

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

93-809

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 Seven Exception Study Areas)
 (Areas 1, 3, 9, 25, 29, 31/34,)
 and 42) the Plan Map Designation)
 from "Agricultural/Forestry Large)
 Holding" to "Agriculture/Forestry)
 Small Holding"; to Change the Zone)
 Map Designation on Five 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 561

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on November 10, 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

FILED
 YAMHILL COUNTY, OREGON
 1993 NOV 15 AM 9:39
 CHARLES STEPHEN
 COUNTY CLERK

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 1, 3, 9, 25, 29, 31/34, and 42, 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 4. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

Section 5. 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 10th day of November, 1993.

ATTEST
CHARLES STERN
County Clerk

By: Carol Ann White
Deputy County Clerk

FORM APPROVED BY:
John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Debi Owens
Chairperson DEBI OWENS

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

qlu93295.001

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 is 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 of 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 statewide 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 manmade 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 1, 3, 9, 25, 29, 31/34 and 42 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, and as set forth in the record of the proceedings which led to the adoption of this ordinance (herein collectively referred to as "Staff Report"). 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 pursuant to OAR 660-04-018(2), that 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(1) that the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal based on the information contained in the staff report.

4.2 The Board finds that pursuant to OAR 660-04-025(2) that 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. The Board finds that the nature and extent of the study areas, together with the map thereof, is set forth in the staff report. 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) that 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, 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 1, 3, 9, 25, 29, 31/34, and 42, 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.

QLU93295.002-a

DOCKET: G-2-92
GROUP: F
AREA: Area 1
MAP NUMBER: 2231
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: Laurelwood soils have very high feasibility on slopes of less than 30% for standard approvals. Any slopes greater than 30% but less than 45% has better than 50% feasibility for steep slope alternative approvals due to excessive topsoil depth. The Jory series soil type has high feasibility (>75%) although some slope problems may occur.

Water Resources Department: Nearly all wells penetrate Columbia River Basalt Group rocks. Yields vary, but are generally adequate for domestic supplies. Only a few very low yield (<3 gpm) wells were noted in a search of the well logs.

A. FINDINGS:

1. Area Size: 96.4 acres
2. Parcels involved: 12
3. Separate owners: 10
4. Parcels developed: 7
5. Parcels developed prior to Statewide Planning Goals (SPG):
4
6. Land Use and Characteristics of Study Area: The study area contains portions of Mountain Top Road and Brooks and Ellis Lanes. The two lanes are situated to serve the Brooks Acres Subdivision. Near the southwest corner of the study area there are several radio and communication towers. The remainder of the area contains small farm and residential uses. The farm uses include Christmas trees and pasture. A few of the parcels appear to have allowed the Christmas trees to grow beyond a marketable age.

7. Surrounding Land Use: Land to the north is in Washington County. Parcels in the surrounding area appear to be in residential, forestry and farm uses. These farm uses include orchards, Christmas trees, poultry, and pasture.
8. Water Information: See attached well logs and Finding 14.
9. Fire Protection: Newberg Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 176C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: The northern half of the study area was separated into parcels prior to adoption of the SPGs, by the Brooks Acres Subdivision, platted by Docket S-23-73. Tax lots 2231-1800 and 2200 were created by partitioning Docket P-357-74, prior to adoption of the SPGs. Tax lots 2231-2000, 2100, and 2300 were divided after adoption of the SPGs by partitioning Docket P-50-89. The dwellings on tax lots 2231-1300 and 2100 were allowed by nonfarm dwelling approvals granted by Dockets C-17-89 and C-22-89, respectively. The dwelling on tax lot 2231-1700 was allowed by lot size variance Docket PV-577-82. The remaining dwellings were placed prior to adoption of the SPGs.
12. Ownership Pattern: Tax lots 2231-1000 and 1200 were combined by a lot-line adjustment noted in Docket P-580-76, and should be treated as one undivided parcel of 6.34 acres. Tax lots 2231-1500 and 1501 were placed in different tax lots for mortgage purposes and should be treated as one undivided parcel of 8.08 acres. This parcel is also in contiguous ownership with tax lots 2231-1400 and 1600, that combine for a total of approximately 23.5 acres.
13. Zoning: The southwest corner of the study area contains parcels that are zoned PWS Public, Works, Safety District. These parcels include tax lots 2231-1801, 1900, 2001, and portions of tax lots 2231-1800, 2000, and 2100. This area contains communication towers and accessory structures.
14. Groundwater Limited Area: This study area is within a region designated by the Water Resources Department as a "Groundwater Limited Area". This designation does not restrict using water for domestic purposes.

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: Four dwellings were constructed prior to adoption of the SPGs. Two of these dwellings are located near the southeast corner of the study area. The other two dwellings are near the northwest and northeast corner of the study area. Three other dwellings were placed by various land use approvals that made findings against the goals. These three dwellings are to the north, south, and center of the study area but are not included in the analysis of parcels that are "physically developed."

Roads: The study area contains three roads. The first is Mountain Top Road which intersects near the south of the study area. The other two are Brooks and Ellis Lane which both meander through the area and provide local access to the existing subdivision lots.

Sewer, Water and Utility Facilities: Sewer service is provided by individual on-site septic systems. Water is supplied by groundwater supplies. Phone and electrical service 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 majority of the area contains small farm and rural residential uses. The small farm uses appear to consist of pasture. Some

Christmas trees that are found on the northern parcels in the study area have been allowed to grow beyond a marketable age.

Characteristics of Adjacent Lands: The parcels to the north are in Washington County and appear to have small farms and rural residences as their primary use. This is similar to the land in Yamhill County. The neighboring land contains farms on lots of between 20 to 80 acres. These farms include orchards, Christmas trees, poultry, and pastureland.

Relationship between Exception Area and Adjacent Land: The most apparent difference between the study area and adjacent land is the presence of a developed roadway that serves the parcels. Smaller parcels also exist in the study area but four of these are part of a contiguous ownership that totals 23.5 acres. Smaller lots exist in the study area but substandard lots are also common throughout the Chehalem Mountains area. From the aerial photo and site visits the study area does not appear to be significantly different from the surrounding area.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Existing lots in the study area vary from one to 15.8 acres. The only contiguous ownership is 23.5 acres. Ten of the twelve parcels involved are in separate ownership. Parcels immediately adjacent to the study area are between 10 to 22 acres. Parcels in the surrounding area vary from five to 80 acres with the majority from 20 to 40 acres.

Neighborhood and Regional Characteristics: The study area is located in the Chehalem Mountains. The characteristics of the neighborhood are small farm, small forest and rural residential uses. Although there are some parcels of over 80 acres, the majority of parcels with farm uses are from 20 to 40 acres.

Natural and Man-Made Features/Impediments: Four radio towers exist near the southwest corner of the study area. The towers are located in an area zoned PWS Public Works, Safety District.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area contains 12 parcels. Of these, 10 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 the study area. Three parcels identified by tax lots 2100, 2200, and 2300 were all created after adoption of the Statewide Planning Goals. All three of these parcels have dwellings constructed. These parcels were considered for elimination from the study area, but due to the parcels all being less than the minimum lot size, their existing development and proximity to established roads, these parcels were determined to be irrevocably committed to residential use.

CONCLUSIONS

1. The study area has 12 parcels in 10 separate ownerships.
2. Seven of the parcels contain dwellings. Four of these were placed prior to adoption of the statewide planning goals.
3. The study area contains a roadway developed to serve all of the existing parcels.
4. The area contains one contiguous ownership of over 20 acres.

