

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

95-205

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the )  
 Yamhill County Comprehensive Plan Map and )  
 Zoning Map to Change, on a 40 acre portion )  
 of Tax Lots 2533-300 and 2528-400, the Plan )  
 Map Designation from Agriculture/Forestry )  
 Large Holding to Public Assembly Institu- )  
 tional and the Zone Map Designation from )  
 AF-20 to PAI; Imposing a Limited Use Over- )  
 lay District; Planning Docket PAZ-1-95; )  
 Applicant Yamhill Encampment Corp; )  
 Declaring an Emergency. )

ORDINANCE 589

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board"), sat for the transaction of county business in special session on April 12, 1995, Commissioners Dennis L. Goecks, Robert Johnstone and Thomas E. E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. Yamhill Encampment Corp. ("Applicant") has applied to the Department of Planning and Development for a Comprehensive Plan Map amendment from Agriculture/Forestry Large Holding to Public Assembly Institutional and a zone map amendment from AF-20 to PAI on a 40 acre portion of Tax Lots 2533-300 and 2528-400 identified on the attached Exhibit "B."
- B. On March 2, 1995 the Yamhill County Planning Commission held a public hearing to consider the application. Following the hearing, the Planning Commission voted to recommend that the Board approve the application. On March 29, 1995 the Board held a public hearing on the application and voted to grant tentative approval to application including the imposition of a "limited use overlay district" to assure that future uses on the property were limited to those listed in Section 801.02(A), (F), (G), (H), (I), (J) and (K) of the zoning ordinance.
- C. The findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the Board's action of March 29, 1995 and demonstrate that the proposed amendments to the Comprehensive Plan Map and the Official Zoning Map 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 Map is hereby amended as specified in the attached Exhibit "B", made a part of this ordinance by reference, to reflect a plan map designation of "Public Assembly Institutional" for that 40 acre portion of Tax Lots 2528-400 and 2533-300 identified on Exhibit "B".

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Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of PAI District for that 40 acre portion of Tax Lots 2528-400 and 2533-300 identified on Exhibit "B".

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

Section 4. In adopting the plan amendment specified in Section 1, the county hereby takes an exception to Statewide Planning Goal 4 on the basis the property is physically developed as provided by OAR 660-04-018.

Section 5. A "Limited Use Overlay District" is hereby established and imposed on that 40 acre portion of Tax Lots 2528-400 and 2533-300 affected by the plan amendment and zone change as specified on Exhibit "B" to limit the use of the property to the following uses: (1) Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, schools, kindergartens, play-schools, day nurseries and daycare schools; (2) Dwelling for caretaker or watchman in conjunction with a permitted use; (3) Accessory uses; (4) Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structures shall be removed upon final inspection of the permanent structure by the building inspector; (5) Community or municipal water supply system; (6) Community or municipal sewer system; (7) Signs as authorized in accordance with the the zoning ordinance.

Section 6. All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

Section 7. 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 12th day of April, 1995.

ATTEST  
YAMHILL COUNTY BOARD OF COMMISSIONERS  
CHARLES STERN  
County Clerk

By: Jaynie Mitchell  
Deputy, JAYNIE MITCHELL

FORM APPROVED BY:

John M. Gray, Jr.  
JOHN M. GRAY, JR.  
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks  
Chairman DENNIS L. GOECKS

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

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

**EXHIBIT "A" TO ORDINANCE 589**  
**Findings for Approval**

**DATE OF PLANNING COMMISSION HEARING:** March 2, 1995

**DATE OF BOARD OF COMMISSIONERS HEARING:** March 29, 1995

**DATE OF ORDINANCE AND FINAL LAND USE DECISION:** April 12, 1995

**DOCKET:** PAZ-1-95

**REQUEST:** Zone change and Comprehensive Plan amendment from Agriculture/Forestry District (AF-20), Agriculture/Forestry Large Holding to Public Assembly Institutional District (PAI), Public Facilities and exception to Statewide Planning Goal 4 on 40 acres to allow construction of a caretaker's residence in an area currently utilized for camp activities by Camp Yamhill.

**APPLICANT:** Yamhill Encampment Corporation.

**TAX LOTS:** 2533-300, 400 and 2528-400

**LOCATION:** South of and adjacent to Old Railroad Grade Road, at the intersection of Old Railroad Grade and Oak Ridge Roads.

