

I. Decision Letter & Staff Report

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

DATE: November 12, 2025

DOCKET NO.: P-10-25

REQUEST: To partition an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject Lot, 2323-02000 to facilitate the clustering of Measure 49 dwellings.

APPLICANT: Del Boca Vista, LLC

OWNER: Del Boca Vista, LLC

TAX LOT: 2323-02000

LOCATION: 21105 NE Finnigan Hill Road, Hillsboro

ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

COMMENTS: *County Sanitarian:* "We have reviewed the file and find no conflicts with our interests. See Site Evaluations 979-25-000388-EVAL and 979-25-000375-EVAL.
Building Department: No response to date.
Tualatin Valley Fire & Rescue (TVFR): No response to date.
Public Works: No response to date.
Watermaster: No response to date.
Soil and Water Conservation District (SWCD): Please see letter received on September 17th, 2025.
Department of Land Conservation and Development (DLCD): No response to date.

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B. Oregon Revised Statutes Provisions and Analysis

1. ORS 195.305(Section 11) deals with land divisions after the approval of a Measure 49 claim. The relevant subsections are discussed in the following findings.

2. *Sec. 11. (1) A subdivision or partition of property, or the establishment of a dwelling on property, authorized under sections 5 to 11 of this 2007 Act must comply with all applicable standards governing the siting or development of the dwelling, lot or parcel including, but not limited to, the location, design, construction or size of the dwelling, lot or parcel. However, the standards must not be applied in a manner that has the effect of prohibiting the establishment of the dwelling, lot or parcel authorized under sections 5 to 11 of this 2007 Act unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety or to carry out federal law.*

The Applicant is requesting a land partition to create lots of 2-acres and approximately 35-acres respectively, pursuant to the Measure 49 Final Order. The request will be evaluated to assure compliance with appropriate health and safety standards.

3. *Sec. 11.(2) Before beginning construction of any dwelling authorized under section 6 or 7 of this 2007 Act, the owner must comply with the requirements of ORS 215.293 if the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest zone.*

The request is for a land division rather than for a dwelling. Nonetheless, ORS 215.293 requires the following document be recorded in the deed records for the newly established parcel, and this requirement will be made a condition of approval that must be satisfied prior to the issuance of a building or septic permit for any dwelling:

The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. *Sec. 11.(3)(a) A city or county may approve the creation of a lot or parcel to contain a dwelling authorized under sections 5 to 11 of this 2007 Act. However, a new lot or parcel located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone may not exceed:*

(A) Two acres if the lot or parcel is located on high-value farmland, on high-value forestland or on land within a ground water restricted area; or

(B) Five acres if the lot or parcel is not located on high-value farmland, on high-value forestland or on land within a ground water restricted area.

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standards. A condition of approval will require the Applicant to file a statement on the deed records for Tax Lot 3210-02400 that the development right granted by Measure 49 Final Order E122333 was permanently and irrevocably transferred to another property so any future homesite development on Tax Lot 3210-02400 is subject to the farm zone dwelling criteria provided in Section 402.03 of the YCZO. Staff finds that the Applicant's request is consistent with the Measure 49 development and transferability standards provided in Section 11.(4).

7. *Sec. 11.(5) An owner is not eligible for more than 20 home site approvals under sections 5 to 11 of this 2007 Act, regardless of how many properties that person owns or how many claims that person has filed.*

The owner and Applicant for this land partition request has not received more than 20 home site approvals issued under Sections 5 to 11 of this 2007 Act that provides review criteria and standards for Measure 49 development claims. Staff finds that the Applicant's request is consistent with the Measure 49 development and transferability standards provided in Section 11.(5).

7. The Department of Land Conservation and Development (DLCD) administrative rule section OAR 660-041-0170, requires notice to DLCD on any land use application involving a decision under Measure 49. The Planning Department and the Applicant held a pre-application conference with a representative from the DLCD and this conversation confirmed that the Applicant appeared to meet the standards for development and transferability for the Measure 49 Final Order under review in this staff report. Subsequent email interactions in the record between Yamhill County Planning and DLCD staff confirmed the applicable sections of the Measure 49 transferability criteria and standards, as outlined above.

C. Land Division Ordinance Provisions and Analysis

The *Yamhill County Land Division Ordinance* (LDO) Chapter 6 contains general design standards for partitions. Applicable standards will be addressed in the following findings.

1. Subsection 6.000 of the LDO requires subdivisions and partitions to conform with the requirements of the Comprehensive Plan and other ordinances. The subject parcel was granted approval for development of one (1) additional parcel and one (1) additional homesite. The dwelling permitted by the Measure 49 Final Order requires the new homesite to be located on a separate parcel. The Applicant is proposing the creation of one new parcel that will be located along the subject lot's southern property line, and this lot shall not exceed 2-acres in size. The second dwelling permitted through the Measure 49 Final Order may be located on the remnant, 35-acre parent parcel. Approval of a Measure 49 land partition request is outside of the Comprehensive Plan goals and standards and is also exempted from the minimum lot size standards of the underlying zoning district but must meet the standards established in the Measure 49 Final Order. The local planning department must review proposed Measure 49 land partition requests

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submitted or other significant change to the State's statutes and administrative rules therefore a condition of approval requiring a shadow plat will not be placed as a condition of approval.

5. Subsection 6.010(8) of the LDO lists the option of property being served by a private easement or driveway. As noted above, both lots will be served by private driveways that connect to an unnamed spur from SW Finnegan Hill Road, so new access driveway permits from Public Works may be required as SW Finnegan Hill Road is a county road. A condition of approval will require that the Applicant file a road development agreement for the development of the spur drive, and this condition shall be satisfied prior to final plat approval. An inspection of any driveway by the local fire department, in this case Tualatin Valley Fire & Rescue, is a standard procedure prior to the issuance of a building permit for a dwelling or other structure in the county and will be placed as a condition of approval.
6. Subsection 6.015 of the LDO requires the dedication of additional right-of-way when requested by the Public Works Director. A notice of the proposed partition was sent to the Public Works Department and the Planning Department did not receive any comments, concerns, or requests from the Public Works Director therefore a requirement to dedicate additional right-of-way will not be placed as a condition of approval.
7. Subsection 6.030 of the LDO requires that all lots should form or approximate conventional shapes, with lot side lines running at right angles to the street as far as practical, except for lots on cul-de-sac streets, where side lot lines shall be radial to the curve. The proposed 2-acre parcel on the preliminary plat is roughly square in shape thereby satisfying the requirements of subsection 6.030 of the LDO.
8. Subsection 6.030(6) of the LDO requires lot drainage to be designed to the specifications adopted by the Board of Commissioners. A drainage plan may be required as part of the building permit process.
9. Subsection 6.070 of the LDO deals with lands subject to hazardous conditions related to flooding, inadequate drainage, steep slopes, rock formations, earthquake activity, landmass instability, pollutants, or other general factors or conditions that are likely to be harmful to the health and safety of future residents or the general public. The subject parcel is not in the Flood Hazard Overlay zone and is also not located in any identified hazard area. The parcel that was granted the Measure 49 Final Order—Tax Lot 3210-02400—is subject to hazardous conditions in the form of very steep slopes. The presence of these hazardous conditions is the rationale and justification for the transfer of the development right from Tax Lot 3210-02400 to the subject parcel—Tax Lot 2323-02000. A condition of approval will require the Applicant to record on the deed for Tax Lot 3210-02400 that the homesite development rights granted through the Measure 37/49 process to be void, and this condition shall be satisfied prior to final plat approval and issuance of building or septic permits. There are no steep slopes or significant rock formations on the subject parcel, where the new buildable lot is being proposed for

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with the Oregon Department of Water Resources be provided to the Planning Department prior to approval of the final plat and issuance of any building or septic permits. The site plan shows that the new 2-acre lot will be served by a water line originating at the neighboring 2-acre Measure 49 lot created through Docket P-06-25. The water line will use an established utility (water) easement as shown on the preliminary plat/site plan. A condition of approval will require that the location of the well(s) be shown on the face of the partition plat, or the Applicant shall demonstrate conformance with one of the three other standards provided by Section 6.090 of the LDO prior to final plat approval. With the imposition of conditions, staff finds that the request complies with Subsection 6.090 of the LDO.

11. Subsection 6.100 of the LDO contains options and requirements for sewage disposal. The provision of adequate sewage disposal will be required on any approval. No public or city sewer services are available, so the proposed new parcels will be required to be served by an individual on-site subsurface sewage disposal system. The County Sanitarian noted that septic site evaluations have been conducted, and sites have been approved to serve future dwellings that may be built on both of the proposed lots. Staff finds that the request complies with Subsection 6.100 of the LDO.
12. Subsection 6.120 of the LDO contains requirements and standards for surveying partitions. Since Parcel #1 will be less than 10 acres in size, a survey complying with these standards will be required. With the imposition of conditions, staff finds that the request complies with Subsection 6.120 of the LDO.

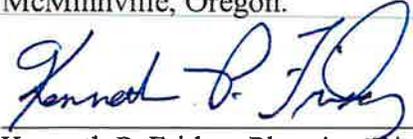
CONCLUSIONS:

1. The request is to partition an approximately 37-acre property into two (2) parcels of approximately 2.0-acres (Parcel #1) and 35-acres (Parcel #2), respectively.
2. This application is possible due to the Measure 49 Final Order and Home Site Authorization E122333 issued on October 7, 2008.
3. With conditions, the request is consistent with the applicable standards provided by Sections 5 to 11, chapter 424, Oregon Laws 2007 pertaining to Measure 49 Final Order and Home Site Approvals.
4. With conditions, the request is consistent with the applicable standards and limitations of the *Yamhill County Land Division Ordinance*.

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7. Prior to final plat approval, the roadway providing access to all parcels shall be constructed to county specifications and inspected by a private engineer, or a road construction agreement shall be completed and recorded.
8. Road plan and profile drawings shall be submitted to and approved by the Public Works Department prior to final plat approval.

DATED AND SIGNED this 14th day of November, 2025, at
McMinnville, Oregon.



Kenneth P. Friday, Planning Director
Yamhill County Planning and Development

KF:lw

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128
Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.yamhillcounty.gov>

November 17, 2025

Del Boca Vista, LLC
111 N. College Street
Newberg, OR 97132

Re: **Docket No. P-10-25, Tax Lot 2323-02000**

Your application to partition Tax Lot 2323-02000, an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject Lot, 2323-02000. This request, is hereby tentatively approved subject to satisfying the following conditions.

1. A final partition plat pursuant to the requirements of the Yamhill County Land Division Ordinance shall be prepared and submitted to the Planning Director. The final partition plat shall substantially conform to the preliminary map. The Yamhill County Planning Docket Number "P-10-25" shall appear on the face of the plat.
2. Prior to final partition approval, a survey of Parcel #1 (2-acres), shall be completed by a registered land surveyor pursuant to Section 6.120 of the Yamhill County Land Division Ordinance.
3. A site evaluation for a subsurface sewage disposal system shall be approved by the County Sanitarian for Parcel #1 prior to final plat approval. The septic system serving shall be located on the individual lot and maintain the minimum setback requirements of 10 feet from all new property lines. If the 10-foot minimum setbacks from the property lines cannot be maintained, a properly recorded easement will be required, pursuant to Section 6.100 of the *Land Division Ordinance*.
4. The establishment of a single dwelling on each parcel (Parcel #1 & Parcel #2), permitted under Measure 49, is subject to the conditions described in Final Order and Home Site Authorization Number E122333.
5. Prior to final plat approval, the Applicant shall demonstrate conformance with standard 1, 2, 3 or 4 of Subsection 6.090 of the *Land Division Ordinance*. Either domestic water shall be provided to each lot by a community water system or an on-site well or wells, with the location of the well(s) indicated on the face of the plat, or the following disclosure shall be placed on the plat:

No municipal, public utility, community water supply or private system will be provided to the purchaser of those lots noted hereon.

Each lot not provided with a well or community water service shall be so identified.

6. Prior to final plat approval, the Applicant shall record in the deed records for Tax Lot 3210-02400 acknowledgement that the Development rights granted by Measure 49 Final Order E122333 have been irrevocably transferred to Tax Lot 2323-02000 and may no longer be used to justify a land partition or homesite development.
7. Prior to final plat approval, the roadway providing access to all parcels shall be constructed to county specifications and inspected by a private engineer, or a road construction agreement shall be completed and recorded.
8. ~~Road plan and profile drawings shall be submitted to and approved by the Public Works Department prior to final plat approval.~~

The Yamhill County Zoning Ordinance provides for appeal of any action or ruling of the Planning Commission to the Board of Commissioners within fifteen (15) days of the decision on a proposed action. Anyone wishing to appeal the Planning Commission's decision must file an appeal form, together with a \$250.00 fee, with this department no later than **5:00 p.m., December 2, 2025**. If no appeal is filed, the Planning Commission's decision will be final and this letter will serve as your official notice of approval of your application.

You now have twelve (12) months within which to complete the requirements stated above and file the final partition plat. If not filed within this time period, the preliminary approval shall be rendered null and void. Also please be aware that the Yamhill County Building Official, pursuant to Section 6 of Ordinance 514, shall not issue a building permit for construction of a residence until the Applicant has submitted a statement from the chief of the rural fire department that the proposed residence has suitable access for fire protection equipment, or otherwise meets fire protection standards.

If you have any questions, please contact this office.

