

2521

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

93-772

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
 Amending the Yamhill County)
 Comprehensive Plan Map,)
 and Zoning Map, to Change, on Four)
 Exception Study Areas)
 (Areas 38, 49, 52 and 56))
 the Plan Map Designation from)
 "Agricultural/Forestry Large)
 Holding" to "Agriculture/Forestry)
 Small Holding"; to Change the Zone)
 Map Designation on Two Such Areas)
 from "AF-20 Agriculture/Forestry")
 to "AF-10 Agriculture/Forestry)
 Small Holding"; and on the Other)
 Two Areas from "EF-40 Exclusive)
 Farm Use" to "AF-10 Agriculture/)
 Forestry Small Holding"; and)
 Taking an Exception from LCDC)
 Goals 3 and 4; Docket #G-2-92;)
 and Declaring an Emergency.)

ORDINANCE NO. 560

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on October 27, 1993, Commissioners Debi Owens, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, the Board enacted the Yamhill County Comprehensive Plan, 1974, Ordinance No. 62, 1974, on the 25th day of September 1974 and has since that time amended the Comprehensive Plan numerous times, culminating in its present form as Ordinance No. 62, as amended, including a Comprehensive Plan Map (the Comprehensive Plan); and

WHEREAS, the Board enacted the Yamhill County Zoning Ordinance No. 83, 1976, to implement the Comprehensive Plan, and amended the zoning ordinance numerous times culminating in its present form known as Ordinance No. 310, as amended, including a Zoning Map (the Zoning Ordinance); and

WHEREAS, ORS 197.250 and 215.050 require that the Comprehensive Plan and Zoning Ordinance be in conformity with the Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC); and

WHEREAS, Statewide Planning Goal 3 requires Yamhill County to either preserve the agricultural land within the County by placing it within an agriculture protective zone and plan designation or take an exception to Goal 3; and

WHEREAS, Statewide Planning Goal 4 requires Yamhill County to inventory forest lands within the County and either preserve them for forest uses or take an exception to Goal 4; and

WHEREAS, in the past the County has protected substantial areas of its rural lands by designating such land as "Agriculture/Forestry Large Holding" on the Comprehensive Plan and "EF-40" or "AF-20" under the Zoning Ordinance; and

WHEREAS, more recently the County identified certain rural areas which might be more appropriately designated "Agriculture/Forestry Small Holding" on the Comprehensive Plan and "AF-10" under the zoning ordinance, and has conducted a study to determine whether and to what extent such areas qualify for an exception to Goals 3 and 4 because such land is either "physically developed" with, or "irrevocably committed" to, other uses not allowed by the goals, based on the factors identified in Oregon Administrative Rules, Chapter 660, Division 4 (OAR 660-04); and

WHEREAS, the Yamhill County Planning Commission held properly advertised public hearings to consider and made recommendations regarding a total of 80 proposed exception areas (including the areas which are the subject of this ordinance) on the following dates: September 9, 1992, September 17, 1993, October 1, 1992, November 19, 1992, January 21, 1993, February 18, 1993, March 18, 1993, April 15, 1993, May 20, 1993 and June 17, 1993; and

WHEREAS, on January 21, 1993, February 18, 1993, March 18, 1993, April 15, 1993, May 20, 1993, and June 17, 1993, the Planning Commission made recommendations to the Board that 20 of the exception study areas be approved and the comprehensive plan and zoning ordinance be amended accordingly; and

WHEREAS, on September 23, 1993, September 30, 1993, and October 6, 1993, the Board held properly advertised public hearings at which testimony and evidence was received concerning the exception study areas which are the subject of this ordinance, and, following the close of the hearing and the record, the Board deliberated and unanimously voted to tentatively approve the exception to the goals and the amendment of the comprehensive plan and zoning ordinance for 17 of the study areas, including the study areas which are the subject of this ordinance, and directed staff to prepare findings for approval; and

WHEREAS, the findings and conclusions contained in the Exceptions Statement attached hereto as Exhibit "A", provide a justification for approval of the comprehensive plan amendment, zone change, and the taking of an exception to Statewide Land Use Planning Goals 3 and 4 for exception study areas 38, 49, 52, and 56, and that pursuant thereto, the Comprehensive Plan designation for such areas should be changed to "Agriculture/Forestry Small Holding", the zoning designation of such areas should be changed to "AF-10 Agricultural/Forestry Small Holding", and an exception under Oregon Administrative Rules, Chapter 660, Division 4, should be

taken for such areas based on either the land being "physically developed" or "irrevocably committed"; and

WHEREAS, the attached Exhibit "A" demonstrates that the proposed amendments to the Yamhill County Comprehensive Plan and Zoning Ordinance, and the exceptions taken to Goals 3 and 4 for such purpose, 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 a part of this ordinance by reference, to reflect a plan map designation of "Agriculture/Forestry Small Holding" for the property identified on Exhibit "B".

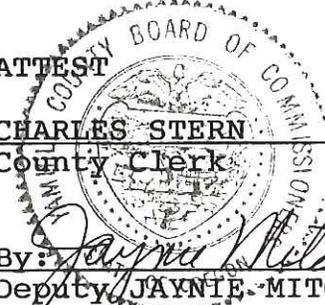
Section 2. In adopting the plan amendment specified in this Ordinance, the County hereby takes an exception to Statewide Goals 3 and 4.

Section 3. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of "AF-10 Agricultural/Forestry Small Holding" for the property identified on Exhibit "B".

Section 3. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

Section 4. 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 27 day of October, 1993.

ATTEST

CHARLES STERN
County Clerk
By: 
Deputy JAYNIE MITCHELL

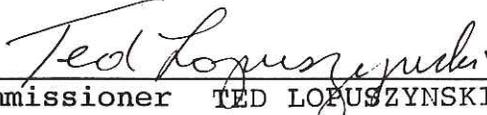
YAMHILL COUNTY BOARD OF COMMISSIONERS

Chairperson DEBI OWENS

Commissioner DENNIS L. GOECKS

FORM APPROVED BY:

JOHN C. PINKSTAFF
Assistant County Counsel


Commissioner TED LOPUSZYNSKI

Accepted by Yamhill County
Boa.d of Commissioners on
10-27-93 by Board Order
93-772.

qlu93293.001

EXHIBIT "A"

EXCEPTION STATEMENT

A. BACKGROUND FACTS

1. Purpose of Proceedings

Statewide Goals 3 and 4 have been adopted by the Land Conservation and Development Commission to guide planning and zoning in the state. The purpose of Goal 3 is to preserve and maintain agricultural land and the purpose of Goal 4 is to preserve land for forest uses. Much of the rural land in Yamhill County is classified as agricultural land based on soils and other factors, and has been zoned EF-40 by the County. Much of the land is also generally suitable and used for both agricultural and forestry uses, and has been zoned AF-20. In order for the County to zone this land for uses other than agriculture or mixed agricultural/forestry uses, there must be an "exception" to Goals 3 and 4, justifying why the land should not be preserved for farm use or forest use, as the case may be.

The purpose of these proceedings is to study and identify land zoned for agricultural and forestry use which may be more appropriately designated for rural residential development. The intent of the County's exception process was to make land available for residential use in areas already characterized by such use, to allow development of the remaining undeveloped parcels in areas where the existing level of development satisfies the "built" or "committed" exception requirements as described below.

2. Procedure for Taking Exceptions

There are three methods recognized under the Oregon Administrative Rules for taking an exception to the Goals.

