

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

93-810

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

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

In the Matter of an Ordinance)
Amending the Yamhill County)
Comprehensive Plan Map,)
and Zoning Map to Change,)
on Six Exception Study Areas)
(Areas 41, 43, 44, 54, 64 and 76))
the Plan Map Designation)
From "Agricultural/Forestry Large)
Holding" to "Agriculture/Forestry)
Small Holding"; to Change the Zone)
Map Designation on Four 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 562

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 since that time amended the Comprehensive Plan numerous times, culminating in its present form as Ordinance No. 62, as amended, including a Comprehensive Plan Map (the Comprehensive Plan); and

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

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

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

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

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

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

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

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

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

WHEREAS, the findings and conclusions contained in the Exceptions Statement attached hereto as Exhibit "A", provide a justification for approval of the comprehensive plan amendment, zone change and the taking of an exception to Statewide Land Use Planning Goals 3 and 4 for exception study areas 41, 43, 44, 54, 64 and 76), 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
YAMHILL COUNTY BOARD OF COMMISSIONERS
CHARLES STERN
County Clerk

By: Carol Ann White
Deputy, CAROL ANN WHITE

YAMHILL COUNTY BOARD OF COMMISSIONERS

Debi Owens
Chairperson DEBI OWENS

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

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

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

qlu93296.001

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

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

"(g) Other relevant factors.

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

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

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

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

C. FINDINGS AND CONCLUSIONS

1. Exception Study Areas The exception study areas included in this Ordinance include Exception Study Areas 41, 43, 44, 54, 64 and 76, 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 41, 43, 44, 54, 64, and 76, 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

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 41, 43, 44, 54, 64, and 76, 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: B
AREA: Area 41
MAP NUMBER: 3512
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: Mostly Chehalem and Cove soils - Less than 25% feasible for standard or alternative approvals. Minimal area in the NE portion of study area is Willakenzie [shallow (Wk) and deep (We)] which would have higher suitability.

FINDINGS:

A. Background Facts

1. Area Size: 83.6 acres
2. Parcels involved: 21 subdivision lots
3. Separate owners: 10
4. Parcels developed: 7
5. Parcels developed prior to Statewide Planning Goals: 5
6. Land Use and Characteristics of Study Area: The study area is bordered by Moores Valley Road to the north and Puddy Gulch Road to the south and east. The study area is part of a valley that runs in an east/west direction. A small stream cuts through the middle of the study area and flows from west to east. The properties are between two and 17 acres. The majority of parcels appear to be fenced and used to raise livestock which include horses, cattle and sheep. The dwellings that are located in the study area are located on the higher levels of land, close to Puddy Gulch and Moores Valley Roads.
7. Surrounding Land Use: A few small parcels exist in the surrounding area but the majority are between 20 and 100 acres. These parcels are in a mixture of farm and forest use. The farm uses are predominantly pasture for livestock.

The livestock include horses, cattle and sheep. The only exception to this is a 99 acre parcel east of the study area that contains a hog farm.

8. Well Logs: See attached data sheet.
9. Fire Protection: Yamhill Rural Fire Department
10. Floodplain: Flood Insurance Rate Maps 125C and 130C indicates the 100 year floodplain runs east and west through the middle of the study area. The width of the study area varies from 500 to 800 feet.
11. Development Pattern: All of the parcels in the study area were created as part of the Alder View Ranchettes which was platted February 19, 1969. Only two of the dwellings were placed after adoption of the Statewide Planning Goals. Nonfarm dwellings were approved on tax lots 2200 and 2900 by Dockets C-38-90 and C-29-88 respectively. Three other Lot Size Variances were denied in the late 1970's on tax lots 1400, 1800 and 2900 by Dockets PV-406-77, PV-34-75 and PV-236-77 respectively. The rural addressing map that was used to gather preliminary information showed a residence on tax lot 2100. This is not used as a residence and the tax lot should be considered undeveloped. One of the two dwellings on tax lot 1200 was approved in 1981 as a temporary mobile home for special care of a relative, by Docket C-461-81/TS-148-81.
12. Ownership Pattern: There are five sets of tax lots are in contiguous ownerships. The first set is tax lots 2200, 2300 and 2400. This is a combined ownership of 14.35 acres. The second contiguous ownership is tax lots 2500 and 2600 that combine for nine acres. The next is tax lots 2700 and 2800 that are also combined for nine acres. Tax lots 1700, 1800, 1900, 2000 and 2100 combine for a total ownership of approximately 14 acres. The last and largest contiguous ownership is tax lots 1200 and 1300 that combine for 17.1 acres.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry (called "taking an exception to the Goals"). Generally, in order to zone rural land for residential use, it must be "physically developed" or "irrevocably committed" to nonresource use. For Land Physically Developed to Other Uses. OAR 660-04-025(2)

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

2. **Existing Features**

Structures: As indicated on the attached map, five of the parcels have dwellings placed prior to adoption of the SPGs. These dwellings are scattered throughout the study area but are all constructed relatively close to existing roadways. Two of the dwellings are close to Puddy Gulch Road and three are along Moores Valley Road. Two other structures were approved as nonfarm dwellings applying the SPGs. One additional structure was allowed for a hardship on tax lot 1200. These are all along Moores Valley Road and are not included as areas that are "physically developed."

Roads: As indicated in finding A.6, the study area is bordered on three sides by two roadways. Moores Valley Road is a paved county road and borders the area to the north. Puddy Gulch Road is a graveled county road that borders the area to the south and east. Moores Valley Road is a well traveled county roadway and this helps to functionally divide the parcels in this study area from farmland to the north. Puddy Gulch Road is less developed and less traveled. Although buffering the study area from neighboring farm uses it does not appear that it would interfere with contiguous farm management.

Sewer, Water and Utility Facilities: All of the existing dwellings have on-site wells and septic systems. Electric power and phone service are available in the area.

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

Characteristics of the Exception Area: As stated in Finding A.6, the area is bordered on three sides by roads. The area has a small stream flowing from the west to the east. It is located near the middle of the study area. The 100-year floodplain exists approximately 400 feet on either side of this stream and covers about 70 percent of the study area. The area contains small farm uses. These farms consist of pastureland for livestock such as horses, cattle and sheep. These farm uses are on contiguous ownerships of between two to 17 acres. Three of these contiguous ownerships are over 10 acres and the remaining seven are less. The first of these three contiguous ownerships is in the northwest corner of the study area. It consists of tax lots 3512-2200, 2300, and 2400, and totals 14.35 acres. The western tax lot contains a house that was placed via a nonfarm dwelling approval. This approval required the applicants to demonstrate the parcel was generally unsuitable land for farm use. The nonfarm dwelling physically develops this parcel. The existing development and the fact that the parcel was found to be unsuitable for farm use makes it unlikely that this land would be combined with larger farm acreages. The next contiguous ownership is in the northeast corner of the study area. It consists of tax lots 3512-1200 and 1300 which totals 17.1 acres. This ownership has four subdivision lots that could each be sold off separately. This contiguous ownership is bounded to the north and east by roads. Moores Valley Road to the north is a paved county roadway that is well traveled. Puddy Gulch Road to the east is a graveled roadway that appears to provide local access only. Both of these roads present practical difficulties with combining this ownership with larger blocks of agricultural land. To the south and west the adjacent parcels are between two to six acres and in separate ownership. These separate contiguous ownerships also would make combination of lots into larger commercial farms unlikely. The third and last contiguous ownership of over ten acres is located in the southwest corner of the study area. It contains tax lots 3512-1700, 1800, 1900, 2000, and 2100 and totals 14 acres. A dwelling is located near the middle of this contiguous ownership. It is bordered to the north by a stream and to the south by Puddy Gulch Road. The parcel adjacent east of this ownership is 2.18 acres. The most reasonable direction to combine this ownership is to the west. The contiguous ownership is narrow and only abuts the western parcel by 225 feet. The physical attributes of this contiguous ownership makes combination of this property with neighboring commercial farms unlikely.