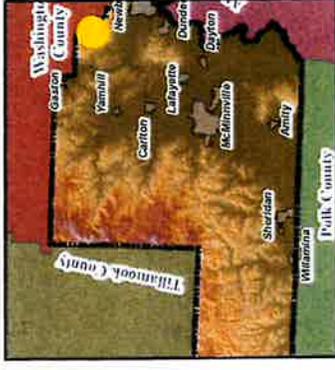
Sincerely,



Kenneth P. Friday
Planning Director

cc: Board of Commissioners
Public Works
Assessor
SPOs
Tualatin Valley Fire & Rescue
Sanitarian
Watermaster
DLCD
Building Department

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: P-10-25
The lot directly north of
21105 NE Finnigan Hill Rd



Subject Parcel(s)

Tax Lot: R2323 02000

Lot Acreage: 39.3



Proposed New Lot



Lot Recently Created by
Docket P-06-25



Wetland

FEMA Flood Zone

Base Flood Elev (ft)



100 Year Zone

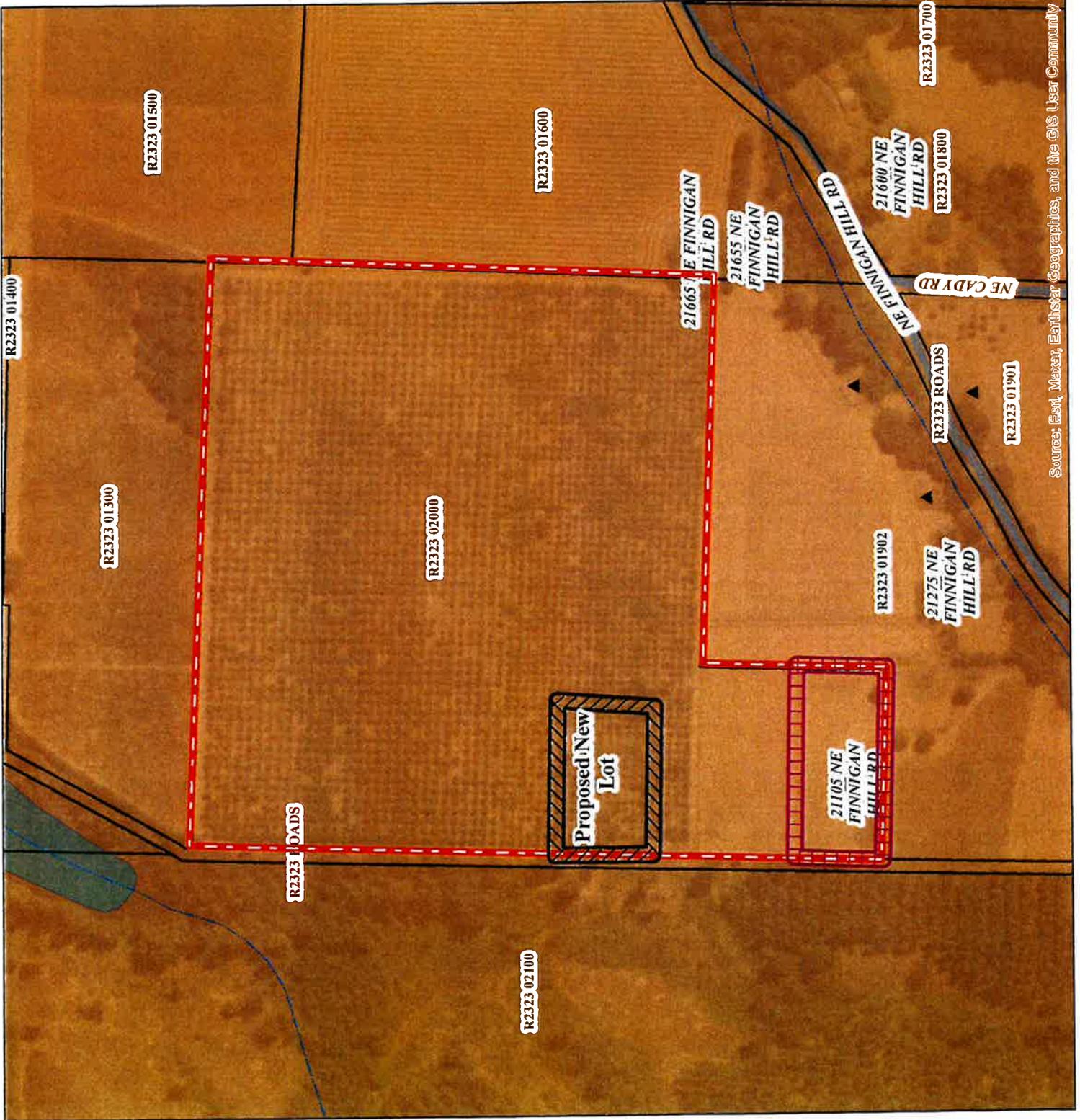


Floodway

Approximate Locations & Dimensions
1 inch = 300 feet



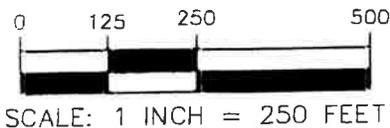
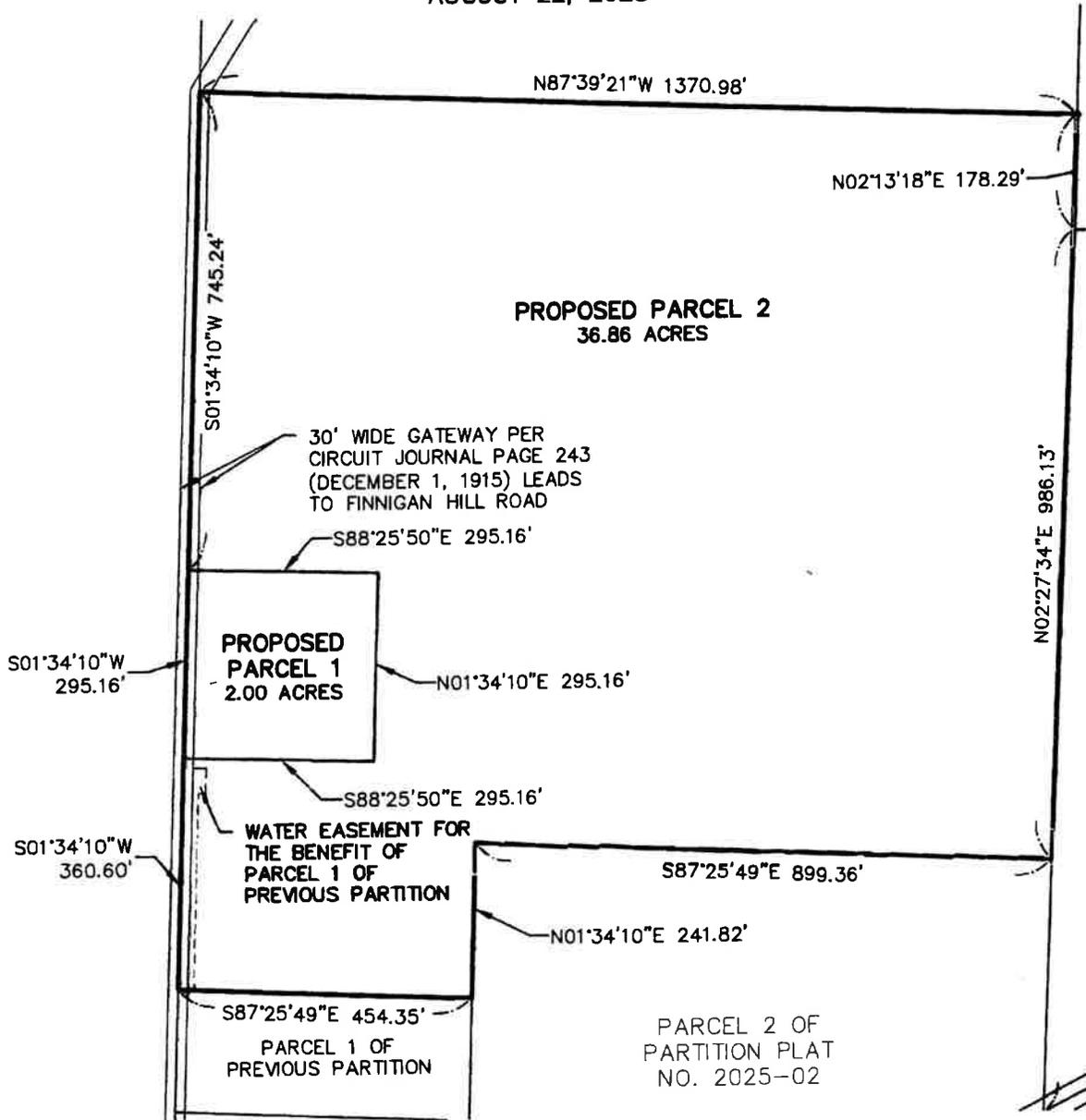
Last Update: September 08, 2015



Source: Est, Maxar, Earthstar Geographics, and the GIS User Community

PROPOSED PARTITION
 LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23,
 TOWNSHIP 2 SOUTH, RANGE 3 WEST, W.M.,
 YAMHILL COUNTY, OREGON

AUGUST 22, 2025



OWNER:
 DEL BOCA VISTA
 111 N COLLEGE ST.
 NEWBERG, OR 97132
 971-706-2058

PREPARED BY:
TerraCalc
 Land Surveying Inc
 1615 N.E. Miller Street
 McMinnville, OR 97128
 (503) 857-0935
 www.Terra-calc.com

R2326 01900
BLUM FAMILY TRUST BLUM ROBERT M JR CO-TRUSTEE
BLUM PAULA C CO-TRUSTEE
21680 NE ORNDUFF RD
HILLSBORO, OR 97123

R2323 01600 M00206121
CADY ROBIN L
21655 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

P-10-25
DEL BOCA VISTA, LLC
R2323-02000
09/08/2025

R2323 02000
DEL BOCA VISTA LLC
111 N COLLEGE ST
NEWBERG, OR 97132

R2323 01902
JININGS ROBERT & TWENGE DEANNA M
21275 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01800
JININGS ROBERT S TWENGE DEANNA M
21600 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 02100
JOYCE LISA S TRUSTEE JOYCE LISA S TRUST
20605 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2326 00900
MORITZ PAMELA J MORITZ DIRK M
21000 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01700
OTTAWAY BRIAN & AMY LIVING TRUST
OTTAWAY BRIAN R CO-TRUSTEE
OTTAWAY AMY M CO-TRUSTEE
21800 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01300 R2323 01400 R2323 01500
QUI PLANTAVIT CURABIT LLC
PO BOX 835
NEWBERG, OR 97132

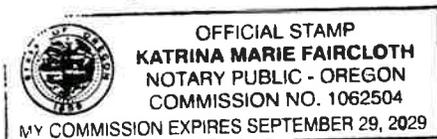
R2323 01901
TWENGE-JININGS FIDELIA
ARUMUGASUNDARAM SUNDARAM
21275 NE FINNIGAN HILL RD
HILLSBORO, OR 97123

APPLICANT: Del Boca Vista
111 N College St.
Newberg, OR 97132

I, Stephanie Curran, on the 17th day of November, 2025
sent the attached public notice of Docket No. P-10-25 to the property owners identified by the PIN
numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 18th day of November, 2025
by Stephanie Curran.



Kat Faircloth
Notary Public For Oregon
My Commission Expires 9/29/29

II. Appeal Application

979-25-000829-PLNG-01

Yamhill County Department of Planning & Development APPEAL APPLICATION

Date of filing 12/12/25
Rec'd by SC
Receipt # 939690
Fee 250.00

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544
TTY: 800-735-2900 • Website: www.yamhillcounty.gov/238/Planning-Development

This form must be completed and submitted to the Planning Office within 15 days of the date of the decision being appealed, as indicated on the notice of decision. Please complete the application fully, and with as much detail as possible. Please type or print carefully.

Appellant's Name	RECEIVED	Robert S. Jinings, among others
Address	DEC 02 2025	21600 NE Finnigan Hill Rd. Hillsboro, OR 97123
Telephone: 503-538-9267	YAMHILL COUNTY PLANNING DEPARTMENT	Email: twengedeanna@gmail.com

Docket number of decision being appealed: *Docket No P-10-25, Tax Lot 2323-02000*

The Docket request is: _____ The request was to partition *Tax Lot 2323-02000* into two parcels.

The decision was made by: Planning Director Planning Commission

The decision being appealed is a(n): Approval Denial Condition of Approval

Person appealing the decision is: Applicant Affected party

If you are an affected party, please explain how you are aggrieved or adversely affected by the decision:

The following are property owners with property surrounding tax lot 2323-02000:

- Robin Cady, 29 acres primarily in grass seed;
- Victor and Christine Stimac, 150 acres primarily in Christmas trees with 15 acres of wine grapes;
- Lisa Joyce, 80 acres of commercial forest;
- Fidelia Twenge-Jinings and Sundaram Arumugasundaram, one acre of plums;
- and Robert Jinings and Deanna Twenge, 17 acres of hay.

Each of us submitted letters to the planning department with our concerns about the application to create a two-acre clustered homes site on tax lot 2323-02000. These concerns were regarding rural residential conflicts, including complaints over noise, dust, spray, farm vehicle, traffic, and the ground water limitations of Chehalem Mountain.

The decision to approve a new 2-acre clustered home site on the high-value agricultural acreage of Tax Lot 2323-02000 will directly harm our farm operations and property interests by:

- Permanently removing productive agricultural acreage and breaking up a contiguous EF-40 farm unit;
- Introducing additional rural residential traffic, wells, septic systems, and "right-to-farm" conflicts into the middle of ongoing commercial farm use; and
- Increasing pressure on already-limited groundwater resources in this drainage.

Because the decision reduces the productivity, integrity, and long-term viability of the surrounding agricultural area and shifts infrastructure and enforcement burdens onto neighboring farmers and the County, we are aggrieved and adversely affected within the meaning of the applicable appeal standards. We submit this appeal on our own behalf and in coordination with our neighboring EF-40 landowners who share these concerns.

Appeal Application

Page 2 of 2

Please describe the basis upon which the decision is being appealed. Indicate which ordinance, Comprehensive Plan, or other regulatory provisions have not been satisfied or have been violated by the decision. Use extra paper if necessary.

This decision violates Measure 49 and its implementing rule OAR 660-041-0180 because the Planning Director did not apply, and the record does not support, the required findings that: (1) the parcel receiving the clustered home site is "less suitable for farm or forest use" than the sending parcel, and (2) the new lot is located so as to "maximize suitability of the remnant parcel for farm or forest use." Instead, the decision moves a home site off a steep, non-farmed 2.3-acre parcel (Tax Lot 3210-02400) and into a 37-acre high-value farm parcel (Tax Lot 2323-02000), contrary to the text and purpose of Measure 49, OAR 660-041-0180, ORS 215.243, and Statewide Planning Goals 3 and 14. It also fails to fully address groundwater limitations, Goal 5 habitat impacts, and public infrastructure burdens created by new rural residential development in the EF-40 zone.

The specific ordinance, Comprehensive Plan and regulatory provisions violated are described in more detail in the attached "Basis of Appeal – Docket P-10-25," which is incorporated here by reference.

I have completed the above information fully and accurately. I understand my rights and responsibilities as described on this form.

Signature  Date Dec 2, 2025

All appealed decisions of the Planning Director and Planning Commission are brought before the Board of County Commissioners at a public hearing. The Board may affirm, modify, or reverse all or part of the action by the Director or Planning Commission.

Submittal of this appeal form must be accompanied by the appropriate appeal fee (make check payable to Yamhill County) to offset the cost of the hearing.

Basis of Appeal – Docket P-10-25

Appellant: Robert S. Jinings

Tax Lot 2323-02000 – Del Boca Vista, LLC

I. Failure to comply with Measure 49 and OAR 660-041-0180(3)(a): clustering must occur on the property “less suitable” for farm use

1. Applicable standard

Measure 49 Section 11(4)(f) and OAR 660-041-0180(3)(a) govern clustering of Measure 49 home sites when an owner holds authorizations on more than one EFU property. Where all affected properties are farm or forest zoned, the county must determine that “the property on which the lots, parcels or dwellings are proposed to be clustered is less suitable than the other property or properties for farm or forest use.”

There is no option in the rule for “equally suitable” land. The receiving parcel must be comparatively less suitable for farm use.