The first method is the "reasons" exception, which was not used in this case.

The second method is the "physically developed" exception (OAR 660-04-025), which recognizes an exception if an area is physically developed to uses other than those allowed by the goal. Physical development, as it relates to agricultural areas, or mixed agricultural/forestry areas, would be lands that contain houses or other improvements that make commercial agricultural use or forestry use impractical.

The third method for justifying an exception to the statewide planning goals is based on "irrevocable commitment" to uses other than those allowed by the goal (OAR 660-04-028). This method considers the relationship of an area with surrounding uses.

In both the "developed" and "committed" exceptions, the exception process must determine if surrounding uses create a

situation that makes the use of an undeveloped parcel impractical for farming or forestry.

In 1992, Yamhill County Planning Department initiated a study of areas of land currently zoned for exclusive farm use (either AF-20 Agriculture/Forestry or EF-40 Exclusive Farm Use). The County applied the "physically developed" and the "irrevocable commitment" exception procedures to the study areas in question. The specific criteria listed under Oregon Administrative Rules 660-04-025 and 660-04-028 are more fully discussed below.

The purpose of the study was to determine if areas have been developed to a point that commercial farm use is no longer practical. If an area was found to be inappropriate for exclusive farm use zoning, it was eligible to be recommended for a zone change to Agriculture/Forestry Small Holding consistent with statewide planning goals and the County comprehensive plan. The planning department used county records to identify owners and interested parties of one or more parcels in each study area. From September, 1992 to June, 1993, the Yamhill County Planning Commission held hearings and received evidence on 80 study areas and voted to forward 20 of the study areas to the Board of Commissioners for a zone change to Agriculture/Forestry Small Holding.

The Yamhill County Board of Commissioners met and considered the study areas which had received the recommendation of approval from the Planning Commission, and voted to approve 17 of the study areas recommended for approval by the Planning Commission, including the study areas which are the subject of this ordinance (hereinafter "study areas").

B. APPLICABLE CRITERIA

1. OAR 660-04 et seq.

OAR 660-04 sets forth the Interpretation of Goal 2 Exception Process.

1.1 OAR 660-04-000 (Purpose). OAR 660-04-000 states in relevant part:

"(2) An exception is a decision to exclude certain land from the requirements of one or more applicable state-wide goals The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for ..."

1.2 OAR 660-04-018 (Planning and Zoning For Exception Areas). OAR 660-04-018 provides in pertinent part:

"(2) "Physically Developed" and "Irrevocably Committed" Exceptions to goals other than Goals 11 and 14. Plan and zone designations shall limit uses to:

"(a) Uses which are the same as the existing types of land use on the exception site; or

"(b) Rural uses which meet the following requirements:

"(A) Rural uses are consistent with all other applicable Goal requirements; and

"(B) The rural uses will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-04-028; and

"(C) The rural uses are compatible with adjacent or nearby uses."

2. OAR 660-04-025. (Exception Criteria For Land Physically Developed to Other Uses) provides in pertinent part:

"660-04-025. (Exception Requirements for Land Physically Developed to Other Uses)

"(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is not longer available for uses allowed by the applicable goal.

"(2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception."

3. OAR 660-04-028. (Exception Criteria For Land Irrevocably Committed to Other Uses) provides as follows:

"660-04-028 Exception Requirements for Land Irrevocably Committed To Other Uses.

"(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

"(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2 Part II(b), and with the provisions of this rule.

"(b) For the purposes of this rule, and "exception area" is that area of land for which a "committed exception" is taken.

"(c) An "applicable goal", as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

"(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- "(a) The characteristics of the exception area;
- "(b) The characteristics of the adjacent lands;
- "(c) The relationship between the exception area and the land adjacent to it;
- "(d) The other relevant factors set forth in OAR 660-04-028(6).

"(3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocable committed exceptions where justified so as to provide flexibility in the application of broad resource-protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible".

"(4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

"(5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.

"(6) Findings of fact for a committed exception shall address the following factors:

- "(a) Existing adjacent uses;
- "(b) Existing public facilities and services (water and sewer lines, etc.);
- "(c) Parcel size and ownership patterns of the exception area and adjacent lands:

"(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. 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. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception for land adjoining those parcels.

"(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm

or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

"(d) Neighborhood and regional characteristics;

"(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or right-of-way that effectively impede practicable resource use of all or part of the exception area.

"(f) Physical development according to OAR 660-04-025; and

"(g) Other relevant factors.

"(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

"(8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

"(a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and

"(b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.

C. FINDINGS AND CONCLUSIONS

1. Exception Study Areas. The exception study areas included in this ordinance include Exception Study Areas 38, 49, 52 and 56 as more particularly described below. For said study areas:

1.1 The Board finds that it has received all information necessary to consider the Planning Commission's recommendation for approval of the study areas for an exception.

1.2 The Board finds that proper public notice has been given.

1.3 The Board finds that the proposed exception to Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands) is consistent with OAR 660-04 which contains criteria for an exception.

2. OAR 660-04-000.

The Board finds that pursuant to OAR 660-04-000(2), there is substantial evidence in the record that the standards for an exception have been met for each study area, as more particularly

set forth in the staff report attached hereto and by this reference incorporated herein. The Board also finds that the reasons why the proposed use not allowed by the applicable goal should be provided are set forth in the staff report.

3. OAR 660-04-018.

The Board finds that pursuant to OAR 660-04-018(2), based on the findings contained in the staff report, the plan and zone designations will limit uses to the following:

3.1 Uses which are the same as the existing types of land use on the exception site: or

3.2 Uses which are rural uses which are limited to:

(a) Uses which are consistent with all other applicable goal requirements;

(b) Rural uses which will not commit adjacent or nearby resource land to nonresource use; and

(c) Rural uses which are compatible with adjacent or nearby resource uses.

4. OAR 660-04-025.

4.1 The Board finds that pursuant to OAR 660-04-025(2) the land within the study areas has been physically developed to other uses not allowed by the applicable goal based on the information contained in the staff report.

4.2. The Board finds that the nature and extent of the study areas, together with the map thereof, is set forth in the staff report.

4.3 The Board finds that the extent and location of the existing physical development on the land including information on structures, roads, sewer, and water facilities and utilities facilities, is set forth in the staff report.

5. OAR 660-04-028.

5.1 The Board finds pursuant to OAR 660-04-028(1) that the land is irrevocably committed to other uses because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable, based the relationship between exception area and lands adjacent to it, as shown by:

(A) Characteristics of the exception area;

(B) Characteristics of adjacent lands;

(C) Relationship between the exception area and adjacent lands; and

(D) Other factors listed in OAR 660-04-028(6).

5.2 The Board finds that pursuant to OAR 660-04-028(4) the uses allowed by the applicable goals are impracticable in the exception study area based on the following factors as more fully described and explained in the staff report:

(A) Existing adjacent uses;

(B) Existing public facilities and services (water and sewer lines, etc.);

(C) Parcel size and ownership patterns of the exception area and adjacent lands, including how the pattern came about, whether findings against the goals were made at the time of subdivision or partition, and existing parcel sizes and contiguous ownerships;

(D) Neighborhood and regional characteristics; and

(E) Natural or man-made features or other impediments separating the exception area from adjacent resource land, including but not limited to roads, watercourses, utility lines, easements and rights-of-way that effectively impede practical resource use of all or part of the exception area.

D. DECISION

1. The staff report and all exhibits for the study areas in question which were before the Planning Commission and Board of Commissioners during consideration thereof are hereby incorporated by reference as part of this decision.

