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YAMHILL COUNTY, OREGON

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CHRISTIAN
COUNTY CLERK

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 Amending the)
Yamhill County Comprehensive Plan (1974))
Map from "EF" (Exclusive Farm Use) to)
"VLDR" (Very Low Density Residential) and)
Amending the Official Zoning Map from)
"EF-20" (Exclusive Farm Use/20 Acres) to)
"VLDR-2.5" (Very Low Density Residential/)
2.5 acre minimum) on a 3 Acre Portion of)
a Parcel Known as Tax Lot 2423CD-100;)
Taking an Exception to Statewide Goal 3;)
Approving a Conditional Use for an)
Extraterritorial Service Connection to Allow)
a Water Hook-up; Applicant Cathy Adams;)
Docket PAZ-04-97, C-14-97, and Declaring)
an Emergency.)

ORDINANCE 637

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on October 23, 1997, Commissioners Thomas E. E. Bunn, Ted Lopuszynski, and Robert Johnstone being present.

WHEREAS, on April 10, 1997, the Department of Planning and Development received an application by Cathy Adams ("applicant"), Planning Docket PAZ-04-97, C-14-97, to change the Comprehensive Plan (1974) Map from "EF" (Exclusive Farm Use) to "VLDR" (Very Low Density Residential) and amending the Official Zoning Map from "EF-20" (Exclusive Farm Use/20 Acres) to "VLDR-2.5" (Very Low Density Residential/2.5 acre minimum) and to approve a conditional use for an extraterritorial service connection to allow a water hook-up, and to take an exception to Statewide Goal 3 on a three (3) acre portion of a parcel known as Tax Lot 2423CD-100; and

WHEREAS, on September 11, 1997, the Planning Commission held a public hearing to consider the application and thereafter voted 6-1 to deny the request; and

WHEREAS, on October 9, 1997, the Board held a public hearing on the application, and following the close of the hearing, voted 2 to 1 to tentatively approve the application for the plan amendment and zone change, to approve the conditional use, and to take an exception to statewide Goal 3; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference provide justification for approval of the application for the amendment to the Yamhill County

3/17/98

Comprehensive Plan Map and Official Zoning Map, and that approval thereof is 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 Map (1974), as amended, is hereby amended to reflect a plan designation of "VLDR" on a three (3) acre portion of a parcel known as Tax Lot 2423CD-100 and more particularly shown on the map attached hereto and incorporated herein as Exhibit "B."

Section 2. The Official Zoning Map, as amended, is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "VLDR-2.5" (Very Low Density Residential/2.5 acre) on a three (3) acre portion of a parcel known as Tax Lot 2423CD-100 and more particularly shown on the map attached hereto and incorporated herein as Exhibit "B."

Section 3. A conditional use is approved for an extraterritorial service connection to allow a water hook-up from the LA Water Coop, subject to the following condition:

Permits from the county Public Works Department shall be obtained prior to any digging or installation of water lines within the county road right-of-way.

Section 4. In adopting the plan amendment specified in Section 1, the County hereby takes an exception to Statewide Planning Goal 3.

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

Section 6. 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, is effective upon passage.

DONE at McMinnville, Oregon this 23rd day of October, 1997.

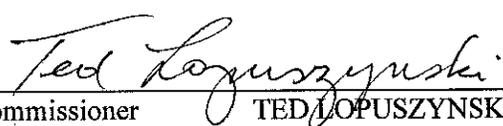
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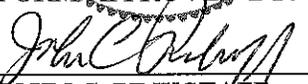
YAMHILL COUNTY BOARD OF COMMISSIONERS


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County Clerk


Chairman THOMAS E. E. BUNN

Deputy Carol Ann White


Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

JOHN C. PINKSTAFF
Assistant County Counsel


Commissioner ROBERT JOHNSTONE

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Accepted by Yamhill County Board of Commissioners on
Oct 23 1997 by Board Order
97-791.