Characteristics of Adjacent Lands: Adjacent land slopes up to the north and south away from the study area. There are

a few parcels of less than ten acres but the majority of adjacent lots are 20 to 100 acres. These properties are in a mixture of farm and forestry use. The main farm use appears to be pasture for livestock. The livestock include horses, cattle, and sheep. The main exception to this is a 99 acre hog farm to the east of the study area.

Relationship Between Exception Area and Adjacent Land: Moores Valley Road and the sloping land to the north both discourage contiguous farm uses with properties inside the study area. Puddy Gulch Road borders the study area to the south and east but does not separate the land from adjoining farm uses. The study area is the only subdivision in the immediate vicinity and as such is surrounded by farm uses. The farm uses in the study area are similar to those of surrounding parcels but are being conducted on a smaller scale. Some of the properties south of the stream may be suitable to be combined with other neighboring farm operations. Those parcels north of the stream would have a more difficult time being combined with farms because of the practical difficulties presented by the stream and county roadway.

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

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: There are three contiguous ownerships of over ten acres. These ownerships are 14, 14.35 and 17.1 acres. The remaining ownerships are between two to 9.5 acres. All of these contiguous ownerships are less than the 20 acres required for new parcel creation under the AF-20 Agriculture/Forestry zoning designation. The parcels in the study area were all created by the Alder View Ranchettes, which was platted as a subdivision February 19, 1969. This subdivision created 21 parcels, all of which are included in the study area. These 21 subdivision lots are in ten separate ownerships.

Parcels in the surrounding area are generally between 20 to over 100 acres and part of larger commercial farm and forestry operations.

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

Natural and Man-Made Features/Impediments: As stated in Finding B.2, there are two county roadways that border the

study area on three sides. While these do not completely separate the study area from farm uses, they do provide a buffer and in some cases pose practical difficulties with contiguous farm management outside of the study area. The study area also contains a stream that flows from the west to the east. Several hundred feet on either side of this stream is an area designated as being in the 100-year floodplain. The zoning ordinance discourages development in the 100-year floodplain and only allows it if there are flood mitigation standards implemented.

Physical Development: See Finding B.2 above.

Other Relevant Factors: As noted under the Comments Received from the Yamhill County Sanitarian, the majority of the soil in this study area have an expected feasibility for septic systems at less than 25 percent. This includes not only standard but alternative septic systems. This low septic suitability should be considered when evaluating the possibility of rezoning the land. Additionally as noted previously in the staff report, much of the study area is within the 100-year floodplain. This would likely create problems with future development.

CONCLUSIONS

1. There is adjacent commercial farm use in the surrounding area, however due to the heavy level of traffic on Moores Valley Road, the study area is functionally divided from farm uses to the north. Puddy Gulch Road to the south and east is much narrower and has less of an impact of dividing this area from neighboring uses.
2. The study area contains five residences that were placed prior to the adoption of the Statewide Planning Goals. Two residences were placed after the Goals.
3. The study area contains 21 parcels in 10 separate ownerships. The contiguous ownerships vary in size from two to 17 acres. The minimum lot size for the zone is 20 acres. None of these parcels or contiguous ownerships in the study area is above the minimum lot size.
4. The land use pattern may allow for the existing parcels to be recombined into existing commercial farm uses but the existing parcelization and ownership pattern would likely prevent combination of parcels.

5. The area contains soils that the county sanitarian believes has low suitability for septic systems.
6. The majority of the study area is in the 100-year floodplain.

PLANNING COMMISSION ACTION

Because of the many reasons, both for and against rezoning this area, the planning staff decided not to make a recommendation in this area. The Planning Commission reviewed the study area February 18, 1993, and decided that due to the development prior to adoption of the Statewide Planning Goals and the limited agricultural use the area should be forwarded to the Board of Commissioners for exception to the goals. This motion was approved by a vote of 4 to 3.

BOARD OF COMMISSIONERS ACTION

September 23, 1993, the Board of Commissioners voted unanimously to approve this area for exception to Statewide Planning Goals 3 and 4 and change the zoning to AF-10 Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: B
AREA: Area 43
MAP NUMBER: 3523 and 3524
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: Predominantly shallow and deep Willakenzie soils - Generally good (50-75%) feasibility, but be careful of steep slope designations in this area.
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: 215.8 acres
2. Parcels involved: 25
3. Separate owners: 25
4. Parcels developed: 20
5. Parcels developed prior to Statewide Planning Goals (SPG):
10
6. Land Use and Characteristics of Study Area: The land slopes up, north of Meadow Lake Road. This section contains moderate to steep slopes and uneven topography. Land south of Meadow Lake Road slopes down from the road at a more even and gentle rate. Uses in the study area include small farms and rural residences. The farm uses include Christmas trees and pasture for cattle, horses and goats. There are some

larger evergreen trees and scrub oak existing in the study area, however they do not appear to be managed as a timber operation.

7. Surrounding Land Use: Adjacent property to the north and east is forested. Land to the south along the valley floor is used for grain crops. There are other farm uses in the general area which include pasture for livestock, Christmas trees and orchards.
8. Well Logs: See attached data sheet.
9. Fire Protection: Carlton Rural Fire District
10. Floodplain: Flood Insurance Rate Maps 125C indicates that although the southwest corner of the study area is near the flood zone, none of the study area is in the 100- year floodplain.
11. Development Pattern: The Robin Hill subdivision plat, which existed prior to adoption of the Statewide Planning Goals was recognized in 1978 by Docket S-41-78, created the parcels identified by tax lots 3523-1100 through 1308. Tax lots 3524-1300 and 1400 were divided from each other in 1972 by Docket P-153-72. Tax lot 3523-1701 was created after adoption of the SPGs by a retirement separation approved in 1977 under docket C-246-77/P-762-77. Ten dwellings were constructed in this study area prior to adoption of the SPGs. The following is a list of tax lots and approvals granted after adoption of the SPGs. Tax lots 3523-1100, 1200, 3524-1000 and 500 had dwellings approved by lot size variance dockets PV-318-77A, PV-318-77, PV-554-81 and PV-559-81. Tax lots 3523-1600 and 1303 had dwellings approved by lot of record, dockets LOR-10-85 and LOR-18-83. Tax lots 3523-100 and 1308 had nonfarm dwelling approved by dockets C-14-86 and C-40-88. Tax lots 3523-1304 and 3524-1100 had farm dwellings approved by dockets FMP-199 (1983) and FD-2-90.
12. Ownership Pattern: Tax lot 3524-500, 590, and 600 are the only tax lots in contiguous ownership. A letter from the planning director in 1981 indicated that these could not be considered separate "lots of record". Together they account for a total of approximately 10.6 acres.

B. Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule 660-04-025 lists requirements that counties must follow if rural land is to be zoned for uses other than farming or forestry (called "taking an

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

2. Existing Features

Structures: As indicated on the attached map, ten of the parcels have dwellings that were placed prior to adoption of the SPGs. These dwellings were not clustered in any particular location but are scattered throughout the study area. Ten other dwellings have been allowed by various applications that made exceptions against the goals.