STAFF RECOMMENDATION

This study area does contain a high percentage of separate ownerships and a developed roadway. However the area also contains a small number of parcels developed prior to adoption of the Statewide Planning Goals. Because of this low level of development, planning staff recommended the Planning Commission not forward this area to the Board of Commissioners for exception to the Statewide Planning Goals.

PLANNING COMMISSION ACTION

On June 17, 1993, the Planning Commission reviewed the study area and determined that because of the poor soils and testimony that this was not good farm ground the area should be forwarded to the Board of Commissioners for exception to the Statewide Planning Goals.

BOARD OF COMMISSIONERS ACTION

On September 30, 1993, the Board of Commissioners voted unanimously to approve this study area for exception to the

Yamhill County Planning Department
Docket G-2-92, Area 1
Page 6

Statewide Planning Goals and zone designation to
Agriculture/Forestry Small Holding.

G2x10:Area-01.BCF

Exhibit "A" - Page 14
Ordinance 561

DOCKET: G-2-92
GROUP: F
AREA: Area 3
MAP NUMBER: 2322
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: Laurelwood soils have very high feasibility on slopes of less than 30% for standard approvals. Any slopes greater than 30% but less than 45% has better than 50% feasibility for steep slope alternative approvals due to excessive topsoil depth. The Jory series soil type has high feasibility (>75%) although some slope problems may occur. E and F slope designations are the most difficult for standard septic approvals.

Water Resources Department: Nearly all wells penetrate Columbia River Basalt Group rocks. Yields vary, but are generally adequate for domestic supplies. Only a few very low yield (<3 gpm) wells were noted in a search of the well logs.

FINDINGS:

1. Area Size: 100 acres
2. Parcels involved: 11
3. Separate owners: 9
4. Parcels developed: 7
5. Parcels developed prior to Statewide Planning Goals (SPG):
5
6. Land Use and Characteristics of Study Area: Oak Grove Lane and Holly Hill, and Bald Peak Roads all provide access to the parcels in this study area. West of Bald Peak Road the properties slope down steeply and are forested. It was reported in the original staff report that "A vineyard appears to be planted on tax lot 2322-3300." During the public testimony the owner of this tax lot testified that although some grape vines exist along Oak Grove Lane, no vineyard is planted on the remainder of the property.

Parcels slope up to the west from Holly Hill Road and are in pasture, small woodlot, and rural residential use.

7. Surrounding Land Use: Land to the south and west is forested. Parcels to the east are in rural residential use with some small farm operations present. Land to the north contains some moderate size farm uses that include grain and pasture.
8. Water Information: See attached well logs and Finding 14.
9. Fire Protection: Newberg Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 70C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: Most of the parcels were created by deed and partitions prior to adoption of the SPGs. The only two exceptions are tax lots 2322-4400 and 3400, created by retirement separations approved by dockets C-230-77 and C-373-80, respectively. The dwelling on tax lot 2322-3800/3700 was allowed by a nonfarm dwelling, Docket C-16-91. The dwelling on tax lot 2322-3200 was allowed by a farm management plan FMP-63.
12. Ownership Pattern: Tax lots 2322-3100, 3200 and 3190 are in a contiguous ownership of 8 acres. Tax lots 2322-3700 and 3800 were combined by partition Docket P-45-86 and should be considered one undivided parcel of 7.25 acres. Tax lots 2322-4601, 2321-100, 101, and 600 (the last three are outside of the study area) are in a contiguous ownership of 81 acres. Tax lots 2322-4401 and 4402 are in a contiguous ownership of 60 acres.
13. Groundwater Limited Area: This study area is within a region designated by the Water Resources Department as a "Groundwater Limited Area". This designation does not restrict using water for domestic purposes.
14. Surrounding Zoning: Tax lots 2322-3500, 3501 and property to the east of Holly Hill Road is zoned VLDR-5 Very Low Density Residential. Parcels near the middle of the study area (identified by tax lots 2322-4000 to 4301) are zoned VLDR-1 Very Low Density Residential.

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: Five dwellings were placed prior to adoption of the SPGs. Not all of these can be considered to physically develop their parcels to a point that they could not sustain commercial farm use. Tax lots 2322-3701, 3400, and 4400 are each less than five acre parcels and all have dwellings placed prior to the SPGs. Due to their small size and existing development each of these parcels should be considered to be "physically developed to uses not allowed by the goal. Tax lots 2322-3300 and 3600 also have dwellings constructed prior to the goals. Tax lot 3300 has a vineyard planted on the acreage and appears to be of a commercial size. Tax lot 3600 consists of 20 acres. While no commercial farm use was observed during the site visit to this parcel one dwelling on twenty acres does not "physically develop" the parcel to nonresource uses.

Roads: Three roads intersect the study area. Oak Grove Lane runs close to the southern boundary of the study area. Bald Peak Road travels through the middle of the study area. These two roads travel in a northwest and southeast direction. Holly Hill Road borders the study area on the eastern side.

Sewer, Water and Utility Facilities: Sewer service is provided by individual on-site septic systems. Water is supplied by groundwater sources. Phone and electrical service 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: It was reported in the initial staff report that, "The most intensive farm use in the area is a vineyard located on the parcel south of Oak Grove Lane." The owner of this parcel testified that this was incorrect and that in actuality 4,000 fir trees had been planted. The remaining area has some small farm and rural residential uses. The farms consist of pasture and small woodlots.

Characteristics of Adjacent Lands: Land to the east is zoned for residential use. The surrounding area is characterized by small farm and residential uses. Some farms exist to the north and south which contain grain and pasture.

Relationship between Exception Area and Adjacent Land: Between Oak Grove Lane and Holly Hill Road are parcels with similar sizes and uses as that of the exception areas to the east.

Existing Adjacent Uses: See Finding A.7 above.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels in the study area are predominantly between five and 15 acres. One 20 acre property exists near the center of the study area. Additionally the northwestern parcel is in a contiguous ownership that is over 100 acres. Adjacent parcels to the east are between five to ten acres. The parcel to the north is 60 acres but has a previous partitioning approval that divided it into three 20 acre parcels. The parcels to the south and west are substantially larger and vary between 40 to 120 acres.

Neighborhood and Regional Characteristics: The study area and surrounding land are in the Chehalem Mountains. The uses in this region are a mixture of farm and forestry uses. The majority of them are operations conducted on parcels between 40 to 80 acres and are less intensive than those found on the valley floor.

Natural and Man-Made Features/Impediments: See Roads in Finding B.2.

Physical Development: See Finding B.2.

Other Relevant Factors: The study area is adjacent to two exception areas. The first is to the east and the zoning is VLDR-5 Very Low Density Residential. The second is the six parcels that form a wedge near the upper middle of the study area. These parcels are zoned VLDR-1 Very Low Density Residential.

CONCLUSIONS

1. The study area has 11 parcels in 9 separate ownerships.
2. Seven of the parcels contain dwellings. Five of these were placed prior to adoption of the statewide planning goals.
3. The area contains two tax lots that are contiguous with parcels outside of the study area that are over 20 acres.
4. The study area is between two existing rural residential zones.
5. In comments received from the Department of Land Conservation and Development they noted the farm use in the area. While it is true that there are farm uses in the area, they are at a very small scale. In all but one case the farm uses are overshadowed by the residential uses on the parcels. The main case where this can be argued otherwise is on the 20 acre ownership identified by tax lot 2322-3600. Even this parcel could not be considered to be in intensive farm use.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this area June 17, 1993. They removed tax lots 2322-4601 and 4402 because they are part of larger contiguous ownerships. The remaining area was recommended for exception because of the parcel sizes and existing adjacent rural residential zoning.

