

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUISNESS

In the Matter of Upholding the Planning Director's)	
Approval of a Request to Change the Approved)	
Location of a Forest Template Dwelling on Tax)	Board Order 19-459
Lot 5614-2100; Applicant Justin Trowbridge (as)	
agent for the owner, Paul Vandonzel); Planning)	
Docket FT-04-19)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on November 14, 2019, Commissioners, Richard L. "Rick" Olson, Mary Starrett and Casey Kulla being present.

IT APPEARING TO THE BOARD as follows:

A. Justin Trowbridge (as agent for the owner, Paul Vandonzel) ("applicant") received from Yamhill County permission to site a forest template dwelling on Tax Lot 5614-2100, through the approval of Planning Docket FT-09-18. In Planning Docket FT-04-19, the applicant applied for permission to site the previously-approved dwelling at a different location on the same tax lot. The Planning Director approved the applicant's request and a timely appeal of his decision was filed.

B. On October 17, 2019, following a duly-noticed public hearing, the Board deliberated and voted 3-0 to uphold the Planning Director's decision, and to deny the appeal. NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The Planning Director's decision to approve Planning Docket FT-04-19 is hereby upheld, the appeal filed in this matter is denied, and the application is approved.

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Section 2. The findings and conditions attached as Exhibit A, and incorporated herein by reference, are hereby adopted in support of, and as part of, this Order.

DONE this 14th day of November, 2019 at McMinnville, Oregon.

ATTEST:  YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Richard L. Olson *11-14-19*
Chair RICHARD L. "RICK" OLSON

By: *Carolina Rook*
Deputy Carolina Rook

Mary Starrett
Commissioner MARY STARRETT

FORM APPROVED BY:

T. Sadlo
Timothy S. Sadlo
Senior Assistant County Counsel

Casey Kulla
Commissioner CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
11/14/19 by Board Order
Board Order 19-459
_____ Page 2

**Exhibit A – Board Order 19-459
Findings in Support of Decision to
Uphold the Planning Director’s
Approval of Docket No. FT-04-19
and Conditions of Approval**

DOCKET NO.: FT-04-19

REQUEST: To relocate the approved Forest Template Dwelling location to be north of the existing driveway

APPLICANT: Justin Trowbridge (as agent for the owner, Paul Vandonzel)

TAX LOT: 5614-2100

LOCATION: 26885 SW Smithville Road, Sheridan

ZONE: AF-20, Agriculture/Forestry District

CRITERIA: Section 403.09(A) of the Yamhill County Zoning Ordinance

A. Background Facts

1. *Parcel Size:* 19.17 acres.
2. *Access:* SW Smithville Road.
3. *On-site land use:* Current aerial imagery indicates that the majority of the parcel is in forest use. There is a shop building on the property.
4. *Surrounding Zoning and Land Use:* The adjoining parcels to the west, north, and south are zoned AF-20. Land to the east is located in the Forestry (F-80) District. The majority of the parcels in the area appear to be actively managed forests, with commercial timber harvesting evident on a number of properties. Parcels in the surrounding area are generally large lots, ranging in size from 25-acres to over 900-acres. There a few smaller parcels neighboring the applicant’s property, ranging in size from 2-acres to 20-acres. The majority of these smaller parcels have homes located on them and the predominant land use appears to be residential uses with some scattered farming uses.
5. *Water:* The applicant has indicated there is an existing, on-site well.
6. *Sewage Disposal:* An on-site septic system will be required.
7. *Fire Protection:* Sheridan Rural Fire District.
8. *Soils:* The Yamhill County Soil Survey indicates that approximately one-half of the property is composed of Carlton Silt Loam, found at 2 to 12 percent slopes, with a potential timber

yield of 155 cubic feet/acre/year. The west-southwest ¼ of the property is composed of Jory-Bellpine complex soils, found at 30 to 60 percent slopes, with a potential timber yield of 160 cubic feet/acre/year. The northern 16% of the property is composed of Jory-Bellpine complex soils, found at 20 to 30 percent slopes, with a potential timber yield of 160 cubic feet/acre/year. The eastern 13% of the property is composed of Wapato silty clay loam, found at 0 to 3 percent slopes, which has a potential timber yield of 155 cubic feet/acre/year.

9. The property has a previous Forest Template Dwelling approved through FT-09-18. The request is for permission to site the previously-approved dwelling at a different location on the same tax lot. These findings address the dwelling siting standards and conclude that the proposed change to the previously-approved dwelling location is appropriate under the county's zoning ordinance.

B. Dwelling Siting Standards

1. *Yamhill County Zoning Ordinance* Section 403.09 requires that all new dwellings comply with the following criteria:

(A) *Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:*

(1) *Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;*

(2) *Ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*

(3) *Minimizes the amount of forest lands used for the building sites, road access and service corridors; and*

(4) *Minimizes the risk associated with wildfire.*

Standard (A) is the only standard relevant to the applicant's request to site the dwelling at a location different from the previously approved location. Regarding standard (A), the applicant has submitted a site plan indicating that the proposed building site will be located along the northern property line. The proposed dwelling site is located outside of the 100-year floodplain overlay district. Evidence in the record establishes that, in considering this standard, the proposed dwelling location is equivalent to the previously approved location in consideration of the relevant physical and locational factors. The proposed dwelling site is located just east of an existing driveway which accesses Smithville Road. The proposed building site will not require the removal of any existing, established timber. Similarly, the access driveway was established many years ago and will not require the removal of any trees from the property. These factors minimize the risk associated with wildfire as well or better than the previously approved dwelling location. The pattern of development in the area, and previously adopted findings regarding the previously

approved dwelling location are equally supportive of a conclusion that the proposed dwelling site meets the applicable standard and will result in little to no impact on nearby farm or forest uses. A condition of approval safeguards compliance with this standard by requiring that the applicant establish and maintain the entirety of the primary and secondary fire breaks, or the entire distance to the applicant's property line if the building site is less than the combined 130 feet of fire break area required by Section 403.10(F) and 403.10(G) of the *Yamhill County Zoning Ordinance*. Condition #1 of Docket FT-09-18 is changed by this decision to recognize the modified site maps submitted with the application.

CONCLUSIONS:

1. The request is to modify the location of a forest template dwelling on a property in the AF-20 zoning district.
2. Evidence previously established that the parcel was predominantly in forest use on January 1, 1993.
3. Conditions of approval are still necessary and in effect to assure full compliance with siting and fire safety standards of Sections 403.09, 403.10 and 403.11 of the YCZO.

DECISION:

Based on the above findings and conclusions, the request by Justin Trowbridge to modify the location of a forest template dwelling on **Tax Lot 5614-2100** is hereby approved with the following modification of condition Number 1. of Docket FT-09-18:

1. The dwelling shall be located within the building site identified in the application **for Docket FT-04-19** (See site map in file). Another building site may be approved if an application is made and evidence is provided to indicate how an alternative location will comply with the standards in Section 403.09(A) of the *Yamhill County Zoning Ordinance*.

PLEASE NOTE: Conditions 2 through 9 of Docket FT-09-18 remain in effect.

END