Fire Code construction standards.

11. The Board finds that the requirement in YCZO §401.05 C is satisfied by the imposition of a condition of the approval that a written statement be recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Section 401.04.

F. Site Design Review Criteria and Analysis.

1. Site design review is required for any development in an RC district. The applicant has not submitted any building or site design plans. Should the requested zone change be approved, a condition shall require approval of a site development plan prior to any development or construction.

CONCLUSIONS:

1. The request is for Comprehensive Plan amendment from Commercial Forestry to Parks and Recreation, Zoning Map amendment from Forestry District (F-80) to Recreation Commercial (RC), and Exception to Statewide Planning Goal 4 on 15 acre portion of Tax Lots 2625-302 and 2625-303 to allow horse rental facility, motel and cabins, and dwelling for resident manager, and a Conditional Use on 108 acre portion of Tax Lots 2625-300, 2625-302 and 2625-303 to allow a campground. The area proposed for rezoning lies generally near the center of Tax Lot 2625-303, although a long strip extends into the northern half of Tax Lot 2625-302. The area proposed for the campground is the remaining portions of Tax Lot 2625-303 and the southern half of Tax Lots 2625-300 and 302.

2. A dwelling in conjunction with the resort is proposed to be located near the northern end of this strip. The strip, and the proposed dwelling, complies with the requirements of OAR 660-04-020 for taking a "reasons" exception and Section 1208.02 of the YCZO for a zone change. The dwelling can be considered "in conjunction" with the resort facilities because a manager will be able to visually overlook and keep an eye on activities associated with the campground and resort, and provide a means of regulating access of horse riders to lands north of the resort.

3. The request to rezone 15 acres for a resort complies with the requirements for an exception and zone change on Tax Lot 2625-303 and the southern half of Tax Lot 302, provided an adequate buffer is maintained between resort facilities and the Yamhill River and adjacent forested lands.

4. The request for a campground complies with the approval criteria for a conditional use pursuant to Sections 401.05 and 1202.02 of the Yamhill County Comprehensive Plan.

5. Conditions are necessary to insure compliance with all provisions of the Yamhill County Zoning Ordinance and Comprehensive Plan.

DECISION AND CONDITIONS OF APPROVAL:

Based on the Findings and Conclusions stated above, the Board finds that the requested exception to Goal 4, zone change to Recreation Commercial (RC) District and plan amendment to Parks

and Recreation for a resort on 15 acres of Tax Lots 2625-302 and 303, and request for a conditional use for a campground on 108 acres of Tax Lot 2625-303 and the southern half of Tax Lots 300 and 302 is hereby approved, subject to conditions, to assure compliance with the approval criteria, as follows:

1. The rezoned area shall be limited to Tax Lot 2625-303 and portions of the northern and southern half of Tax Lot 2625-302, and shall be a maximum of 15 acres in size. The applicant shall submit a final plat of the rezone area prior to final approval by the Board. The final plat shall show the location and all dimensions of the 15 acre area and the location of all existing buildings. The 15 acre area shall be substantially located as indicated on the revised site plan submitted by the applicant.
2. Site design review and approval is required prior to any development within the RC zoned area.
3. A site development plan shall be submitted prior to development of the campground. The development plan shall show the location of all proposed and existing roads, structures, wastewater and sewage disposal facilities and include the number and location of all campsites.
4. Prior to any development, the applicant shall obtain all necessary state and local permits and licenses, including, but not necessarily limited to, required approvals, licenses and permits from the Department of Commerce, Building Codes Division for the campground; the State and/or County Health Division for wastewater and sewage disposal and food handling; the County Sanitation Department; and the County Building Department.
5. (Deleted)
6. A written statement shall be recorded with the deeds of Tax Lots 2625-300, 302 and 303, recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act.
7. A floodplain development permit shall be obtained prior to any development in the flood hazard area, unless specifically exempted by Section 901.05 of the Yamhill County Zoning Ordinance.
8. All development shall be located at least 100 feet, measured horizontally, from the high water line of the Yamhill River.
9. A riparian area management plan shall be developed and approved by the Soil and Water Conservation District addressing control of animal waste, runoff and soil erosion to prevent negative impacts to the Yamhill River and associated riparian area.
10. No fencing shall be allowed in the campground area. Fencing in the RC zoned area shall be limited to corrals and other fencing necessary for safe operation of the horse facility.