**FINDINGS FOR APPROVAL:**

**A. Background Facts:**

1. **Property size:** Yamhill Encampment Corporation owns a total of 204 acres comprised of five tax lots (2528-400, 2533-300, 400, 800, and 900). The proposed plan amendment and zone change applies to a 40 acre portion of Tax Lots 2528-400 and 2533-300. (See Exhibit "B".)
2. **Access:** Private road off of Oak Ridge Road, a gravel county road.
3. **On-site Land Use:** Camp Yamhill exists on a 204-acre tract under the ownership of the Yamhill Encampment Corporation. A portion of this tract was zoned PAI under legislative action in 1976 in the adoption of Ordinance 83, 1976. The 204 acre area is somewhat hilly and is bisected by the North Yamhill River. The property is wooded and brushy. The main camp compound is located within an oxbow of the river. The area to be rezoned lies to the east across the river. The remaining portion of the property is forested. The subject parcel is connected to the main compound by a small foot bridge. The proposed area contains a man made lake used by Camp Yamhill for their camp and educational related activities. The camp is used for summer camp programs by Camp Yamhill as well as Outdoor School Programs by Washington County ESD, Boy and Girl Scouts of America, cancer society, Oregon Lung Association and Oregon Premier Wrestling camp. The area used for the lake and the other activities is approximately 20 acres in size.
4. **Surrounding Land Use:** The subject site is surrounded by forested hills in all directions and consists of large parcels used for commercial forestry.
5. **Surrounding Zoning:** Lands in all directions are zoned Agriculture/Forestry (AF-20).

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

<u>Soil Type (Symbol)</u>	<u>% Slope</u>	<u>% of Property</u>	<u>Cuft/Ac/Yr</u>
Chehalem (CeC)	3-12	45	---
Cove (Co)	2-7	20	---
Hazelair (HcD)	7-20	20	40
Jory (JRF)	30-60	10	155
Peavine (PeD)	7-20	5	160

7. Fire Protection: Yamhill Rural Fire District
8. Taxes: All five tax lots are exempt from taxation.
9. Previous Actions: Docket SDR-1-83/PUD-18-83 allowed a major renovation and addition of buildings to Camp Yamhill.
10. Explanation of proposed development: The request is to allow placement of a caretaker's residence next to the existing lake. The applicant indicated that the area around the lake is in need of increased security. The proposal includes rezoning a 40-acre area approximately in the center of the 204 acres in order to provide more security to the lake area.

**B. Exception to Statewide Planning Goal 4**

1. The request for a zone change to PAI on 40 acres will require taking an exception to Statewide Planning Goal 4, Forest Lands. Goal 4 is:

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

2. OAR 660-04-018 outlines the optional procedures for taking exceptions. The first is to base the exception on "physical development" and/or "irrevocable commitment" of the property to non-agricultural use. This type is intended to recognize and allow existing types of development and was used in the original exception of the neighboring property. The second is a "reasons" exception, which allows a jurisdiction to zone property with a non-forest designation if there are grounds for the change. The first procedure was implemented in this case.

OAR 660-04-018 also requires that the county limit uses on exception sites that are physically developed to uses which are the same as the existing types of land uses on the site, or rural uses. Since other permitted uses in the PAI zone could be construed as not being "rural uses," the use of the site should be limited to uses listed in Section 801.02 (A,F,G,H,I,J and K) of the Yamhill County Zoning Ordinance, only.

3. OAR 660-04-025 outlines the requirements for exceptions for land physically developed in non-resource uses. These criteria are:

(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 no 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.

4. The reasons the applicant has relied upon to justify the exception are that the property in question has been used since 1954 as a camp facility. This change in zone reflects the existing long term use of a property that is already developed and irrevocably committed to a non-forest use. The subject parcel contains a 2-acre lake, a shelter building approximately 24' x 24' in size and assorted areas for related camp activities.
6. OAR 660, Division 12, is the "Transportation Planning Rule." Certain land-use actions are subject to provisions of the rule. OAR 660-12-060 states:
  - (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:
    - (a) Limiting allowed land uses to be consistent with planned function, capacity and level of service of the transportation facility;
    - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,
    - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
  - (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
    - (a) Changes the functional classification of an existing or planned transportation facility;
    - (b) Changes standards implementing a functional classification system;
    - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
    - (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.
  - (3) Determinations under subsection (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local or state governments.

The transportation planning rule does not apply to this request because the only new use permitted would be a caretakers residence. Staff did not solicit nor receive any comments from the Oregon Department of Transportation.

#### **C. Zone Change and Plan Amendment Provisions and Analysis**

1. This request is for a zone change to Public Assembly Institutional Zone (PAI) and Plan amendment to Public Facilities for 40 acres, in order to allow establishment of a caretakers residence to provide

security for an established campground activity area. These activities meet the definition of a "campground", which is a permitted use in the PAI district.