2. Based on the record of the public hearing on this matter, the Board concludes that the case for an exception to Statewide Planning Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) has been substantiated. Therefore, the Board approves a comprehensive plan amendment, zone change and the taking of an exception to Statewide Land Use Planning Goals 3 and 4 for exception study areas 38, 49, 52, and 56, and that pursuant thereto, the Comprehensive Plan designation for such areas should be changed to "Agriculture/Forestry Small Holding", the zoning designation of such areas should be changed to "AF-10 Agricultural/Forestry Small Holding", and an exception under Oregon Administrative Rules, Chapter 660, Division 4 should be taken for such areas based on either the land being "physically developed" or "irrevocably committed", as more specifically set forth in the staff report attached hereto.

QLU93293.002

DOCKET: G-2-92
GROUP: E
AREA: Area 38
MAP NUMBER: 3332
ISSUE: Possible Comprehensive Plan Map 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.
REVIEW CRITERIA: OAR 660-04-025 and 660-04-028

COMMENTS RECEIVED:

Yamhill County Sanitarian: Predominantly Jory (JrC and JrD). This soil series had high feasibility (>75%) some slope problems may occur. The area designated as Willakenzie with slopes of C, D and E >50% feasibility if slopes are <30%. Otherwise approvals are <25%
Water Resources Department: Most wells penetrate Columbia River Basalt Group rocks. Yields vary, but are generally adequate for domestic supplies.

FINDINGS:

A. Background Facts

1. Area Size: 77.1 acres
2. Parcels involved: 16
3. Separate owners: 12
4. Parcels developed: 13
5. Parcels developed prior to Statewide Planning Goals (SPG):
12
6. Land Use and Characteristics of Study Area: Blue Bird Hill Road slopes up to the east. The study area is part of a valley that slopes down to the west with moderate to steep slopes. The road is gravel and in some points is narrow and steep. Approximately 2/3 of the area is forested with a mixture of coniferous and deciduous trees. The uses in the area include residential, timber and small farms. The small farm uses are predominantly livestock such as pigs, cattle, sheep, and horses.
7. Surrounding Land Use: Surrounding land to the north, south and west are cleared farmland and zoned EF-40 Exclusive Farm

Use. Land to the west contains timber and is zoned AF-20 Agriculture/Forestry. These farm uses include grain, grass seed, orchards, and pasture for livestock.

8. Water Information: See attached well logs.
9. Fire Protection: Dayton Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 175C shows none of the area is in the 100-year floodplain.
11. Development Pattern: The majority of the parcels in the study area were created by deed and land sales contract prior to adoption of the SPGs. This subdivision was later legitimized by partitioning Docket P-4-69. Tax lot 3332-300 and 301 were separated by partitioning Docket P-258-73. Tax lot 3332-1000 and 1001 were separated by partitioning Docket P-288-73. Both of these partitions were accomplished prior to adoption of the SPGs. The dwelling on tax lot 3332-105 was approved by nonfarm dwelling Docket C-23-91. The remaining dwellings were placed prior to adoption of the SPGs.
12. Ownership Pattern: Tax lots 3332-105, 400, and 500 are in a contiguous ownership of approximately 14 acres. Tax lot 3332-101 and 600 are in a contiguous ownership of 7.8 acres. Tax lot 3332-104 and 1000 are in a contiguous ownership of approximately 7.57 acres.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry (called "taking an exception to the Goals"). Generally, in order to zone rural land for residential use, it must be "physically developed" or "irrevocably committed" to nonresource use. For Land Physically Developed to Other Uses. OAR 660-04-025(2) states: Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by

the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

2. Existing Features

Structures: Twelve of the parcels have dwellings placed prior to adoption of the SPGs. These twelve dwellings are located throughout the study area. The majority of them are along Blue Bird Hill Lane. One dwelling was placed by a nonfarm dwelling approval which required findings to be made against the planning goals. This dwelling is located near the center of the study area's western boundary. This dwelling is not considered in the analysis of "physically developed." The only other parcels that are not developed with dwellings are on opposite sides of Blue Bird Hill Lane, at the base of the study area's panhandle.

Roads: Two roads are found in this study area. The first is Duniway Road which borders the study area to the west. The second is Blue Bird Hill Road. It affords access to most of the parcels in the study area. This roadway is a narrow, steep, winding gravel roadway that only provides local access.

Sewer, Water and Utility Facilities: Sewer service is furnished by on-site septic systems. Water is provided by groundwater supplies. Phone service and power are generally available in the area.

3. Oregon Administrative Rule 660-04-028(2) and (6) list the exception requirements for land irrevocably committed to other uses. These rules require consideration of the following factors:

Characteristics of the Exception Area: The study area is part of a valley that slopes down to the west with moderate to steep slopes. Two-thirds of the area is forested with coniferous and deciduous trees. The uses in the area are a variety of residential, timber, and small farms. The small farm uses include raising livestock which includes pigs, cattle, sheep, and horses.

Characteristics of Adjacent Lands: North, south and west of the study area is cleared farmland. The farm uses consist of grain, grass seed, pasture and orchards. Land to the east is forested.

Relationship between Exception Area and Adjacent Land: The study area is a cluster of development surrounded on three sides by large farm uses. Forestry exists to the east. The

study area is more closely related to the forest uses to the west. Those farm uses that exist in the study area are much smaller and dissimilar to those of the surrounding area.

Existing Adjacent Uses: See Findings A.7 and B.2.

Existing Public Facilities and Services: See Finding B.2.

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcel sizes in the study area vary from 2.2 to 14 acres. One contiguous ownership is 14 acres but the remaining parcels and contiguous ownerships in the study area are all under ten acres. Surrounding acreages are in sizes from 10 to nearly 500 acres. Although there are some parcels of less than 20 acres in the surrounding area the majority are over 80 acres.

Neighborhood and Regional Characteristics: With the exception of some forested hills, the area is in a region that contains extensive farm uses.

Natural and Man-Made Features/Impediments: See Findings A.6 and B.2.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area contains 16 parcels. Twelve of these are in separate ownerships. OAR 660-04-028(6)(c)(B) states that small parcels do not in themselves constitute irrevocable commitment. However, small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or around a road designed to serve the parcels. This study area fits this latter description.

SMALL-SCALE RESOURCE LAND

This area of the study area is only 77.1 acres. It is not close to other exception land that it could be combined with to bring the total to over the 160 acre minimum requirement. It is unlikely that this area would qualify for designation as Small-Scale Resource Land.

CONCLUSIONS

1. The study area has 16 parcels, 12 of which are in separate ownerships.

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2. Thirteen of the parcels contain dwellings, twelve of these were placed prior to adoption of the statewide planning goals.
3. The majority of parcels are on a steep hillside.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this area on May 20, 1993. They determined that due to the small parcels and development prior to adoption of the SPGs the this area should be forwarded to the Board of Commissioners for exception to the Statewide Planning Goals. This motion passed unanimously.

G2x8:Area-38.fnl

DOCKET: G-2-92
GROUP: A
AREA: Area 49
MAP NUMBER: 4407
ISSUE: Possible Comprehensive Plan Map amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding and a zone change from AF-20 Agriculture/Forestry Use to AF-10 Agriculture/Forestry Small Holding.
REVIEW CRITERIA: OAR 660-04-025 and 660-04-028

COMMENTS RECEIVED:

Yamhill County Sanitarian: If held for development the WiA soil has excellent suitability. If in low area Amity/Dayton soil has very low feasibility - 20-25% - Alternative systems are even difficult.