ORDINANCE 637**EXHIBIT "A"****PLANNING COMMISSION'S DENIAL: September 11, 1997****BOARD OF COMMISSIONERS' APPROVAL: October 23, 1997****DOCKET:** PAZ-04-97, C-14-97**REQUEST:** Approval of a Comprehensive Plan amendment from "EF" (Exclusive Farm Use) to "VLDR" (Very Low Density Residential) and zone change from EF-20 to Very Low Density Residential, VLDR-2.5; an Exception to Statewide Planning Goals; and conditional use approval for an extraterritorial service connection to allow a water hook-up from the LA Water Co-op.**APPLICANT:** Cathy Adams.**OWNER:** Laura Johnson.**TAX LOT:** A 3-acre portion of 2423CD-100, including lots 213 through 217 of F.C. Grahams Cove Orchards.**LOCATION:** Between Highway 47, Cove Orchard Road, Beaver Street and Bremmer Street at the northern end of Cove Orchard.**REVIEW CRITERIA:** Sections 1202 and 1208 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan; OAR 660-04, Exception Process; the LA Water Cooperative-Yamhill County Service Boundary Management Agreement.**FINDINGS:****A. Background Facts:**

1. Property size: Lots 213 - 217, the area of the proposed zone change, is about 3 acres in size, including roads. The entire tax lot is 12.3 acres.
2. On-site Land Use: Lots 213 - 217, which is part of a 14 acre tract (including Tax Lot 2423CD-200) is mostly in pasture and grass. A creek runs through the tract near the northern property line.

3. Surrounding Land Use: The Cove Orchard community is located on both sides of Highway 47, in a narrow valley with forested hillsides on both sides. The area just southwest of the subject lots is broken up into small lots, part of the original F.C. Grahams Cove Orchard subdivision. There are two churches, a store, and a couple dozen residences in this area. The remainder of the surrounding area to the north and east consists of larger parcels, from around 5 to 30 acres in size, which are in forestry use on the hillsides and limited agricultural uses in the valley. There is a dwelling on Tax Lot 2423CD-200 adjacent to the subject site.
4. Surrounding Zoning: Zoning to the southwest, across Bremmer Street, is VLDR-2.5. Zoning to the north is EF-20. Zoning to the southeast, on the opposite side of Cove Orchard Road, is AF-20.
5. Water: The lots are within the boundaries of the Cove Orchard Water Association, which does not have any new hook-ups available. This application includes a request for an extraterritorial service connection to allow a hook-up to the LA Water Co-op line which runs along Cove Orchard Road.
6. Sewage Disposal: Cove Orchard Sewer District. The applicant indicates that the property owner has a reserved hook-up.
7. Fire Protection: Yamhill Rural Fire District.
8. Soils: Sheet 8 of the Yamhill County Soil Survey shows that the parcel is composed primarily of Chehalem soils (CeC), with Willakenzie soils (WkD) adjacent to Cove Orchard Road. These soils are Class III and IV respectively, and are both high-value farmland.
9. Taxes: Farm deferral.
10. Previous Actions: None on the subject property, Tax Lot 2423CD-100. A non-farm dwelling was approved on the adjacent lots 53 and 54 of 2423CC-200 in 1989 (Docket C-60-89).

B. Zone Change and Plan Amendment Provisions and Analysis

1. Approval of a request for a zone change must be based on compliance with the standards and criteria in YCZO Section 1208.02. These provisions are:
 - (A) *The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
 - (B) *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) *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) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

2. YCZO 1202.08 (A). The following Plan goals and policies may be pertinent:

Policy I.B.1.c.: All proposed rural area development and facilities: ... (2) Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;

The Board finds that this policy is satisfied. All of lot 213 and the western half of lots 214 - 217 are within the 100 year floodplain, as shown on FIRM 410249 0050 C, 0131 C, and 0135 C. There are no steep slopes. The Chehalem soils in the floodplain area are described in the Soil Survey as having severe limitations for septic fields, but since the area is within the Cove Orchard Sewer District this is not an issue.

Policy I.B.1.d.: No proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection.