2. The Plan Amendment portion of the request is not subject to local review criteria. The zone change portion of the request must comply with the standards and criteria in YCZO Section 1208.02. These provisions are:
  - (a) *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
  - (b) *That there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
  - (c) *That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
  - (d) *That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
  - (e) *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

The findings regarding these criteria are provided in subsections C.3 through C.7 below.

3. Regarding applicable Comprehensive Plan goals and policies, criteria (a) above, the area of the proposed zone change is identified as sensitive winter range for big game on the Critical Wildlife Habitat map (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. Soil Conservation Services). Comprehensive Plan Goal II.D.1.f states:

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

ODFW was sent a copy of the requested zone change their response will be included in the presentation of the staff report.

Comprehensive Plan goals relating to forest lands, water resources and fish and wildlife habitat relate to the proposed campground. Goal II.B, Forest Lands, Policy 1.a states:

*Yamhill County will cooperate with federal and State agencies, large private timber owners and small woodland owners to manage forest and grazing lands for the highest aggregate economic, recreational and ecological benefits which these lands can sustain, including timber production, livestock range, fish and wildlife habitat, watershed protection, erosion control and recreational use.*

The existing campground use complies with this policy because it allows recreational use while still preserving the timber production capabilities on the majority of the site. Wildlife habitat value can be maintained or enhanced if camping is restricted during winter and early spring and open campground

areas are seeded to provide winter grazing for big game. Recreational use of the property will bring greater enjoyment and educational benefits than timber production alone.

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

*Yamhill County will continue participation in the FEMA National Flood Insurance Program to prevent flood-caused loss of life and property, by identifying and mapping the floodplains and floodways of the county, restricting land uses within the floodplains to those which are open and undeveloped, including forestry, agriculture, wildlife habitat and recreational areas and encouraging improved watershed management practices and the construction of watershed storage projects for flood control.*

As shown on FIRM 4101249 0125 C, part of the subject property lies in the flood hazard area of the Yamhill River. The applicant has indicated that the floodplain area along both sides of the river will remain undisturbed.

Current plans do not include any development in the flood hazard area. Provided there are no permanent buildings, the campground would not require a floodplain development permit, pursuant to Section 901.05 of the YCZO. The proposed campground complies with Comp Plan Policy II.C.1.a since it is an open, recreational use.

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

*It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act.*

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

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

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

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

4. Regarding the need for the proposed uses, criteria (b), the applicant indicates that the property is currently being used and has been used since 1954 as a recreational and educational area for Camp Yamhill and Washington County ESD outdoor school program. The camp provides recreational and educational opportunities not available elsewhere. Other areas in Yamhill County which are zoned PAI are not currently available. The applicant addressed the issue of availability and suitability of other lands zoned PAI which would allow the proposed uses stating that the primary feature of this area is an approximately 2 acre pond which provides recreational and educational facilities for Camp Yamhill and Washington County ESD outdoor school programs. According to Washington County ESD, this is one of the best sites for their program in the entire area.
5. Regarding criteria (c), the requested zone change is appropriate to the area because it is a natural resource based recreational use. The use has been in existence since 1954, and will not substantially change the existing land use pattern or lead to the development of other non-resource uses on surrounding lands. No new public utilities or services will be required - the property is currently served by electricity, phone, a well and a septic system. A new septic drainfield would be needed for the caretaker's residence.
6. Regarding criteria (d), the availability of other lands in the county which would allow the proposed uses was discussed in Finding c.4 above.
7. Regarding criteria (e), the OAR requirements for an exception are addressed in Section B. of this report.