FINDINGS:

A. Background Facts

1. Area Size: 92.8 acres
2. Parcels involved: 15
3. Separate owners: 14
4. Parcels developed: 14
5. Parcels developed prior to Statewide Planning Goals (SPG): 11
6. Study Area Land Use: The majority of the properties in the study area are fenced and contain pasture for livestock. The livestock include horses, cattle and goats and each operation consists of less than five head. The remaining farm uses include orchard and grain/hay production. Only one property in the study area is over 20 acres, and it was in grain production in 1992.
7. Surrounding Land Use: There are numerous large farm holdings in the surrounding area. These holdings vary in size from 30 to over 600 acres. The farm uses include grain, corn, livestock and orchard production.
8. Well Logs: See attached sheet.
9. Fire Protection: McMinnville Rural Fire Department.

10. Floodplain: Flood Insurance Rate Map 0301C indicates that none of the study area is in the 100 year floodplain.
11. Development Pattern: Two partitioning and a subdivision were approved by dockets P-132-71, P-171-72 and P-139-72 that created all of ten parcels north of Brentano Lane prior to adoption of SPG. Tax lots 4407-800, 902 and 1000 were created by deed prior to adoption of the SPG. Tax lot 4407-903 was created by dockets C-179-76/P-557-76. This was separated as a nonfarm parcel and a dwelling was allowed to be placed. Tax lot 4407-508 had a dwelling approved in 1986 by nonfarm dwelling Docket C-1-86. Tax lot 4407-800 also had a nonfarm dwelling approved by Docket C-22-88. These last three dwellings were approved after adoption of the Goals.
12. Ownership Pattern: Tax lot number 4407-509 and 502 are contiguous ownership. They are separate parcels because they were created by a partitioning in 1972. Tax lots 4407-902 and 901 (outside of the study area) are in contiguous ownership of 12.2 acres. Tax lots 4407-510 and 511 are in contiguous ownership and should be considered as one parcel of 20.7 acres. These parcels were combined together by a lot-line adjustment that created what is now tax lot 4407-500. All other tax lots are in single ownership.
13. Surrounding Zoning: The adjacent parcels are zoned exclusive farm use, but the McMinnville Urban Growth Boundary is Baker Creek, approximately 700 feet south of the study area.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry, (called "taking an exception to the Goals"). Generally, in order to zone rural land for residential use, it must be "physically developed" or "irrevocably committed" to nonresource use. For Land Physically Developed to Other Uses. OAR 660-04-025(2) states: Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land

and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

2. **Existing Features**

Structures: Eleven structures were constructed prior to adoption of the SPGs. With two exceptions, all of these dwellings are along either North Hill Road or Brentano Lane. The exceptions are the two structures on tax lot 4407-500. These have a private driveway and are constructed near the center of the northern boundary of the study area.

Roads: Two county roads are involved in this study area. The first is North Hill Road which is located along the western boundary. The second is Brentano Lane which bisects the study area approximately 400 feet from the southern boundary and provides local access.

Sewer, Water and Utility Facilities: The Yamhill County Water Association map shows six of the parcels in the study area are hooked-up to the City of McMinnville's municipal water supply. The rest of the study area have planning approval to hook-up to McMinnville's water supply in the future. The remaining properties have water supplied through groundwater sources. Sewer service is supplied by individual on-site septic systems. Electricity and phone service are available in the area.

3. Oregon Administrative Rule 660-04-028(2) and (6) list the exception requirements for land irrevocably committed to other uses. These rules require consideration of the following factors:

Characteristics of the Exception Area: Parcels in the area contain a mixture of small farm and rural residential uses. Most of the farm uses involve raising livestock which includes horses, cattle and goats. These small farms all appeared to have less than animals each. Only one property in the area is over 20 acres. This is near the center of the study area and was in grain production in 1992.

Characteristics of Adjacent Lands: Substantial commercial farm uses surround the subject parcel. These farms are between 30 to 600 acres and include grain, corn, livestock, and orchards. The Urban Growth Boundary for the City of McMinnville is located 1/4 mile south of the study area.

Relationship between Exception Area and Adjacent Land: The study area is a cluster of small parcels and farm uses in the middle of an area in commercial farm uses. The study area is approximately one-half to one mile northwest of urban development from McMinnville.

Existing Adjacent Uses: See Findings A.7 and B.2.

Existing Public Facilities and Services: See Findings A.9 and B.2.

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: The bulk of parcels in this study area are five acres. One contiguous ownership is 20.7 acres. This ownership exists from Brentano Lane to the northern boundary of the study area. Three other parcels/contiguous ownerships are between ten to 12.2 acres. Land outside of the study area is maintained in larger blocks of agricultural land between 30 to 600 acres.

Neighborhood and Regional Characteristics: The subject area and surrounding land would be considered to be along the Willamette Valley floor. The foothills and mixed farm/forest uses begin a few miles to the west.

Natural and Man-Made Features/Impediments: The study area is on a south facing slope. Just south of the study area the land slopes off steeply to the south. This lower area is designated as being in the 100-year floodplain. This may pose some practical difficulties with combination of parcels in the study area with neighboring farms to the south.

Physical Development: See Finding B.2.

Other Relevant Factors: The study area contains a high percentage of separate owners. 14 of the 15 lots are in separate ownership. OAR 660-04-028(6)(c)(B) states that small parcels do not in themselves constitute irrevocable commitment, However, small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or around a road designed to serve the parcels. The latter description fits this study area.

SMALL-SCALE RESOURCE LAND

The study area as it is now configured would not qualify for Small-Scale Resource designation because it is in a block of less than 160 acres. There are additional small parcels to

the north or south that could be added to bring the area to over 160 acre. Addition of these areas may be unlikely though since there appear to be active farm uses on these neighboring properties.

CONCLUSIONS

1. There is one 20 acre parcel approximately in the center of the study area.
2. The study area contains 11 residences that were placed prior to adoption of the Statewide Planning Goals.
3. The study area contains 15 separate parcels owned by 14 separate owners that vary in size from two to 20 acres. Their average size is approximately 6.1 acres. The minimum lot size for the zone is 20 acres and one parcel is above this acreage.
4. The land use pattern may allow for some of the existing parcels to be recombined into larger adjacent commercial farms.

PLANNING COMMISSION ACTION

January 21, 1993 the Planning Commission reviewed this study area and decided to recommend forwarding it to the Board of Commissioners based on the Findings and Conclusions in the staff report. This motion passed with an 8 to 1 vote.

G2:Area-49.fn1

DOCKET: G-2-92
GROUP: D
AREA: Area 52
MAP NUMBER: 4431
ISSUE: Possible Comprehensive Plan Map amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding and a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding
REVIEW CRITERIA: OAR 660-04-025 and 660-04-028

COMMENTS RECEIVED:

Yamhill County Sanitarian: WuB soils have good feasibility - 70-80% with slopes >4% - Standard approval percentage drops to 50-70% on slopes <4% due to groundwater tables being higher (14-28" deep). If in a low area Amity soil has very low feasibility 20-25% - Alternative systems are even difficult.

