



WHEREAS, in order to approve the application, an exception must be taken to Statewide Planning Goal 3 and based upon the findings for an exception to Goal 3 included in Exhibit "A" the Board finds it would be appropriate to take such an exception; and

WHEREAS, the Board finds in conclusionary finding number 4 in Exhibit "A" that the proposed expansion of the existing residential care center is a rural use and therefore no exception to Goal 14 is necessary. However, the Board also finds that in the event an exception to Goal 14 is necessary, there are adequate reasons to take such an exception as stated in conclusionary finding number 5 in Exhibit "A"; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the official Plan map of the Yamhill County Comprehensive Plan, 1974, is hereby amended to change the plan designation on that portion of Tax Lot 4526-2100 identified on the attached Exhibit "B" from Agriculture/Forestry Large Holding to Public Assembly Institutional.

Section 2. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the official zone map of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended is hereby amended to change the zone designation on that portion of Tax Lot 4526-2100 identified on the attached Exhibit "B" from EF-40 to PAI.

Section 3. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, an exception is hereby taken to Statewide Planning Goal 3 as it relates to the property identified in Exhibit "B" on the basis that reasons support the exception of this property from the application of Goal 3.

Section 4. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the Board finds that the expansion of the PAI district into the area identified on the attached Exhibit "B" constitutes a "rural use" within the meaning of Goal 14.

Section 5. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the Board finds that even if

an expansion of the PAI district into the area described in the attached Exhibit "B" constitutes an "urban use" within the meaning of Goal 14, a "reasons" exception to Statewide Planning Goal 14 is supported by the evidence and is therefore taken in the alternative.

Section 6. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County and an emergency having been declared to exist shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 13th day of April, 1988.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

Ted Lopuszynski  
Chairman TED LOPUSZYNSKI  
Date: 4-13-88

By: Elaine Pearcey  
Deputy ELAINE PEARCEY

Donald D. Porter  
Commissioner DONALD D. PORTER  
Date: 4/13/88

APPROVED AS TO FORM BY:

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

David E. Bishop  
Commissioner DAVID E. BISHOP  
Date: 4-13-88

## ORDINANCE NO. 462

## FINDINGS FOR APPROVAL

FINDINGS OF FACT

1. The applicant has requested a plan amendment/zone change from AFLH/EF-40 to Public Assembly Institutional/PAI on 10 acres to allow for expansion of the adjacent "Rock of Ages" care center and to develop additional retirement housing on the site. The existing parcel is 35 acres. Five acres are currently zoned PAI. The applicant is proposing the extension to enlarge the existing retirement facilities, to build a chapel and a meeting room and to provide retirement duplex cottages to be built in phases.
2. The retirement facility has been located on the parcel since the late 1950's. The current retirement care center on 5 acres of the parcel has been plan and zone designated PAI since the adoption of the Comprehensive Plan in 1974 and zoning in 1976. The remaining 30 acres was planned and zoned for agricultural use.
3. The applicant seeks to expand the facility beyond the existing boundary to accommodate an increase in retired persons seeking residential care in a rural area at a smaller cost than is presently available at urban care facilities. The proposal is to phase development over several years as the need arises. The retirement facility has existed for 30 years without any adverse effects on surrounding agricultural uses.
4. Most of the clients currently residing at the care facility are from rural backgrounds. The primary market for the proposed expansion will be elderly people who have been used to a rural lifestyle and who desire to retire in a similar, rural-type setting. The rural setting and level of care allow the applicant to provide retirement care at a much lower cost than retirement care provided in other Yamhill County care facilities.
5. There is presently a 20 bed residential care facility, a caretaker's house, a 3 bedroom house, a duplex, a 2 bedroom cottage, a barn and 2 sheds on the subject 35 acres. The present "PAI" zoning district contains 5 acres. The proposal to add an additional 10 acres to this zoning district, would leave 20 acres under the applicant's ownership in the "EF-40" zoning district. The applicant would raise hay on the 20 acres to feed livestock raised and

consumed on the premises. The proposed boundary separating the current and proposed expansion is a creek. Flatlands below the creek would support the facility's agricultural activities.

