

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Upholding the Director's
Decision to Deny Planning Docket FP-10-
22/SDR-40-22; Flood Plain Development
Permit; Tax Lot R3219 00700; Applicant:
NV5 Inc.; Owner: Chehalem Parks and
Recreation District

Board Order 23-168

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on May 4, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

A. WHEREAS, The applicants, NV5 Inc., on behalf of owner Chehalem Parks and Recreation District (CPRD), requested a flood plain development permit subject to site design review for the construction of a new footbridge over Chehalem Creek at Ewing Young Park inside of the 100-year floodplain overlay district; and

B. WHEREAS, The Yamhill County Planning Director issued a decision letter denying the request on March 1, 2023; and

C. WHEREAS, The Planning Director's decision was appealed and considered by the Board at a hearing held on April 13, 2023; and

D. WHEREAS, Following deliberation, the Board voted unanimously to uphold the Planning Director's decision, deny the appeal, and deny the application; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket FP-10-22/SDR-40-22 is denied.

Section 2. The Board adopts findings in support of this decision as provided in Exhibit A, attached hereto and incorporated herein.

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DONE this 4 day of May, 2023, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS



KERI HINTON
County Clerk

Chair LINDSAY BERSCHAUER

By:
Deputy Carolina Rook

Commissioner KIT JOHNSTON

FORM APPROVED BY:

Commissioner MARY STARRETT

Jodi M. Gollehon
Assistant County Counsel

EXHIBIT A
FINDINGS IN SUPPORT OF DENIAL

(Board Order 23-168)

HEARING DATE: Yamhill County Board of Commissioners (County), April 13, 2023

DOCKET NO.: FP-10-22/SDR-40-22

REQUEST: A flood plain development permit subject to site design review for the construction of a new footbridge over Chehalem Creek at Ewing Young Park inside of the 100-year Floodplain Overlay District

APPLICANT: NV5 Inc.

OWNER: Chehalem Parks and Recreation District

TAX LOT: R3219 00700

LOCATION: The parcel located west of the parcel at 1201 S. Blaine St., Newberg

ZONE: The portion of the parcel that is located to the west of Chehalem Creek is located in the AF-10, Agriculture/Forestry Small Holding District. The portion to the east of the creek is located within the city limits of Newberg.

CRITERIA: Sections 501, 901, and 1101 of the Yamhill County Zoning Ordinance (YCZO)

FINDINGS OF FACT:

A. Background Facts

1. *Lot Size:* Approximately 23.82-acres
2. *Access:* The subject parcel is accessed by way of S. Blaine Street. The portion of the property to the west of Chehalem Creek is currently inaccessible.
3. *On-site Land Use and Zoning:* Chehalem Creek bisects this parcel with the western portion located in the AF-10, Agriculture/Forestry Small Holding District. The portion located to the east of the creek is located within the city limits of Newberg. The portion of the property located in the AF-10 zoning designation is entirely within the 100-year FEMA floodplain area and has mapped wetlands located on site. While not the subject of this current land use matter there are three contiguous Tax Lots that, with the subject Tax Lot, form a tract. This includes Tax Lots 3219DC-02000, 3219DC-00700, and 3219-00301. These parcels are located inside the Newberg City Limits. The tract is currently devoted to recreational uses and is the site of Ewing Young Historical Park. This application seeks the permitting of a

new foot bridge over Chehalem Creek that would allow for access to the portion of the parcel that is currently segregated due to the creek.