Roads: There are two county roadways that intersect the study area. The first is Meadow Lake Road, a paved county road. It travels in an east/west direction and bisects the study area into north and south subareas. The second road is Old Soldiers Road which travels up from Meadow Lake Road, close to the eastern side of the northern subarea. This road is graveled and dead ends near the northern end of the study area. The road was incorporated as part of the Robin Hill Subdivision. There is one other small private road called Homestead Lane. This roadway comes off of Meadow Lake Road and is located near the southeast corner of the study area. This roadway provides access to parcels in the southern end of the study area.

Sewer, Water and Utility Facilities: The sewer service for the area is provided by individual septic systems. Water to the dwelling is available from groundwater supplies. Electricity and phone 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 northern subarea of this study are is characterized by moderated to steep slopes going up from Meadow Lake Road. The steep slopes and uneven topography somewhat limits the farm use of the property. The existing farm uses are small, low intensity operations which consist of pasture for cattle, horses, and goats. The southern subarea slopes down at a more gentle rate from Meadow Lake Road. The farm uses in this subarea consist of pasture and Christmas trees. This southern subarea contains only one unbuilt parcel which is identified by tax lot 3524-1100. This property has a farm dwelling approval which would allow construction of a residence. With the present lot configuration, no other dwellings could be placed in this subarea if the property were rezoned. The entire study area has a scattering of evergreen trees and scrub oak but they do not appear to be managed as a timber operation.

Characteristics of Adjacent Lands: Adjacent property to the north and east is forested. The land along Meadow Lake Road that is part of a valley has more intensive farm uses which consist of pasture, Christmas trees, and orchards.

Relationship between Exception Area and Adjacent Land: As indicated in the soil information, 70 percent of the study area consists of slopes between seven to 30 percent. Neighboring land also has some steep slopes but it has a significantly lower level of development. There are commercial farm uses neighboring the study area but these are on the valley floor, on topography dissimilar to that of the study area. The largest ownership in the study area is 30 acres and is identified by tax lot 3523-1305. This property has a gully near the middle of this holding that slopes to the south. This parcel is bordered on the north, east, and west by parcels in separate ownership of ten acres or less. To the south there is an agricultural holding of 90 acres. This parcel slopes gently to the south. This would be the most logical parcel to combine ownership with the 30 acre property in the study area. The difficulty with this combination is Meadow Lake Road lies between these two properties. Meadow Lake Road is a well-traveled county road that comes over a slight rise. It would be dangerous for farm equipment to cross the road between these two parcels if they were combined. This coupled with the difference in topography makes it very unlikely that these two parcels could be combined.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: All but one of the parcels in the study area were created prior to adoption of the SPGs. The majority of the properties were created by the Robin Hill Subdivision. The only parcel created after the goals was tax lot 3523-1701, which was approved as a retirement separation. Of the 25 parcels in the study area, all are in separate ownership. The parcel sizes vary from one to 30 acres. There is only one parcel of 30 acres. This 30 acres is surrounded by smaller lots in separate ownership on the north, east, and west. The parcel south of the 30 acres is over 90 acres but is not likely to be interested in combining this ownership because of the county road between them and the difference in topography on each lot. Parcels of over 20 acres were usually removed from consideration of an exception but this parcel is bordered on three sides by smaller lots. The majority of the lots are between five to 15 acres. The southern subarea contains eight lots. All of these are in separate ownerships and have dwellings either constructed or approved.

Parcels in the surrounding area are characterized by large holdings that vary from 15 to over 500 acres.

Neighborhood and Regional Characteristics: For neighborhood characteristics, see Finding A.7. The study area is located in what could be considered the foothills. It is somewhat of a transitional area between the valley farmland to the east and commercial timber to the west.

Natural and Man-Made Features/Impediments: The study area is bisected by two county roads that travel north/south and east/west. The northern subarea contains steep, uneven topography that limits resource use of the land.

Physical Development: See Finding B.2.

Other Relevant Factors: As discussed above the steepness of slope and existing development create difficulties with large scale farm and forestry use in this area.

SMALL-SCALE RESOURCE LAND

The study area is over the 160 acre minimum required for designation as Small-Scale Resource. The area does not

appear to contain extensive farm or forestry operations. Because of the low intensity of farm/forest use and size of the study area, it will likely be suitable for designation as small-scale resource land.

CONCLUSIONS

1. The study area has all of the parcels in separate ownership.
2. The study area contains ten parcels that were developed with residences prior to the adoption of the Statewide Planning Goals.
3. The parcel size of this study area varies from one acre to a 30-acre parcel located near the center of this study area.
4. The majority of the area consists of steep uneven topography that makes resource use of the property difficult.
5. Parcels in the northern subarea were created by the Robin Hill Subdivision.

PLANNING COMMISSION ACTION

On February 18, 1993, the Planning Commission reviewed this study area. They found that due to the number of separate ownerships, steep topography, and level of development, this area should be forward this area to the Board of Commissioners for exception to the statewide planning goals. This action was supported by a 6 to 1 vote.

BOARD OF COMMISSIONERS ACTION

On September 23, 1993, the Board of Commissioners reviewed this study area and voted unanimously to allow 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: B
AREA: Area 44
MAP NUMBER: 3533
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: Olyic soils are generally a high feasibility soil but the area has very undulating landscapes and steep slopes that make siting of approvals difficult. Due to past difficulties in these soils a 50% feasibility in this area would be expected. Panther soils have a rather low feasibility (less than 25%).

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: 108.9 acres
2. Parcels involved: 15 lots
3. Separate owners: 10
4. Parcels developed: 12
5. Parcels developed prior to Statewide Planning Goals: 10

6. Land Use and Characteristics of Study Area: The study area consists of steep hillside slopes. The land slopes up to the northeast and down to the southwest from High Heaven Road. The majority of land in this area is in forestry use. The only farm use identified is Christmas trees grown on tax lots 1900 and 2000, and a bonsai nursery on tax lot 500.
7. Surrounding Land Use: All surrounding property is in commercial forestry production. The parcels vary in size from 20 to over 600 acres. The majority of these properties are owned by commercial timber companies. The exception to this is an 84 acre parcel to the east that is owned and managed by the Bureau of Land Management.
8. Well Logs: See attached data sheet.
9. Fire Protection: Northwest Oregon Rural Fire District. McMinnville Rural Fire Department has an agreement with this fire district to respond to structural fires.
10. Floodplain: Flood Insurance Rate Maps 125C indicates none of the study area is in the 100 year floodplain.
11. Surrounding Zoning: Property to the north, west and a portion of the south are all zoned F-80 Forestry District.
12. Development Pattern: All but two of the parcels in the study area were created in 1971 by partitioning docket P-52-70. Tax lots 1900 and 2000 were divided in 1974 by docket P-384-74. Tax lots 1600 and 1700 were created by deed prior to adoption of the Statewide Planning Goals. Tax lots 1200, 1800 and 1900 all had dwellings approved lot size variances in 1975, by Dockets PV-29-75, PV-28-75 and PV-27-75 respectively. Only one of these approvals was used, which allowed tax lot 1200 to be developed. The remaining two approvals expired before construction was initiated. An application for a forest dwelling was made on tax lots 1800 and 1900, considering them as a contiguous ownership. This application was approved under docket FD-33-88 and a dwelling was placed on tax lot number 1800. The remaining dwelling were placed prior to adoption of the Statewide Planning Goals.
13. Ownership Pattern: There are two sets of contiguous ownerships. The first, tax lots 1600 and 1700, are in a contiguous ownership of ten acres. The second, tax lots 1800, 1900, 2000, 2001 and 2100, are in a combined ownership that totals 49.5 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: Ten dwellings were placed prior to adoption of the SPGs. These ten dwellings are all relatively close to High Heaven Road. Two other dwellings were placed with approvals that make findings against the goals. These are not included in the analysis of parcels that are "physically developed."