6. The subject parcel is bordered on the north by an area zoned "EF-40" that is rural residential in nature. This area, known as the "Big W" subdivision has 6 residences on 9 parcels that average 10 acres in size. The area to the east and south is zoned "EF-40" and is characterized by large agricultural fields. A cattle raising operation is directly to the east. A plant nursery with 2 dwellings is directly to the south. The area to the west is zoned "AF-20" and is characterized by a large woodlot which is somewhat steep and hilly.
7. The subject parcel is accessed by a private gravel road from Youngberg Hill Road, a paved county road.
8. The soils on the subject property are agricultural Class III and IV, Steiwer silty clay loam, Carlton silt loam, and Cove silty clay loam with slopes ranging between 0 and 20%.
9. The subject parcel is served by McMinnville Water and Light, General Telephone, Yamhill County Public Works and Sheriff's Departments, and McMinnville schools and fire district. Water is provided by an on-site well and sewer is connected to an on-site septic tank.
10. Other existing PAI zoned properties in the county are devoted to existing development. No PAI zoned property is currently available for further development.
11. The following public agency comments have been received:
  - a. Public Works - "We have reviewed the file and find no conflicts with our interests. Any new road approaches to the county road will require a permit from this office."
  - b. Sanitation - "The care facility is currently addressing their facility with D.E.Q. Therefore, this office has no objection to the proposed zoning expansion."
  - c. McMinnville Rural Fire District - "We have reviewed the file and find no conflicts with our interests."
  - d. Sheridan Planning Advisory Committee - no quorum.

12. Notice of the request was sent to surrounding property owners and published in a newspaper of general circulation. No comments were received. No opposition was voiced at either the public hearing before the Board or the public hearing before the Planning Commission.

CONCLUSIONARY FINDINGS

1. The proposed amendment from Agriculture/Forestry Large Holding to Public Assembly Institutional is in conformance with the goals and policies of the Yamhill County Comprehensive Plan as follows:

Goal Statement

"To assure the provision of safe, sanitary and decent housing for all residents of the county at a reasonable cost."

Discussion: This proposal would allow construction of and provide decent, safe, and sanitary housing for elderly residents of Yamhill County. By allowing the amendment, retirement care will be provided to retirees who may not be able to afford urban retirement care.

Policy c) - "Yamhill County will provide opportunities for a variety of housing types in different residential environments, including single-family structures, conventional and modular type construction, and mobile homes to serve the housing needs of all components of the county population."

Discussion: This proposal is an expansion of the existing care facility that will depend upon clustering of the proposed dwelling units into a campus-like environment to minimize the effect on the existing agricultural uses on nearby properties.

Goal Statement

"To provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development."

Discussion: The retirement facility has been at the present site for the past 30 years without any adverse effects to the surrounding agricultural area. It is important to provide a rural location for a retirement

facility without urban activities, and environmental hazards because of the lower cost and because many of the residents (current and proposed) will move directly from the farm to the retirement facility. As such, this proposal is better suited to a rural location.

Policy b) "All proposed rural area developments shall be based on a reasonable expectation of the demand for the use of such land or facilities within a reasonable period of time and no large-scale development shall be approved without:

- 1) The submission and approval of a layout and design concept, with provision for the staging and servicing of all phases of the development;
- 2) The approval of all federal and state agencies relative to any applicable health, safety, and environmental controls; and
- 3) An adequate demonstration of the financial capacity and responsibility of the proponents to complete the development and provide for operation and maintenance services."

Discussion: The siting and phasing of future development will be controlled through site design review provisions of the zoning ordinance as well as applicable state and federal regulations.

Policy c) - "All proposed rural area development and facilities:

- 1) Shall be appropriately, if not uniquely, suited to the area or site proposed for development.;
2. Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;
3. Shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative in the form of subsidized water supply or sewerage extensions from nearby urban centers."