4. *Surrounding Land Use and Zoning:* The surrounding parcels to the north, east and southeast are located within the Newberg City Limits. Beyond the tract that is dedicated to parks use, the surrounding area is largely comprised of residential uses. These parcels range in size from approximately 7,000 square feet to 13,00 square feet. To the west, and south, parcels are located in the Very Low Density Residential, VLDR-2.5 and VLDR-5 zones. As the zoning suggests, these parcels are dedicated to rural residential uses. These parcels range in size from 1 acre up to approximately 5 acres in size.
5. *Water:* The proposed use will not require water service.
6. *Sewage Disposal:* The proposed use will not require septic or sewer hookup.
7. *Fire Protection:* Tualatin Valley Fire and Rescue
8. *Previous Actions:* None
9. *Deferral:* The Assessor's office records indicate that the property is not receiving farm tax deferral.
10. *Overlay Districts:* Floodway of Chehalem Creek bisects the parcel. The western portion of the property is located within the 100-year floodplain overlay district as is a small area of the eastern portion. An identified wetland is located near the center of the parcel. The property is not within the airport, Willamette River Greenway, restricted ground water, or free range area overlay districts.

B. Floodplain Development Provisions and Analysis

Section 901.05 of the Yamhill County Zoning Ordinance (YCZO) states that a floodplain development permit shall be obtained before the start of any construction or development within the Floodplain Overlay District. The applicant has requested the issuance of a floodplain development permit for the construction of a new footbridge over Chehalem Creek within the Floodplain Overlay District.

Section 901.06 of the YCZO states that prior to issuance of a floodplain development permit, the applicant must demonstrate that:

- A. *The proposed development conforms with the permit requirements and conditions of this section and the use provisions, standards and limitations of the underlying zoning district and other overlay district.*
- B. *The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.*

- C. *The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.*
- D. *All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.*
- E. *The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471.*

An analysis of each respective provision follows.

1. **Analysis:** *Does the proposed development conform with the permit requirements and conditions of YCZO 901 and the use provisions, standards, and limitations of the underlying zoning district and other overlay district?*

Regarding criterion (A), the property is zoned Agriculture/Forestry Small Holding (AF-10). YCZO 501 outlines land uses that are allowed as both permitted and conditional uses in AF-10 zones. The request under review is for a floodplain development permit to allow for the construction of a footbridge over Chehalem Creek to provide access to the western portion of the property.

The application states that the proposed development is for a park, which is listed as a permitted use in the AF-10 zone. The County agrees that YCZO 501.02(E) lists parks as a permitted use. However, the definition of a park does not include a footbridge or other transportation facilities. Specifically, YCZO 200 defines “park” as, “Any public or private land reserved for recreational, educational, cultural, or open space uses.” As confirmed in *Van Dyke v. Yamhill County*¹, the absence of such a use from the code provisions for AF-10 zones means the County must therefore view the proposed use as being prohibited.

In 2018, the Land Use Board of Appeals (LUBA) heard the seminal case *Van Dyke v. Yamhill County*, which related to the placement of a recreational trail within an abandoned railroad right-of-way. In their decision, LUBA noted that roads, highways, and other transportation facilities (including recreational trails) were listed as a conditional use in the County’s Exclusive Farm Use (EFU) zone; however, there was no corresponding list of transportation facilities in the AF-10 zone. LUBA specifically noted in their footnote #8 on page 20 that:

“YZCO (sic) 501.02 and 501.03 list the permitted and conditional uses allowed in the AF-10 zone. Petitioners are correct that neither YZCO 501.02 (sic) nor 501.03 list a recreational trail or similar transportation facility as an allowed use. YZCO 501.04 states that “[u]ses of land and water nor specifically mentioned in this section are prohibited in the AF-10 District.” Thus, petitioners appear to be correct that the proposed recreational trail is prohibited in the AF-10 zone.”

The definition of a transportation facility is found in Oregon’s Statewide Planning Goal 12 (“Goal 12”)², which states that, “Transportation Facility * * * refers to any physical facility that moves or assists

¹ *Van Dyke v. Yamhill County*, 78 Or LUBA 530 (2018).

² See OAR 660-015-0000(12).

in the movement of people and goods excluding electricity, sewage, and water.”³ A pedestrian bridge as proposed by the applicants will be a physical facility that will allow individuals to access to the west side of Chehalem Creek.⁴ This intended purpose clearly falls under the definition of “transportation facility”.