The Board finds that this policy is satisfied. The proposed zone change would not require the extension of utilities, since sewer service is already available and an LA Water Co-op line runs along Cove Orchard Road, although the development would rely on these services since on-site wells and septic systems are probably not a viable option. Other services such as electricity, telephone, sheriff and fire protection already serve the area.

Policy I.B.2.a.: Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated large areas where commitments to such uses have already been made through existing subdivision, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities 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 possible rural fire protection.

The Board finds that this policy is satisfied. The F.C. Grahams Cove Orchard subdivision was platted in the early 1900s, and covers more than a one square mile area. The subdivision itself does not commit the area to residential use, since the resource zoning on much of the area would limit development. However, the area is committed to residential development insofar as the parcel is included within the Cove Orchard Sewer District and within the Cove Orchard Water Association. The subject lots are adjacent to the developed Cove Orchard area, where the zoning is VLDR.

Policy II.A.1.h.: No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.

The Board finds that this policy is satisfied. The proposed zone change would cause little interference with the use of other farm and forest land in the vicinity. There is a buffer area including Cove Orchard Road between the subject lots and the forested hillsides. Agricultural land to the north is limited to a small area between the highway and Cove Orchard Road, and farm uses in this area have been limited to grazing in the past due to seasonal flooding. Much of the applicant's argument for the zone change is based on the area being unsuitable for farming due to flooding. Policy II.A.1.h. states that this argument cannot be used as justification for rezoning the lots.

3. YCZO 1202.08 (B). 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 1202.08 (B).

3.1 The applicant's justification of need focuses on the inability of the parcel to meet the \$80,000 income test that is a requirement for approval of a dwelling in the EF district. She states: "In order to allow a residence on this lot and put the owner's existing sewer hook up to use, a zone change is needed." Criterion (B) requires an analysis of the overall need for additional residential land in the Cove Orchard area, not just the applicant's individual desire to construct an additional residence.

3.2 Analysis of address maps shows that there are 66 lots in the Cove Orchard area that are currently zoned VLDR, with an additional 19 lots zoned AF-10. Both zones allow single family residences. Of these 85 lots, 47 are undeveloped. Many of the vacant lots are only 25' or 30' wide, so are too small to be developed individually. However, several could be combined into reasonably sized residential lots, resulting in approximately 20 vacant residential lots in the area. The proposed zone change would add 5 additional lots (lots 213, 214, 215, 216 and 217) because the lots created by the old subdivision are recognized and now will become developable even if

they are smaller than the VLDR 2.5 minimum lot size. The Board finds that there is a demonstrable need for these 5 additional residential lots.

3.3 Testimony was received from the applicant that there is a market demand for residential lots in the Cove Orchard area, although the lack of water has likely hampered the marketability of vacant lots. Rezoning to allow additional residential lots is unlikely to be of any importance to the citizenry or the economy of the area.

4. YCZO 1202.08. (C). 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, and therefore complies with YCZO 1202.08. (C).

4.1 The surrounding land uses are small residential lots to the southwest, in the Cove Orchard community, and larger parcels in farm and forest uses elsewhere. The proposed change is appropriate since it would simply extend the existing Cove Orchard residential area to the north, within the bounds of Cove Orchard Road and the highway.

4.2 One change that has occurred in the area was a plan amendment/zone change and goal exception in 1995 that designated approximately 6 acres on the east side of Highway 47 as VLDR-2.5. This rezoned area is adjacent to the subject property, on the opposite side of Bremmer Street. The area is made up of small lots under separate ownerships, and almost all of the lots were developed, so the exception was based on the area being both physically developed and committed to residential uses. The subject property was not included in this zone change because of the large parcel size and lack of development. The subject property is similar in character to the rezoned area in that it is located between Cove Orchard Road and the highway and is part of the F.C. Grahams Cove Orchard subdivision.

4.3 Regarding the availability of utilities and services in the area, the lots are within the Cove Orchard Sewer Service District (COSSD, which is a county sewer service district formed pursuant to ORS 451), and the applicant has indicated that the owner has one reserved sewer hook-up. COSSD has a current maximum service capacity of approximately 50 hookups (with the possibility that COSSD may determine there are more available hookups in the future), and there are currently about 42 properties which have hookups or reserved hookups, leaving 8 additional sewer hook-ups currently available.