**E. Site Design Review Criteria and Analysis**

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

**CONCLUSIONS:**

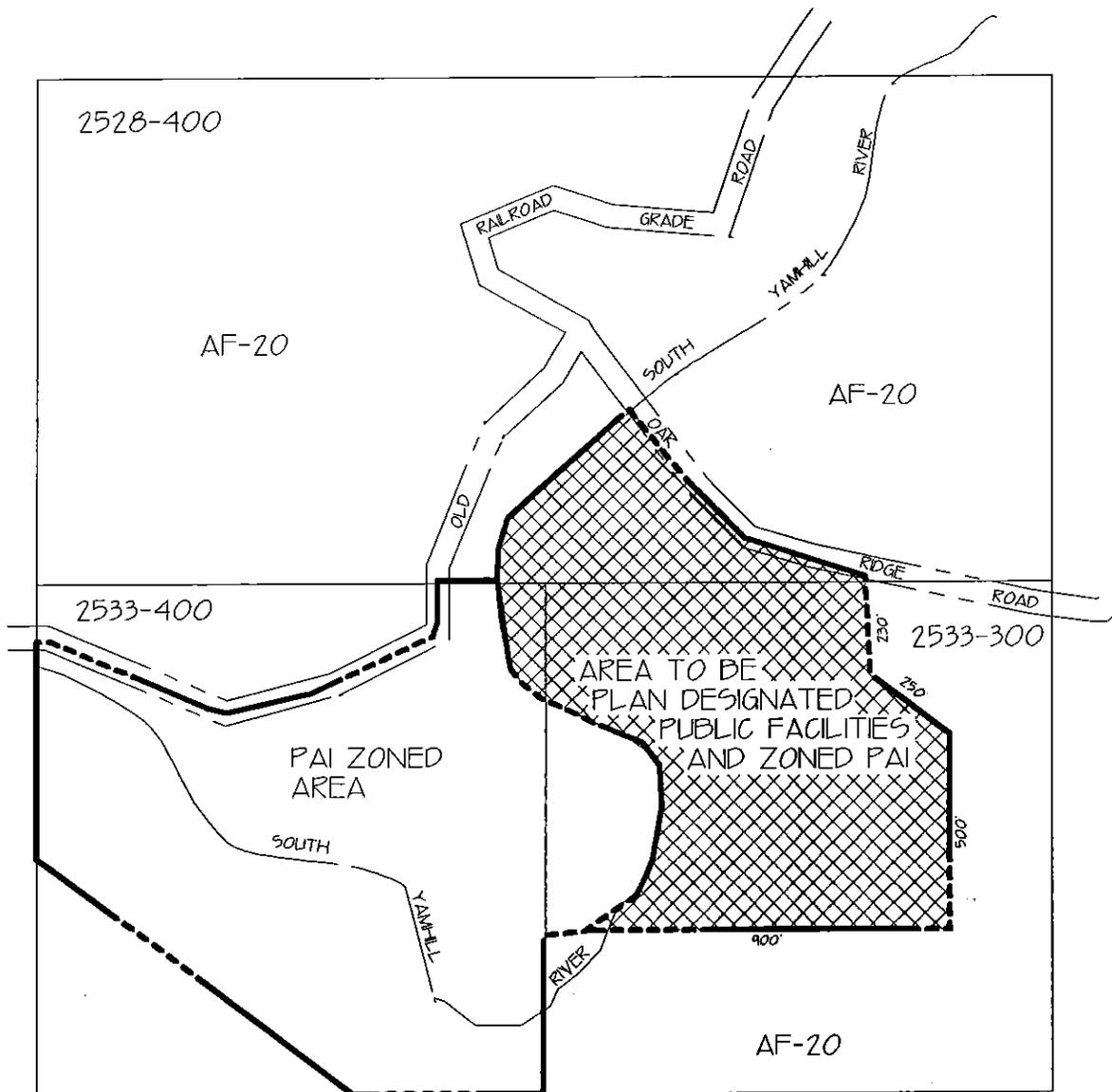
1. The request contains two parts: first, an exception to Statewide Planning Goal 4 on 40 acres; second, a zone change and Comprehensive Plan amendment from Agricultural/Forestry District (AF-20), Agricultural Forestry Large Holding to Public Assembly Institutional (PAI), Public Facilities to allow construction of a caretaker's residence in an area currently utilized for camp activities by Camp Yamhill.
2. The request meets the requirements of Goal 2 Part II(a) for a "physically developed" exception because a need has been shown for the recreational uses; there are no other exception areas in the county that could reasonably accommodate the uses; the uses would have no significant adverse environmental, economic, social or energy consequences; and the uses can be made compatible with surrounding resource uses. A limited use overlay district is required.
3. The request can meet the requirements of Section 1208.02 for a zone change because, with conditions, it can be consistent with Comprehensive Plan goals and policies; there is a demonstrated need for the added security; the area is appropriate for the use; and there are no alternative locations that would not require a zone change.

**DECISION:**

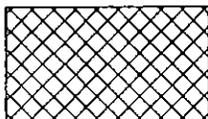
The application is approved as specified in the implementing ordinance.

# EXHIBIT "B" FOR ORDINANCE No. 589

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT  
TO CHANGE THE COMPREHENSIVE PLAN MAP  
DESIGNATION FROM  
"AGRICULTURE/FORESTRY LARGE HOLDING"  
TO "PUBLIC FACILITIES" AND  
THE ZONE FROM "AF-20" AGRICULTURE/FORESTRY LARGE HOLDING  
TO "PAI" PUBLIC ASSEMBLY INSTITUTIONAL DISTRICT



NOT TO SCALE



AREA SUBJECT TO COMPREHENSIVE  
PLAN AND ZONE MAP AMENDMENT

PREPARED BY YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
MARTIN CHROUST-MASIN, ASSOCIATE PLANNER