Roads: High Heaven Road bisects the study area and travels generally in a northwest/southeast direction. The roadway is a narrow gravel road that provides local access to the properties in the vicinity.

Sewer, Water and Utility Facilities: Each parcel has its own on-site septic system and well. Electricity and phone 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 contains steep topography that slopes up to the northeast

and down to the southwest from High Heaven Road. With the exception of a Christmas tree lot and bonsai nursery, the parcels are in forestry use.

Characteristics of Adjacent Lands: Adjacent parcels are all zoned F-80 commercial forestry. With the exception of two parcels east of the study area, owned by the Bureau of Land Management, the surrounding region is owned and managed as commercial timberland.

Relationship between Exception Area and Adjacent Land: The exception area is a cluster of development in a region used for commercial forestry. This strip of development follows close to High Heaven Road. The surrounding area appears to be unaffected by this development.

Existing Adjacent Uses: Commercial forestry.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: The study area contains 15 parcels in ten separate ownerships. All of these parcels were created prior to adoption of the SPGs. The majority of the parcels are between five to ten acres. Five of the tax lots are in a contiguous ownership of 49.5 acres. Of these five parcels, three are undeveloped. One of these undeveloped parcels is a triangular section that is 0.16 of an acre. This property is located close to High Heaven Road. It is unlikely that this parcel could be developed as it is now configured. The other two undeveloped parcels are 10.27 and 6.29 acres. Considering the entire ownership together it contains three dwellings on 50 acres. This exceeds the average dwelling per acreage in the AF-20 zone. The only undeveloped parcels in the study area are in this contiguous ownership. As for adjacent land the parcel sizes vary from 40 to 600 acres. All of the adjacent property is managed as commercial timber operations.

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

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

Physical Development: See Finding B.2.

Other Relevant Factors: One factor to consider is that all the undeveloped parcels are under one contiguous ownership

of approximately 50 acres. When conducting this study nearly all of the parcels over 20 acres were eliminated because they were considered to be large enough for commercial resource management. If this contiguous ownership were eliminated no other parcels could be developed and there would be no purpose for rezoning the area.

SMALL-SCALE RESOURCE LAND

The study area may be suitable for designation as small-scale resource land. However, the size of the study area is less than the 160 acre block required. It is unlikely that any of the surrounding area could be added for small-scale resource designation due to the fact that all surrounding parcels are in large blocks of forestry land.

CONCLUSIONS

1. The surrounding area is characterized by commercial forestry uses.
2. The study area contains ten parcels that were developed with residences prior to the adoption of the Statewide Planning Goals.
3. The undeveloped lots in the study area are all in one contiguous ownership of 49.5 acres.
4. The study area contains 15 parcels in 10 separate ownerships.

PLANNING COMMISSION ACTION

Planning staff recommended that the commission determine if the contiguous ownership containing all undeveloped parcels should be eliminated from consideration. The Planning Commission reviewed this study area February 18, 1993, and decided not to eliminate this ownership and forward the 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 the study area and voted unanimously to approve the study area for exception to the Statewide Planning Goals and change the zone in the study area to AF-10 Agriculture/Forestry Small Holding.

**Yamhill County Planning Department
Docket G-2-92, Area 44
Page 6**

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DOCKET: G-2-92
GROUP: D
AREA: Area 54
MAP NUMBER: 4518
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: Olyic have relatively high feasibility however, undulating landscapes and steep slopes in this area would limit standard approval feasibility to less than 50%.

Department of Fish and Wildlife: Proposed change is within big-game winter range. New dwellings, roads, will reduce the numbers of deer and elk in the County, and will result in conflicts between residents, hunters, and wildlife.

FINDINGS:

A. Background Facts

1. Area Size: 124.5 acres
2. Parcels involved: 16
3. Separate owners: 14
4. Parcels developed: 11
5. Parcels developed prior to Statewide Planning Goals (SPG):
3
6. Land Use and Characteristics of Study Area: Peavine Road cuts through the northeast corner of the study area. The uses on the parcels appear to be forestry, small woodlot and rural residences. The topography consists of rolling hillsides with steep slopes.
7. Surrounding Land Use: Uses in the surrounding area consist of commercial forestry.
8. Water Information: See attached well logs.

9. Fire Protection: Northwest Oregon Rural Fire District (There is an agreement with McMinnville Rural Fire Department to assist with structural fires in this region.)
10. Floodplain: Flood Insurance Rate Maps 300C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: All of the parcels were created by Executive Estates Subdivision that was platted in 1968. Dwellings were placed on tax lots 4518-900, 1600, 1800, 1900, 2000, 2200, and 2300 by lot-size variances PV-362-77, PV-325-77, PV-208-76, PV-60-75, PV-264-77, and PV-254-77 respectively. A dwelling were placed on tax lot 4518-1100 by a nonfarm dwelling approval, Docket CV-1-87.
12. Ownership Pattern: Tax lots 4518-1000 and 1100 are in a contiguous ownership of 9.5 acres. Tax lots 4518-2000 and 2001 should be considered an undivided interest of 8 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 parcels contain five dwellings constructed prior to adoption of the SPGs. The first parcel is in the northeast corner. It has three dwellings, all placed prior to adoption of the SPGs. The other two parcels that can be considered to be "physically developed" are in

the southeast corner and along the western edge of the study area. Eight other dwellings have been constructed with land use approvals that made findings against the SPGs. Many of these approvals were granted by what the county classified as "Lot Size Variances". The lot size variances should be treated the same as nonfarm dwelling approval. Therefore these dwellings that were placed after adoption of the statewide planning goals can not be considered as committing other adjacent land to nonresource use. These dwellings can be considered to "physically develop" the individual parcels but not have an adverse affect to the surrounding area.

Roads: Peavine Road winds through the study area in a northwest and southeast direction and borders a portion of the study area on its northern boundary.

Sewer, Water and Utility Facilities: Existing sewer disposal is provided by on-site septic systems. Water is supplied by individual groundwater sources. Power and phone 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 topography is uneven with rolling hills and steep slopes. The uses in the area include forestry, small woodlots, and rural residences. Eleven of the 16 parcels involved contain dwellings. Three of these dwellings were placed prior to adoption of the statewide planning goals.

Characteristics of Adjacent Lands: All adjacent parcels appear to be operated as commercial forest land.

Relationship between Exception Area and Adjacent Land: With the exception of the existing development and parcelization, much of the topography and uses in the study area are similar to those of surrounding land.

Existing Adjacent Uses: Commercial forestry.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: The parcels and contiguous ownerships are between five to 17 acres. Surrounding parcels are from 20 to several hundred acres. Fourteen of the sixteen parcels are in separate

ownerships. The largest ownership in the study area is 17 acres and the next largest is only 11 acres. These parcel sizes are below the minimum lot size of the AF-20 Agriculture/Forestry zone. The existing sizes and number of separate ownerships creates a situation that makes combination of the parcels with commercial farm or forestry operations impractical.

Neighborhood and Regional Characteristics: The region surrounding this study area is commercial forest land.

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

Physical Development: See Finding B.2.

Other Relevant Factors: The study area contains 16 parcels. Fourteen of these 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. This study area does have a high percentage of separate ownerships of parcels with a roadway that provides access to each lot.

CONCLUSIONS

1. The study area has 16 parcels in 14 separate ownerships.
2. Eleven of the parcels contain dwellings, but only three of these were placed prior to adoption of the Statewide Planning Goals.
3. None of the parcels are in contiguous ownerships of over 20 acres.
4. The study area is not part of a rural fire protection district.