The lots are also within the Cove Orchard Water Association (COWA) boundary. The COWA system is currently at full capacity, so does not have any new water hook-ups available, and there is no known concrete time frame when the system might be expanded to allow new service hook-ups. Consequently, the applicants have applied for an extraterritorial service connection to allow a hook-up to the LA Water Cooperative line which runs along Cove Orchard Road. A letter dated July 22, 1997 from the LA Water Cooperative to Laura Johnson states that she has received approval for water service, contingent upon receiving county approval for the extraterritorial service connection. The approval is for one hook-up. If the zone change is approved, there would be the potential for five other building sites. There is no evidence whether

LA Water would be able to provide water to these other lots. Other utilities and services, such as fire protection, power and roads, are available to the site.

5. YCZO 1202.08(D) The Board finds that other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors, as required by YCZO 1202.08(D).

5.1 As stated in Finding B.3 there are approximately 20 vacant residential parcels in Cove Orchard. It is likely that the inability to get water has limited the marketability of lots in the area. In this respect, the subject property is more suited than many of the lots because it is adjacent to Cove Orchard Road, where there is an LA Water Co-op line. Lot 213 and the northern half of lots 214 - 217 are within the 100 year floodplain. While development is not prohibited in the floodplain, it makes the lots less suitable for residential use than many of the other VLDR lots in the area.

6. YCZO 1202.08(E). Regarding criterion (E), an exception to Goal 3 is addressed in section C of these findings below.

C. Goal Exception Provisions and Analysis.

1. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking an exception to the statewide planning goals. The applicant has indicated that they are applying for a "committed" exception.

2. OAR 660-04-028 indicates that a committed exception may be taken when land is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the goal impracticable. A two part analysis is required. First, whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. Findings must address the characteristics of the exception area; the characteristics of the adjacent lands; the relationship between the exception area and the lands adjacent to it; and the other relevant factors set forth in OAR 660-04-028(6). Second, for an exception to Goal 3, findings must be made that farm uses are impracticable on the proposed exception area.

3. The proposed exception area is about 3 acres in size, and is part of a 12.3 acre tax lot and a 14 acre tract under the same ownership. The exception area is bounded by Cove Orchard Road and Highway 47. A creek runs near the northern lot line, and the associated floodplain covers more than half of the parcel. The parcel is mostly in grass, with some trees and brush near Cove Orchard Road.

4. The area surrounding the proposed exception area consists of small lots to the west, zoned VLDR-2.5. This area is the Cove Orchard community, which contains two churches, a store, and several dozen residences located on both sides of Highway 47. The area to the north and east of the proposed exception area consists of larger lots, most about 5 to 30 acres in size, which are used for farming on the valley floor or forestry uses on the hillsides.

5. The proposed exception area is similar in character to the adjacent lands that are zoned EF and AF, because it is part of a 14 acre tract which has been used for some farming in the past. It is not similar in character to the adjacent VLDR-zoned area, which is made up of small, developed lots under separate ownerships.

6. OAR 660-04-028(6) requires that findings for a committed exception address: existing adjacent uses; existing public facilities and services (water and sewer lines, etc.); parcel size and ownership patterns of the exception area and adjacent lands; neighborhood and regional characteristics; natural or man-made features or other impediments separating the exception area from adjacent resource land; physical development; and other relevant factors. There are no natural features separating the proposed exception area from adjacent resource land. Cove Orchard Road may be considered a man-made feature separating the lots from the forest land across the road. The other factors have been addressed elsewhere in these findings.

7. The applicant states that the F.C. Grahams Cove Orchard subdivision "has committed the development of this property and the entire area into a use other than farm/forest". OAR 660-04-028(6)(c)(A) states in part: Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. OAR 660-04-028(6)(c)(B) also states, in part: The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocable committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels.