BOARD OF COMMISSIONERS ACTION

On October 6, 1993, the Board of Commissioners voted unanimously to approve this study area for exception to the Statewide Planning Goals and zone designation to Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: B
AREA: Area 9
MAP NUMBER: 2402 and 2403
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: This area is predominately Peavine soils with some inclusions of Laurelwood soil. The deeper Peavines and Laurelwood soil have high feasibility for standard septic system approvals. The shallow Peavine soils are limited to standard approvals but have a high feasibility when alternative approvals are included.
Water Resources Department: There are no concerns raised by the potential for zone change regarding the groundwater resource within these areas. Most wells penetrate marine sedimentary rocks which generally yield water poorly to wells, but quantities adequate for domestic supplies are usually available.

FINDINGS:

A. Background Facts

1. Area Size: 35.9 acres
2. Parcels involved: 6 lots
3. Separate owners: 4
4. Parcels developed: 4
5. Parcels developed prior to Statewide Planning Goals: 4
6. Land Use and Characteristics of Study Area: The study area slopes up to the south from an intermittent stream that parallels Olson Road and consists of moderate hillside slopes. The eastern parcel is used as pasture for cattle. The remaining land in the study area is all forested.
7. Surrounding Land Use: Adjacent property to the north, south and west is predominantly in farm use which includes pasture for cattle, sheep and horses, orchards and Christmas trees.

Property to the west is in rural residential and forestry use.

8. Well Logs: See attached data sheet.
9. Fire Protection: Gaston Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 50C indicates none of the study area is in a 100-year floodplain.
11. Development Pattern: Partitioning Docket P-280-73 created tax lots 2402-1200, 1300, 1300, and 1400 prior to adoption of the Statewide Planning Goals. The remaining parcels were created by deed prior to adoption of the Statewide Planning Goals. All of the dwellings were placed prior to adoption of the Statewide Planning Goals.
12. Ownership Pattern: Tax lot 2403-2000 and 2402-1200 are in contiguous ownership that combine for a total of approximately twenty acres. Tax lot 2402-1300 and 1301 are in a combined ownership of approximately 5.2 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: Four dwellings have been constructed in the study area. Two are on parcels at the east end of the study

area and are on lots of less than six acres. Two other dwellings are located near the west end of the study area. One of these, closer to the middle of the study area, is on a contiguous ownership of 20 acres. One dwelling on 20 acres does not "physically develop" a parcel to nonresource use.

Roads: Olson Road borders the northern edge of the study area.

Sewer, Water and Utility Facilities: Sewer is provided by individual on-site septic systems. Water is supplied by groundwater sources. Phone and electricity is 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 slopes up to the south from Olson Road. The area has a dense cover of vegetation that includes a mixture of coniferous and deciduous trees.

Characteristics of Adjacent Lands: The forested area found in the study area continues partly on parcels to the south and east. The remaining area adjacent to the study area is in farm uses which include pasture, orchards, and Christmas trees.

Relationship between Exception Area and Adjacent Land: The study area is similar in topography and use to the existing exception area to the east. The existing exception and study area can best be described as a peninsula that runs along Olson Road and is surrounded by farm uses.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels in the study area are between 2.4 to ten acres. One contiguous ownership of 20 acres exists near the middle of the study area. Adjacent land to the east consists of parcels of similar size as that of the study area. Parcels in the remaining area are generally over 20 acres.

Neighborhood and Regional Characteristics: The study area and adjacent land are in the foothills. A transitional area

from large farms along the valley floor to the commercial timberland to the west.

Natural and Man-Made Features/Impediments: The study area slopes up steeply to the north and contains dense underbrush. This poses practical difficulties with farming in this area.

Physical Development: See Finding B.2.

Other Relevant Factors: The study area is adjacent to an exception area to the east. This area is zoned AF-10 Agriculture/Forestry Small Holding. The study area is being reviewed for changing to this zoning.

CONCLUSIONS

1. The study area has 4 of the 6 parcels in separate ownership.
2. The study area contains four parcels that were developed with residences prior to the adoption of the Statewide Planning Goals.
3. The study area is adjacent to land zoned for rural residential use.
4. The study area contains one contiguous ownership of approximately twenty acres.

PLANNING COMMISSION ACTION

February 18, 1993, the Planning Commission reviewed this area and based on the findings in the staff report voted unanimously to forward this area to the Board of Commissioners for exception to the statewide planning goals.

BOARD OF COMMISSIONERS ACTION

September 30, 1993, the Board of Commissioners voted to unanimously to approve this study area for exception to the Statewide Planning Goals and change the zone to AF-10 Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: F
AREA: Area 25
MAP NUMBER: 3225
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: The Jory series has high feasibility (>75%) although some slope problems may occur. E and F slope designations are the most difficult for standard septic approvals.

Oregon Water Resources: The County is apparently aware of the Groundwater Limited Area status of the subject study areas. However, areas 24, 25, and 26 are within the Parrett Mountain Area. New wells constructed there (including alterations to existing wells) are subject to Special Area standards for well construction. These standards require additional casing and sealing material, in most cases, to be installed, and, as a result wells are generally more costly. These standards will be in place until March 1994, and may become permanent, depending on a planned Commission action prior to that time. Nearly all wells penetrate Columbia River Basalt Group rocks. Yields vary, but are generally adequate for domestic supplies. Only a few very low yield (<3gpm) wells were noted in a search of the well logs.

FINDINGS:

1. Area Size: 72.6 acres
2. Parcels involved: 11
3. Separate owners: 11
4. Parcels developed: 9
5. Parcels developed prior to Statewide Planning Goals (SPG):
7
6. Land Use and Characteristics of Study Area: Corral Creek Road bisects the study area along an east and west line. The area is heavily forested and slopes up to the north and south from Corral Creek Road.

7. Surrounding Land Use: Land to the east and west is a mixture of forestry and pasture. Parcels to the north and south is densely forested.
8. Water Information: See attached well logs and Finding 13.
9. Fire Protection: Newberg Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 195C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: All of the tax lots in the study area were created by partitioning prior to adoption of the SPGs. These partition Dockets include P-20-69 and P-219-72. The dwellings on tax lots 3225-800 and 1002 were allowed by lot size variance Dockets PV-477-79, and PV-370-78, respectively. Tax lot 3225-1200 had a nonfarm dwelling approved on this parcel by Docket C-50-91. This dwelling had not yet been built but the approval is valid until October 25, 1994,
12. Ownership Pattern: Tax lots 3225-1400 and 1500 were combined by Docket P-945-78 and should be treated as one undivided parcel.
13. Groundwater Limited Area: This study area is within a region designated by the Water Resources Department as a "Groundwater Limited Area". This designation does not restrict drilling wells for domestic purposes.

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: Seven dwellings were constructed prior to adoption of the SPGs. Five of these are north of Corral Creek Road and two are south.

Roads: Corral Creek Road travels in an east/west direction and bisects the study area.

Sewer, Water and Utility Facilities: Sewer service is provided by individual on-site septic systems. Water is supplied by groundwater supplies. Phone and electrical service 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 completely forested. The land slopes up steeply to the north and south from Corral Creek Road. The area is entirely composed of substandard parcels and has numerous dwellings constructed prior to adoption of the SPGs.