2. The findings do not apply this standard

Neither the approval letter nor the staff report for Docket P-10-25 cites OAR 660-041-0180(3)(a) or explains why the Finnigan Hill parcel (Tax Lot 2323-02000) is “less suitable” for farm use than Tax Lot 3210-02400. Instead, the staff report relies on local hazardous-land provisions (LDO 6.070) and steep slopes on the sending parcel to justify transferring the home site.

3. Evidence in the record shows the opposite

The staff report states that the entirety of the 37-acre subject parcel is composed of high-value farmland and has been continuously farmed in hazelnuts for many decades. The parcel consists predominantly of Class II and III agricultural soils.

In contrast, Tax Lot 3210-02400, the parcel from which the home site would be transferred, is a 2.3-acre parcel on Quarry Road with slopes of 30–60 percent, hazardous site conditions, no apparent farm use, and predominantly Class VI erodible soils.

Under Oregon’s accepted soil classification, Class II and III soils are prime/high-value farmland; Class VI soils are clearly inferior for conventional agricultural production. On this record, Tax Lot 2323-02000 is plainly more suitable for farm use than Tax Lot 3210-02400.

4. Conclusion

Because the county (a) did not apply the “less suitable for farm or forest use” standard, and (b) adopted findings that are contrary to the substantial evidence in the record, the decision fails to

comply with Measure 49 Section 11(4)(f) and OAR 660-041-0180(3)(a). The approval should be reversed or, at minimum, remanded for proper application of this rule.

II. Failure to comply with OAR 660-041-0180(2)(c): new lots must be located to maximize suitability of the remnant farm parcel

1. Applicable standard

OAR 660-041-0180(2)(c) requires that Measure 49 home site lots on EFU land be located “in a manner that maximizes suitability of the remnant lot or parcel for farm or forest use.”

2. No meaningful analysis of farm-unit design

The staff report does not analyze how removing a 2-acre block from the hazelnut orchard, at the chosen location, affects the farm’s ability to function efficiently. It does not address field layout, equipment access, spray operations, or the long-term viability of the remaining 35 acres.

3. Carving a house site from the orchard reduces, not maximizes, farm suitability

Placing a residential lot inside the productive orchard:

- Shortens and fragments orchard rows, increasing operating costs;
- Introduces new conflicts regarding dust, spray, noise, and farm-vehicle traffic;
- Reduces flexibility for replanting and modernization of the orchard; and
- Encourages further residential encroachment into the EF-40 farm block.

These impacts are the opposite of “maximizing” the remnant parcel’s suitability for farm use.

4. Conclusion

Without findings demonstrating that the chosen lot configuration truly maximizes the agricultural viability of the remaining 35-acre orchard, the decision does not comply with OAR 660-041-0180(2)(c) and must be remanded.

III. Misapplication of local hazardous-land standards to avoid state Measure 49 farmland protections

The staff report relies heavily on LDO Section 6.070 (lands subject to hazardous conditions) and the steep slopes on Tax Lot 3210-02400 as the “rationale and justification” for transferring the home site onto the orchard parcel.

However, Measure 49 and OAR 660-041-0180 already prescribe how home sites can be relocated on EFU land: through the comparative farmland-suitability tests discussed above.

Local code provisions cannot be applied in a way that undermines or circumvents these state requirements.

Using a construction-hazard standard (steep slopes) to move a home site onto high-value, actively farmed orchard soils effectively nullifies the farmland-protection purpose of Measure 49. This is an error of law and an improper interpretation of the LDO. Any hazard issues on Tax Lot 3210-02400 must be resolved consistent with state rules, not by sacrificing prime agricultural land elsewhere.

IV. Inconsistency with ORS 215.243 and Statewide Planning Goals 3 and 14

ORS 215.243 declares that agricultural land is a vital resource that must be preserved and maintained for farm use and protected from urban and suburban development. Statewide Planning Goal 3 (Agricultural Lands) requires preservation of agricultural lands—especially high-value farmland—for farm use, and Goal 14 (Urbanization) directs that higher-density residential development be accommodated within urban growth boundaries, not on EF-40 resource land.

By creating a new residential lot on prime agricultural land and moving a home site off a steep, non-farmed parcel, this decision:

- Converts prime agricultural soils to rural residential use;
- Fragments a working EF-40 farm unit; and
- Encourages residential sprawl outside the urban growth boundary.

Measure 49 must be implemented consistently with Goals 3 and 14 and ORS 215.243. Interpreting Measure 49 to allow this kind of farmland conversion is contrary to those statewide policies.

V. Groundwater, habitat, and public-burden impacts (supporting grounds)

The Yamhill County Watermaster has indicated that groundwater in this drainage is limited. Additional exempt domestic wells and septic systems on EF-40 land increase risk to neighboring agricultural wells and surface waters. The property also contributes to a mixed farm-forest landscape that provides habitat for deer, coyote, bobcat, black bear, cougar, and other wildlife, implicating Statewide Planning Goal 5 resource and habitat protections.

New rural residential lots outside a UGB also increase burdens on rural roads, emergency services, fire protection, and enforcement of right-to-farm laws. The speculative private benefit to the applicant does not outweigh these agricultural, ecological, and fiscal costs to the County and its residents.

VI. Requested relief

For these reasons, Appellant respectfully requests that the Board of Commissioners:

1. Reverse the Planning Director's decision approving Docket P-10-25; or, in the alternative,
2. Remand the decision with direction to apply Measure 49 and OAR 660-041-0180 correctly, and to deny any clustering of Measure 49 home sites on Tax Lot 2323-02000 that would remove high-value farm land or undermine the agricultural viability of the EF-40 farm unit.

III. Application

979-25-000829-PLNG

Yamhill County Department of Planning & Development

APPLICATION FOR PARTITION

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket P-10-25
Date 8-27-25
Rec'd by [signature]
Receipt # 938192
Fee 2717.00
2,926.20

Form with sections: APPLICANT (Del BOca Vista LLC), LEGAL OWNER (Same), PROPERTY INFORMATION (Tax Lot(s), Zone, Size of original parcel), and PROPOSED PARTITION (Parcel #1, #2, #3 with dimensions).

PROPERTY INFORMATION:

- 1. Is there a septic system on the property? [checked] Yes [] No
2. How will water be provided? [checked] Well: [] existing [] proposed
3. What road or easement will be used as access? 30' wide gateway to the west.
4. Is the property in a Fire District? Yes Name of Fire District: TVFR
5. Is the property within two miles of any city limits? No

PARTITION APPLICATION

Page 2 of 4

To your knowledge, do any of the following exist on the property?

- Floodplain Areas of erosion Steep slopes Fish or wildlife habitat
- Soil limitations for building or septic

6. What is the proposed use of the new parcels (e.g. residence, farm, business)?

Single Family Residential Home

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

[Signature]
Applicant's signature

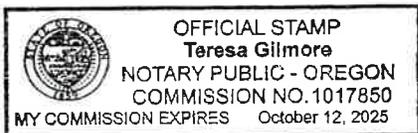
8/25/2025
Date

Property owner's signature (if different)

Date

State of Oregon)
County of Yamhill)

Signed or attested before me on this 25 day of August, 2025
by Marc Willcuts



[Signature]
Notary Public for Oregon
My Commission expires 10.12.25

PARTITION APPLICATION PROCEDURES AND FEES

The information supplied in this section applies to most partitions in Yamhill County. There may, however, be additional requirements that will be explained at the time of the pre-application conference.

PREAPPLICATION CONFERENCE This conference involves discussion of the proposal, explanation of zoning and other requirements that pertain to the request, and identification of potential problems. There is no fee for this conference.

SUBMITTAL OF PRELIMINARY PLAT The application must include a preliminary plat on a separate sheet. 8 1/2 x 11 paper is preferred. The plat should be drawn on reproducible paper at a scale no less than 1" to 200'. A copy of an Assessor's map is acceptable to use as a base. The drawing should be labeled as a preliminary plat and include a north arrow, the date, the map scale, and the name, address, and telephone number of the property owner, the owner's representative, applicant, and surveyor. All proposed parcels should be numbered in consecutive order. The estimated dimensions and boundaries of all parcels to be created should be shown, along with the size of each lot in acres or square feet. The preliminary plat should show all existing and proposed access roads, easements, and public rights-of-way, and their dimensions, the location of sewage disposal facilities and wells, if known, and the location of all existing and proposed structures.

PARCEL SIZE AVERAGING In the AF-10, VLDR, and LDR zones, some of the parcels that will be created may be smaller than the minimum lot size, as long as the average size of all of the parcels complies with the minimum lot size. For example, a 30-acre parcel in the AF-10 zone may be partitioned into three parcels, but each parcel need not be ten acres in size as long as the average parcel size is ten acres.

NOTICE Yamhill County is required to send notice of all partition requests to surrounding property owners, and to publish a notice in a newspaper of general circulation in the county, prior to making a decision on the request. The notice distance varies by zone, from 100 to 500 feet. Those people that receive notice, and others that may be affected, can make comments or request that the application be considered at a public hearing before the county Planning Commission. If no one requests a hearing, the Planning Director will make the decision on whether to approve or deny the partition application.

PRELIMINARY DECISION Upon review and recommendation by Planning Department staff, the Planning Director renders a decision to approve, approve with modifications, or deny the request. The decision will be based on whether the application complies with the requirements of the Yamhill County Land Division Ordinance and the standards of the zoning district. The applicant and surrounding property owners will receive written notice of the decision. If the request is approved, the decision will be preliminary, subject to satisfaction of any conditions placed on the approval.

APPEALS The applicant is entitled to appeal a denial or any condition of a preliminary approval to the Board of County Commissioners. Anyone else that is aggrieved by the decision also has the right to appeal. There is a \$250 fee to file an appeal. This fee is refunded if the appellant prevails in the appeal. The Board will hold a public hearing on the appeal, and their decision may be appealed to the state Land Use Board of Appeals.

ROADWAY DEDICATION REQUIREMENTS A maximum of three parcels of land may have access to a public road via one easement. Dedication of a public road to serve the parcels will be required if the partition would result in more than three parcels having access by one easement. Also, if a parcel being partitioned abuts a county road with a right-of-way less than 60 feet wide, additional dedication along the frontage may be required prior to final plat approval.

ROADWAY CONSTRUCTION Generally, all roadways providing access to a new parcel (not driveways to building sites) shall be constructed, or security arranged, prior to final plat approval. If the access is an easement (not dedicated right-of-way), you may enter into a road construction agreement in lieu of the security requirement. Road construction standards are available from the Public Works Department. Fees are available by contacting Public Works or from the Public Works Web site. New accesses on a state highway must be approved by the Oregon Department of Transportation.

PARTITION APPLICATION

Page 4 of 4

SURVEY REQUIREMENTS All parcels resulting from the partition that are 10 acres or less in size, and the centerline of any access easement or new public right-of-way, must be surveyed prior to final plat approval. Fees are available by contacting the County Surveyor or the County Surveyor web site.

SEPTIC APPROVAL REQUIREMENTS New parcels are required to be approved for on-site subsurface sewage disposal prior to final plat approval, unless it can be demonstrated that other sewage disposal facilities are available. The septic site evaluation is required for all vacant parcels created by the partition. The only way to waive this requirement is if a parcel is labeled on the final plat as nonresidential, and a statement is placed on the face of the final plat attesting that no sewage disposal system will be provided for parcels labeled as nonresidential. In some instances, an evaluation of an existing septic system may also be required when there is a concern about the location of the system and replacement area in relation to the new property lines.

FINAL PLAT APPROVAL When all conditions of the preliminary approval have been satisfied and a final partition plat prepared, final approval can be granted. The final plat is prepared by a registered land surveyor, even if no lot or road surveys are required. The property owner must sign the plat in black india type ink (not ball point pen) before a notary public. The plat must be delivered to the County Surveyor's office, where it will be reviewed by the County Engineer and County Surveyor and signed if no deficiencies are found. The plat will be forwarded by the County Surveyor to the Planning Department, where it will be reviewed and signed by the County Sanitarian and Planning Director if all conditions of the preliminary approval have been met. The Planning Department will forward the plat to the County Tax Collector. Before the County Tax Collector will sign the plat, all taxes must have been paid in full. Once the plat has all the necessary signatures, it must be recorded in the deed and mortgage records with the County Clerk. This is the applicant's responsibility. The final plat must be submitted within one year from the date of preliminary approval, and recorded within 90 days of that date, or the preliminary approval becomes null and void. Please contact the Surveyors Department.

THE APPLICATION MUST INCLUDE:

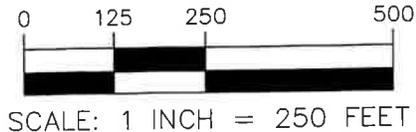
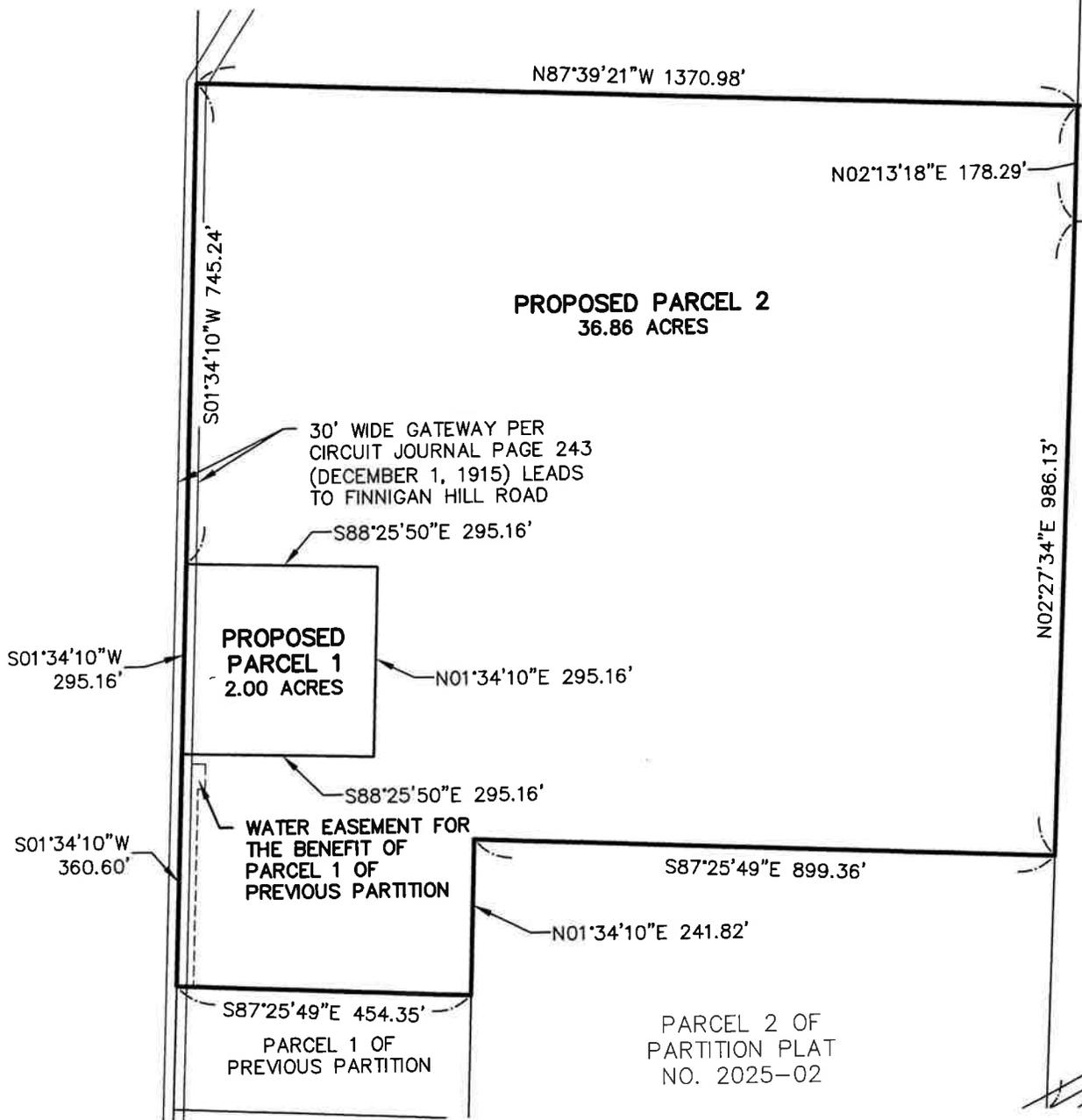
1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Preliminary plat.
3. Deed or other proof of ownership.
4. Filing fee (Make check payable to Yamhill County).