FINDINGS:

A. Background Facts

1. Area Size: 25.1 acres
2. Parcels involved: 8
3. Separate owners: 7
4. Parcels developed: 7
5. Parcels developed prior to Statewide Planning Goals (SPG): 6
6. Land Use and Characteristics of Study Area: The study area is bordered by Old Sheridan Road to the northwest, Durham Lane to the South and Highway 18 to the southeast. The uses in the study area are a mixture of small farms and rural residences. The farm uses include orchards and grazing of livestock.
7. Surrounding Land Use: Near the middle of the study area is a triangular piece of property zoned PAI Public Assembly, Institutional, containing a church. Across the highway to the east is a 3-acre parcel zoned Highway Commercial which is used as an recreational vehicle sales and service lot. Land 300 to 400 feet northeast of the study area is inside McMinnville's Urban Growth Boundary. All other property in

the surrounding area is zoned EF-40 Exclusive Farm Use. The farming includes pasture, grain crops, and orchards.

8. Water Information: See attached well logs. McMinnville's municipal water supply was extended to the parcels in this study area by Docket C-3-86.
9. Fire Protection: McMinnville Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 315C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: Tax lot 4431-1701 was separated from 1700 by conditional use and partition docket C-332-79/P-1066-79. The remaining parcels were created by deed prior to adoption of the SPGs. The dwelling on tax lot 4431-1600 was approved by lot-of-record Docket LOR-36-84.
12. Ownership Pattern: Tax lots 4431-900, and 1000 are in a contiguous ownership of approximately 7.7 acres.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry (called "taking an exception to the Goals"). Generally, in order to zone rural land for residential use, it must be "physically developed" or "irrevocably committed" to nonresource use. For Land Physically Developed to Other Uses. OAR 660-04-025(2) states: Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

2. Existing Features

Structures: As shown on the attached map, six of the parcels have dwellings placed prior to adoption of the statewide planning goals. All but one of these dwellings

was constructed along Old Sheridan Road. The remaining residence is close to the intersection of Durham Lane and Highway 18. The dwelling placed on tax lot 4431-1600 was approved applying the planning goals and is not included in the evaluation of parcels that are "physically developed."

Roads: As indicated in Finding A.6 the study area is bordered on three sides by roadways. Highway 18 is the southeast border of the study area. This highway is one of the county's main thoroughfares and has a high traffic level. Because of the level of traffic on this road, it separates the study area from farm uses to the southeast. The other two roads to the south and northwest are smaller and less traveled. They do buffer this study area from adjacent farm uses but do not entirely separate the area from agricultural activities.

Sewer, Water and Utility Facilities: All of the properties use on-site septic systems. Municipal water service was extended from McMinnville to all of the parcels. This was approved under Docket C-3-86. Electric power and phone service are also available in the area.

3. Oregon Administrative Rule 660-04-028(2) and (6) list the exception requirements for land irrevocably committed to other uses. These rules require consideration of the following factors:

Characteristics of the Exception Area: The study area is bordered on three sides by roadways. As stated in Finding A.6 the land contains small farm and residential use. The most intensive farm use appears to be an orchard on approximately two acres, near the center of the study area. Most of the dwellings are constructed away from the State Highway along Old Sheridan Road.

Characteristics of Adjacent Lands: Near the middle of the study area is a triangular piece of property zoned PAI Public Assembly, Institutional, containing a church. Across the highway to the east is a 3-acre parcel zoned Highway Commercial which is used as an recreational vehicle sales and service lot. Application has been made to expand this RV sales lot to 10 acres. Land 300 to 400 feet northeast of the study area is inside McMinnville's Urban Growth Boundary. All other property in the surrounding area is zoned EF-40 Exclusive Farm Use. The farming includes pasture, grain crops, and orchards.

Relationship between Exception Area and Adjacent Land: One of the roads bordering the study area is a well traveled

state highway that divides the area from agricultural uses to the southeast. The two other county roads bordering land to the south and northwest are less traveled and buffer the area from adjoining uses but do not completely separate them. The dwellings are along the two county roads. The location of these dwellings and the roads combine to divide this area from adjacent agricultural uses to the south and northwest.

There are several other factors to be considered around this study area. Near the center of the area is land that has already been excepted from the agricultural goal and is zoned PAI Public Assembly, Institutional. This area contains a church. Across the Highway, at the intersection of Highway 18 and Durham Lane is an area zoned Highway Commercial that has an RV sales and service lot. 400-500 feet northeast of the study area is land that is inside McMinnville's Urban Growth Boundary. The proximity of these other uses further limits the ability to combine the study area with adjacent agricultural uses.

Existing Adjacent Uses: See Finding B.5.

Existing Public Facilities and Services: See Findings A.8 and B.2.

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: The study area contains eight parcels. All but one of these were created prior to adoption of the SPGs. The exception is tax lot 4431-1701 which was separated in 1979 by conditional use permit because there were two houses on the parcel that existed prior to 1974. Considering the seven parcels created prior to the SPGs, the average parcel size is just under 3.6 acres. The size of the lots varies from 8 acres to one-half of an acre.

Parcels in the surrounding area to the south east and west are all part of farm operations that are generally over 100 acres in size. Smaller more intensive farm operations exist on property to the north and northeast, towards McMinnville. These farms are generally between 20 and 60 acres.

Neighborhood and Regional Characteristics: See Findings A.6, A.7, and B.5.

Natural and Man-Made Features/Impediments: As discussed in Finding B.6, State Highway 18 borders the study area to the southeast and creates a barrier to adjacent agricultural uses. Two other county roads border the study area to the south and northwest. The roads, combined with the seven

dwellings placed along these roads, create practical difficulties with combining these areas with adjacent agricultural uses.

Physical Development: See Finding B.2.

Other Relevant Factors: See Finding B.6.

SMALL-SCALE RESOURCE LAND

This study area is only 25 acres. It is close to other exception land inside the City of McMinnville and may be able to be combined with this area to satisfy the 160 acre requirement for small-scale resource land designation. With this combination it is possible that this area might qualify for designation as Small-Scale Resource Land.

CONCLUSIONS

1. The study area has eight parcels in seven separate ownerships.
2. Seven of the parcels contain dwellings, six of these were placed prior to adoption of the statewide planning goals.
3. The state highway, two county roads and the City of McMinnville help to divide this area from other larger contiguous farm operations.
4. The range of parcel sizes is one-half to eight acres, with an average of about 3.6 acres.
5. The area is not in commercial farm use.

STAFF RECOMMENDATION

Because of the development prior to the Statewide Planning Goals, the number of separate ownerships and separation from surrounding agricultural land by existing roads, the Planning Commission forwarded this area to the Board of Commissioners for exception to the Statewide Planning Goals.

G2x8:Area-52.fn1

DOCKET: G-2-92
GROUP: D
AREA: Area 56
MAP NUMBER: 4526
ISSUE: Possible Comprehensive Plan Map amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding and a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding.
REVIEW CRITERIA: OAR 660-04-025 and 660-04-028

COMMENTS RECEIVED:

Yamhill County Sanitarian: Limited area exists for septic approval. The area designated as Yamhill silt loam on the northernmost portion would have high feasibility for standard approval (75%). Steiwer soil makes up approximately 25% of the area. This is well drained but depending on the slopes, may have limitations (50%).
Department of Fish and Wildlife: Proposed change is within big-game winter range. New dwellings, roads, will reduce the number of deer and elk in the county, and will result in conflicts between residents, hunters and wildlife.

FINDINGS:

A. Background Facts

1. Area Size: 63.1 acres
2. Parcels involved: 8
3. Separate owners: 6
4. Parcels developed: 7
5. Parcels developed prior to Statewide Planning Goals (SPG):
3
6. Land Use and Characteristics of Study Area: The study area is a hill that slopes up from Youngberg Hill Road. This hill separates the area from other surrounding farm uses. The uses in the study area includes Christmas trees, orchards, pasture and residences. There is a scattering of various types of trees throughout the study area but no property could be considered to be in commercial timber production.