Characteristics of Adjacent Lands: Adjacent land to the north and south is forested with trees of similar age to that of the study area. East and west of the study area the land is in a mixture of farm and forestry. The predominant farm use is pasture for cattle.

Relationship between Exception Area and Adjacent Land: Nearly all of the lots adjacent to the study area are over 20 acres and contains some type of resource use. The study area is a cluster of substandard lots surrounded by resource activity.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels in the study area vary from four to ten acres with most of the lots close to five acres. Surrounding land is from 20 to 200 acres. Several parcels exist in the

surrounding area that are over 80 acres but most of the surrounding lots are from 20 to 40 acres.

Neighborhood and Regional Characteristics: This study area is part of Parrett Mountain. Most of the region within two miles of Highway 99W has been divided into parcels of less than 20 acres and have dwellings. Further south, closer to the Clackamas County line the parcels increase in size and are managed as part of timber and farm holdings.

Natural and Man-Made Features/Impediments: See Finding A.6.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area contains 26 subdivision lots. Of these, 18 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 the study area.

CONCLUSIONS

1. The study area has 11 parcels, all in separate ownerships.
2. Nine of the parcels contain dwellings. Seven of these were placed prior to adoption of the statewide planning goals.
3. The study area contains a roadway developed to serve all of the existing parcels.
4. The area contains no contiguous ownership of over 20 acres.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this area June 17, 1993. Due to the high percentage of separate ownerships, developed roadway, and number of parcels developed prior to adoption of the Statewide Planning Goals, the Commission voted to forward this area to the Board of Commissioners for exception to the Statewide Planning Goals. The vote was 4 to 2 in favor.

BOARD OF COMMISSIONERS ACTION

On September 30, 1993, the Board of Commissioners voted unanimously to approve this study area for exception to the

Yamhill County Planning Department
Docket G-2-92, Area 25
Page 5

Statewide Planning Goals and a zone change to AF-10
Agricluture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: E
AREA: Area 29
MAP NUMBER: 3308
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: Willakenzie soils have a good feasibility for standard septic approval (>50%), however they have limited top soil which would make slopes over 20% difficult to approve.

Soil and Water Conservation District: We have reviewed the file and find not conflicts with our interests.

Water Resources Department: There are no major concerns raised by the potential for zone change regarding the groundwater resource within these areas. Most wells penetrate marine sedimentary rocks which overlie the Columbia River Basalt Group rocks. These marine sediments generally yield water poorly to moderately to wells, but quantities adequate for domestic supplies are usually, but not always, available. Some dry holes have been reported by well constructors.

FINDINGS:

A. Background Facts

1. Area Size: 40.1 acres
2. Parcels involved: 5
3. Separate owners: 5
4. Parcels developed: 4
5. Parcels developed prior to Statewide Planning Goals (SPG): 3
6. Land Use and Characteristics of Study Area: Highway 240 borders the study area on the northern property line. Kinney Road intersects the study area in a north-south direction. The study area slopes up to the east. The two parcels west of Kinney Road appear to be used as pasture.

The area immediately east of Kinney Road is a hillside that appears to be in rural residential use.

7. Surrounding Land Use: Parcels in the surrounding area appear to have extensive farm uses which include orchards, Christmas trees, and pasture for livestock. From Kinney Road to the west the land consists of a valley that contains pasture for cattle. The dwellings on these parcels are all close to existing roadways to maximize the use of existing farmland.
8. Water Information: See attached well logs.
9. Fire Protection: Newberg Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 175C shows up to 500 feet on either side of the creek is in the 100-year floodplain.
11. Development Pattern: Tax lot 3308-1000 and 1001 were divided by partitioning Docket P-220-72 prior to adoption of the SPGs. The remaining parcels were created by deed prior to adoption of the SPGs. The dwelling on tax lot 3308-1000 was approved by Docket PV-398-78. The remaining three dwellings were placed prior to adoption of the SPGs.

The following is information on the area eliminated by the Planning Commission. Tax lots 3308-400, 500 and 600 were created by partitioning Docket P-74-71, prior to adoption of the SPGs. Tax lot 3308-601 was created when tax lots 3308-500 and 600 were combined into one ownership of approximately 2 acres. The dwellings on tax lot 3308-500 was allowed by lot of record approvals granted by docket PV-398-78, respectively. The remaining dwellings were placed prior to adoption of the SPGs.

12. Ownership Pattern: All parcels in the area recommended by the Planning Commission are in separate ownership. In the portion eliminated by the Planning Commission tax lots 3308-500 and 600 are in a contiguous undivided ownership of approximately two 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 dwellings were placed prior to adoption of the SPGs. These three dwellings are all located within 200 feet of Highway 240. Two other structures are constructed on tax lot 3308-1000 but these were placed after adoption of the SPGs and are not included in the analysis of physically developed lots.

Roads: Two roads exist in the study area. The first is State Highway 240. It borders the northern edge of the study area. The road is well traveled and would pose significant difficulties with adjoining ownerships with larger farm parcels to the north. The second road is Kinney Road. It bisects the study area in a northeast and southwest direction.

Sewer, Water and Utility Facilities: Sewer service is provided by individual on-site septic systems. Water is supplied by groundwater supplies. Phone and electrical service 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 western edge of the study area is part of a valley that slopes up to the east. From Kinney Road the land slopes up steeply. The land uses east of Kinney Road appear to be residential. Land west of Kinney Road is used as pastureland.

Characteristics of Adjacent Lands: Surrounding parcels contain commercial farm uses which include orchards, Christmas trees, and pasture.

Relationship between Exception Area and Adjacent Land: Although surrounded by commercial farm uses the study area contains no commercial farm use. This appears to be due to the steep topography, especially of the parcels east of Kinney Road.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels in the study area are six to 12 acres. Although similar parcel sizes exist in the surrounding area the majority of parcels are 40 to several hundred acres.

Neighborhood and Regional Characteristics: The region can be characterized as being part of the Chehalem Valley. This valley has numerous commercial farms.

Natural and Man-Made Features/Impediments: Highway 240, north of the study area, is a well traveled state highway. The level of traffic poses practical difficulties with combining parcels in the study area with larger commercial farms to the north.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area contains 26 subdivision lots. Of these, 18 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. Although this is a small study area all the parcels are less than 12 acres, in separate ownerships and clustered around two roadways.

CONCLUSIONS

1. The study area has 5 parcels all in separate ownerships.
2. Four of the parcels contain dwellings, three of these were placed prior to adoption of the statewide planning goals.

3. None of the parcels are in contiguous ownership with other adjacent farm operations.

PLANNING COMMISSION ACTION

With the original study area staff recommended the Planning Commission consider elimination of parcels to the west along the valley floor. The commission considered this and decided to only recommend tax lots 3308-900, 1000, 1001, 1100, and 1200 for exception to the SPGs. The vote was five to two in favor of this action.

BOARD OF COMMISSIONERS ACTION

On September 30, 1993, the Board of Commissioners took public testimony and reviewed the facts regarding this study area. They voted unanimously to approve the area for exception to the Statewide Planning Goals and change the zone to AF-10 Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: C
AREA: Area 31/34
MAP NUMBER: 3311 and 3314
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 and 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: If development is kept in the Woodburn silt loam soils the feasibility is good (75%) for standard septic approval. Generally the only possibility in the Amity soils are alternative system type approvals. Even the alternative approvals are limited to <50%. A small portion on the southern boundary is Br (Bridewell silt loam) that has about a 50% feasibility for standard septic approvals.