STAFF RECOMMENDATION

Because of the low level of development prior to the Statewide Planning Goals, the planning staff recommended to the Planning Commission that they not forward this area to the Board of Commissioners for exception to the Statewide Planning Goals.

PLANNING COMMISSION ACTION

After lengthy discussion of the various factors, the Planning Commission decided this study area was more appropriately zoned AF-10 Agriculture/Forestry Small Holding. This is based on the parcelization, lack of agricultural use, and development in the area. The motion to forward this area passed unanimously.

BOARD OF COMMISSIONERS ACTION

On September 23, 1993, the Board of Commissioners took testimony on this study area and based on the testimony and findings in the staff report voted unanimously to approve this study area for exception to the Statewide Planning Goals and rezone the study area to AF-10 Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: A
AREA: Area 64
MAP NUMBER: 5413
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: Jory B soils have very high feasibility for septic (80-90% feasibility). NcD/NcB is restricted by shallow top soil and very rocky (30-40% feasibility).

Amity Public Schools: The Board of Directors for Amity School District would like to be advised of any potential sub-divisions that would involve six or more building sites within the Amity School District Boundaries.

FINDINGS:

A. Background Facts

1. Area Size: 36.5 acres
2. Parcels involved: 7
3. Separate owners: 4
4. Parcels developed: None
5. Parcels developed prior to Statewide Planning Goals (SPG): None
6. Study Area Land Use: Aerial photos of the area indicate that the farm use of the properties include grain and hay crops. Some of the parcels appear to be continuations of larger farm operations to the north, south and east. There is a woodlot along the western edge of the study area.
7. Surrounding Land Use: Parcels to the west contain rural residential and small farm uses. These small farm uses include livestock, Christmas trees, vineyards and orchards. Parcels to the north, south and east are part of large farm operations that vary in size from 25 to over 200 acres. These farm uses include grain, orchard and hay crops.

8. Surrounding Zoning: Parcels to the west are in rural residential zoning. The southern half of the western boundary is zoned AF-10 Agriculture/Forestry Small Holding. The northern half of the western boundary is zoned VLDR-5 Very Low Density Residential.
9. Well Logs: See attached data sheet.
10. Fire Protection: Amity Rural Fire Department.
11. Floodplain: Flood Insurance Rate Map 0485C indicates that none of the study area is in the 100 year floodplain.
12. Development Pattern: All of the parcels were created as part of the Walnut Hill Subdivision which was platted prior to the SPG on April 6, 1911.
13. Ownership Pattern: The original staff report stated that tax lots 5413-1800 and 5413-200 were a contiguous ownership since both listed Margaret Callander. At the Board hearing testimony was submitted that the Margaret Callander's were mother and daughter. This should be considered a separate ownership. The only contiguous ownership is tax lots 5413-1700, 1900 and 2200 (outside of the study area). This is a total of over 20 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: None

Roads: None

Sewer, Water and Utility Facilities: None

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 contains farm uses which include grain and hay crops. The exception is a plum orchard that is located on tax lot number 5413-1400. Some parcels near the center of the study area have a mixture of coniferous and deciduous trees but do not appear to be managed as timber operations. Testimony at the Board hearing was submitted that tax lot 5413-1900 contained Christmas trees that are no longer managed as a farm use. Additionally a property owner indicated that parcels in the study area were on a slope that effectively divided the area from farm land to the east. The owner stated that the topography was more similar to the residential land to the east.

Characteristics of Adjacent Lands: Land to the east has a variety of field crops. Land to the north, south and west produces Christmas trees and orchard crops. Land to the west is primarily in rural residential use with some small farm existing as secondary uses.

Relationship between Exception Area and Adjacent Land: Some portions of the study area appear to be managed as part of larger farms to the east. Some of the parcels are not in any type of resource management. The adjacent land to the west has residential and nonfarm uses similar to some parcels in the study area.

Existing Adjacent Uses: See Finding A.7 above.

Existing Public Facilities and Services: None.

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: The subdivision lots in the study area are all approximately five acres. Two tax lots (that contain four subdivision lots) are in a contiguous ownership of approximately 20 acres. One tax lot is in a contiguous ownership with a 210

acre parcel to the east. The parcels to the west contain rural residences on parcels between five to ten acres.

Neighborhood and Regional Characteristics: The square mile to the west contains two residential subdivisions with lots between five to ten acres. Land to the north and east consists of large farm holdings with parcels between 25 and 200 acres. Larger farms exist on the valley floor further east.

Natural and Man-Made Features/Impediments: Near the eastern edge of the study area the land crests and slopes down to the east. This topography somewhat separates the study area from large farm parcels to the east.

Physical Development: None.

Other Relevant Factors: None.

CONCLUSIONS

1. None of the four parcels are developed.
2. Several of the parcels are part of larger farm operations.
3. There is a difference in topography of some of the study area with that of the farm use to the east.

STAFF RECOMMENDATION

Because none of the parcels are developed and they border on property that is in commercial farm use, the planning staff recommended that this area not be forwarded to the Board of Commissioners for exception to the statewide planning goals.

PLANNING COMMISSION ACTION

Considering all of the factors the Planning Commission decided that due to parcelization, past use, natural features, and other impediments separating the study area from neighboring farm uses the area should be recommended for exception. The Commission voted unanimously to eliminate tax lots 5413-1400 and 1500 and forward the remaining area for exception to the Statewide Planning Goals.

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BOARD OF COMMISSIONERS ACTION

On September 23, 1993, the Board of Commissioners reviewed the application and voted unanimously to add tax lots 5413-1400 and 1500 to the study area and approve it for exception to the statewide planning goals and change the zoning to AF-10 Agriculture/Forestry Small Holding.

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DOCKET: G-2-92
GROUP: D
AREA: Area 76
MAP NUMBER: 5624 and 5625
ISSUE: Possible Comprehensive Plan Map amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding and a zone change from AF-20 Agriculture/Forestry to AF-10 Agriculture/Forestry Small Holding.
REVIEW CRITERIA: OAR 660-04-025 and 660-04-028

COMMENTS RECEIVED:

Yamhill County Sanitarian: Predominantly Peavine designation in this area. This series has a high feasibility (75%) unless slopes exceed 30% which lowers the feasibility significantly. Chehalem soils are poorly drained and have feasibility of < 25%.

Department of Fish and Wildlife: Proposed change is within big-game winter range. New dwellings, roads, will reduce the numbers of deer and elk in the county, and will result in conflicts between residents, hunters, and wildlife.

FINDINGS:

A. Background Facts

1. Area Size: 131.7 acres
2. Parcels involved: 26, including all subdivision lots and portions of five other parcels.
3. Separate owners: 18
4. Parcels developed: 11
5. Parcels developed prior to Statewide Planning Goals (SPG): 6 (four of these dwellings are inside the study area.)
6. Land Use and Characteristics of Study Area: Cherry Hill Road borders the study area to the west. Uses are a mixture of rural residential, small woodlots, Christmas trees, and pasture for sheep. The topography of the area is a hillside that slopes to the north and east. The hillside may prevent combination of portions of this study area from adjacent farm uses.