Prior to *Van Dyke*, transportation facilities not otherwise listed in the YCZO were treated as an accessory use. However, as noted by LUBA in *Van Dyke*, other zoning districts within Yamhill County specifically list “transportation facilities” as permitted and conditional uses (i.e., YCZO 402.02(L), YCZO 402.04(J) and YCZO 402.04(N)). But these specified uses are omitted from YCZO 501, and YCZO 501.04 specifically prohibits, “[u]ses of land and water not specifically mentioned in this section” on AF-10 properties. Accordingly, a transportation facility is not an authorized use in AF-10 zones.

The applicant is proposing development of a pedestrian bridge, or a “transportation facility” as per Goal 12, on property zoned AF-10. The YCZO does not allow for transportation facilities in AF-10 zones, and the proposed use is therefore prohibited pursuant to the provisions of YCZO 501.04.

This criterion has not been met.

2. *Analysis: Does the proposed development, if located within the floodway, satisfy the provisions of YCZO 901.09?*

Regarding criterion (B), the request is for a footbridge over Chehalem Creek which would include work within the floodway. The application materials included a Bridge Hydraulic Design Report which demonstrates that the proposed footbridge will not result in any increase in flood levels during the occurrence of base flood discharge.

3. *Analysis: Does the proposed development not increase the water surface elevation of the base flood by more than one (1) foot at any point?*

Regarding criterion (C), a condition of approval will require the submission of a statement, prepared by a licensed professional engineer, that evaluates the proposed construction to ensure that it will not increase the base flood elevation by more than one foot. With such a condition, this criterion will be satisfied.

4. *Analysis: Have all applicable permits been obtained from federal, state, or local governmental agencies, and have all applicable National Flood Insurance Program requirements been satisfied?*

Regarding criterion (D), as a condition of approval the applicant shall be required to obtain any required permits from the Department of State Lands, the Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

5. *Analysis: Is the proposed development consistent with policies (j) and (k) of the Yamhill County Comprehensive Plan, including as amended?*

³ See also OAR 660-012-0005(46).

⁴ See applicant’s application, attached hereto as Exhibit A-1.

Policies (j) and (k) of the Yamhill County Comprehensive Plan are as follows:

- j. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use application for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizon tally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (National Resource Conservation Plan, Yamhill County, Oregon, May 1979 USDA Soil Conservation Service, that are not regulated under the Forest Practices Act.*
- k. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including rip rap and fill, should be reviewed by the appropriate state permitting authority to insure (sic) that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion and accretion patterns.*

The application notes that the proposed development will not negatively impact riparian vegetation along Chehalem Creek. It also notes that the project will require the removal of two trees; however, 11 new trees will be planted to mitigate the loss of the two trees. As it relates to water erosion control, the applicant states that the provided Bridge Hydraulic Design Report demonstrates that riprap will not be required. Native plants will be used around the footbridge abutments and bridge approach to restore any areas of native riparian habitat that were disturbed during construction of the project. A condition of approval would be required to ensure that only native vegetation is planted in areas that require replanting. With this condition, this criterion will be satisfied.

B. Site Design Review

The applicant requested a sight design review for the proposed development. Section 1101.02(A) of the YCZO governs site design review. Review of a site development plan shall be based upon consideration of the following:

- 1. Characteristics of adjoining and surrounding uses;*
- 2. Economic factors relating to the proposed use;*
- 3. Traffic safety, internal circulation and parking;*
- 4. Provisions for adequate noise and/or visual buffering from noncompatible uses;*
- 5. Retention of existing natural features on site;*

6. *Problems that may arise due to development within potential hazard areas;*
7. *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

An analysis of each respective provision follows.

1. Analysis: *Characteristics of the adjoining and surrounding uses?*

Regarding standard (1), the surrounding parcels to the north, east, and southeast are located within the Newberg city limits. Beyond the tract that is dedicated to park use, the surrounding area is largely comprised of residential lots. These parcels range in size from approximately 7,000 square feet to 13,000 square feet. To the west and south, parcels are located in the Very Low Density Residential, VLDR-2.5 and VLDR-5 zones. As the zoning suggests, these parcels are dedicated to rural residential uses. These parcels range in size from 1 acre up to approximately 5 acres in size.