Water Resources Department: Marine sediments in this area generally yield water poorly to moderately to wells, but quantities adequate for domestic supplies are usually available. In addition to the potential for low well yields, several reports of unusable water quality (saline water) are on file.

NOTE:

This report combines portions of study areas 31 and 34. Maps of the combined areas are supplied along with the original maps and supporting information of the study areas. The following report only deals with the combined study areas. For information on each of the original study areas please see the reports provided to the Planning Commission.

FINDINGS:

A. Background Facts

1. Area Size: 114.4 acres
2. Parcels involved: 21, including all subdivision lots.
3. Separate owners: 18
4. Parcels developed: 18

5. Parcels developed prior to Statewide Planning Goals (SPG):
15
6. Land Use and Characteristics of Study Area: The study area is bisected by Highway 240. Stone Road travels along part of the western boundary of the study area and Red Hills Road travels along part of the eastern boundary. South of Highway 240 and west of Red Hills Road the area contains small farm and rural residential uses. The small farms consist of pasture for sheep and cattle. North of Highway 240 the parcels are almost entirely in residential use. Some pasture is present but most residents in this portion are not engaged in any resource activity.
7. Surrounding Land Use: Parcels to the north, east and west contain commercial farm uses which include orchards, grain and pasture for livestock. Property to the south contains smaller ownerships (from 5 to 15 acres) and include small farm and rural residential uses. The farming consists of pasture for sheep and cattle, grain and orchards.
8. Water Information: See attached well logs.
9. Fire Protection: Newberg Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 159C indicates the northern portion of the study area, along a creek running east and west, is in the 100-year floodplain.
11. Development Pattern: Seven of the parcels were created by the Birrel Acre Tracts subdivision which was platted in 1908. The remaining parcels were created by deed or partitioning prior to adoption of the SPGs.
12. Ownership Pattern: Tax lots 3311CD-700 and 701 are in a contiguous ownership of nine acres. Tax lots 3311CD-800 and 900 are in a contiguous ownership of five acres. Tax lot 3314-600 has two parcels of the Birrel Acre Tracts Subdivision.

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: Eighteen dwellings have been constructed on 15 parcels, prior to adoption of the SPGs. Twelve of these dwellings are within 300 feet of Highway 240. Three of the structures are along the southern boundary of the study area and three are along Stone Road. The only relatively vacant land in this study area is near the northeast and southwest corners. Three other dwellings were approved by applications that made findings against the goals. These are in the northwest, middle and southeast regions of the study area. These three dwellings are not included in consideration of "physically developed" parcels.

Roads: The study area is bisected by Highway 240. Stone Road travels along part of the western boundary of the study area and Red Hills Road travels along part of the eastern boundary.

Sewer, Water and Utility Facilities: Sewer service is provided by individual on-site septic systems. Water is supplied by groundwater supplies. Phone and electrical service 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 principally in residential use. Some farm uses exist in the area but are mostly located on parcels of ten acres or less. The farm uses are limited to pasture for cattle, sheep, and horses.

Characteristics of Adjacent Lands: Immediately adjacent to the south is a 90 acre parcel used to grow field crops. Further south are several parcels of over 20 acres that contain orchards. Approximately 3/4 of a mile south is another five-acre subdivision zoned for residential use. Along the state highway the parcels are zoned for and in residential use and have parcels of under 20 acres. Commercial farm operations exist north of the study area and include orchards, nursery stock and field crops.

Relationship between Exception Area and Adjacent Land: The study area is adjacent to property zoned for residential use (to the west). The study area is similar to this residential zoned property both in uses and parcel size. Extensive commercial farms are present in the surrounding area but none appear to be along Highway 240.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels in the study area vary from two to 20 acres. Surrounding land has some parcels adjacent that are of similar size to that of the study area but land to the north and south contains larger farm holdings between 20 and 90 acres.

Neighborhood and Regional Characteristics: The study area is on the edge of the Chehalem Valley. Most of the Chehalem Valley contains extensive commercial farm uses but land along the state highway near Newberg has been divided into substandard parcels and few have commercial farm uses established.

Natural and Man-Made Features/Impediments: Highway 240 bisects the study area into a north and south subarea. Because of the high volume of traffic on Highway 240 it should be considered a major physical feature that separates the study area.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area contains 26 subdivision lots. Of these, 18 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 the study area.

CONCLUSIONS

1. The study areas have 21 potential parcels in 18 separate ownerships.
2. One contiguous ownership is 20 acres or more.
3. Fifteen of the parcels were developed prior to adoption of the SPGs.

PLANNING COMMISSION ACTION

The Planning Commission reviewed both area 31 and 34 and recommended the two portions included in this staff report. The Commission voted unanimously to forward these two portions to the Board of Commissioners for exception to the statewide planning goals.

BOARD OF COMMISSIONERS ACTION

September 30, 1993, the Board of Commissioners voted unanimously to allow exception of these areas from the Statewide Planning Goals and change the zoning of the area to AF-10 Agriculture/Forestry Small Holding.

G2x9:Area-31.fn1

DOCKET: G-2-92
GROUP: B
AREA: Area 42
MAP NUMBER: 3522 and 3523
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 and 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: Peavine and Jory soils have basically high feasibility for standard approvals, but feasibility goes down drastically as slopes increase. Anything above 30% must be alternative system approvals. Unlikely for steep slope (over 30%) approvals to be granted on Peavine or Willakenzie soils. Nekia soils are limited (less than 25% approval).

Water Resources Department: There are no concerns raised by the potential for zone change regarding the groundwater resource within these areas. Most wells penetrate marine sedimentary rocks which generally yield water poorly to wells, but quantities adequate for domestic supplies are usually available. In addition to the marine sediments, underlying basalts are penetrated in some wells. These also appear to yield water poorly to moderately to wells.

FINDINGS:

A. Background Facts

1. Area Size: 136.6 acres
2. Parcels involved: 15
3. Separate owners: 14
4. Parcels developed: 13
5. Parcels developed prior to Statewide Planning Goals: 7
6. Land Use and Characteristics of Study Area: The study area consists of moderate to steep hillside slopes. The land slopes up to the north from Panther Creek Road. It crests near the northern portion of the study area and slopes down to Beaver Creek, an intermittent stream that parallels

Meadow Lake Road. The study area is significantly higher than the farm land adjacent to Meadow Lake and south of Panther Creek Road. The characteristics of the study area are more similar to the forest land to the northwest. The land uses in the area are forestry, small farm and rural residential. The small farm uses include pasture for horses, Christmas trees and an orchard of less than one-half acre.

7. Surrounding Land Use: Adjacent property to the north and west is forested. Land to the south, east and north along the valley floor is used for grain crops
8. Well Logs: See attached data sheet.
9. Fire Protection: Northwest Oregon Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 125C indicates none of the study area is in a 100-year floodplain.
11. Development Pattern: All but five of the parcels in the study area were created in 1971 by partitioning Docket P-121-71. Tax lot 3522-1200 was created in 1975 by Docket P-447-75. Tax lots 3522-900, 1000, 1100 and 3523-1900 were all created by deed prior to adoption of the Statewide Planning Goals. Dwellings were allowed on tax lots 3522-201, 203, 400, 700, and 3523-2100 by lot size variances approved in 1975 (PV-14-75, PV-17-75, PV-16-75, PV-13-75, and PV-12-75 respectively). Tax lots 3522-800 and 3523-2000 had nonfarm dwellings approved in 1987 and 1989 by Dockets C-10-87 and C-47-89 respectively. The remaining seven dwellings were established prior to adoption of the Statewide Planning Goals.
12. Ownership Pattern: Tax lot 3522-900 and 1000 are in contiguous ownership that combine for a total of approximately seven acres. Recently the owner of tax lot number 3523-2100 purchased the 84 acre parcel to the north, identified by tax lot 3523-2400. This combined ownership totals approximately 96 acres. The Planning Commission moved to eliminate tax lot 3523-2100 from further consideration because it was becoming part of a larger contiguous ownership.