7. Surrounding Land Use: The aerial photo indicates the hillside to the north and west is a mixture of small woodlot and low-intensity farming, such as grazing for livestock. Land to the south and east along the valley floor has more intensive farm uses which include grain and grass crops. Land to the southwest contains the Rock of Ages retirement center.
8. Water Information: See attached well logs.
9. Fire Protection: McMinnville Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 300C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: Six of the parcels were created by a subdivision that was platted in 1974 by docket S-24-74. Two other parcels were existing prior to adoption of the Statewide Planning Goals. Lot-size Variances approved parcels on tax lots 4526-1500 and 600 by Dockets PV-423-78 and PV-116-76 respectively. Tax lots 4526-1001 and 700 both had nonfarm dwellings approved by Dockets C-31-90 and C-19-88 respectively.
12. Ownership Pattern: There are numerous tax lots in this study area due to several lot line adjustments. All of the following are combined ownerships and should each be treated as one parcel. Tax lots 4526-601, 1400 and 1500 are combined ownership of 21.7 acres. Tax lots 4526-900, 1000 and 1200 are a combined ownership of 15.1 acres. Tax lots 4526-602 and 603 are a combined ownership of 5.1 acres.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry (called "taking an exception to the Goals"). Generally, in order to zone rural land for residential use, it must be "physically developed" or "irrevocably committed" to nonresource use. For Land Physically Developed to Other Uses. OAR 660-04-025(2) states: Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land

and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

2. Existing Features

Structures: Three structures were placed prior to adoption of the SPGs. Two of these structures are close to the south property line. The third structure is close to the center of the study area. Four other dwellings have been constructed in the study area with planning approvals that made findings against the SPGs. These dwellings are not included in the evaluation of "physically developed" parcels.

Roads: The study area is bordered on the southeast side by Youngberg Hill Road. This is a paved county road with a moderate amount of traffic. Rock of Ages Road borders the south side of the study area. This road provides local access to the residences of a care facility and a few other dwellings. Other driveways exist throughout the study area that provide access to the dwellings in the study area.

Sewer, Water and Utility Facilities: All of the dwellings in the study area served by on-site septic systems and wells. Electricity and phone service are available in the area.

3. Oregon Administrative Rule 660-04-028(2) and (6) list the exception requirements for land irrevocably committed to other uses. These rules require consideration of the following factors:

Characteristics of the Exception Area: The study area is a hill that slopes up from Youngberg Hill and Rock of Ages Roads. The uses in the study area include Christmas trees, orchards, pasture, and rural residences. Some coniferous and deciduous trees are scattered around the study area but no parcel could be considered to be in commercial timber production. The study area is part of a partially developed subdivision that was platted prior to adoption of the SPGs by Docket S-24-74.

Characteristics of Adjacent Lands: Parcels to the north and west are involved in low intensity farming which includes pastures for cattle and small woodlots. Land to the south and east, along the valley floor have more extensive farm uses which include various field crops.

Relationship Between Exception Area and Adjacent Land: The larger commercial farms are located along the valley floor. The topography of the site separates the study area from the land to the north, south, and west. Land to the northwest slopes up further and has topography similar to the study area. If property in the study area were to be recombined with larger property outside of the study area, the land to the northwest would be the most logical option.

Existing Adjacent Uses: See Finding A.7 above.

Existing Public Facilities and Services: See Findings A.9 and B.2 above.

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: At first glance the parcels in this study area appear to be around ten acres. However, various lot-line adjustments have created several extra tax lots. The actual number of parcels is eight. The parcel sizes in the area vary from a little over one acre to 21.7 acres. The majority of parcels are between three to seven acres. The 21.7 acres parcel is made up of three tax lots that form a horseshoe shape.

Surrounding property consists of parcels that vary in size from 20 to over 100 acres. The parcels along the valley floor to the south and east are generally larger parcels of 100 acres or more. Many of these are managed as part of larger farm operations.

Neighborhood and Regional Characteristics: This study area is in the beginning of land that can be considered to be in the foothills of the county. Much of Youngberg Hill Road defines the boundary between the field crops along the valley floor and the foothills that eventually become commercial forest land.

Natural and Man-Made Features/Impediments: The largest natural feature that is an impediment to contiguous management of these parcels with neighboring operations is the topography of the site. As discussed earlier the study area is on a hill that effectively separates the land from farm uses on three sides.

Physical Development: See Finding B.2.

Other Relevant Factors: The study area contains a high percentage of separate ownerships. Six of the eight parcels are in separate ownerships. OAR 660-04-028(6)(c)(B) states that small parcels do not in themselves constitute irrevocable commitment. However, small parcels in separate

ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a larger group or around a road designed to serve the parcels. The latter description fits this study area.

SMALL-SCALE RESOURCE LAND

The size of the study area will not allow it to qualify for Small-Scale Resource designation.

CONCLUSIONS

1. The study area has 8 parcels in 6 separate ownerships.
2. Seven of the parcels contain dwellings, but only three of these were placed prior to adoption of the statewide planning goals.
3. There is one contiguous ownership of over 20 acres in this study area.
4. The topography of the site creates practical difficulties with combining this area with other adjacent resource uses.

PLANNING COMMISSION ACTION

On April 15, 1993 the Planning Commission reviewed this area and determined that due to the topography of the site and number of separate owners the area should be forwarded to the Board of Commissioners for exception to the Statewide Planning Goals. This motion passed unanimously.

G2x8:Area-56.fn1

EXHIBIT "B" FOR ORDINANCE NO. 560

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

OCTOBER 27, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM AF-20 TO AF-10

- MAP NOT TO SCALE
- CHANGE APPLIES TO THE AREA SHOWN BELOW
- ALSO DESCRIBED AS AREA 38
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO PARCELS IN T3S, R3W, SEC 32