7. Surrounding Land Use: Parcels to the south and west are in uses similar to that of the study area. The zoning to the west is AF-10 Agriculture/Forestry Small Holding. Property to the north and south are in more intensive farm uses which includes pasture for sheep, vineyards, and woodlots. Approximately one-half mile to the south is the City of Sheridan.
8. Water Information: See attached well logs.
9. Fire Protection: Sheridan Rural Fire Department.
10. Floodplain: Flood Insurance Rate Maps 432C shows none of the study area is in the 100-year floodplain.
11. Development Pattern: All of the parcels were created by the Yamhill Walnut Groves Subdivision that was platted in 1909. A dwelling was placed on tax lot 5624-2600 by lot-size variances LOR-67-84. Dwellings were placed on tax lots 5625-2100 and 2400 by lot-size variances PV-516-80 and PV-479-79, respectively. Nonfarm dwellings were approved on tax lots 5624-2900 and 5625-2000 by Dockets C-29-91 and C-8-91, respectively.
12. Ownership Pattern: Tax lots 5624-2600, 2601 and 2700 are in a contiguous ownership of 19.5 acres.
13. Other Factors: Adjacent to the west of this study area is the majority of the Yamhill Walnut Groves Subdivision. This area is zoned Agriculture/Forestry Small Holding which allows rural residential and small farm uses.

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 structures were constructed inside the study area prior to adoption of the SPGs. These four structures area along the south and west boundaries. There are several parcels with portions inside the study area. The reason only portions are included in this study is that the other sections are zoned AF-10 Agriculture/Forestry Small Holding. Two of these have dwellings constructed outside of the study area near the intersection of Regia Drive and Cherry Hill Road.

Roads: The study area is bordered on the west side by Cherry Hill Road. This is one of the main roads providing access to the Yamhill Walnut Groves subdivision. Valley View Lane travels along the south property line but it only provides local driveway access. Other driveways are located throughout the area. A platted roadway borders the north property line and turns south, and then west. This roadway splits three contiguous ownerships. While this road is platted only the northern portion of it had not been constructed as of the writing of this staff report.

Sewer, Water and Utility Facilities: Sewer service to the subject lots is provided by septic systems. Water is supplied by groundwater sources. Electricity and phone 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 uses in the area include rural residences, small woodlots, Christmas trees, and pasture for sheep. The area is part of a hillside that slopes down to the north and east. An intermittent stream cuts through the center of the study area and flows down to the northeast. This stream is in the middle of a valley that traverses through the middle of the study area from the westernmost parcel to the northeast corner of the area. The USGS topographic map shows the two sides of this valley are relatively steep. Approximately 1/3 of the eastern

border, near the middle of this study area is very steep, with slopes of up to 30 percent. North of the study area, the adjoining land levels off for approximately 1000 feet and then starts up a steep hillside. Because of the difference in topography of the study area to that of property to the north and east, it is unlikely that adjoining owners would be interested in purchasing land in the study area to increase their holdings.

Characteristics of Adjacent Lands: Property to the west is part of the same subdivision as the subject lot. This half of the subdivision is also served by Cherry Hill Road. Various improved roadways also intersect this subdivision and they include Regia Drive, Mayette Drive, Canyon Road, Tower T.V. Road, and Thunderhead Lane. This subdivision includes small farm uses similar to that of the study area. Land to the north and south is in more extensive farm uses which includes pasture for sheep, vineyards, and woodlots. Approximately one-half mile to the south the land is inside the City of Sheridan and is in urban uses.

Relationship between Exception Area and Adjacent Land: The western half of the study area appears to be almost identical in uses and development as the subdivision to the west. The eastern half of the study area contains larger ownerships. Although no commercial farms exist in this area but the eastern half appears to have more extensive farm uses.

Existing Adjacent Uses: See Finding A.7.

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

Parcel Size and Ownership Pattern, Study Area/Adjacent Land: Parcels vary in size from 2.5 to 19.5 acres. The majority of parcels are between five to ten acres. Only one contiguous ownership exists which is 19.5 acres. Land adjacent to the west is subdivided into five acre lots and has a similar ownership pattern as that of the study area. Land to the south contains parcels that are less than 20 acres. Within a half mile these parcel sizes get smaller and development increases to an urban scale. Land to the north and east contains parcels in larger ownerships that vary from 20 to over 100 acres.

Neighborhood and Regional Characteristics: See Findings A.6 and A.7.

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

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.

During public testimony, a property owner in the study area submitted information that there exists deed covenants and restrictions on some of the parcels that limits farm uses. The specific deed restriction is No. 2 recorded in Film Vol 95, Page 1808 which states:

Said lots or tracts shall not be used for the purpose of raisin breeding, pasturing, boarding, buying or sell of mink, nutria, rodents, hogs, pigs, or piglets.

This restriction applies to tax lots 5624-2601, 2600, 2700, 2800, 2900, 3000, and 5623-2500. These restrictions limit the possibility of establishing a farm use. This restriction is on some of the vacant parcels along the eastern boundary of the study area. A limitation like this could discourage adjoining farmers from purchasing these lots to combine with their farms.

CONCLUSIONS

1. The study area has 26 parcels in 18 separate ownerships.
2. Eleven of the parcels contain dwellings, six of these were placed prior to adoption of the Statewide Planning Goals.
3. There is one contiguous ownerships of close to 20 acres.
4. The study area is adjacent to land zoned for rural residential use.

PLANNING COMMISSION ACTION

On April 15, 1993, the Planning Commission reviewed this study area. They decided that due to the adjacent exception area, pre-existing parcelization, ownership pattern and topography of the land, area should be forwarded to the Board of Commissioners for exception to the Statewide Planning Goals. The motion passed unanimously.

Yamhill County Planning Department
Docket G-2-92, Area 76
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BOARD OF COMMISSIONERS ACTION

On September 23, 1993, the Board of Commissioners took public testimony and decided to approve the request for exception to the Statewide Planning Goals and change the zone designation to AF-10 Agriculture/Forestry Small Holding.

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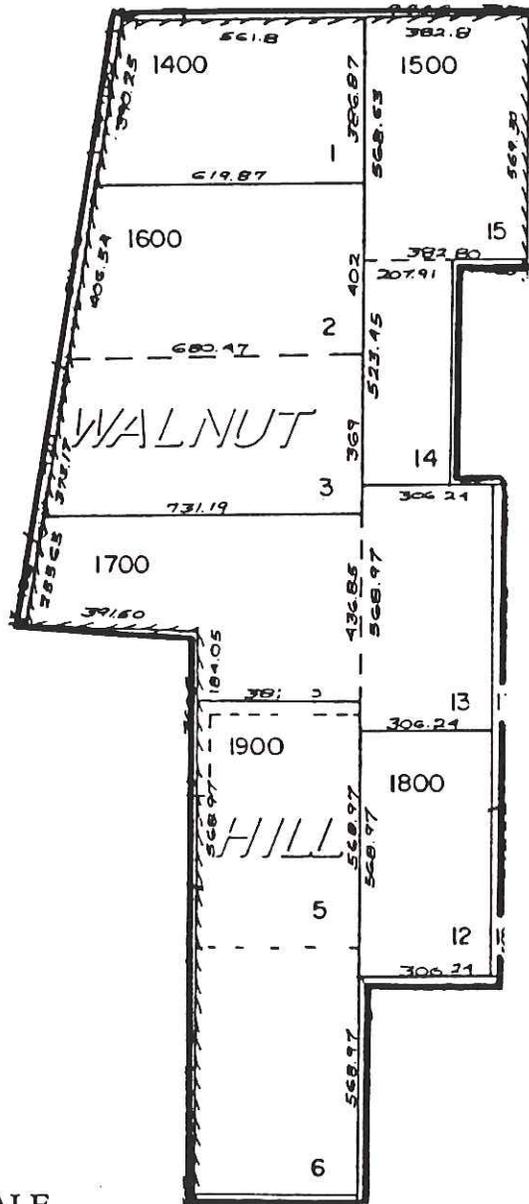
EXHIBIT "B" FOR ORDINANCE NO. 562