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 the attached map illustrates, seven of the parcels contain dwellings that were placed prior to adoption of the SPGs. Four of these dwellings are on the southern end of the study area near Panther Creek Road. The other three are towards the middle and north of the study area along Red Shot Lane. Six other dwellings were approved by applications that made findings against the SPGs. These six dwellings are located along Red Shot Lane and are not included in the parcels that are "physically developed."

Roads: As indicated in Finding A.6 two roads intersect the study area. These are Panther Creek Road to the south and Red Shot Lane that winds generally northwest through the middle of the study area. Red Shot Lane was created in 1971 when the subdivision, creating the majority of the parcels in this area, was approved. Panther Creek Road is a paved county road that is a main county road. Red Shot Lane is a dirt and gravel road that only serves the parcels in the subdivision.

Sewer, Water and Utility Facilities: Regarding sewer facilities, all of the existing dwellings use septic systems. Water is available from groundwater supplies. The only exception to this is tax lot 3522-700. It received approval from the county planning department under Docket C-486-82, for hook-up to the City of McMinnville's water service. This is the only municipal water hook-up available. Electricity 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: As indicated in Finding A.6 above, the study area consists of moderate to steep hillsides. The area is at a higher elevation than the farm land to the north, south, and east. The topography of the area is more similar to the forest land to the west. The holdings in the area consist of small farm and rural residential uses. Some of the parcels in the study area are forested with a mixture of coniferous and deciduous trees. Of these none appear to be managed as commercial timber land. The small farm uses include pasture for horses, Christmas trees and an orchard. None of these farms are of a commercial scale.

Characteristics of Adjacent Lands: Lands to the north, south, and east have parcels that contain field crops on the tillable acreage. The acreage that is not tillable contains trees and underbrush. The parcels that contain farm uses are from 20 to over 100 acres. Property to the west and a parcel to the east are in forestry and small woodlot production. The parcel sizes in this area are between 40 and 80 acres.

Relationship between Exception Area and Adjacent Land: The study area does contain some small farm uses. Although not similar to other farm uses of the immediate vicinity, they are similar to other uses in the general area. While these farm uses exist, the steepness of slope and topography of the area creates practical difficulties with combining parcels in the study area with neighboring farm uses to the north and south. Some land to the east and west is forested, similar to some of the parcels in the study area. These forested parcels may be able to be combined with other adjacent parcels and managed as a larger operation. The main obstacle to combination with other forestry resource parcels is the high percentage of separate ownerships in the area. Of the 15 parcels, 14 are in separate ownerships with 13 developed. The average acreage of these ownerships is 9.7 acres. The number of separate owners and developed parcels makes it unreasonable to expect that these parcels could be recombined with either farm or forest operations.

Existing Adjacent Uses: See Findings A.7 and B.3 above.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Only two of the tax lots are in a contiguous ownership of seven acres. The original study area had one parcel (tax lot 3523-2100) that was in a contiguous ownership outside of the study area that totaled approximately 96 acres. This parcel was eliminated from further consideration. The parcels in the study area vary in size from four to 15 acres with the majority of lots being around ten acres. The adjacent area consists of parcels that are considerably larger. All other land adjacent to the study area consists of parcels that vary from 16 to 140 acres. The vast majority of adjacent lots are greater than 40 acres.

Neighborhood and Regional Characteristics: See Finding A.6, A.7, and B.3 above.

Natural and Man-Made Features/Impediments: See Findings A.6, A.7 and B.3 above.

Physical Development: See Finding B.2.

Other Relevant Factors: This study area has a high percentage of separate owners (14 of 15 parcels). The study area also has a significant number of parcels developed prior to adoption of the Statewide Planning Goals. Both of these factors make the possibility of combination of property in the study area with other larger parcels unlikely.

CONCLUSIONS

1. The study area has 14 of the 15 parcels in separate ownership.
2. The study area contains seven parcels that were developed with residences prior to the adoption of the Statewide Planning Goals.
3. The steep topography of this study area separates it from the larger farm uses along the valleys to the north and south.
4. Due to the steep topography and number of separate owners, it is unlikely that the land would be combined with surrounding farm uses.
5. There are no commercial farm uses within the study area.

PLANNING COMMISSION ACTION

On February 18, 1992, the Planning Commission reviewed this study area. They voted to eliminate tax lot 3523-2100. With the remaining area the Commission found that due to the steep topography, high percentage of separate owners and level of development, the area was suitable for a zone change. The Planning Commission unanimously voted to forward this area to the Board of Commissioners for exception to the statewide planning goals.

BOARD OF COMMISSIONERS ACTION

On September 23, 1993, the Board of Commissioners reviewed this study area and voted unanimously to approve it for exception to the Statewide Planning Goals. They also recommended a zone change to AF-10 Agriculture/Forestry Small Holding.

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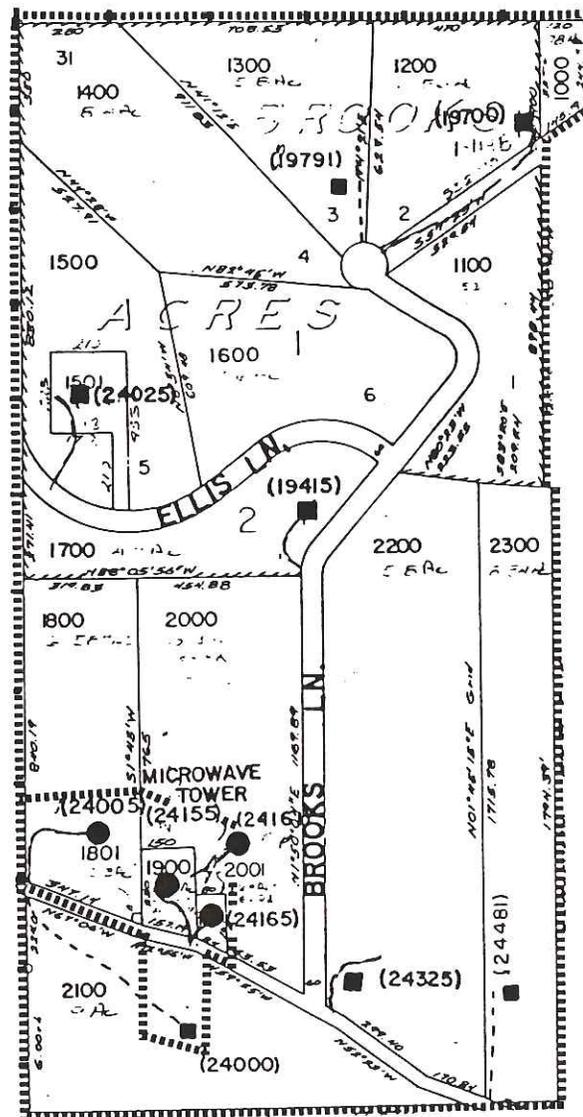
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 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 AF-20 ZONED PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 1
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T2S, R2W, SEC 31