2. Analysis: *Economic factors relating to the proposed use?*

Regarding standard (2), the applicant has not identified any economic factors related to the use that would impact the proposed development. The application is seeking approval for the construction of a pedestrian bridge over Chehalem Creek that would provide access to the 11-acre portion of the parcel and park that is currently inaccessible.

3. Analysis: *Traffic safety, internal circulation and parking?*

Regarding standard (3), the application seeks approval for the construction of a new pedestrian bridge to provide access to the portion of the Tax Lot that lies to the west of Chehalem Creek. The request does not include any changes to the access, internal circulation, or parking areas that are already in existence at Ewing Young Park.

4. Analysis: *Provisions for adequate noise and/or visual buffering from noncompatible uses?*

Regarding standard (4), the proposed development is located on a parcel that is currently devoted to recreation and park uses. The installation of a pedestrian bridge over Chehalem Creek would allow for access to the 11-acre portion of the property that is currently inaccessible. The proposed development would require the removal of only two trees, though 11 trees will be replanted to offset this removal. The area along Chehalem Creek is wooded, providing screening to surrounding properties. To the west of the subject property, a stand of trees provides screening between the park and surrounding properties. This will provide for noise and visual buffering to the properties dedicated to rural residential uses.

5. Analysis: *Retention of existing natural features on site?*

Regarding standard (5), the applicant indicates that the only natural feature impacted by the proposed development will be the removal of two trees to allow for the construction of the footbridge, though 11 trees will be replanted to offset this removal.

6. Analysis: *Problems that may arise due to development within potential hazard areas?*

Regarding standard (6), the proposed development is located within the Floodplain Overlay District, the 100-year floodplain of Chehalem Creek. The applicant included a "No-Rise" certification with the application materials. This certification was prepared by a registered professional engineer using hydrologic and hydraulic analyses, which provides that the proposed development will not increase the water surface elevation of the base flood by more than one foot at any point in the surrounding area. There are no additional known hazard areas located in the vicinity of the proposed improvements to the property. With conditions, the request will be consistent with this review standard.

7. Analysis: *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use?*

Regarding standard (7), neighboring property owners that are part of the Hidden Meadows Homeowners Association submitted both written and oral testimony to the County expressing concerns and relaying issues related to the proposed use. Specific concerns included: the development could harm the ecosystem, specifically the vegetation and the wildlife it supports; the development could lead to a disruption of the floodplain; the types of recreational activity that the development would bring; the development could result in an increase of unsanctioned camping, littering, and/or criminal activity; etc.

CONCLUSIONS FOR DENIAL:

1. The applicant has not demonstrated that the proposed use satisfies Section 901.06(A) of the Yamhill County Zoning Ordinance because the proposed transportation facility (i.e., a pedestrian bridge) is not listed as a permitted or conditional use that can be approved within the AF-10 zone.

END

Docket FP-10-22
 Date 12-20-22
 Rec'd by [Signature]
 Receipt # 922149
 Fee 1,451.00

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
LAND USE APPLICATION

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

979-22-000435 PLUG

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
NV5 Inc.			Chehalem Park & Recreation District (CPRD)		
Last name	First	MI	Last name	First	MI
Champlin, Jon			Creighton, Casey	(Kirk)	
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
9450 SW Commerce Circle, Ste 300			125 S Elliot Rd		
City	State	Zip	City	State	Zip
Wilsonville, OR		97070	Newberg, OR		97132
Telephone			Telephone		
(503) 372-3637			(503) 519-6154		
E-mail address			E-mail address		
jon.champlin@nv5.com			ccreighton@cprdnewberg.org		
If the applicant is not the legal owner, state interest in property:					
NV5 Inc. is a professional services consultant hired by the owner.					
PROPERTY INFORMATION					
Tax Lot(s): <u>Map 3S 2W 19D Tax Lot 00700</u> Zone: <u>Agriculture/Forestry Small Holding District (AF-10)</u>					
Size of Tract (include all adjacent tax lots) <u>23.82 Acres</u>					

1. TYPE OF APPLICATION (what is requested?): Floodplain Development Permit

2. JUSTIFICATION FOR REQUEST YCZO Section(s): 901 - Floodplain Overlay District

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

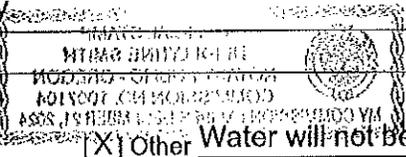
3. Present use of property: The property west of Chehalem Creek is currently undeveloped open space.