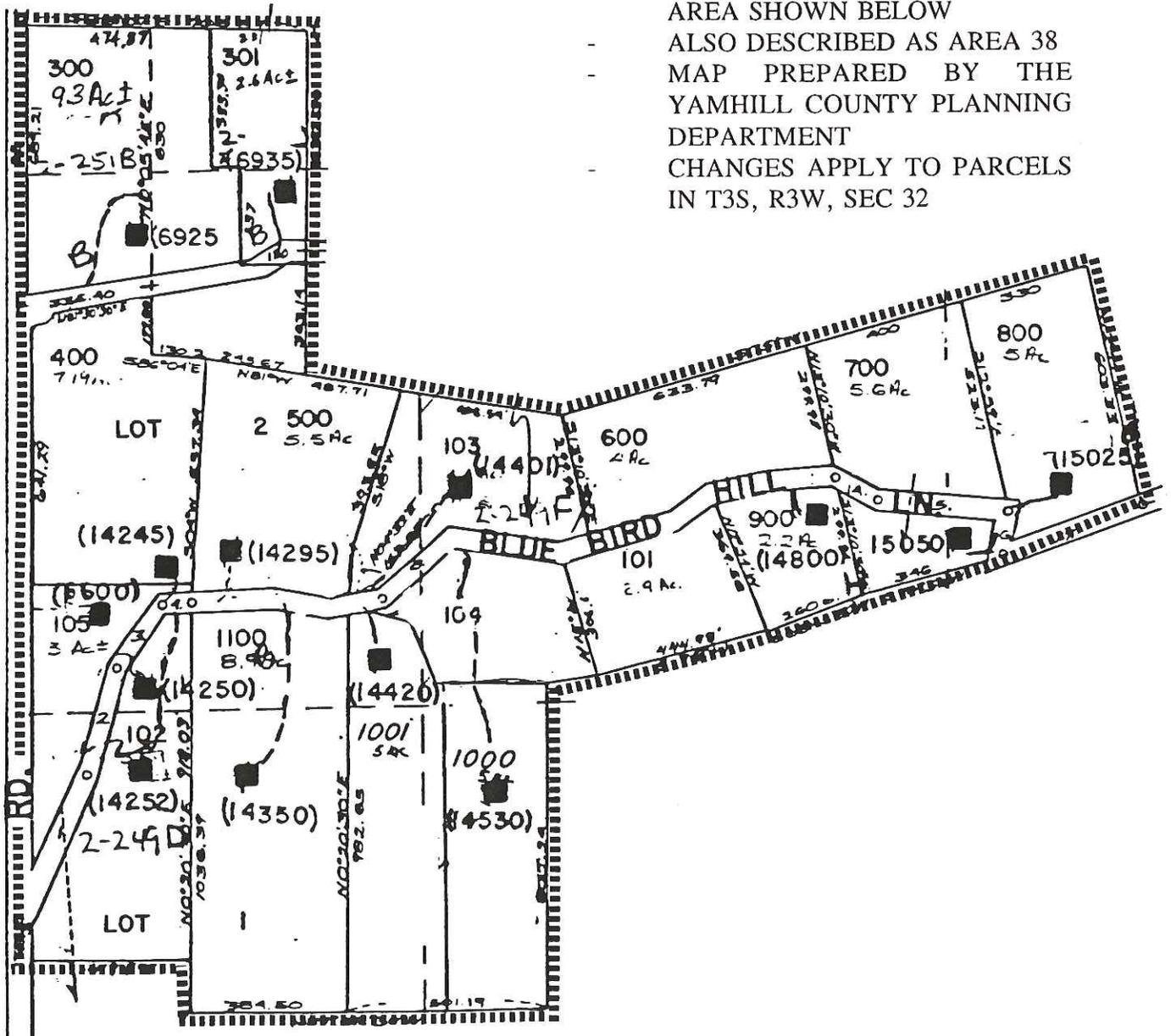


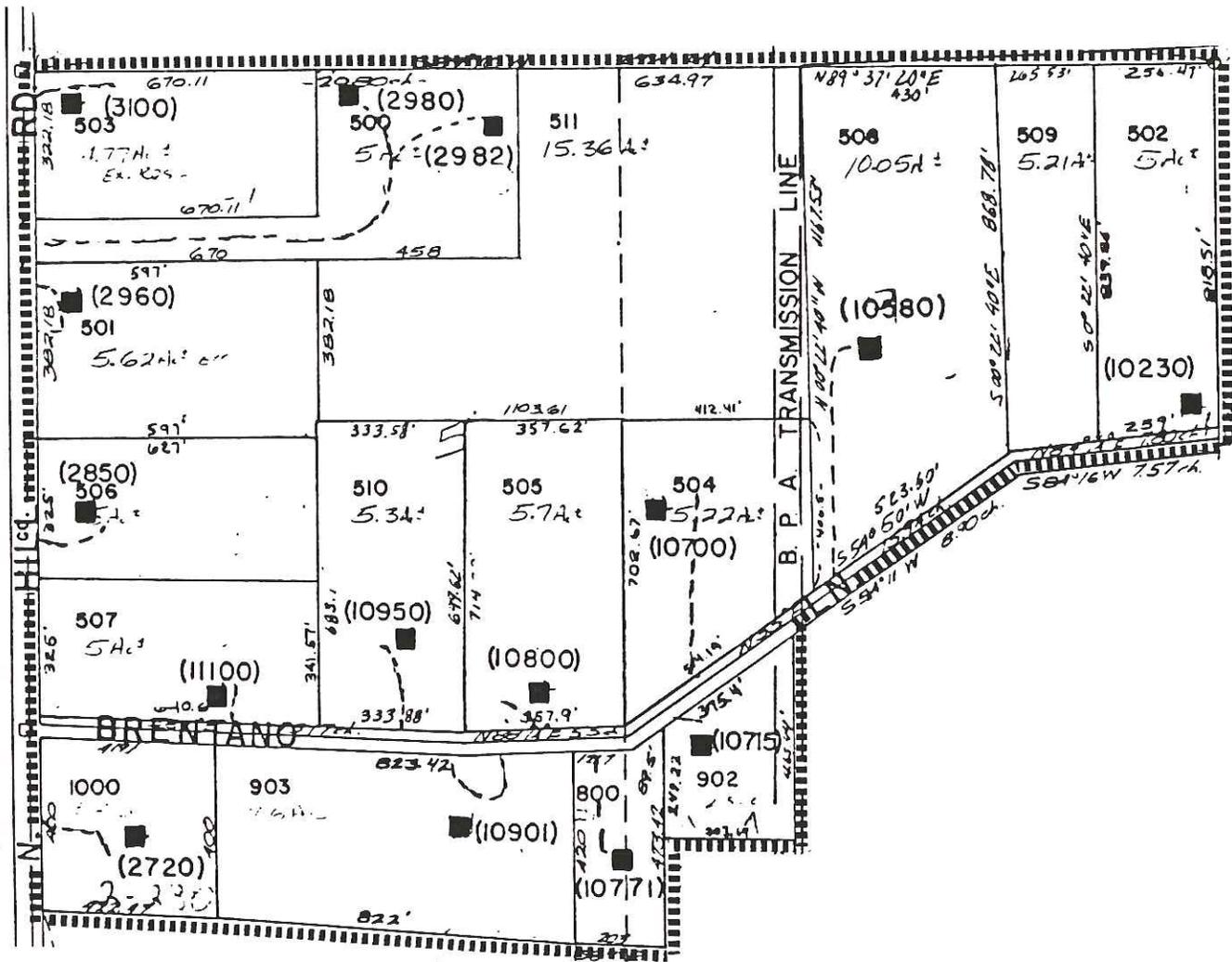
EXHIBIT "B" FOR ORDINANCE NO. 560

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

OCTOBER 27, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM AF-20 TO AF-10



- MAP NOT TO SCALE
- CHANGE APPLIES TO THE AREA SHOWN ABOVE
- ALSO DESCRIBED AS AREA 49
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T4S, R4W, SEC 07