NOTE: Fees are not refundable.

PROPOSED PARTITION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23,
TOWNSHIP 2 SOUTH, RANGE 3 WEST, W.M.,
YAMHILL COUNTY, OREGON

AUGUST 22, 2025



OWNER:
DEL BOCA VISTA
111 N COLLEGE ST.
NEWBERG, OR 97132
971-706-2058

PREPARED BY:

TerraCalc
Land Surveying Inc.
1615 N.E. Miller Street
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com



After recording return to:
Del Boca Vista LLC
111 N College Street
Newberg, OR 97132

THIS SPACE RESERVED FOR RECORDER'S USE

Until a change is requested all tax
statements shall be sent to the
following address:
Del Boca Vista LLC
111 N College Street
Newberg, OR 97132

File No.: 1032-4255718 (ko)
Date: March 31, 2025

Yamhill County Official Records **202505253**
DMR-DDMR
Stn=1001 FEI TYC **06/05/2025 01:12:04 PM**
4Pgs \$20.00 \$11.00 \$5.00 \$60.00 **\$96.00**

I, Keri Hinton, County Clerk for Yamhill County, Oregon, certify that
the instrument identified herein was recorded in the Clerk records.

Keri Hinton - County Clerk

FIRST AMERICAN TITLE 4255718

STATUTORY WARRANTY DEED

Richerd B. Jinings and Judith A. Jinings, Co-trustees of the Jinings Family Trust U/A dated October 25, 2022, Grantor, conveys and warrants to **Del Boca Vista LLC, an Oregon Limited Liability Company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$800,000.00**. (Here comply with requirements of ORS 93.030)

APN: 3374

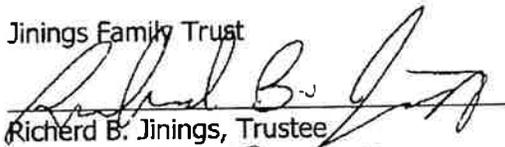
Statutory Warranty Deed
- continued

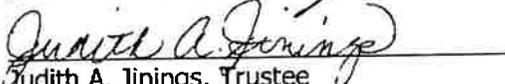
File No.: 1032-4255718 (ko)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 4th day of JUNE, 2025.

Jinings Family Trust


Richard B. Jinings, Trustee


Judith A. Jinings, Trustee

APN: 3374

Statutory Warranty Deed
- continued

File No.: 1032-4255718 (ko)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Beginning at a point on Center Line of Section 23, Township 2 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, said point bears North 3° 53' 00" West, 497.62 feet, from South 1/4 corner of said Section 23, thence along said Center Line, North 3° 53' 00" West, 1583.71 feet, thence leaving said Center Line, North 87° 07' 01" East, 1347.52 feet, to the East line of the W 1/2 SE 1/4 of said Section, thence along said East Line, South 03° 31' 35" East, 1150.00 feet, thence leaving said East line, South 87° 07' 01" West, 886.00 feet thence South 03° 53' 00" East, 433.60 feet, thence South 87° 07' 01" West, 454.35 feet, to the Point of Beginning.

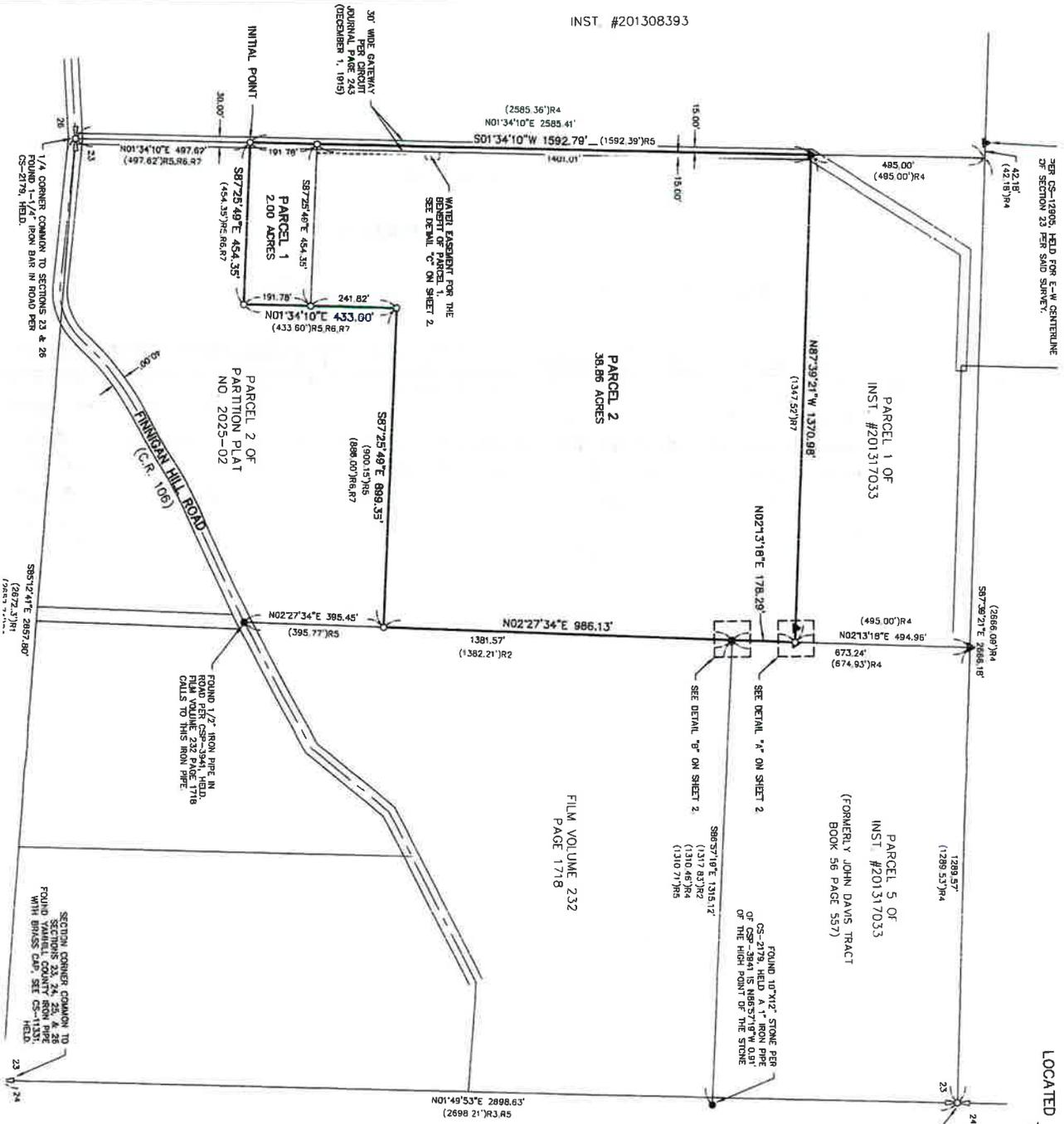
NOTE: This legal description was created prior to January 1, 2008.

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23,
TOWNSHIP 2 SOUTH, RANGE 3 WEST, W.M.,
YAMHILL COUNTY, OREGON

YAMHILL COUNTY PLANNING FILE NO. P-06-25
FOR: DEL BOCA VISTA LLC

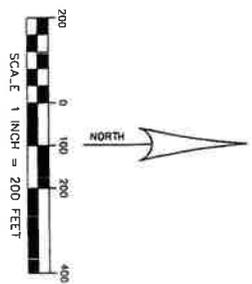
DATE: JUNE 5, 2025
1/4 CORNER COMMON TO SECTIONS 23 & 24
FOUND 3-1/2" ALUMINUM DISK PER
CS-11294, HELD

INST. #201308393



LEGEND:

- ⊕ - DENOTES FOUND SECTION CORNER, AS NOTED
- ⊙ - DENOTES FOUND QUARTER SECTION CORNER, AS NOTED
- - DENOTES FOUND MONUMENT AS NOTED
- ▲ - DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "115 SURVEYING INC." PER CS-12805, IN GOOD CONDITION AND HELD UNLESS OTHERWISE NOTED
- - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "TERRACALC L.S."
- () R1 - DENOTES RECORD DATA PER CS-2175
- () R2 - DENOTES RECORD DATA PER CS-2441
- () R3 - DENOTES RECORD DATA PER CS-12196
- () R4 - DENOTES RECORD DATA PER CS-12805
- () R5 - DENOTES RECORD DATA PER PARTITION PLAT NO. 2025-02
- () R6 - DENOTES RECORD DATA PER INSTRUMENT NO. 201802993
- () R7 - DENOTES RECORD DATA PER INSTRUMENT NO. 201802995



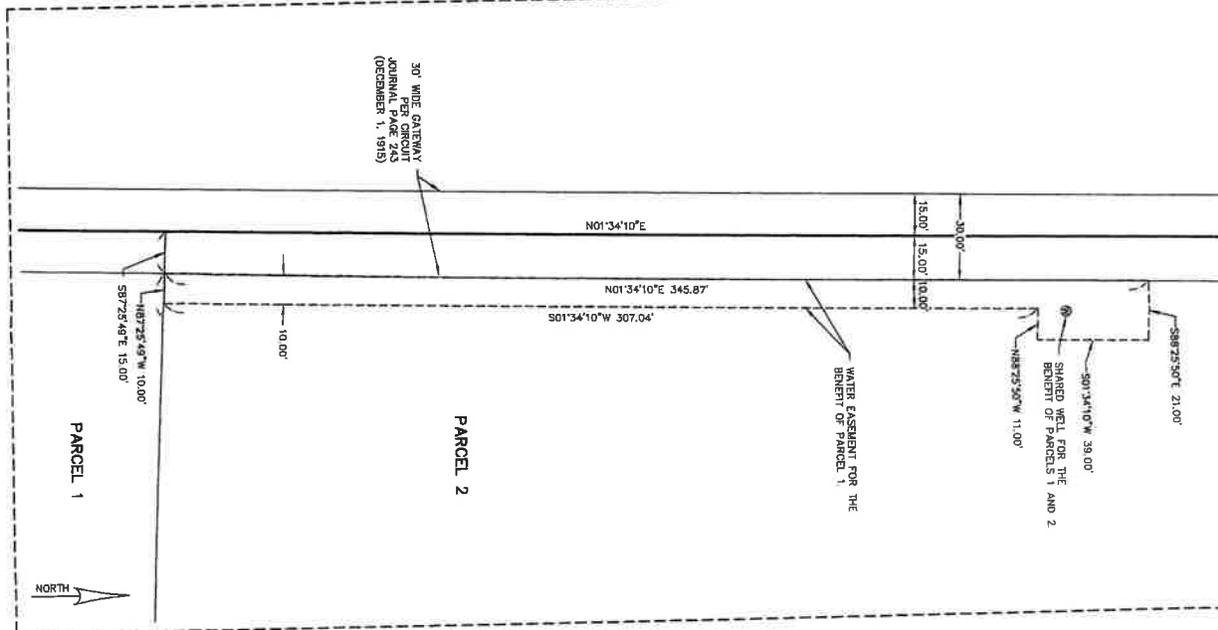
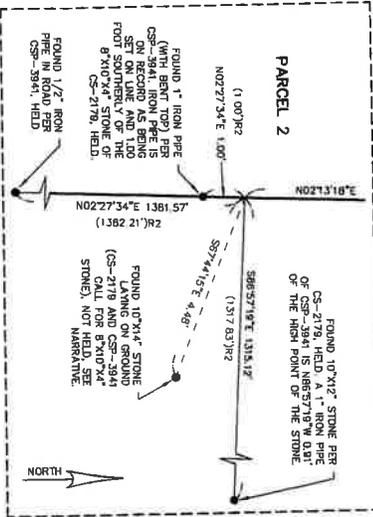
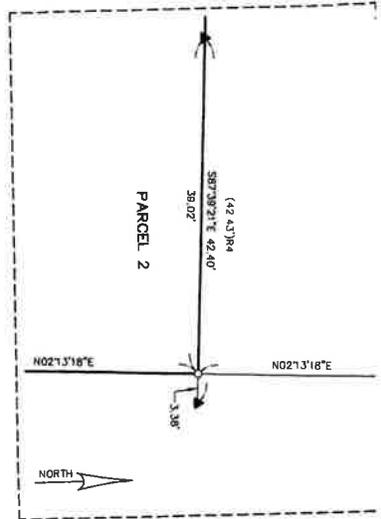
THIS IS AN EXACT COPY
OF THE ORIGINAL PLAT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David M. Cook

OREGON
LAND SURVEYING
MARGI NEWTON
CRANG NEWTON
99441PLS
RENEWALS 12-31-2028

PREPARED BY:
TerraCalc
Land Surveying Inc.
1415 N.E. Asher Street
McMinnville, OR 97128
(503) 527-0933



PREPARED BY:
TerraCali
 Land Surveying Inc.
 1615 N.E. Miller Street
 McMinnville, OR 97128
 (503) 857-0935
 www.terra-cali.com

THIS IS AN EXACT COPY
 OF THE ORIGINAL PLAN.
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 MARCH 12, 2019
 CRAIG I. NEWTON
 06441915
 RENEWS 12-31-2026

RECEIVED

SEP 12 2025

YAMHILL COUNTY
PLANNING DEPARTMENT



QUARRY ROAD M49 CLUSTER TO FINNIGAN
HILL - REASONING
Final Order #E122333

PROPOSAL:

Del Boca Vista LLC proposes to move M49 Final Order #E122333 (Katerine Magar) from Del Boca Vista's property (tax lot 3210-02400) at 14800 NE Quarry Road, Newberg, to Del Boca Vista's property at 0 SW Finnigan Hill, Hillsboro (Partition Plat 2025-12 recorded August 22, 2025; Parcel 2, Docket P-10-25).