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
- ALSO DESCRIBED AS AREA 64
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T5S, R4W, SEC 13

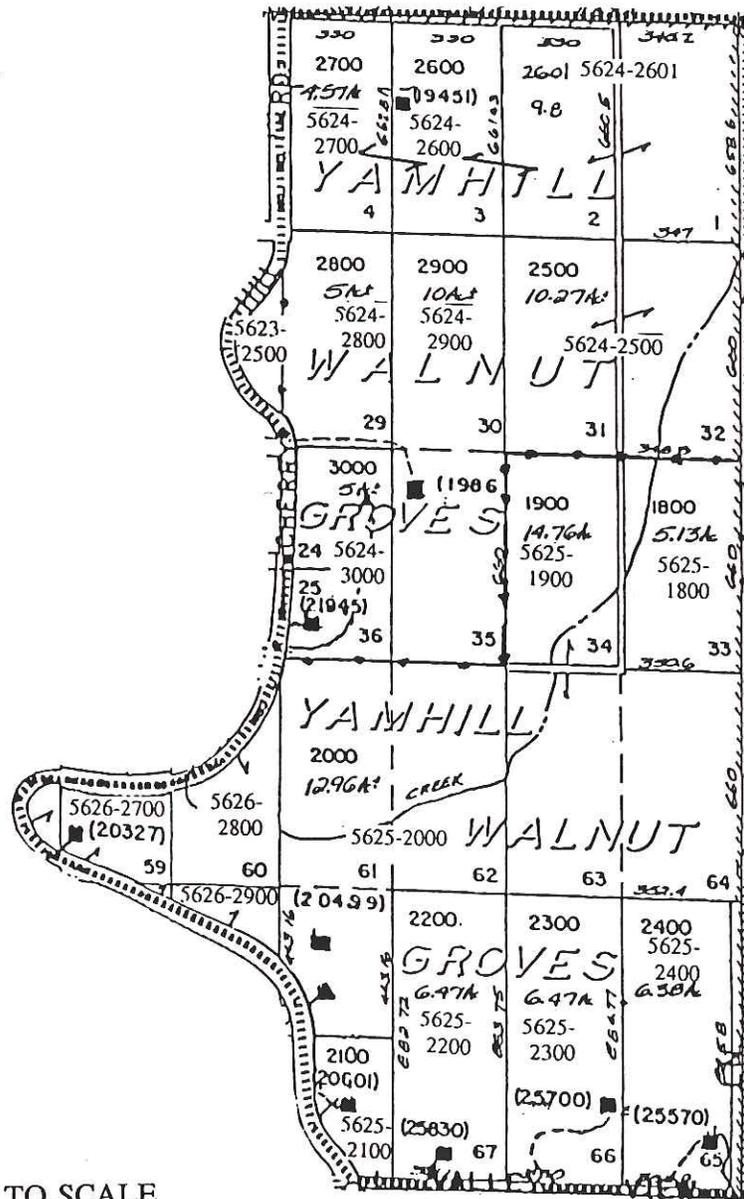
EXHIBIT "B" FOR ORDINANCE NO. 562

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
- ALSO DESCRIBED AS AREA 76
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T5S, R6W, SEC 24 AND 25

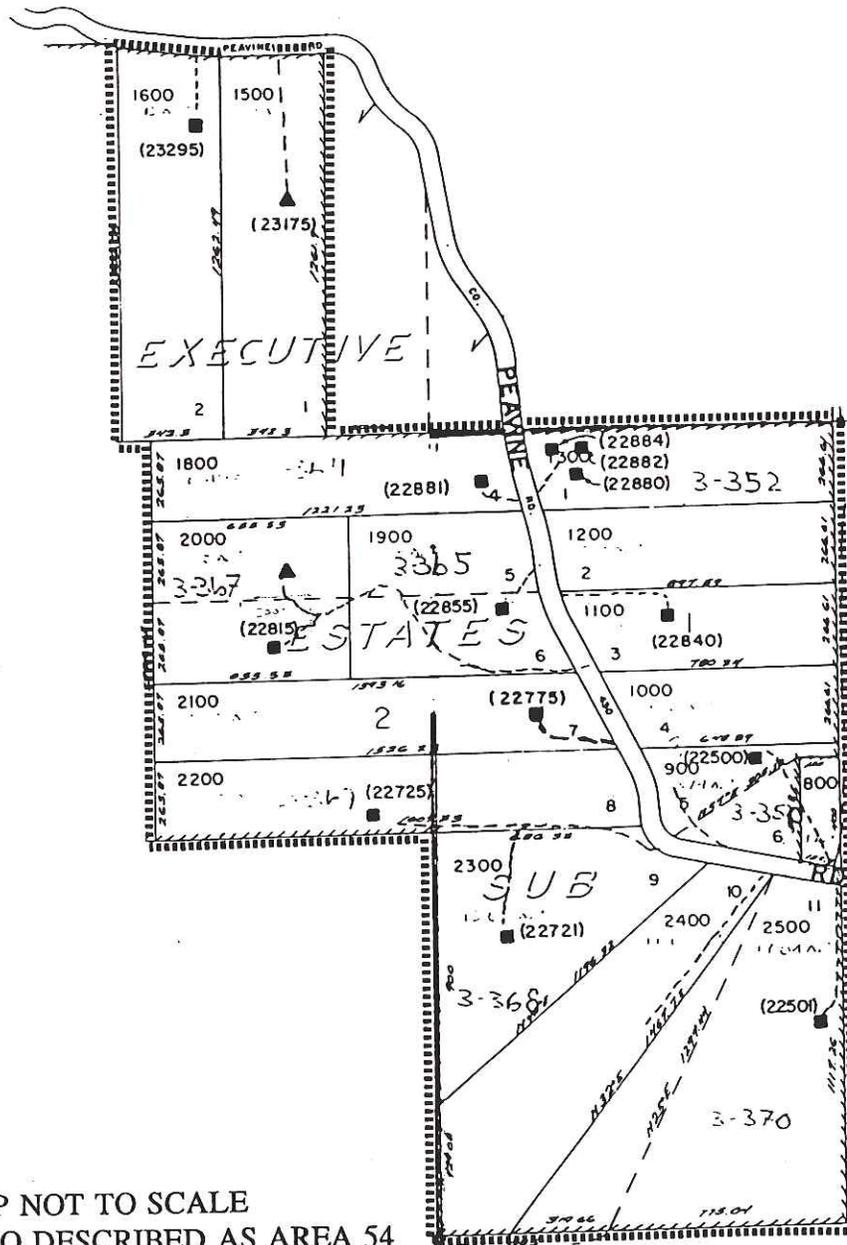
EXHIBIT "B" FOR ORDINANCE NO. 562

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
- ALSO DESCRIBED AS AREA 54
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T4S, R5W, SEC 18