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.): There are no buildings currently on the subject property.

5. Is there a septic system on the property? Yes No

6. How will water be provided? Well City Other Water will not be provided.

7. What road and/or easement is the property accessed from? The portion of the property that is east of Chehalem Creek is accessed from S Blaine St in Newberg. The portion west of the creek is currently inaccessible.



Land Use Application

Page 2 of 2

8. To your knowledge, do any of the following natural hazards exist on the property?

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

THE APPLICANT MUST SUBMIT:

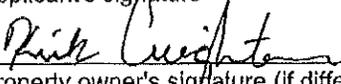
1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.
3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.
4. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

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.


 Applicant's signature _____ Date 12/20/2022

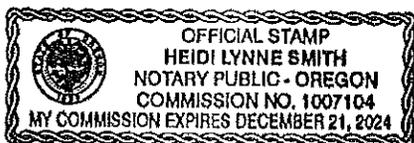

 Property owner's signature (if different) _____ Date 12/15/2022

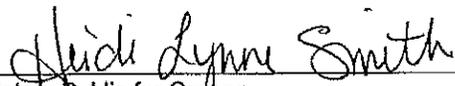
State of Oregon

County of Yamhill

Signed before me on this 15th day of December, 2022

by Kirk Creighton




 Notary Public for Oregon
 My Commission expires Dec. 21, 2024

Ewing Young Park Footbridge

Land Use Application

Yamhill County Planning and Development Department
McMinnville, Oregon



Prepared For:
**Chehalem Park &
Recreation District**
125 S Elliot Rd
Newberg, OR 97132
Contact: Casey Creighton
Phone: 503.519.6154
Email: cCreighton@cprdnwberg.org

Prepared By:
NV5 Inc.
9450 SW Commerce Circle, Ste #300
Wilsonville, OR 97070
Contact: Jon Champlin
Phone: 503.372.3637
Email: jon.champlin@nv5.com

December, 2022

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- Appendix 3 Pre-application Conference Meeting Minutes (dated 1/31/2022)
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- Appendix 5 Geotechnical Report
- Appendix 6 US Geologic Survey Soils Map
- Appendix 7 List of property owners within 500 feet of the property

A.
Introduction

1. Development Team Members
2. Property and Zoning Summary
3. Applicants Written Statement
4. Land Use Review Requested
5. Application Fee Calculation

1. Development Team Members:

Listed below is a summary of the development team members for the Ewing Young Park Footbridge proposal.

Applicant and Owner: Chehalem Park & Recreation District
125 S Elliot Rd
Newberg, OR 97132
Contact: Casey Creighton
Telephone: 503.519.6154
Email: ccreighton@cprdnewberg.org

Applicants Representative/Landscape Architect: NV5 Inc.
9450 SW Commerce Circle, Ste #300
Wilsonville, OR 97070
Contact: Jon Champlin, RLA
Telephone: 503.372.3637
Email: jon.champlin@nv5.com

Civil Engineering: NV5 Inc.
9450 SW Commerce Circle, Ste #300
Wilsonville, OR 97070
Contact: Tyler Ott, PE
Telephone: 503.372.3765
Email: tyler.ott@nv5.com

2. Property and Zoning Summary

Legal Description: Map 3S 2W 19D; tax lot 00700
Size: Approximately 23.82 Acres
Zoning: Agriculture/Forestry Small Holding District (AF-10)