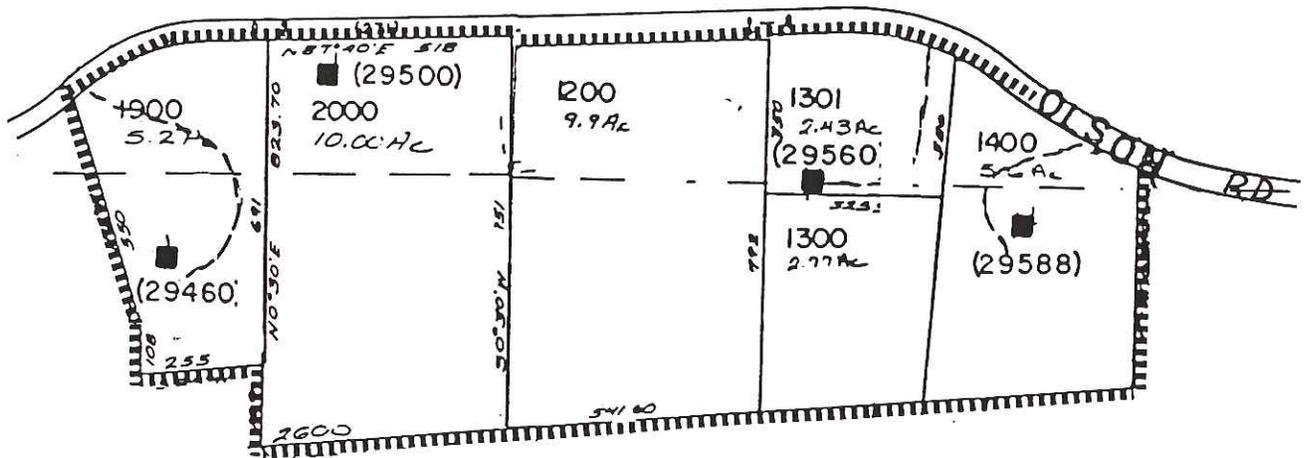
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 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 PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 9
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T2S, R4W, SEC 3 AND 4

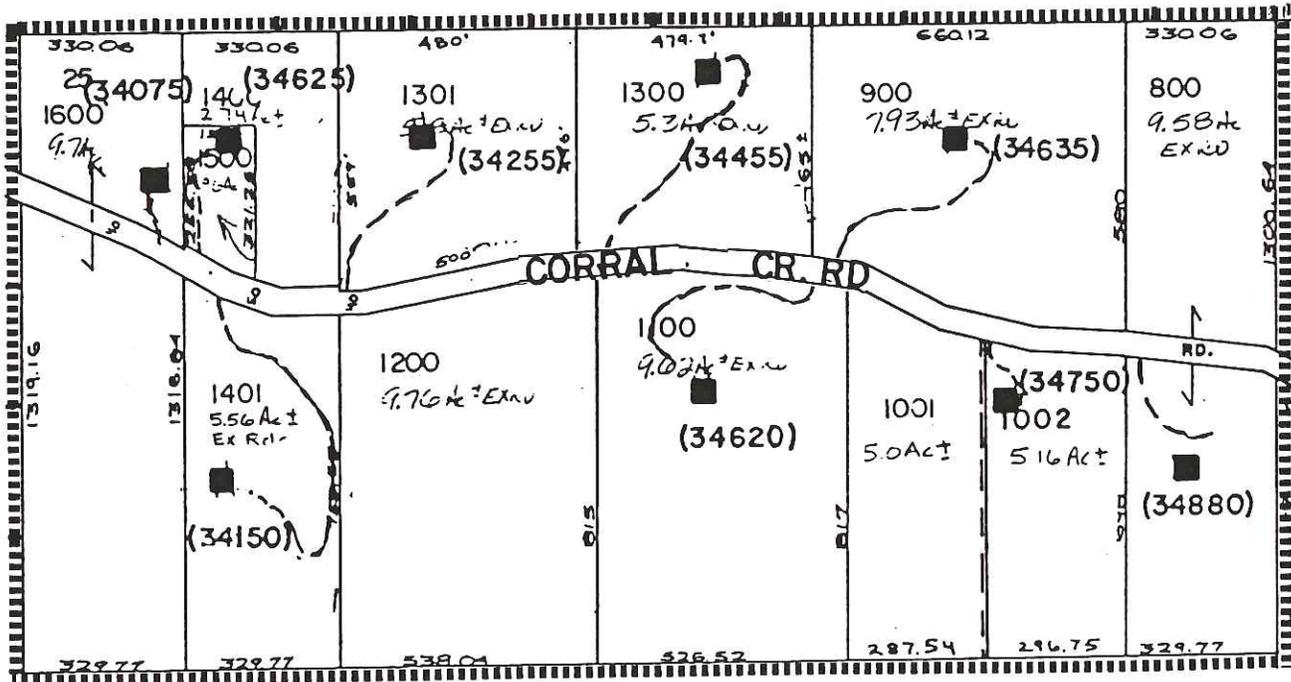
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 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 PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 25
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R2W, SEC 25

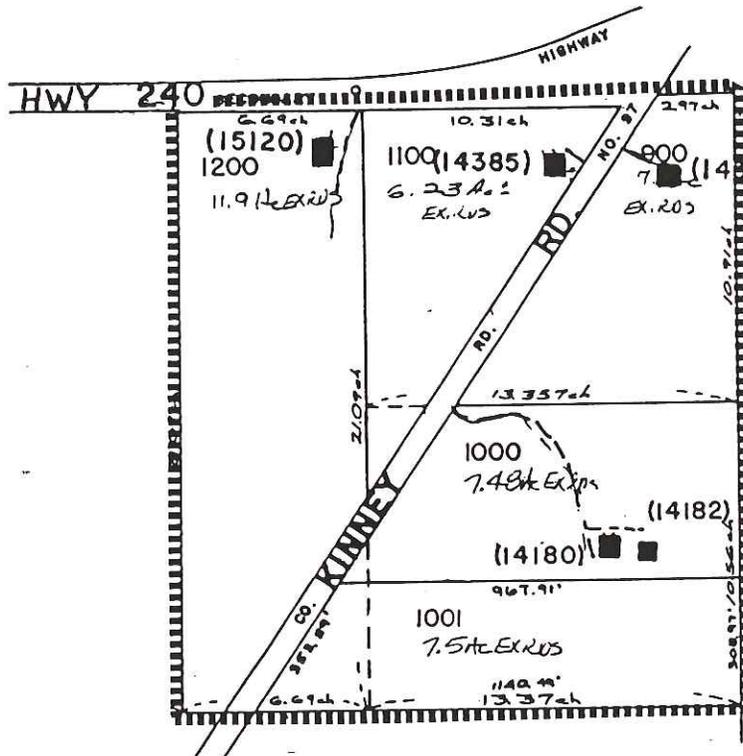
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 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 PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 29
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R3W, SEC 8