11. All campsites, facilities and structures shall be accessible to emergency fire vehicles. Roads shall be constructed to meet State Fire Code standards and shall be approved by the State Fire Marshall or local fire chief.

12. Prior to any development of resort facilities or the campground, a fire protection plan shall be approved by the local fire chief and submitted to the Planning Director. The protection plan shall show that all areas of the resort and campground are accessible to emergency fire vehicles, and show that an adequate water source is available for fire-fighting purposes.

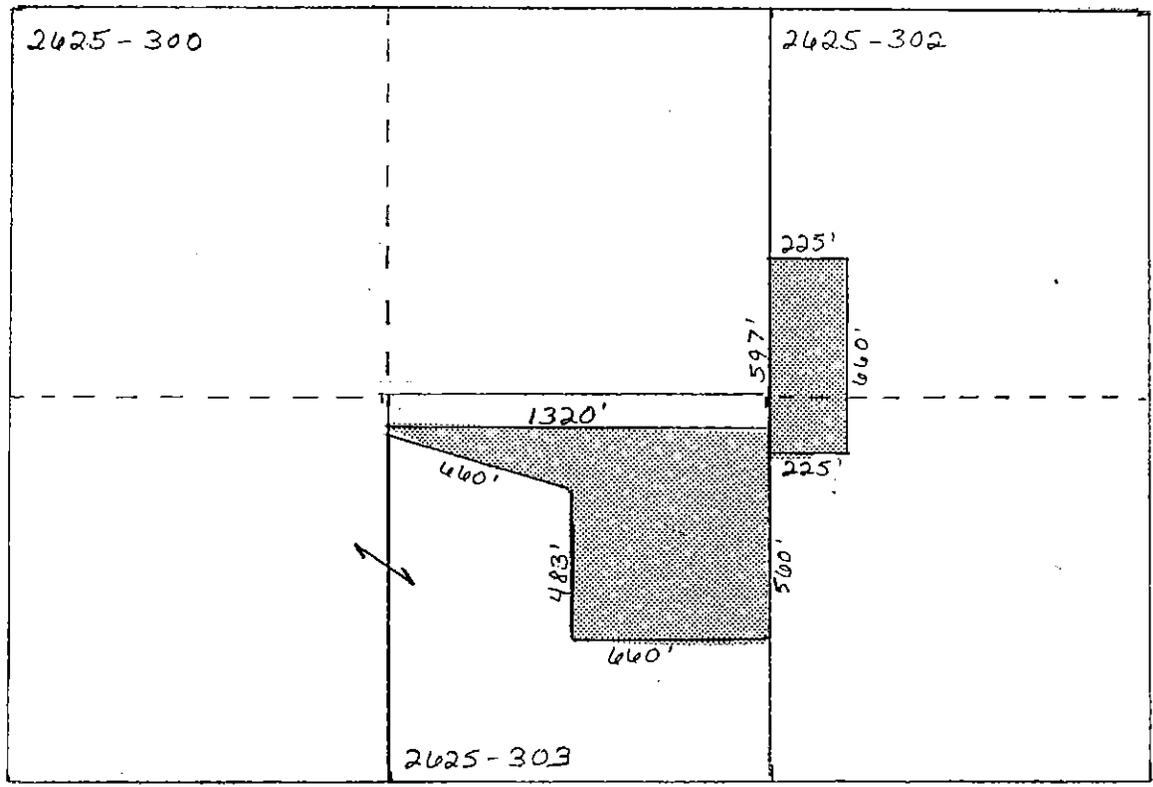
13. All permanent buildings, regardless of the zoning district in which they are located, shall comply with the fire siting and construction standards in Section 401.09 of the YCZO.

14. Tax Lots 2625-300 and 303 shall be recombined into one tax lot upon completion of financing arrangements, in accordance with the conditions of approval of P-928-78.

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EXHIBIT "B" for Ordinance No. 595

Zoning Map and Comprehensive Plan Map Amendment
to Change the Zoning Map Designation from
F-80 Forestry District to
RC Recreation Commercial District and the
Comprehensive Plan Map designation from
Forestry to Parks and Recreation



 Area subject to Comprehensive Plan and Zone Map amendment

Prepared by Yamhill County Department of Planning and Development. Not to scale.