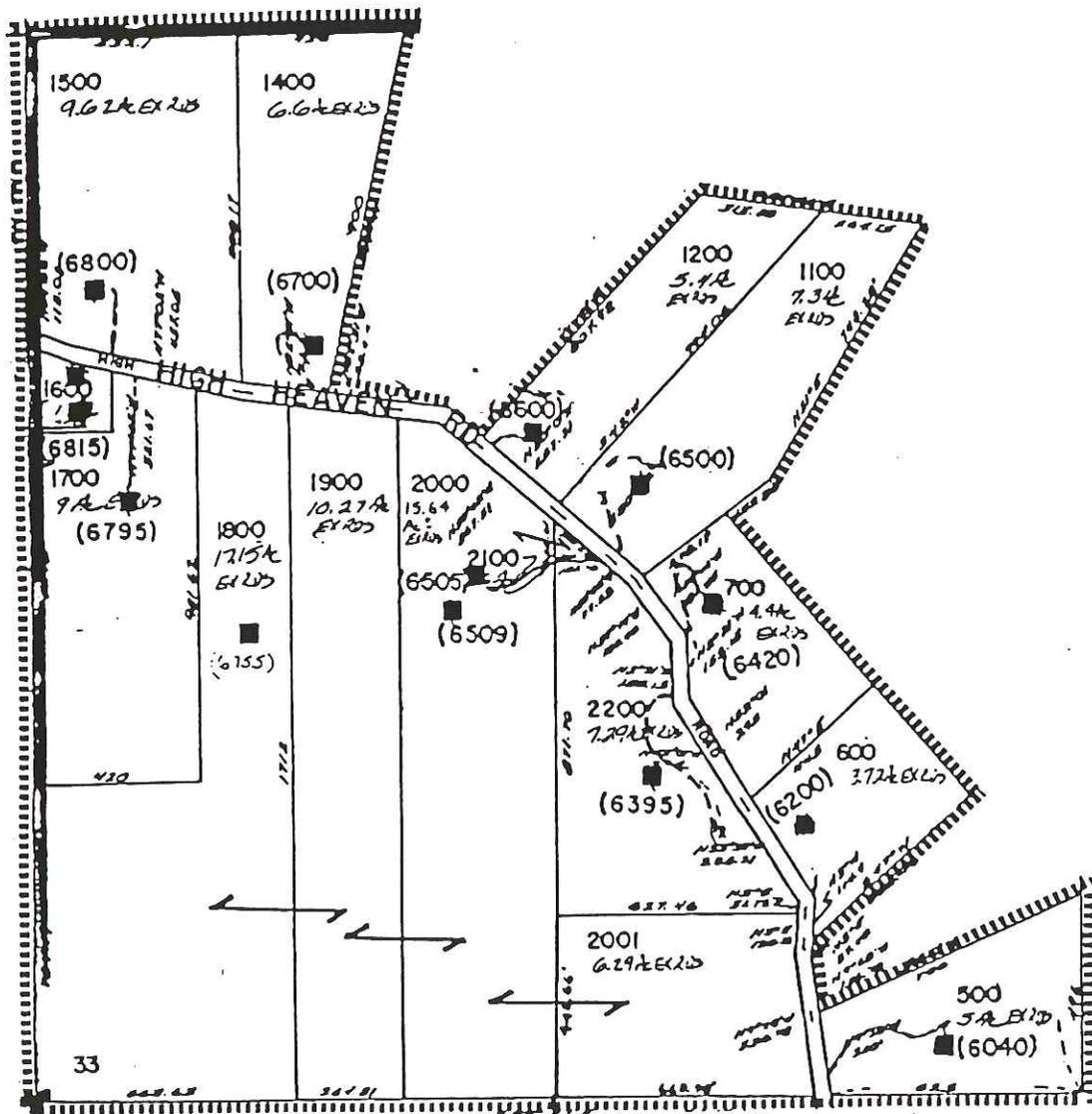
EXHIBIT "B" FOR ORDINANCE NO. 562

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
- ALSO DESCRIBED AS AREA 44
- CHANGE APPLIES TO THE PROPERTY SHOWN ABOVE
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R5W, SEC 33

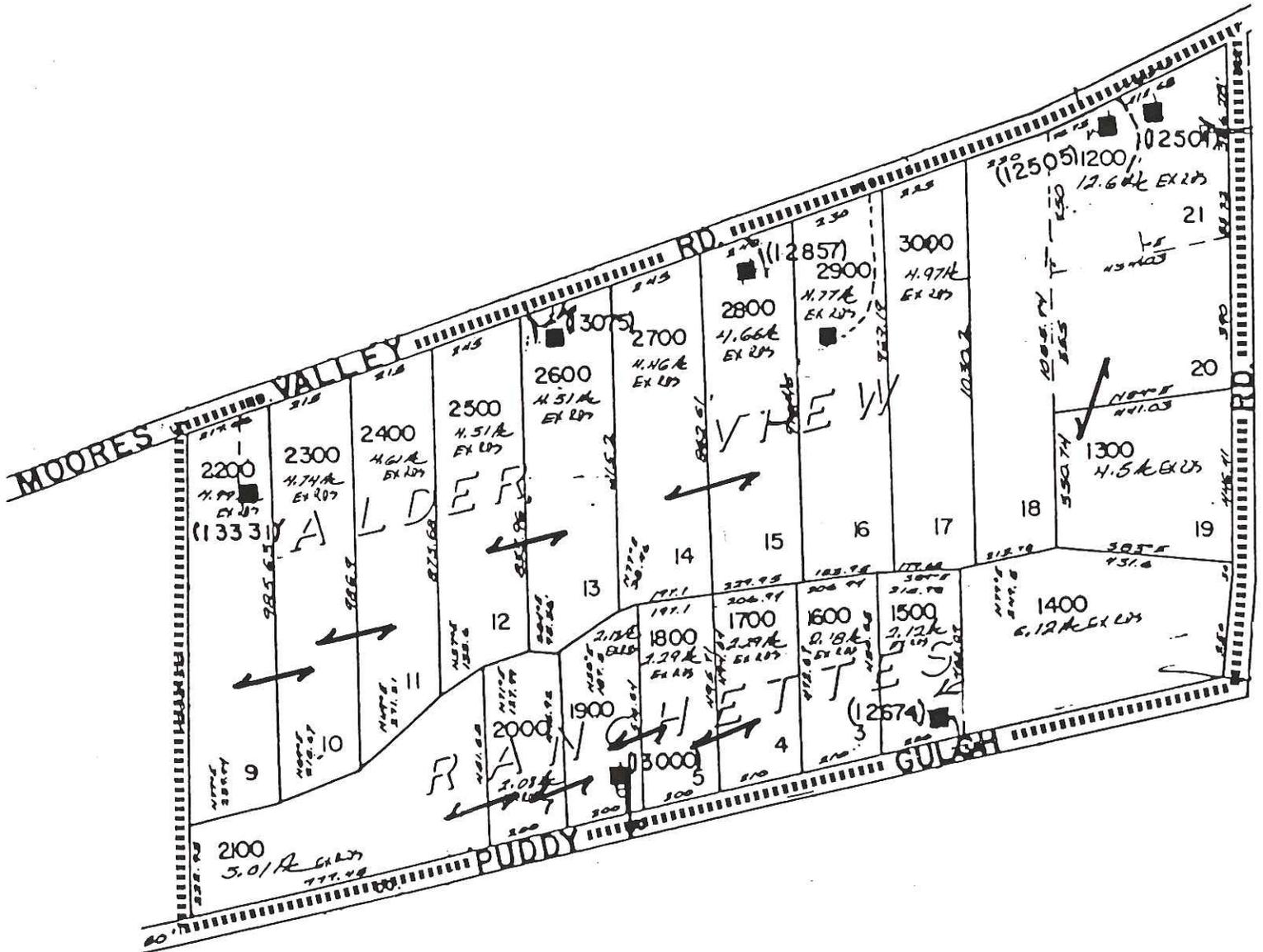
EXHIBIT "B" FOR ORDINANCE NO. 562

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 41
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT
- CHANGES APPLY TO ABOVE TAX LOTS IN T3S, R5W, SEC 12