7.1 The Board finds that there are a substantial number of small parcels in separate ownerships which are developed and clustered around a road designed to serve these parcels. The Board finds that this, coupled with the physical improvements in the area includes Cove Orchard Road, the abandoned Southern Pacific Rail line, and sewer and water lines along the road, make the nearby subject site unsuitable for resource use. Given that there are 88 lots in the immediate area (66 lots in the adjacent VLDR-2.5 zone to the southwest, 19 lots in the AF-10 zone to the southeast) with 41 lots already developed, taken together with the physical improvements such as roads and sewer and water service adjacent to the site, the Board finds that the subject site is part of a larger area which is irrevocably committed to nonresource use.

8. The OAR allows consideration of other factors which may make farm use on the lots impracticable. The applicant states that there are limitations to farm use because of the creek and associated high water table in the floodplain. Erosion problems are also cited by the applicant, although the Soil Survey indicates that slopes are only 3 - 12% and "erosion is a slight to moderate hazard in unprotected areas during rainy periods". The Soil Survey also states that "tilth is moderately good, but cultivation is restricted by seepage during winter and early in spring." The Board finds that these limitations make farming impracticable, and that the characteristics of the area make the lots irrevocably committed to residential use.

D. Service Boundary Management Agreement Provisions and Analysis

1. Section III.G.2. of the LA Water Cooperative - Yamhill County Service Boundary Management Agreement (hereafter "LA Water Boundary Agreement") contains the policy for new extraterritorial service connections. The requirements are as follows:

New extraterritorial service connections within Yamhill County shall not be allowed unless specifically approved by Yamhill County through the conditional use permit procedure. This procedure is intended to permit flexibility in cases of hardship. It is intended that the process be used sparingly and that the following criteria be strictly applied:

- a. *The applicant has documented that a genuine hardship exists due to quantity and/or quality of water;*
- b. *Other alternatives have been investigated (e.g., deepening of existing well, drilling a new well or private treatment);*
- c. *The dwelling to be served is in close proximity to the LA Co-op water system and would not overburden existing water lines; and*
- d. *Amendment of the LA Water Co-op Service Boundary is not immediately feasible.*

2. The county's conditional use criteria will be addressed in section E of these findings. Until 1996, when a request for two extraterritorial service connections were approved, the process in the management agreement had never been used. Requests for extraterritorial service connections is considered on a case by case basis, and approval in this case does not set a precedent for future requests.

3. Section III.G.2.(a) of LA Water Boundary Agreement The Board finds that the applicant has documented that a genuine hardship exists due to quantity and/or quality of water, as required by Section III.G.2.(a) of the LA Water Boundary Agreement. A hardship exists because public water is not available from the COWA, and there has been an historic problem with obtaining potable water in the Cove Orchard area. The applicant has provided copies of letters from two well drillers that were submitted as part of the 1996 application for extraterritorial service connections on two lots that are approximately 800' south of the subject lots. The letters indicate that the quality of ground water in the Cove Orchard area is usually unpotable. Only with this approval can LA Water service be made available to the subject parcel. Without this approval, a hardship will exist because the property will be without potable water.

The request for the extraterritorial service connection is directly tied to the request for a zone change, since the lots are unlikely to be buildable under the current EF zoning regulations. A hardship also results because the property owner has been paying for a sewer hook-up (reserve) which she has been unable to utilize because of lack of water.

4. Section III.G.2 (b) The Board finds that other alternatives have been investigated (e.g., deepening of existing well, drilling a new well or private treatment), as required by Section

III.G.2.(b) of the LA Water Boundary Agreement. The COWA is unable to provide new water connections. A well has not been drilled on the subject lots, but the letters submitted from well drillers indicate that it would be difficult to obtain potable water. The Board finds that it would be unreasonable to require the applicant to go to the expense of drilling a well to provide further justification that the quality of groundwater is inadequate.

5. Section III.G.2 (c) The Board finds that the dwelling to be served is in close proximity to the LA Co-op water system and would not overburden existing water lines, as required by Section III.G.2.(c) of the LA Water Boundary Agreement. The lots to be served are adjacent to Cove Orchard Road, and the LA Water Co-op has a 2" water line within that road's right of way. The Board finds that the LA Water Co-op has granted approval to the property owner for a new connection, and would not do so if it would overburden the system or create problems for existing customers.