REASONING:

The Quarry Road property is on a major hillside. There is only room to build one single-family home. Therefore, we propose moving one M49 from Quarry Road to our Finnigan property. The Finnigan property has room to develop additional homesites. We have been in contact with Matt Crall (503-798-6419; matt.crall@dlcd.oregon.gov) with DLCD, and he sees no reason not to transfer/cluster the M49.

Del Boca Vista LLC
111 N College Street, Newberg, OR 97132
971-706-2058

RECEIVED

SEP 03 2025

YAMHILL COUNTY
PLANNING DEPARTMENT



**OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW
OF MEASURE 37 CLAIM
Final Order and Home Site Approval**

October 7, 2008

STATE ELECTION NUMBER:

E122333

CLAIMANTS:

Katharine D. Magar
8760 NW Pike Road
Yamhill, Oregon 97148

Billy F. Magar
14800 NE Quarry Road
Newberg, Oregon 97132

**MEASURE 37 PROPERTY
IDENTIFICATION:**

Township 3S, Range 2W, Section 10
Tax lot 2400¹
Yamhill County

PRIMARY CONTACT INFORMATION:

Katharine D. Magar
8760 NW Pike Road
Yamhill, Oregon 97148

The claimants, Katharine Magar and Billy Magar, filed a claim under ORS 197.352 (2005) (Measure 37) on September 14, 2005, for property located at 14800 Northeast Quarry Road, near Newberg, in Yamhill County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed a Measure 37 claim to elect supplemental review of their claim. The claimants elected supplemental review of their Measure 37 claim under Section 6 of Measure 49, which authorizes the Department of Land Conservation and Development (the department) to issue up to three home site approvals to qualified claimants. This Final Order and Home Site Approval is the conclusion of the supplemental review of this claim.

¹ The Measure 37 claim property consisted of tax lot 2400. The property has since been partitioned into three parcels consisting of tax lots 2400, 2402 and 2403.

I. ANALYSIS OF CLAIM

A. Maximum Number of Home Sites for Which the Claimants May Qualify

Under Section 6 of Measure 49, the number of home site approvals issued by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimants have requested three home site approvals in the election material. The Measure 37 waiver issued for this claim describes three home sites. Therefore, the claimants may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

B. Qualification Requirements

To qualify for a home site approval under Section 6 of Measure 49 the claimant must meet each of the following requirements:

1. Timeliness of Claim

A claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

Findings of Fact and Conclusions

The claimants, Katharine Magar and Billy Magar, filed a Measure 37 claim, M122333, with the state on September 14, 2005. The claimants filed a Measure 37 claim with Yamhill County on December 28, 2004. The state claim was filed prior to or on December 4, 2006. The claimants timely filed a Measure 37 claim with both the state and Yamhill County.

2. The Claimant Is an Owner of the Property

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) if the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

Findings of Fact and Conclusions:

According to the warranty deed submitted by the claimants, Katharine Magar and Billy Magar are owners of fee title of the property and, therefore, owners of the property under Measure 49. Yamhill County has confirmed that the claimants are the current owners of the property.

3. All Owners Have Consented in Writing to the Claim

All owners of the property must consent to the claim in writing.

Findings of Fact and Conclusions:

All owners of the property have consented to the claim in writing.

4. The Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City

The Measure 37 claim property must be located entirely outside any urban growth boundary and entirely outside the boundaries of any city.

Findings of Fact and Conclusions:

The Measure 37 claim property, tax lot 2400, is located in Yamhill County, at 14800 Northeast Quarry Road, outside the urban growth boundary and outside the city limits of the nearest city, Newberg.

5. One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling

One or more land use regulations must prohibit establishing the requested lot, parcel or dwelling.

Findings of Fact and Conclusions:

The property is currently zoned Exclusive Farm Use (EF-20) by Yamhill County, in accordance with ORS chapter 215 and OAR 660, division 33, because the property is "agricultural land" as defined by Goal 3.² Goal 3 requires agricultural land to be zoned exclusive farm use (EFU). Applicable provisions of ORS chapter 215 and OAR 660, division 33, enacted or adopted pursuant to Goal 3, generally prohibit the establishment of a dwelling on a lot or parcel less than 80 acres in size in an EFU zone. Under ORS 215.780(2)(a), counties may adopt minimum lot sizes smaller than 80 acres, subject to approval by the Land Conservation and Development Commission (the Commission). The Commission has approved Yamhill County's EF-20 zone, which requires a minimum lot size of 20 acres.

The claimants' property consists of 4.75 acres. Therefore, state land use regulations prohibit the claimants from establishing on the Measure 37 claim property the three home sites the claimants may otherwise qualify for under Section 6 of Measure 49.

6. The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

² The claimants' property is "agricultural land" because it contains Natural Resources Conservation Service Class I-IV soils and is located in western Oregon.

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or
- (d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

Findings of Fact and Conclusions

Based on the documentation submitted by the claimants, the establishment of home sites on the property is not prohibited by land use regulations described in ORS 195.305(3).

7. On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

Findings of Fact and Conclusions

Yamhill County deed records indicate that the claimants acquired the property on November 8, 1963.

On November 8, 1963, the Measure 37 claim property was not subject to any local or state laws that would have prohibited the claimants from establishing at least three lots or parcels and at least three dwellings. Therefore, the claimants lawfully could have established the three home sites the claimants may qualify for under Section 6 of Measure 49.

II. COMMENTS ON THE PRELIMINARY EVALUATION

The department issued its Preliminary Evaluation for this claim on July 31, 2008. Pursuant to OAR 660-041-0090, the department provided written notice to the owners of surrounding properties. No written comments were received in response to the 28-day notice.

III. CONCLUSION

Based on the analysis above, the claimants qualify for up to three home site approvals. However, the number of lots, parcels or dwellings that a claimant is authorized to establish pursuant to home site approvals is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership. If a claimant otherwise qualifies for relief under Section 6 of Measure 49, the

claimant will be able to establish at least one additional lot, parcel or dwelling, regardless of the number of lots, parcels or dwellings currently in existence.

Based on the documentation provided by the claimants and the county, the Measure 37 claim property includes three parcels and no dwellings. There is no contiguous property under the same ownership. Therefore, the three home site approvals the claimants qualify for under Section 6 of Measure 49 will authorize the claimants to establish no additional parcels and three additional dwellings on the Measure 37 claim property. Each dwelling must be on a separate parcel, and must be contained within the Measure 37 claim property. The claimants may alter the configuration of the parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the Measure 37 claim property, pursuant to the home site approvals, is sited on a separate lot or parcel. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed. If a claimant has developed the limit of twenty home sites under Measure 49 they are no longer eligible for the home site approvals that are the subject of this order.

IV. HOME SITE APPROVALS

Based on the analysis set forth above, the claimants are authorized to establish no additional lots or parcels and three additional dwellings on the Measure 37 claim property, subject to the following terms:

1. Each dwelling must be on a separate lot or parcel, and must be contained within the Measure 37 claim property. The establishment of a land division or dwelling based on this home site approval must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.
2. This home site approval will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. The number of lots, parcels or dwellings a claimant is authorized to establish under a home site approval is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If lots, parcels or dwellings currently exist on the Measure 37 claim property or on contiguous property under the same ownership and the lots, parcels or dwellings have not been disclosed to the department, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site approval must be reduced according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49.
4. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimant may choose to convert any temporary dwelling

currently located on the Measure 37 claim property to an authorized home site pursuant to this home site approval. Otherwise, any temporary dwelling is subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.

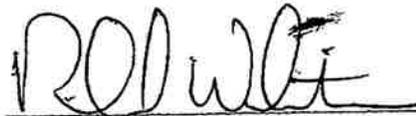
5. This home site approval only authorizes the establishment of one or more new lots, parcels or dwellings on the Measure 37 claim property. No additional development is authorized on contiguous property for which no Measure 37 claim was filed. Each lot or parcel established pursuant to this home site approval must either be the site of a dwelling that is currently in existence or be the site of a dwelling that will be established pursuant to this home site approval.
6. This home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimant may, and may be required to, alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the Measure 37 claim property, pursuant to this home site approval, is sited on a separate lot or parcel.
7. This home site approval runs with the property and transfers with the property. This home site approval will not expire, except that if a claimant who received the home site approval later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on this home site approval will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.
8. Because the property is located in an exclusive farm use zone, this home site approval does not authorize any *new* lots or parcels that exceed five acres. However, the remnant lot or parcel (the lot or parcel that the new parcels are created out of) may (and in many cases necessarily will) exceed five acres. If the new lots or parcels are located on high-value farmland, on high-value forestland, or on land within a ground water restricted area, this home site approval does not authorize *new* lots or parcels that exceed two acres (again, the remnant lot or parcel may exceed this size). The determination of whether the new lots or parcels are located on high-value farm or forest land will be made by the county at the time the land division is reviewed. In addition, before beginning construction in a farm use zone, a forest zone or a mixed farm and forest zone, the owner must comply with the requirements of ORS 215.293 (requiring recording of a document prohibiting the owner from filing a lawsuit contesting accepted farm or forest practices).
9. Because the property is located in an exclusive farm use zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site approvals to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure

49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.

10. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the subject property may not be used without a permit, license or other form of authorization or consent, this home site approval will not authorize the use of the property unless the claimant first obtains that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the subject property imposed by private parties.

IT IS HEREBY ORDERED that this Final Order and Home Site Approval is entered by the Director of the Department of Land Conservation and Development as a final order of the department and the Land Conservation and Development Commission under ORS 197.300 to ORS 195.336 and OAR 660-041-0000 to 660-041-0160.

FOR THE DEPARTMENT AND THE LAND
CONSERVATION AND DEVELOPMENT
COMMISSION:



Richard Whitman, Director
Dept. of Land Conservation and Development
Dated this 7th day of October, 2008.

NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

You are entitled, or may be entitled, to judicial remedies including the following:

1. Judicial review is available to anyone who is an owner of the property as defined in Measure 49 that is the subject of this final determination, or a person who timely submitted written evidence or comments to the department concerning this final determination.
2. Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 must be filed in the Circuit Court in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue.
3. Judicial review of this final determination is limited to the evidence in the record of the department at the time of its final determination. Copies of the documents that comprise the record are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540. Judicial review is only available for issues that were raised before the department with sufficient specificity to afford the department an opportunity to respond.

IV. Public Notice

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY 1-800-735-2900 | Web: www.yamhillcounty.gov

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information please contact Lance Woods at woodsl@yamhillcounty.gov or 503-434-7516, at the Yamhill County Planning Department.

DOCKET NO.: P-10-25

REQUEST: To partition an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject lot (2323-02000).

APPLICANT: Del Boca Vista, LLC

OWNER: Del Boca Vista, LLC

TAX LOT: 2323-02000

LOCATION: The lot located north of 21105 NE Finnigan Hill Road, Hillsboro.

ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

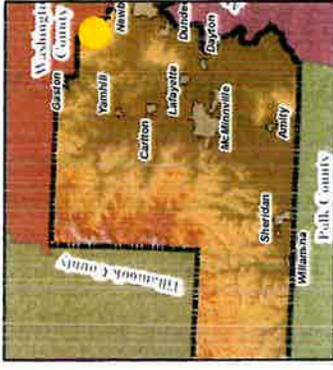
Signature _____

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$280.00 hearing fee. Dated September 12, 2025.

**COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., September 29, 2025**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: P-10-25
The lot directly north of
21105 NE Finnigan Hill Rd



Subject Parcel(s)

Tax Lot: R2323 02000

Lot Acreage: 39.3



Proposed New Lot



Lot Recently Created by
Docket P-06-25



Wetland

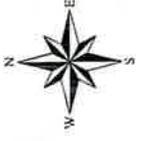
FEMA Flood Zone

Base Flood Elev (ft)

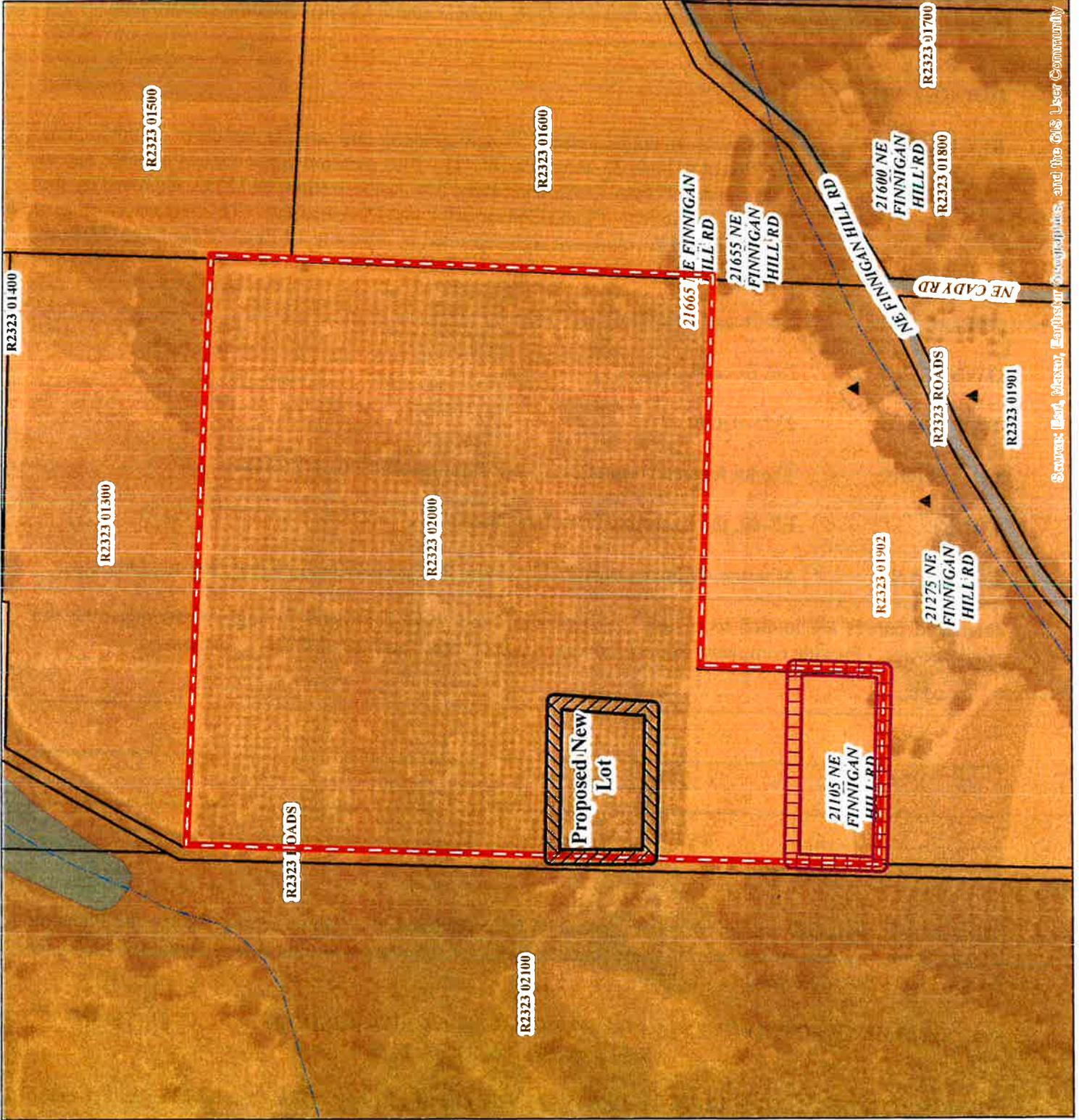
100 Year Zone

Floodway

Approximate Locations & Dimensions
1 inch = 300 feet

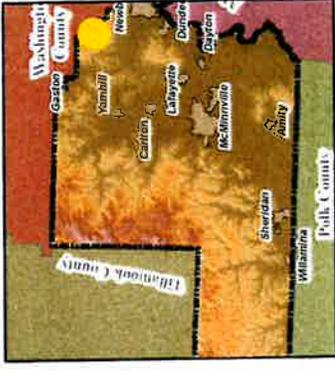


Last Update: September 08, 2025



Source: Plat, Master, Earthstar Companies, and the GIS User Community

YAMHILL COUNTY
TAX LOT INFORMATION
 &
CONTEXTUAL MAP



Property Information

Docket: P-10-25
 The lot directly north of
 21105 NE Finnigan Hill Rd



Subject Parcel(s)