Discussion: The proposed use has been demonstrated to be suited to the area for 30 years. The expansion would not be located in any natural hazard area. The area has adequate access, and an adequate water supply according to the county sanitarian.

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

Discussion: The development proposed for the subject property will not require the extension of additional services. The existing facility has all necessary services and utilities in place and is only dependent upon a rural level of service.

2. The proposed amendment from EF-40 to PAI is in conformance with the amendment criteria set forth in Section 1208 of the Zoning Ordinance as follows:

"a. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan."

Discussion: See conclusionary finding #1 above for a review of the applicable goals and policies 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."

Discussion: There is an existing, demonstrable need for the proposed amendment considering that the proposed land use is a needed expansion of an existing service to the retired community. The approval of the request would provide the care facility with the area needed to implement its long range plan. Further, the reason the plan amendment/zone change and subsequent development are being proposed is because the care facility has found that there is an existing demand for a rural-based senior care facility. As

that need grows, development will occur in phases to satisfy demand.

- "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."

Discussion: The proposal is appropriate. All public services necessary for the development of the property currently exist in the area. Sewer and water services are provided on-site. Further, considering that this type of development has been in existence for the past 30 years without any adverse effect on the surrounding land uses, it appears that continuation and expansion of the use is appropriate for the area.

- "d. That other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors."

Discussion: Although there are other PAI zoned sites in the county, these sites are devoted to existing uses and consequently not available for further development. The only logical area for expansion of the 30 year old care facility is adjacent land under the applicant's ownership.

3. The proposed amendment is in conformance with the exception requirements for an exception to Goal 3 pursuant to OAR 660-04-020. Each of the applicable factors of OAR 660-04-020(2) are discussed below:

- a. Reasons justify why the state policy embodied in the applicable goals should not apply:

Reasons for the proposed amendment and land use have been set forth in findings of fact 2, 3 and 4 and conclusionary findings 1 and 2. Further, the proposed expansion area is somewhat sloping and is separated from the agricultural field by a small intermittent stream and vegetation.

- b. Areas which do not require a new exception cannot reasonably accommodate the use:

The PAI zoned and plan designated lands in the county are devoted to existing uses and are not available for

further development. There are no lands in the county that do not require taking an exception and that can reasonably accommodate the use.

- c. The long term environmental, economic, social and energy consequences resulting from the use of the proposed site are not significantly more adverse than would typically result from this same proposal being located in other areas requiring an exception:

The estimated consequences resulting from the use of the subject property for the proposed use are considered very minimal. This use has been in existence since the late 1950's without any negative consequences to the surrounding area. Services necessary for the uses are currently available to the site. Further, the proposal is to facilitate expansion of an ongoing use. No new use is introduced into the area by approval of the application.

- d. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

The proposed use will be compatible with other adjacent uses in that there are expected to be no appreciable increases in traffic, and no generation of noise or pollution as a result of the proposed expansion on the site. Also, the same use that is being proposed on the subject parcel has been in existence since the 1950's. Further, the county will require a site design review prior to construction on the property and appropriate screening provisions and other buffers can be imposed through that process.

4. The Board finds that the existing care facility and proposed expansion are rural uses rather than urban uses within the meaning of Goal 14. Because they constitute rural uses, no exception to Goal 14 is necessary, although findings for an exception to Goal 14 are included in conclusionary finding number 5. The following reasons support the conclusionary finding that the existing care facility and proposed expansion is a rural use:

- a. The care facility, including individual housing units, has operated on the subject property since 1956. The proposed amendment is necessary to facilitate the expansion of this 30 year old rural care facility in phases over a number of years. Because the care facility has existed and operated successfully in its present rural location for over 30 years and considering that the proposed expansion is to be phased over