6. Section III.G.2 (d) The Board finds that amendment of the LA Water Co-op Service Boundary is not immediately feasible, as required by Section III.G.2.(d) of the LA Water Boundary Agreement. The lots would have to be removed from the COWA service boundary before they could be added to the LA Water Co-op service boundary, and the operator of the COWA, Betty Wodarczek, has indicated that COWA would not agree to a service boundary amendment to remove the subject lots from the COWA service boundaries. Therefore, amendment of the LA Water Co-op boundary is not immediately feasible.

E. Conditional Use Provisions and Analysis

1. The LA Water Boundary Agreement requires county conditional use approval for an extraterritorial service connection. Section 1202.02 of the Yamhill County Zoning Ordinance states that conditional uses may be authorized upon adequate demonstration by the applicant that the proposed use will be compatible with vicinity uses and satisfies all relevant requirements of the ordinance and the following criteria:

- (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.*

2. YCZO 1202.02(A) The Board finds that the use is listed as a conditional use in the underlying zoning district, as required by YCZO 1202.02(A). Water distribution lines fall into the category of utility facilities, which are permitted rather than conditional uses in the EF-20 district. Although the Zoning Ordinance permits the use, the Service Management Agreement places the additional requirement of conditional use approval. Utility facilities are listed as conditional uses in the VLDR district, pursuant to YCZO Section 502.03(G).

3. YCZO 1202.02(B) The Board finds that the use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use, as required by YCZO 1202.02(B). Since the proposal does not involve the construction of any new water lines, Comprehensive Plan policies relating to utilities are not applicable. Similarly, Plan policies in the Public Facilities and Services section apply to the establishment of new water systems and the consolidation of water facilities, so are not directly applicable to this request.

4. YCZO 1202.02(C) The Board finds that the parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features, as required by YCZO 1202.02(C). The portions of lots 214 - 217 that are adjacent to Cove Orchard Road contain no physical or natural features which would restrict or prevent a water line connection. Lot 213 is entirely in the 100 year floodplain, which might restrict placement of water lines to serve that lot. However, the application is for a single service connection, and the applicant has indicated that the dwelling would be located near Cove Orchard Road, out of the floodplain. Provided any water lines and meters are located near the road, the parcel is suitable for the proposed connection and complies with YCZO 1202.02 (C).

5. YCZO 1202.02(D) The Board finds that 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, as required by YCZO 1202.02(D). One possible effect to surrounding uses would be if the new connection affected the supply of water (quality, quantity or water pressure) to surrounding lots that are already connected to the LA Water Cooperative line along Cove Orchard Road. However, as indicated in Finding D.5, it is unlikely that LA Water Co-op Board would approve the new connection if it would substantially impact existing customers.

6. YCZO 1202.02(E) The Board finds that the proposed use is appropriate, considering the adequacy of the public facilities and services existing or planned for the area affected, as required by YCZO 1202.02(E). The proposed water line connections are appropriate because the COWA is unable to provide water, and drilling wells is unfeasible due to lack of potable water in the area. The adequacy of the existing water line to serve existing residences in the area as well as an additional residence on the subject lots has been addressed in Finding D.5.

7. YCZO 1202.02(F) The Board finds that the use is or can be made compatible with existing uses and other allowable uses in the area, as required by YCZO 1202.02(F). A water connection

is not incompatible with other uses in the area, as evidenced by the large number of dwellings in Cove Orchard that are already serviced by either the COWA or the LA Water Co-op.