Tax Lot: **R2323 02000**
 Lot Acreage: 39.3



Wetland

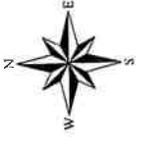
FEMA Flood Zone

Base Flood Elev (ft)

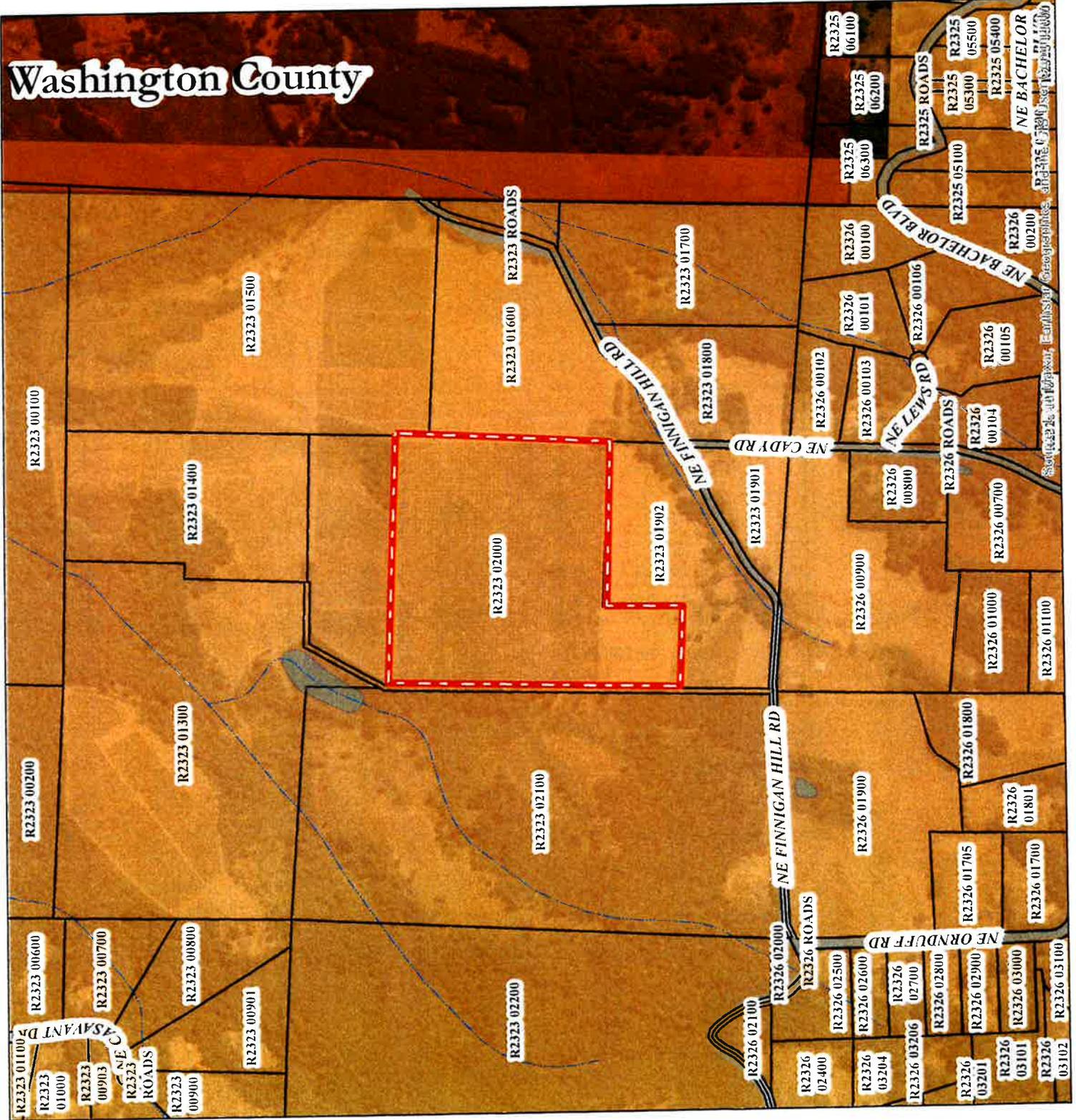
100 Year Zone

Floodway

Approximate Locations & Dimensions
 1 inch = 700 feet



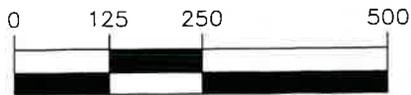
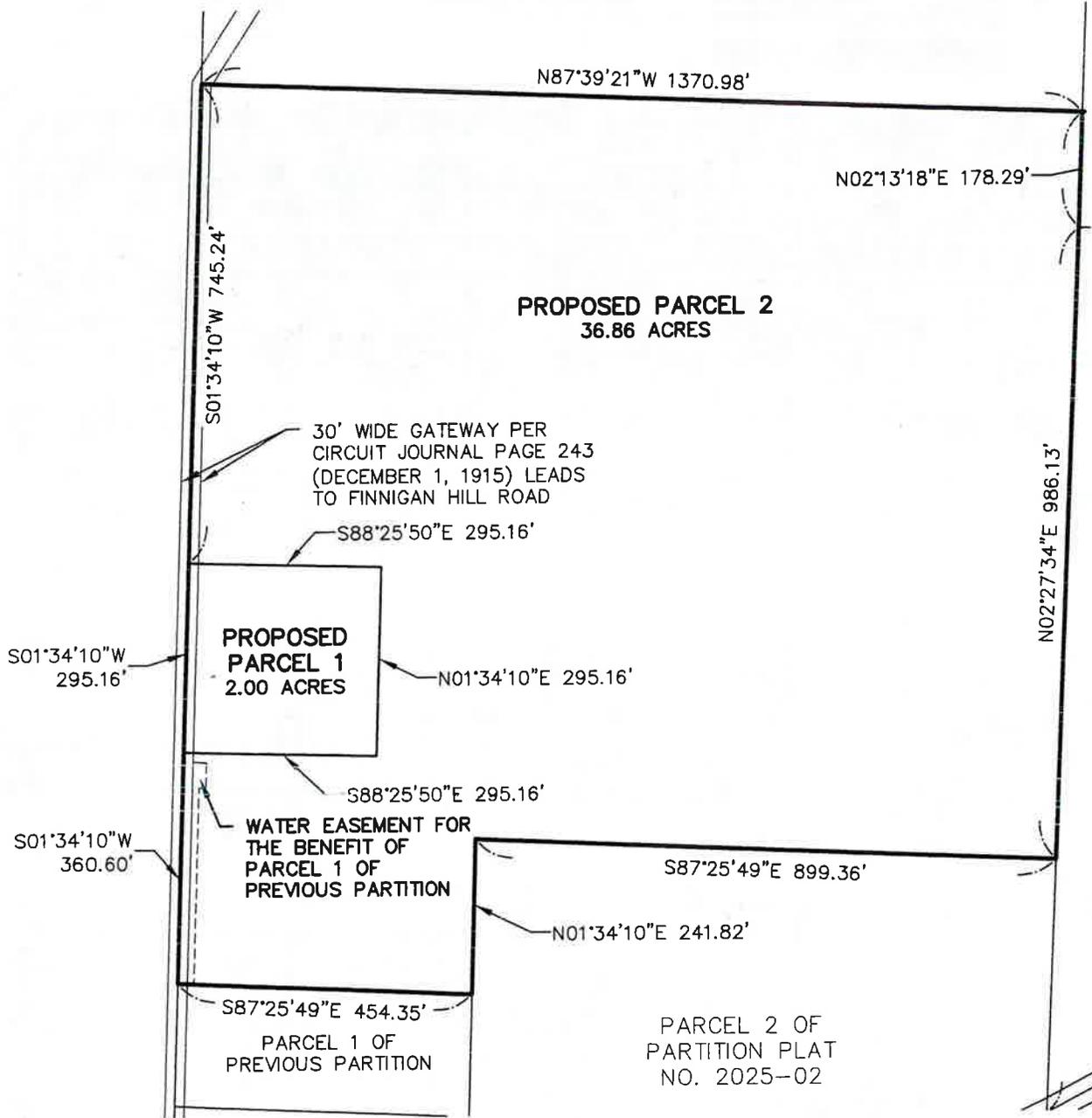
Last Update: September 08, 2025



PROPOSED PARTITION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23,
TOWNSHIP 2 SOUTH, RANGE 3 WEST, W.M.,
YAMHILL COUNTY, OREGON

AUGUST 22, 2025



SCALE: 1 INCH = 250 FEET



OWNER:

DEL BOCA VISTA
111 N COLLEGE ST.
NEWBERG, OR 97132
971-706-2058

PREPARED BY:

TerraCalc
Land Surveying Inc.
1615 N.E. Miller Street
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com

R2326 01900
BLUM FAMILY TRUST BLUM ROBERT M JR CO-TRUSTEE
BLUM PAULA C CO-TRUSTEE
21680 NE ORNDUFF RD
HILLSBORO, OR 97123

R2323 01600 M00206121
CADY ROBIN L
21655 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

P-10-25
DEL BOCA VISTA, LLC
R2323-02000
09/08/2025

R2323 02000
DEL BOCA VISTA LLC
111 N COLLEGE ST
NEWBERG, OR 97132

R2323 01902
JININGS ROBERT & TWENGE DEANNA M
21275 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01800
JININGS ROBERT S TWENGE DEANNA M
21600 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 02100
JOYCE LISA S TRUSTEE JOYCE LISA S TRUST
20605 FINNIGAN HILL RD
HILLSBORO, OR 97123

R2326 00900
MORITZ PAMELA J MORITZ DIRK M
21000 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01700
OTTAWAY BRIAN & AMY LIVING TRUST
OTTAWAY BRIAN R CO-TRUSTEE
OTTAWAY AMY M CO-TRUSTEE
21800 SW FINNIGAN HILL RD
HILLSBORO, OR 97123

R2323 01300 R2323 01400 R2323 01500
QUI PLANTAVIT CURABIT LLC
PO BOX 835
NEWBERG, OR 97132

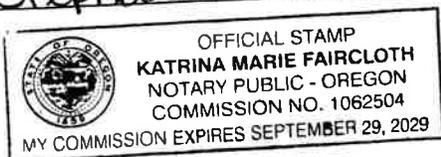
R2323 01901 TWENGE-JININGS FIDELIA
ARUMUGASUNDARAM SUNDARAM
21275 NE FINNIGAN HILL RD
HILLSBORO, OR 97123

APPLICANT: Del Boca Vista
111 N College St.
Newberg, OR 97132

I, Stephanie Curran, on the 12th day of September, 2025
sent the attached public notice of Docket No. P-10-25 to the property owners identified by the PIN
numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 6th day of October, 2025
by Stephanie Curran.



[Signature]
Notary Public For Oregon
My Commission Expires 9/29/29

FORM: #12 • UPDATED: 3/19/2019 10:12 AM

V. Public Agency Reports

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128
Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900
Internet Address: www.yamhillcounty.gov

Date: September 12, 2025

RECEIVED

To: Public Works
 Tualatin Valley Fire & Rescue
 SWCD
 Building Department

Water Master
 Sanitarian
 DLCD

SEP 12 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

Re: **Docket P-10-25**, Del Boca Vista, LLC, Tax Lot # 2323-02000

The referenced docket is currently under consideration by Yamhill County. A request to partition an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject lot (2323-02000). The subject parcel is located in the EF-40 zone, the Exclusive Farm Use District. The subject property is located at the lot located north of 21105 NE Finnigan Hill Road, Hillsboro.

Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: **September 29, 2025**.

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below and provide any comments you wish in the space provided or on additional sheets.

PLEASE NOTE

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization and make its decision accordingly.

1. We have reviewed the file and find no conflicts with our interests.
2. A formal recommendation is under consideration and will be submitted to you by: _____
3. Please refer to the enclosed letter.
4. All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided.

SEE SITE EVALUATIONS

979-25-000388-EVAL

AND 979-25-000375-EVAL

Signed



Title

PERMS

Date

9/12/2025



YAMHILL SOIL & WATER
CONSERVATION DISTRICT

RECEIVED

SEP 17 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

September 17, 2025

Ken Friday, Planning Division Manager
Yamhill County Planning Department
525 NE Fourth Street
McMinnville, OR 97128

Re: P-10-25

Dear Ken,

Thank you for the opportunity to comment on P-10-25 a request to partition a 37 acre property into (2) two parcels. The Yamhill Soil and Water Conservation District requests that the County inform the applicant of the following responsibilities as landowners in rural Yamhill County.

1. Responsibility to comply with the Yamhill Basin Agricultural Water Quality Management Area Plan. The Area Plan provides guidance for addressing water quality related to agricultural activities and identifies strategies to prevent and control water pollution from agricultural lands. Related Oregon Administrative Rules are enforced by the Oregon Department of Agriculture. More information is available on the District's website at: <https://yamhillswcd.org/wp-content/uploads/2022/08/Yamhill-Basin-Agricultural-Water-Quality-Management-Area-Plan-2017-Final.pdf>. If a well is proposed, the applicant should consult with the Oregon Water Resources Department; withdrawals may affect nearby historic wells.
2. Responsibility to control noxious weeds on the applicant's property. Noxious weeds have a negative economic impact on agricultural and forestry working lands, and degrade wildlife habitat and public rights-of-way. Yamhill County noxious weeds of concern are posted on the District's website at: <https://yamhillswcd.org/wp-content/uploads/2023/07/Yamhill-Noxious-Weed-List-2023-2024.pdf>

These landowner management responsibilities help protect lands for current and future agricultural operation and for management of wildlife habitat. Thank you for considering the District's recommendations.