- several years as natural growth and demand by the clientele warrants, the existing rural location is appropriate for the use and accompanying plan amendment/zone change.
- b. The clientele that have historically been served by the care facility comes predominantly from rural lifestyles rather than urban lifestyles. The subject care facility has been chosen as a retirement residence, by and large, because the clientele desire to continue to live in a rural setting similar to that of their lifelong residences. Testimony at the Planning Commission and the Board of Commissioners' hearings indicated that the care facility will continue to cater to rural clientele who are used to and comfortable with the character of the rural lifestyle that the care facility provides. An urban setting would be completely contrary to the very purpose for the care facility and, therefore, the facility must continue to be sited in its rural setting.
  - c. Because the level of development is at a very low rural-type density, an urban level of services is not necessary to accommodate the existing care facility or the proposed expansion. Wells and springs on the subject property provide a more than adequate water supply to the facility. Further, septic systems, rather than municipal sewer lines, are all that is necessary to accommodate disposal of waste generated on the site.
  - d. The care facility has benefitted from its rural location in the past by utilizing a portion of its property to raise livestock and garden crops for consumption by the clientele of the care facility. Approval of the plan amendment/zone change will leave 20 acres available for continued crop and livestock production for the care facility. Because of the rural location and the associated ability to raise agricultural products on the property, the care facility is able to supplement its budget and provide the rural clientele with additional ties to lifelong rural lifestyles.
5. The county has determined that the proposed development is rural rather than urban, as noted in conclusionary finding # 4 above. However, the county finds in the alternative, that there is substantial evidence in the whole record to support an exception to Goal 14 if the proposed use is found to be urban. The county finds that reasons set forth in conclusionary findings 1, 3, and 4 justify why the policies in Goals 3, 4, 11, and 14 should not apply in this instance.

The county also finds that each factor set forth in OAR 660-14-040(3) supports the finding that an exception to Goal 14 is warranted. Each of the factors set forth in OAR 660-14-040(3) are discussed below:

- a. Goal 2, Part II (c)(1) and (c)(2) are met considering that, because the proposed development is rural in nature and is dependent upon a rural location, the proposed development cannot be reasonably accommodated in or through, expansion of existing urban growth boundaries. See Conclusionary Finding #4 above for a complete discussion of the dependency of the proposed development on a rural location. Further, in that the care facility has existed on approximately 5 acres since the 1950's and the 5 acre area is occupied by a 20 bed residential care facility, a caretaker's house, a duplex, a 2 bedroom cottage and additional outbuildings, it would be extremely difficult and impractical to provide for the needed future expansion through an intensification of development on the 5 acres that is now zoned PAI. In addition, the very reason for the plan amendment/zone change on 10 additional acres is to enhance and continue the low density rural development now occurring on the 5 acres. Any intensification of development on the 5 acres may very well destroy that rural character, contrary to the purpose of the care facility.
- b. Goal 2, Part II(c)(3) is met considering that:
  - (1) Initial site plans and development models indicate that the 10 acre area proposed for the plan amendment/zone change is appropriate and is satisfactory to accommodate the anticipated level of development while still maintaining the open space rural character that is desired and that typifies the setting of the existing care facility. Further, less acreage would not be appropriate to accommodate the proposed development considering the amount of acreage necessary for access roads and septic systems to serve the site.
  - (2) The anticipated development is not limited by the air, water, energy, or land resources at or available to the site because of the relatively low density of the proposal and the existence of water and land necessary to accommodate the use. However, more intensive urban developments could be significantly limited due to the rural level of water available to the site. In addition, because the proposal is to expand a facility that has existed on the site for over 30 years and because

there is adequate water, land, and services on the site necessary to accommodate the proposed development, the proposed use will not adversely affect air, water, energy and land resources of the surrounding area.