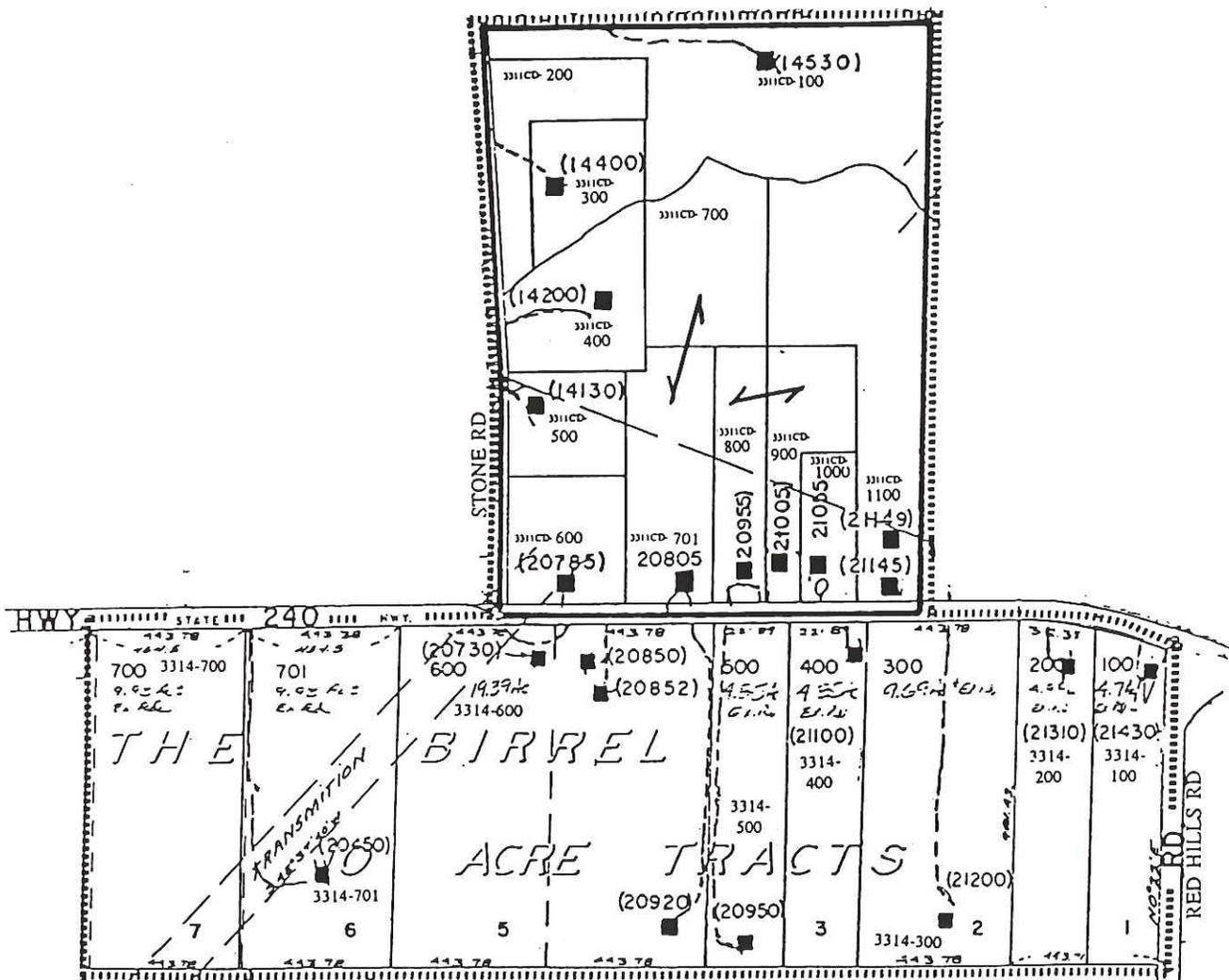
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM AF-20 AND EF-40 TO AF-10



- MAP NOT TO SCALE
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 31/34
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R3W, SEC 11 AND 14

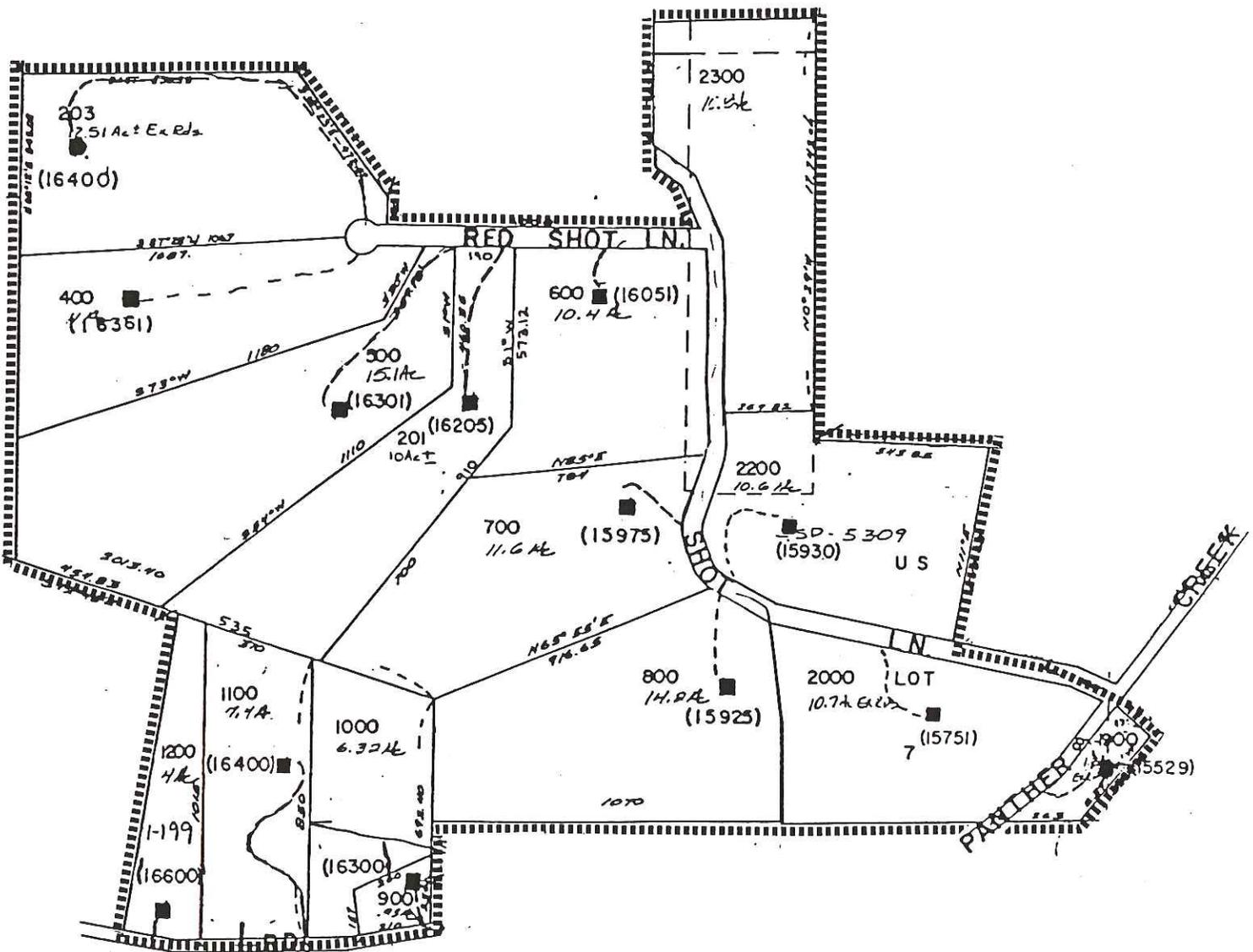
EXHIBIT "B" FOR ORDINANCE NO. 561

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

NOVEMBER 10, 1993

TO CHANGE THE PLAN DESIGNATION FROM AFLH TO AFSH
AND THE OFFICIAL ZONING MAP FROM AF-20 AND EF-40 TO AF-10



- MAP NOT TO SCALE
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- ALSO DESCRIBED AS AREA 42
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R5W, SEC 22 AND 23