Respectfully submitted on behalf of the District Board,

Barbara Boyer, District Chair



YAMHILL SOIL & WATER
CONSERVATION DISTRICT

September 17, 2025

Ken Friday, Planning Division Manager
Yamhill County Planning Department
525 NE Fourth Street
McMinnville, OR 97128

Re: P-10-25

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Respectfully submitted on behalf of the District Board,

Barbara Boyer, District Chair

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128
Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900
Internet Address: www.yamhillcounty.gov

Date: September 12, 2025

To: Public Works Water Master
 Tualatin Valley Fire & Rescue Sanitarian
 SWCD DLCD
 Building Department

Re: **Docket P-10-25**, Del Boca Vista, LLC, Tax Lot # 2323-02000

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Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: **September 29, 2025**.

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below and provide any comments you wish in the space provided or on additional sheets.

PLEASE NOTE

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization and make its decision accordingly.

1. We have reviewed the file and find no conflicts with our interests.
2. A formal recommendation is under consideration and will be submitted to you by: _____
3. Please refer to the enclosed letter.
4. All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided.

SEE SITE EVALUATIONS
979-25-000388-EVAL
AND 979-25-000375-EVAL

Signed  Title REPLS Date 9/12/2025

Lance Woods

From: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>
Sent: Wednesday, October 29, 2025 5:17 PM
To: Lance Woods
Cc: Ken Friday; AHRENS Melissa * DLCD
Subject: RE: Yamhill County Planning | Measure 49 Development Credit Transfer Question

Caution: This email originated outside of the Yamhill County email system

Lance – I'll share some thoughts here. Let me know if you'd like to talk through any of it.

[OAR 660-029](#) is not applicable in this situation. The property owner is actually “clustering” their home sites, not “transferring” them. The major difference is that an owner can cluster home sites only between two properties that have already have Measure 49 approvals. See subsection 11(4) of [Measure 49](#):

(4) If an owner is authorized to subdivide or partition more than one property, or to establish dwellings on more than one property, under sections 5 to 11 of this 2007 Act and the properties are in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the owner may cluster some or all of the dwellings, lots or parcels on one of the properties if that property is less suitable than the other properties for farm or forest use. If one of the properties is zoned for residential use, the owner may cluster some or all of the dwellings, lots or parcels that would have been located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on the property zoned for residential use.

Subsection 11(8) of [Measure 49](#) authorizes counties to create a transfer program. [OAR 660-029](#) describes the process and requirements for a county to create a program by an ordinance that designates receiving zones. An owner could then transfer a development credit to a property in the receiving zone even if the receiving property does not have a Measure 49 approval. So far, no county has gone through the process to create a transfer system. So, owners can't use the transfer process in subsection 11(8).

The process to cluster home sites between properties is a county process. Please continue to send notice of application and approval, but you do not need to wait for an approval from the state. Though we don't have a formal role, I'm certainly available to help with any questions.

When approving clustering, I see two key parts of subsection 11(4) that need to be addressed in the decision. First, are the properties zoned consistent with the subsection? Second, is the receiving property less suitable for farm or forest use?

There are probably some detailed questions I haven't addressed here, so don't hesitate to call.



Matt Crall [Hear my name](#)

Planning Services Division Manager
Pronouns: He / Him
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: 503-798-6419 | Main: 503-373-0050
matt.crall@dlcd.oregon.gov | www.oregon.gov/LCD

From: Lance Woods <woods@yamhillcounty.gov>
Sent: Wednesday, October 29, 2025 4:12 PM
To: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>
Cc: Ken Friday <fridayk@yamhillcounty.gov>
Subject: Yamhill County Planning | Measure 49 Development Credit Transfer Question

You don't often get email from woods@yamhillcounty.gov. [Learn why this is important](#)

Hello Matt,

I am the planner working on the Measure 49 development credit transfer submitted by Marc Willcuts, whom I believe has both met and been in contact with you this year about this and potentially future requests.

I will soon begin working on the staff report for this request and had a few questions.

Since our county does not have an adopted process, my plan is to directly address the criteria provided in OAR 660-029 for a development credit transfer in the staff report, and have the Planning Director issue a decision. As required in OAR 660-029-0050, any approval will include a condition that the decision will not be considered final until DLCD has provided a preliminary approval of the partition, with any required condition(s) and an Amended Final Order.

I just wanted to run this process by you to make sure it sounds reasonable before I drafted up the staff report.

Let me know if I missed anything. Any guidance that can be provided will be greatly appreciated.

Thank you and kind regards,

Lance Woods
Senior Planner & GIS Analyst
Yamhill County Planning & Development

Telephone: +1 503 434 7516 | Fax: +1 503 434 7544
WoodsL@yamhillcounty.gov | www.yamhillcounty.gov
400 NE Baker Street, McMinnville, OR 97128, USA

Lance Woods

From: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>
Sent: Friday, October 31, 2025 10:52 AM
To: Lance Woods
Cc: Ken Friday; AHRENS Melissa * DLCD
Subject: RE: Yamhill County Planning | Measure 49 Development Credit Transfer Question

Caution: This email originated outside of the Yamhill County email system

I do not see anything in Measure 49 that limits sending and receiving properties by county. I would hope the two counties would coordinate closely so that the sending county does not later approve home sites on the sending property. It would be helpful to record something in the deed records to tell subsequent owners that the M49 homesites have been clustered to another property and cannot be used on the sending property.



Matt Crall

Planning Services Division Manager
503-798-6419
matt.crall@dlcd.oregon.gov | www.oregon.gov/LCD

From: Lance Woods <woods1@yamhillcounty.gov>
Sent: Thursday, October 30, 2025 8:57 AM
To: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>
Cc: Ken Friday <fridayk@yamhillcounty.gov>; AHRENS Melissa * DLCD <Melissa.Ahrens@dlcd.oregon.gov>
Subject: RE: Yamhill County Planning | Measure 49 Development Credit Transfer Question

You don't often get email from woods1@yamhillcounty.gov. [Learn why this is important](#)

Good morning and thank you for replying so quickly, Matt. This response is incredibly helpful. This is the first time our county has processed this type of clustering request, so I had completely overlooked that subsection of the Measure 49 Final Orders in the past.

Just a quick follow-up question, does this same subsection allow for an Applicant who owns multiple resource zoned Measure 49 properties in Coos County, Lake County, and Yamhill County (for example) to cluster the dwellings from any one of those counties to another if that property is less suitable than the other properties for farm or forest use?

Thank you for the support and assistance it is greatly appreciated.

Kind regards,

Lance Woods
Senior Planner & GIS Analyst
Yamhill County Planning & Development

From: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>
Sent: Wednesday, October 29, 2025 5:17 PM
To: Lance Woods <woodsL@yamhillcounty.gov>
Cc: Ken Friday <fridayk@yamhillcounty.gov>; AHRENS Melissa * DLCD <Melissa.Ahrens@dlcd.oregon.gov>
Subject: RE: Yamhill County Planning | Measure 49 Development Credit Transfer Question

Caution: This email originated outside of the Yamhill County email system

Lance – I’ll share some thoughts here. Let me know if you’d like to talk through any of it.

[OAR 660-029](#) is not applicable in this situation. The property owner is actually “clustering” their home sites, not “transferring” them. The major difference is that an owner can cluster home sites only between two properties that have already have Measure 49 approvals. See subsection 11(4) of [Measure 49](#):

(4) If an owner is authorized to subdivide or partition more than one property, or to establish dwellings on more than one property, under sections 5 to 11 of this 2007 Act and the properties are in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the owner may cluster some or all of the dwellings, lots or parcels on one of the properties if that property is less suitable than the other properties for farm or forest use. If one of the properties is zoned for residential use, the owner may cluster some or all of the dwellings, lots or parcels that would have been located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on the property zoned for residential use.

Subsection 11(8) of [Measure 49](#) authorizes counties to create a transfer program. [OAR 660-029](#) describes the process and requirements for a county to create a program by an ordinance that designates receiving zones. An owner could then transfer a development credit to a property in the receiving zone even if the receiving property does not have a Measure 49 approval. So far, no county has gone through the process to create a transfer system. So, owners can’t use the transfer process in subsection 11(8).

The process to cluster home sites between properties is a county process. Please continue to send notice of application and approval, but you do not need to wait for an approval from the state. Though we don’t have a formal role, I’m certainly available to help with any questions.

When approving clustering, I see two key parts of subsection 11(4) that need to be addressed in the decision. First, are the properties zoned consistent with the subsection? Second, is the receiving property less suitable for farm or forest use?

There are probably some detailed questions I haven’t addressed here, so don’t hesitate to call.



Matt Crall

[Hear my name](#)

Planning Services Division Manager

Pronouns: He / Him

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Direct: 503-798-6419 | Main: 503-373-0050

matt.crall@dlcd.oregon.gov | www.oregon.gov/LCD

From: Lance Woods <woodsL@yamhillcounty.gov>

Sent: Wednesday, October 29, 2025 4:12 PM

To: CRALL Matt * DLCD <matt.crall@dlcd.oregon.gov>

Cc: Ken Friday <fridayk@yamhillcounty.gov>

Subject: Yamhill County Planning | Measure 49 Development Credit Transfer Question

You don't often get email from woodsL@yamhillcounty.gov. [Learn why this is important](#)

Hello Matt,

I am the planner working on the Measure 49 development credit transfer submitted by Marc Willcuts, whom I believe has both met and been in contact with you this year about this and potentially future requests.

I will soon begin working on the staff report for this request and had a few questions.

Since our county does not have an adopted process, my plan is to directly address the criteria provided in OAR 660-029 for a development credit transfer in the staff report, and have the Planning Director issue a decision. As required in OAR 660-029-0050, any approval will include a condition that the decision will not be considered final until DLCD has provided a preliminary approval of the partition, with any required condition(s) and an Amended Final Order.

I just wanted to run this process by you to make sure it sounds reasonable before I drafted up the staff report.

Let me know if I missed anything. Any guidance that can be provided will be greatly appreciated.

Thank you and kind regards,

Lance Woods
Senior Planner & GIS Analyst
Yamhill County Planning & Development

Telephone: +1 503 434 7516 | Fax: +1 503 434 7544
WoodsL@yamhillcounty.gov | www.yamhillcounty.gov
400 NE Baker Street, McMinnville, OR 97128, USA

VI. Comments Received

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY 1-800-735-2900 | Web: www.yamhillcounty.gov

RECEIVED

SEP 24 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information please contact Lance Woods at woodsl@yamhillcounty.gov or 503-434-7516, at the Yamhill County Planning Department.

DOCKET NO.: P-10-25

REQUEST: To partition an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject lot (2323-02000).

APPLICANT: Del Boca Vista, LLC

OWNER: Del Boca Vista, LLC

TAX LOT: 2323-02000

LOCATION: The lot located north of 21105 NE Finnigan Hill Road, Hillsboro.

ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

See attached

Signature

Christie Amico
Sept 19, 2025

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$280.00 hearing fee. Dated September 12, 2025.

**COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., September 29, 2025**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

We are opposed to the attached proposal and request that the Planning Commission reject the request for the following reasons:

1. The request opens the door to further reduction in lot size in the area and contradicts local zoning. The owner, as a developer, will request further subdivisions of the remaining 35 undeveloped acreage and will argue that they were permitted to build twice on 2-acre parcels.
2. The proposal would put demands on the water supply that is already limited.
3. The proposal would add traffic to the area. Bald Peak Road is becoming a thoroughfare and short cut for traffic from Hillsboro to McMinnville. There is also recreational traffic of motorcycles and bicycles on the roads. Finnigan Hill Road has had an increase in auto and truck traffic causing a hazard on a dangerous, winding gravel road.
4. Additional construction in the area is damaging to the environment. There are still a lot of wild animals in the area that are becoming threatened by development- cougars, bears, deer, lynx, porcupine, beavers etc.

Victor and Christine Stimac

21995 and 19569 SW Finnigan Hill Road

503 536 3083

RECEIVED

SEP 24 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY 1-800-735-2900 | Web: www.yamhillcounty.gov

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When we were considering purchasing 21105 NE Finnigan Hill Rd. We were told our lot was the only Measure 49 claim that could be filed. That is why we purchased this lot. We have concerns about increased traffic on access road, this area is already high risk fire area - we worry about fires and emergency personnel access, →

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they would be removing an orchard for this home ~~site~~ access, disrupting forest land. Also, we purchased this lot and submitted house placement on this lot to maximize our view with the promise no other lots could be created on this 37 acre parcel. We were informed of this proposal/request in person by Del Boca Vista the day our homes foundation forms were being set. We feel misled and that this move is very sneaky and want to make sure that what we were promised of our lot being the only additional homesite is true. We wouldn't have purchased our lot if we knew there was a chance of the 37 acre parcel being divided, especially since we specifically asked, multiple times, what the future plans for the 37 acre orchard were. We appreciate your time and attention. Thank you.

David & Stephanie Berdichevsky

Mailing address: P.O. Box 262
Newberg, OR 97132

David - 503.544.9186 davidberdichevsky@yahoo.com
Stephanie - 503.593.8209 stephberdichevsky@gmail.com

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

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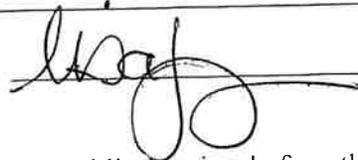
ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

See enclosed

Signature



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Yamhill County Dept. of Planning & Development
400 NE Baker St.
McMinnville, OR 97128

RECEIVED

SEP 29 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

RE: Docket No.: P-10-25

As an interested party I am submitting my comments AGAINST the request to partition.

My name is Lisa Joyce and I am the home and land owner of the property to the west, R232302100

I was NOT in favor of the original partition, I am not in favor of this or any future partitions.

I am concerned with the additional access and traffic on the easement road. It was not built to be a public road or driveway.

With the easement road gate removed I am concerned about the potential liabilities as a woodlands property owner and the additional accessibility to the property.

I am fearful that the partitioning that has already taken place, along with the request for additional partitioning will turn this farmland into a sub-division. PGE has stated that the power vaults they installed are ready for 2 dwellings and stubbed for 2 additional dwellings for a total of 4!

None of which has been communicated by the property owners Del Boca Vista, LLC.

We are a community of farmers, small woodlands, vineyards and neighbors that respect our lands, wildlife and natural resources.

Please say No to the request of Docket No.: P-10-25 and keep our farm lands.