- c. Goal 2, Part II (c)(4) is met considering that:
- (1) The use is an expansion of a facility that has existed compatibly with adjacent uses since the 1950's. The proposed development is nearly identical to existing development at the site, except that the proposed development will be at a higher density.
  - (2) Through the local hearings process, only one adjacent property owner commented on the proposal. He was in favor of the proposal and his concern regarding visual screening was addressed by imposing a condition subjecting the proposed development to site design review standards.
  - (3) The development at the proposed site will not detract from the ability of existing cities and service districts to provide services in that the subject property has necessary services available to it, water supply and sewage disposal are provided by on-site non-municipal wells and septic systems, respectively. No services from cities or service districts are necessary to accommodate the proposed development.
  - (4) The remaining 20 acres under the applicant's ownership will continue to be used for livestock grazing, as it has in the past. The owner of the nursery stock operation adjacent to the property has indicated that the proposed development will not affect the nursery operation. Further, because the proposed development is to cater to rural clientele and to promote a rural lifestyle, and considering that the proposal is an expansion of a facility that has operated in the area for over 30 years, continued resource management of surrounding lands at present levels is assured.
- d. An appropriate level of public facilities and services are likely to be provided to the proposed development in a timely and efficient manner considering that the site presently has electricity and telephone service to it. Further, water and septic facilities presently exist on the site or will be available at appropriate

levels prior to issuance of development permits. No extension of public facilities or services will be necessary to serve the proposed development.

- e. The proposed development lies entirely within the jurisdiction of Yamhill County and has been found to be consistent with the county Comprehensive Plan. See Conclusionary Finding # 1 above for a review of the applicable county goals and policies.

SKETCH MAP FOR COMPREHENSIVE PLAN AMENDMENTS  
EXHIBIT "B" FOR ORDINANCE NO: 462  
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY THE  
YAMHILL COUNTY BOARD OF COMMISSIONS  
MARCH 23, 1988

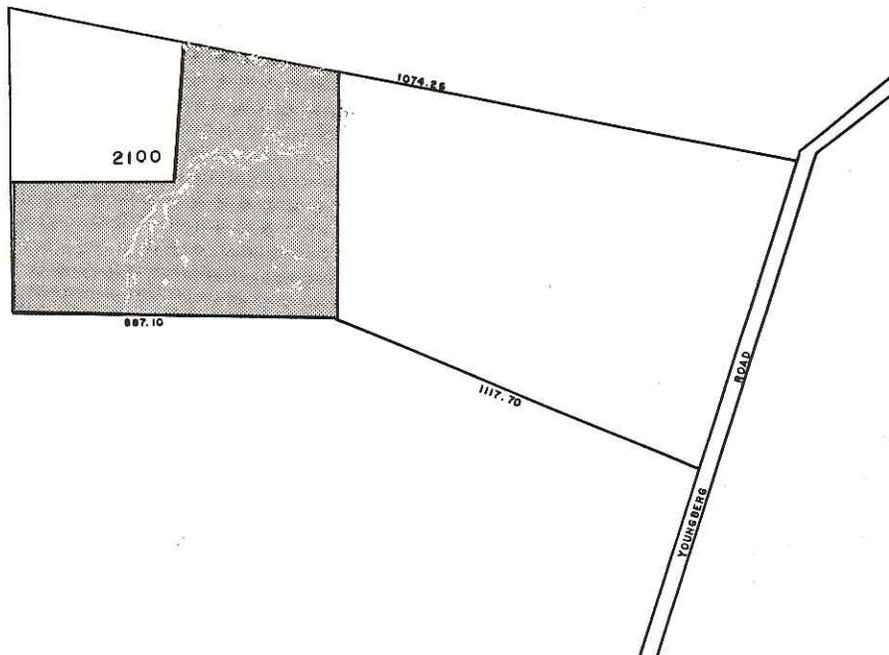
FILM 46 PAGE 1173

TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION  
FROM "AGRICULTURE/FORESTRY LARGE HOLDING"  
TO "PUBLIC ASSEMBLY INSTITUTIONAL"

TO CHANGE THE OFFICIAL ZONING MAP  
FROM " EF-40" TO "PAI"



SCALE: 1" = 400'



Change applies to shaded portion of Tax Lot No. 4526-2100  
Sketch prepared by Yamhill County Department of Planning & Development