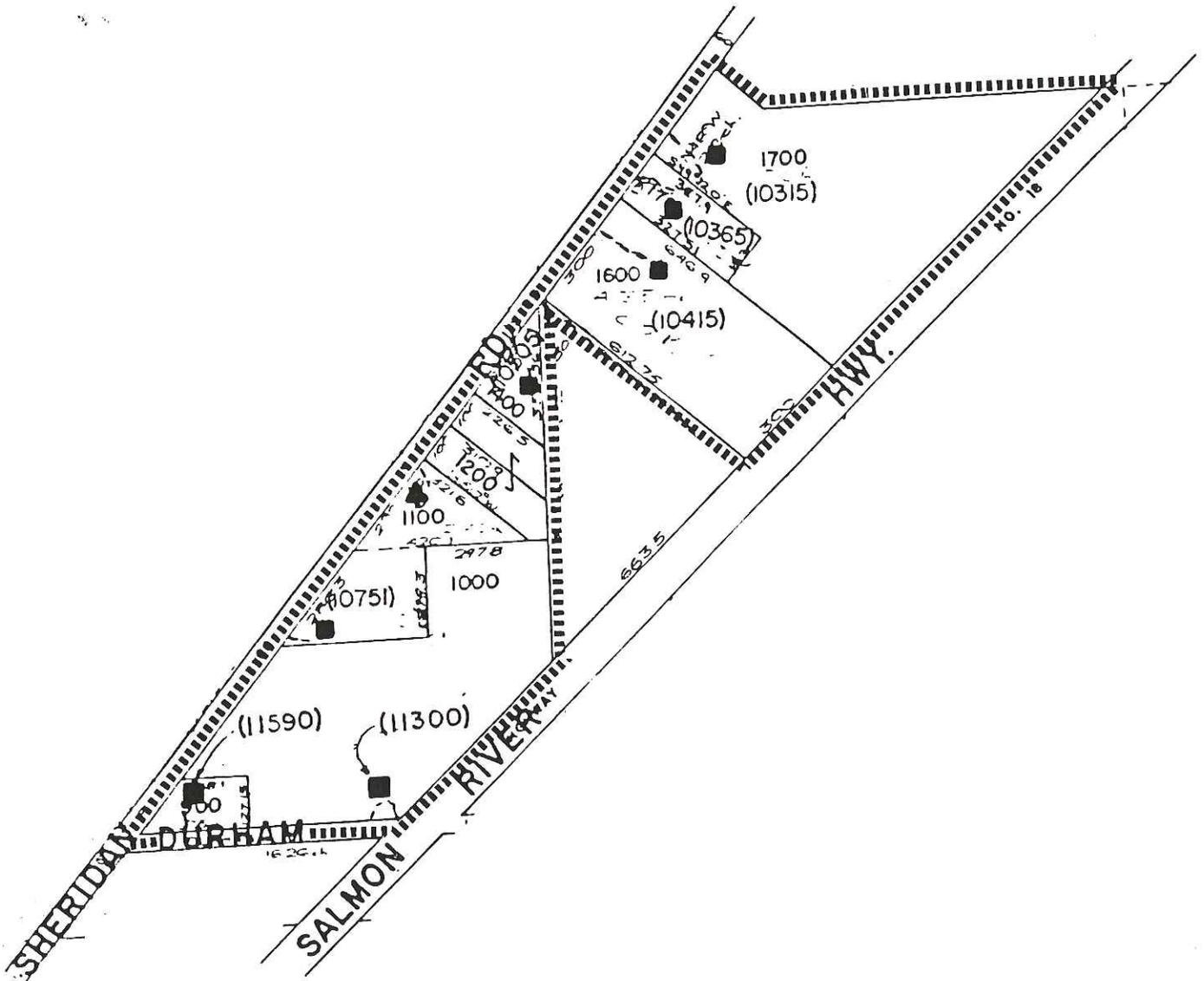
EXHIBIT "B" FOR ORDINANCE NO. 560

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

OCTOBER 27, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM EF-40 TO AF-10



- MAP NOT TO SCALE
- CHANGE APPLIES TO THE AREA SHOWN ABOVE
- ALSO DESCRIBED AS AREA 52
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T4S, R4W, SEC 31

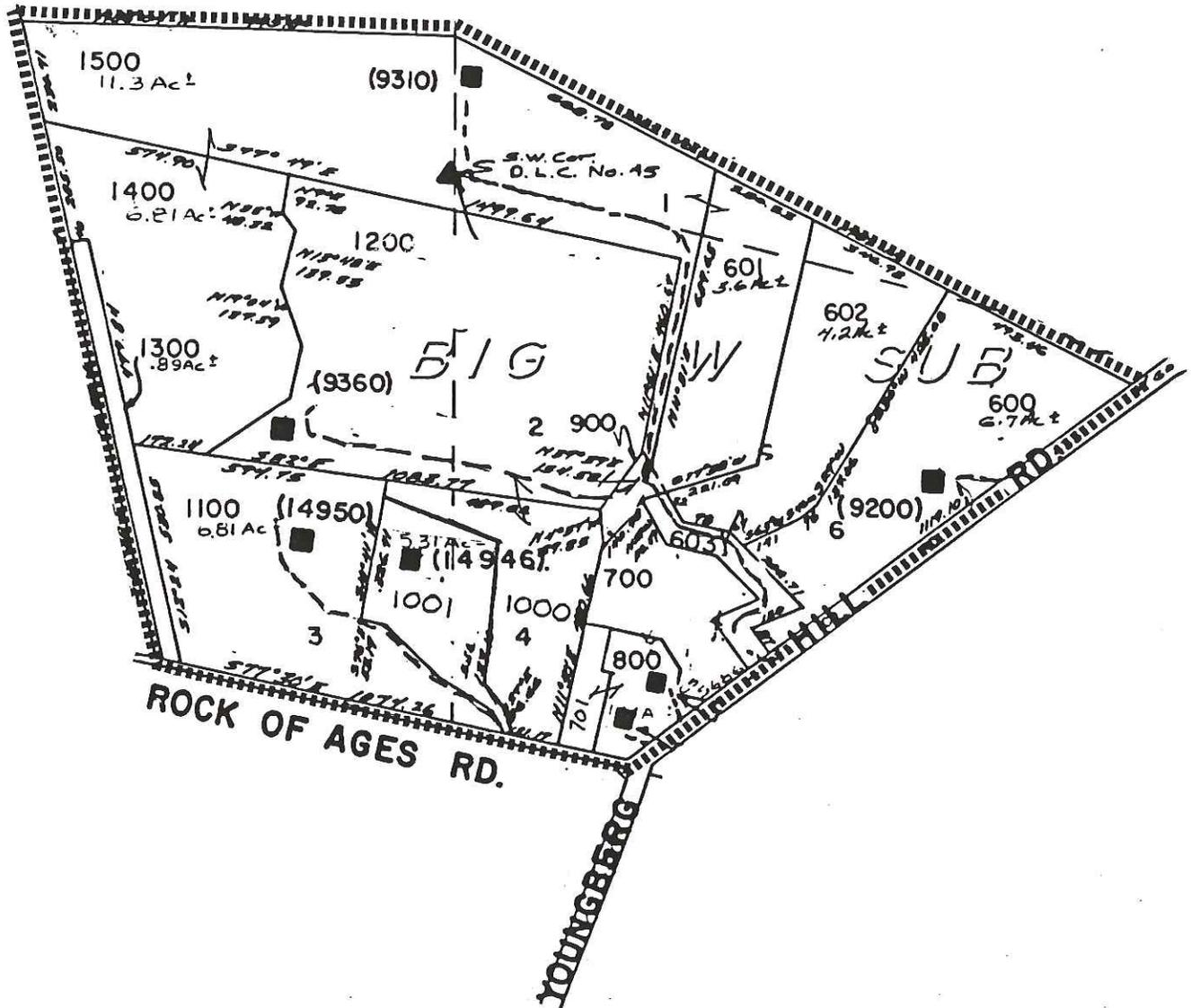
EXHIBIT "B" FOR ORDINANCE NO. 560

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

OCTOBER 27, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM EF-40 TO AF-10



- MAP NOT TO SCALE
- CHANGE APPLIES TO THE AREA SHOWN ABOVE
- ALSO DESCRIBED AS AREA 56
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T4S, R5W, SEC 26