Respectfully,



Lisa Joyce
20605 SW Finnigan Hill Rd.
Hillsboro, OR 97123
YAMHILL COUNTY
503-841-4012

Lance Woods

From: Jessica Biggs
Sent: Wednesday, October 1, 2025 7:19 AM
To: Tiffanie Willis; Lance Woods; Stephanie Curran
Subject: FW: R2323 02000 (P-10-25)

RECEIVED
SEP 29 2025
YAMHILL COUNTY
PLANNING DEPARTMENT

Please see the email below, they didn't CC planning.

Jessica Biggs
Building Inspectors Assistant
Yamhill County Planning & Development
NEW Location 400 NE Baker St. McMinnville OR 97128
Telephone: +1- 503-434-7516 ext 3626
<https://www.yamhillcounty.gov/283/Planning-Development>

From: Amy Larson <amylarson724@gmail.com>
Sent: Monday, September 29, 2025 4:17 PM
To: Jessica Biggs <biggsj@yamhillcounty.gov>
Subject: Re: R2323 02000 (P-10-25)

Caution: This email originated outside of the Yamhill County email system

Hello,

I would like to encourage the county to deny the request for this partition. As more and more houses have been built in this area the water table is already noticeably lower. Our year-round creek is now a small seasonal one and houses are having to drill deeper for new wells.

Also, the impact of our roadways will be significant. Ornduff and Finnegan Hill Road are already seeing an increase of traffic for the property they are building on next to this requested partition. Increase dump truck and equipment Traffic will only make the roads worse. The roads I've mentioned are constantly in a state of disrepair. The washboard is so bad that even when you drive it at 10 miles an hour, your car will slide into the oncoming lane on blind turns. A few of our neighbors were injured this year and it was so painful for them to drive even 5 miles an hour on our roads that match the conditions of those in a Third World country.

If you do decide to approve this partition, please only do so if you plan to maintain our roads better by providing Road Oil during the summer and grading more often. Our roads only see attention after frustrated letters are sent and if this is approved, the negative impact on the surrounding properties would far outweigh the benefit of allowing an additional home to be built on the property.

I would also like to inquire on the area to which neighbors were expected to be notified. I live under a quarter mile from this proposed partition and never received a letter and only found out by word of mouth as there was no signage posted at the property.

Best regards,
Amy Larson

On Monday, September 29, 2025, Jessica Biggs <biggsj@yamhillcounty.gov> wrote:

Please see the attachment and comment form.

Thank you,

Jessica Biggs

Building Inspectors Assistant

Yamhill County Planning & Development

NEW Location 400 NE Baker St. McMinnville OR 97128

Telephone:+1- 503-434-7516 ext 3626

<https://www.yamhillcounty.gov/283/Planning-Development>

Fidelia Twenge-Jinings & Sundaram Arumugasundaram
21275 NE Finnigan Hill Rd.
Hillsboro, OR 97123

RECEIVED
SEP 29 2025
YAMHILL COUNTY
PLANNING DEPARTMENT

September 28, 2025

Yamhill County Department of Planning and Development
400 NE Baker St.
McMinnville, OR 97128

Subject: Notice of Pending Administrative Action, Docket P-10-25

Dear Members of the Yamhill County Department of Planning and Development:

My husband and I live next to the property that is the subject of this proposed additional partition, and I grew up on another adjacent property where my parents still live and farm. I am very proud to state that I'm a sixth-generation Oregonian, and my family has lived and farmed in this area since 1872. As small farmers, we have never gotten wealthy by farming endeavors, but I consider myself very rich indeed to still be stewarding and farming the land my family has loved all these generations.

My husband and I unequivocally oppose this proposal.

My grandmother was granted the Measure 49 claim Del Boca Vista, LLC is now attempting to cash in a second time. My grandmother had hoped her Measure 49 claim would give our family members the opportunity to build our own homes and continue to live and farm on the land that she was literally born on in 1925. For decades, my uncle farmed the 39.3 acres until he could physically no longer do so. Unable to come up with the means to buy it ourselves, I came to terms with saying goodbye to the orchard I grew up in, worked so many summers and falls in, and took walks in every day since 2017, when I moved into my deceased grandmother's home. I came to terms with the prospect of two new households moving in, and gave way to the hope that they would be good ones.

What I cannot come to terms with is the second proposal of a subsequent partition by Del Boca Vista, LLC.

A farmer's burden is great to get rights to even just one homesite in Yamhill County EF-40. A farmer must demonstrate \$80k in gross farm revenue for two consecutive years before even applying for a single homesite on 40 acres. To demonstrate how great this burden is, over the last two weeks, we have made just \$530 in gross sales of

our Italian prune plums. The applicants of Del Boca Vista, LLC are neither farmers nor local residents of this community. How can the law allow them to swoop in using a loophole to profit from the sale of precious Yamhill County agricultural soils?

Measure 49 made the burden to live and work on farmland easier and possible for farmers. I don't think the intent of Measure 49 was to enable those with the wiles and resources to trick the system for the goal of profit. Owners of Del Boca Vista, LLC do not live or work in our neighborhood. They are diminishing our resources for the sole purpose of self enrichment. Our neighborhood is a community. We look out for each other, help each other and share resources that allow us to farm, produce and share food with each other and the larger community.

Agriculture is our heritage and an integral part of our identity in Yamhill County. We entrust Yamhill County with the duty of safeguarding our lands. Most Oregonians also deeply care about protecting our wild and native species. In rural areas, farming often harmoniously coexists with revered wildlife. On the land in question, there have been frequent sightings of deer, coyote, bobcat, and many native birds. There have even been sightings of porcupine and a mama bear with cubs. Next door in her managed woodland, Lisa Joyce keeps trail cams that capture footage of bears and mountain lions. Yamhill County's diverse patchwork of wild forests, managed timber and agricultural land make it possible for these creatures to continue to exist next to us. The more it's carved up and developed outside the urban growth boundary, the more loss we have of our precious biodiversity.

EF-40 is not the right place to site a suburb. Yamhill County should honor and uphold its heritage and identity by preserving this farmland.

In summary, these are our points of opposition to proposed Docket P-10-25 with reference to laws and planning goals.

1. Consistency with EF-40 Zoning and State Law

The subject property lies within the EF-40 (Exclusive Farm Use, 40-acre minimum) zone. Under Yamhill County Zoning Ordinance (YCZO) Chapter 402 and ORS 215.283–215.284, partitions and dwellings in EFU zones are permitted only when they support farm use as defined in ORS 215.203.

Approval of this partition would be inconsistent with:

- ORS 215.284: requiring \$80,000 gross annual farm income for two consecutive years to qualify for a dwelling on farmland. This threshold exists precisely to protect against speculative non-farm development.
- ORS 215.296(1): prohibiting uses that force a significant change or cost to accepted farm practices on surrounding lands. Rural residential sprawl invariably creates conflict with neighboring farms over spraying, noise, and harvest activities.

The applicants of Del Boca Vista, LLC are not farmers and have no demonstrated farm income. To allow them to bypass this burden undermines the integrity of the EF-40 zone.

2. Measure 49 Limits

Measure 49 was enacted to balance fairness for landowners with the preservation of farmland. While it allowed certain partitions, it does not authorize repeated or serial partitions beyond what was originally approved.

The applicants already benefited once under a Measure 49 claim. A second subdivision is not consistent with the text or intent of Measure 49 and would constitute an impermissible expansion of rights. Oregon courts and the Land Use Board of Appeals (LUBA) have repeatedly held that speculative serial partitioning of EFU land is contrary to law and policy.

3. Statewide Planning Goals

This proposal also conflicts with Oregon's Statewide Planning Goals, which Yamhill County is legally obligated to uphold:

- Goal 3 (Agricultural Lands): requires the preservation of agricultural land for farm use. Splitting EF-40 parcels into residential lots undermines long-term farm viability.
 - Goal 14 (Urbanization): directs that higher-density residential development must occur inside urban growth boundaries (UGBs), not on farmland. EF-40 is not an appropriate place to establish suburban-style housing density.
 - Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces): requires protection of fish and wildlife habitat. This property is part of a diverse landscape of farmland, forest, and timber, and regularly supports deer, coyote, bobcat, porcupine, and even black bear and cougar. Subdividing farmland diminishes habitat and reduces ecological integrity.
-

4. Public Interest and County Liability

Approval would also create measurable public burdens:

- Infrastructure: Additional dwellings outside UGBs increase strain on rural roads, emergency services, and fire protection — services not designed to support suburban density in EFU zones. This shifts costs to the County and taxpayers.
- Agricultural Conflicts: Courts and LUBA have acknowledged that rural residential sprawl creates recurring land-use conflicts (e.g., “right to farm” disputes). Each new dwelling in EFU zones increases legal friction and enforcement costs.

Land-use decisions must balance private interests with the public interest. Here, the only benefit is speculative private profit, while the costs — agricultural, ecological, and financial — fall upon the County and its residents.

5. Community and Heritage Considerations

This neighborhood is a functioning agricultural community where farmers rely on one another for equipment, labor, and resource sharing. Fragmenting farmland into residential lots weakens this network, diminishes farming efficiency, and erodes the agricultural heritage Yamhill County has pledged to protect.

Oregon law entrusts counties to protect farmland not only as an economic resource but also as part of our cultural and historic identity. To approve this application would undermine that duty.

Conclusion

For all the reasons above — inconsistency with ORS 215.283, ORS 215.284, ORS 215.296, YCZO Chapter 402, conflicts with Statewide Planning Goals 3, 5, and 14, the improper extension of Measure 49, and the demonstrable harms to agriculture, wildlife, and public resources — we respectfully urge Yamhill County to deny this proposed partition.

Respectfully submitted,

Fidelia Twenge-Jinings



Sundaram Arumugasundaram



Residents of:

21220 NE Finnigan Hill Rd.
Hillsboro, OR 97123

Owners of:

21220 NE Finnigan Hill Rd.
Hillsboro, OR 97123

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128

Phone:(503) 434-7516 | Fax:(503)434-7544 | TTY 1-800-735-2900 | Web: www.yamhillcounty.gov

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OWNER: Del Boca Vista, LLC

TAX LOT: 2323-02000

LOCATION: The lot located north of 21105 NE Finnigan Hill Road, Hillsboro.

ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

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Robert S. Jinings & Deanna Twenge
21600 NE Finnigan Hill Rd.
Hillsboro, OR 97123

RECEIVED
SEP 29 2025
YAMHILL COUNTY
PLANNING DEPARTMENT

September 28, 2025

Yamhill County Department of Planning and Development
400 NE Baker St.
McMinnville, OR 97128

Subject: Notice of Pending Administrative Action, Docket P-10-25

Dear Members of the Yamhill County Department of Planning and Development:

I, Robert Jinings, and my wife, Deanna Twenge, are the owners of property 2323-01900, adjacent to 2323-02000. These two properties had belonged to my parents, to my mother's parents, and to her step-father's parents before that, dating back to 1907. My mother created a trust, wherein the 65-acre property was to be divided between my brother, Richerd Jinings, and myself. Originally, my bother was to inherit the approximately 35-acre filbert orchard, and I was to get the approximate 30-acres with home and out-buildings. Because of Measure 37, one parcel had to become 40 acres; therefore, my brother was to receive 40 acres, and I 23 acres.

Richerd and I have farmed this land since before my father passed away, for at least 45 years. My brother sold his acreage because of health concerns, with the understanding that a 2-acre parcel could be established and have a home-site, and that the approximate 37-acre parcel could also have a homesite.

In light of the continuous agricultural use in this high-value Yamhill County Farm area, we are opposed to this petition to further develop farmland into clustered residences.

Del Boca Vista LLC, the new owners of my brother's former property, propose to transfer a home site authorized under Measure 49 Final Order 122333 from tax lot 3210-02400 to the subject property, tax lot 2323-02000. That transfer does not appear to be authorized under law. In certain circumstances, OAR 660-041-0180(3) does authorize the transfer development rights in order to cluster development. However, those circumstances do not to appear to be present here.

Under OAR 660-041-180(3)(a), the transfer can only be approved if the subject parcel on which the "dwellings are proposed to be clustered is less suitable than the other

property or properties for farm or forest use". In this case, that determination cannot be made.

33

Tax lot 2323-02000 is approximately a ~~32~~ 33-acre parcel on Finnigan Hill Road. This acreage has been continuously farmed for over 100 years. It consists almost entirely of high-value Class II and III soils and is some of the levellest farm ground on Chehalem Mountain. In contrast, Tax lot 3210-02400 is a 2.3 acre parcel on Quarry Rd that has steep 30-60% slopes and has no apparent farm use. It is comprised almost entirely of Class VI erodible soils.

It is not possible for the county to determine that the subject property is less suitable for farming than the Quarry Road property.

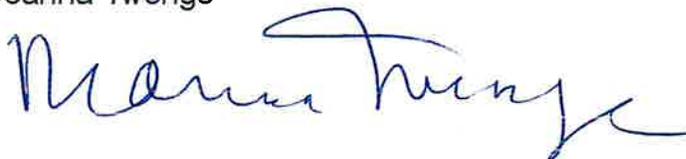
All neighbors in the surrounding area who received letters regarding this partition have conversed about this, and all are unanimously opposed to this proposal.

Sincerely,

Robert Jinings



Deanna Twenge



Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128
Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY 1-800-735-2900 | Web: www.yamhillcounty.gov

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information please contact Lance Woods at woods1@yamhillcounty.gov or 503-434-7516, at the Yamhill County Planning Department.

DOCKET NO.: P-10-25

REQUEST: To partition an approximately 37-acre property into two (2) parcels of approximately 2.0 (Parcel #1) and 35-acres (Parcel #2). This partition application is possible due to a "Measure 49" Final Order and Home Site Authorization, E122333, approved by the Oregon Department of Land Conservation and Development. This request involves a transfer of the development rights granted by Measure 49 Final Order E122333 from Tax Lot 3210-02400 to the subject lot (2323-02000).

APPLICANT: Del Boca Vista, LLC

OWNER: Del Boca Vista, LLC

TAX LOT: 2323-02000

LOCATION: The lot located north of 21105 NE Finnigan Hill Road, Hillsboro.

ZONE: EF-40, the Exclusive Farm Use District

CRITERIA: Measure 49 Final Order E122333 and the *Yamhill County Land Division Ordinance*

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space or attach additional sheets as necessary.

Signature _____

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$280.00 hearing fee. Dated September 12, 2025.

**COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., September 29, 2025**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Lance Woods

From: Pamela Moritz <pamela.moritz@yahoo.com>
Sent: Tuesday, September 30, 2025 8:11 AM
To: Lance Woods
Subject: Docket P-10-25

RECEIVED

SEP 30 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

Caution: This email originated outside of the Yamhill County email system

As homeowners we oppose this proposal to adding Parcel 1 located north of 21005 NE Finnigan Hill Rd. This does not fit with the current zoning for EF-40 Exclusive Farm Use.

Finnigan Hill Road does not need any more dwellings, let alone one so close to another.

Thank you for your consideration.

Sincerely,
Pam and Dirk Moritz
21000 NE Finnigan Hill Rd.
Hillsboro, Or. 97123