CONCLUSIONS FOR APPROVAL:

1. The request is for a Plan amendment and zone change from Exclusive Farm Use, EF-20 to Very Low Density Residential, VLDR-2.5, including an exception to Goal 3, and a request for conditional use approval for an extraterritorial service connection to LA Water Cooperative.
2. The proposed zone change is consistent with Comprehensive Plan goals and policies, and is appropriate because it is adjacent to the developed Cove Orchard community, the area is made up of existing small subdivision lots, and is within the boundaries of the Cove Orchard Sewer district and Cove Orchard Water Association.
3. An exception to goal 3 is justified because the lots are unsuitable for farming, and the adjacent small residential lots, roads, water and sewer contribute to the area being irrevocably committed to residential use.
4. The request for an extraterritorial service connection complies with the LA Water Cooperative - Yamhill County Service Boundary Management Agreement policy because a genuine hardship has been shown based on no water being available from the Cove Orchard Water Association and wells in the area producing unpotable water.
5. With conditions, the extraterritorial service connection can comply with the conditional use approval criteria in Section 1202 of the YCZO because the hookup will not alter the character of the area and is compatible with surrounding uses.

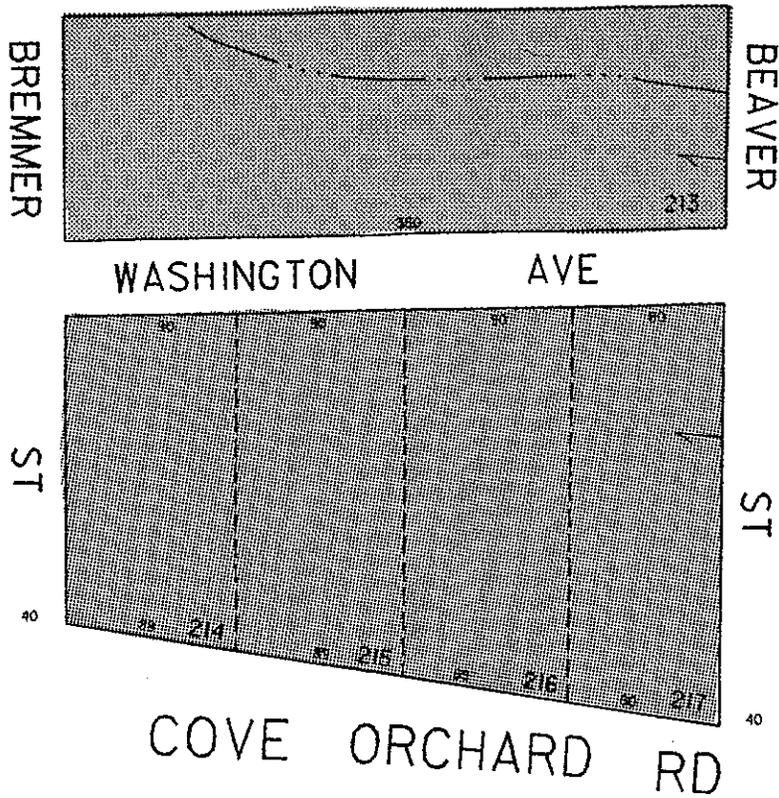
DECISION:

The Board approves the request by Cathy Adams, representing Laura Johnson, to change the Comprehensive Plan (1974) Map from "EF" (Exclusive Farm Use) to "VLDR" (Very Low Density Residential), for a zone change from "EF-20" (Exclusive Farm Use/20 Acres) to "VLDR-2.5" (Very Low Density Residential/2.5 acre minimum, for an exception to Goal 3 and conditional use approval for an extraterritorial service connection to LA Water Cooperative, for lots 213 - 217 of Tax Lot 2423CD-100, and that the conditional use approval be subject to the following condition:

Permits from the county Public Works Department shall be obtained prior to any digging or installation of water lines within the county road right-of-way.

EXHIBIT "B" FOR ORDINANCE No. 637

COMPREHENSIVE PLAN MAP AMENDMENT FROM
EXCLUSIVE FARM USE TO VERY LOW DENSITY RESIDENTIAL;
ZONING MAP AMENDMENT FROM EXCLUSIVE FARM USE DISTRICT
(EF-20) TO VERY LOW DENSITY RESIDENTIAL DISTRICT (VLDR-2.5).



AREA SUBJECT TO AMENDMENT:
The western portion of Tax Lot 2423CD-100,
consisting of lots 213 - 217 of F.C. Graham's Cove Orchards

Prepared by Yamhill County Department of Planning and Development