3. Applicants Written Statement

The applicant is requesting Site Design Review (SDR) and Floodplain Development (FP) approval for a footbridge across Chehalem Creek within Ewing Young Park. The east end of the footbridge will connect to an internal path system within the existing park, and will extend over Chehalem Creek to provide access to the west side of the creek. The total preliminary length of the footbridge will be approximately 95 feet. The proposed footbridge will be entirely within property owned by Chehalem Park & Recreation District (CPRD), and will follow the alignment shown on the Ewing Young Park Master Plan dated April 4, 2018. The centerline of Chehalem Creek marks the current perimeter of the Newberg City limits as well as the Urban Growth

Boundary (UGB). So, the west side of Chehalem Creek is outside of the City limits and UGB, and the east side of Chehalem Creek is inside the City limits and UGB.

The table of contents of this application outlines all the application criteria, exhibit drawings and appendices submitted for review and approval. Please refer to the application text and drawings for more detailed information regarding the project.

The project is scheduled to be designed and permitted from the summer of 2022 through the spring of 2023, and constructed during the summer of 2023.

4. Land Use Reviews Requested

The Yamhill County Zoning Ordinance Code Standards identify various procedural reviews based upon the type of land use action being requested. For this application, the Applicant is requesting approvals of a Site Design Review (SDR) and Floodplain Development (FP) permit applications.

Land Use Classifications
Site Design Review (SDR)
Floodplain Development (FP)

5. Application Fee Calculation:

Based on the County's Fee Schedule (Effective July 1, 2022), the following fees are applicable to the application submittal. The total project construction cost is expected to be between \$120,000 and \$150,000, and disturbed area is expected to be less than one acre.

Land Use Fees	Fee
Land Use Application	\$1,219.00
Floodplain Development (FP)	\$1,451.00
Total	\$2,670.00

B

Applicable Comprehensive Plan Requirements

The following section responds to the Yamhill County Comprehensive Plan requirements for the *Ewing Young Park Footbridge* development proposal.

Comprehensive Plan section responses include:

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Applicable Comprehensive Plan Narrative

The following information responds to the Yamhill County Comprehensive Plan requirements in regards to the proposed ***Ewing Young Park Footbridge***. Responses to individual sections are highlighted in bold for each applicable development standard criterion.

INTRODUCTION TO 1979 AMENDMENTS (ORD. 206)

In 1969 the State Legislature passed legislation requiring all local governments in Oregon to prepare comprehensive land use plans. In 1973, the State Legislature acted again and created through ORS Chapter 197 (Senate Bill 100) the basis for a viable State land-use planning program, established a Land Conservation and Development Commission (LCDC), and directed each city and county in the State to prepare and adopt comprehensive plans consistent with statewide planning goals which were to be approved by the Commission by January 1, 1975. Each city and county was also required to enact zoning, subdivision and other ordinances or regulations to implement their comprehensive plans. Legislation further stipulated that after December 31, 1975 comprehensive plans and their implementing ordinances must be updated and revised to comply with the statewide planning goals adopted by the LCDC.

The Yamhill County Comprehensive Plan was prepared and adopted prior to the development of LCDC's statewide planning goals. For this reason, the plan must be updated, and revised where necessary, to bring it into compliance with LCDC goals. Furthermore, changes in patterns of county growth and general local and economic trends in the five years since the Plan was adopted warrant such an update.

The process for preparing the existing Plan involved the time and commitment of many individuals and groups. The preparation of the Plan was a joint effort of the Board of County Commissioners, the Planning Commissioners of the County, McMinnville and Newberg, representatives of the small city planning commissions, eight County planning advisory committees and all those interested citizens who appeared at the public hearings on the Plan or contacted the County offices to offer their comments, ideas and proposals. The Plan reflects the concerns, hopes, and desires of a wide spectrum of Yamhill County citizens.

Since its adoption and implementation, the Plan has given able direction to the County's growth and development. It has served as a solid document in establishing growth policy for the County. The time, energy, and commitment of numerous individuals and interest groups have produced a comprehensive plan of which Yamhill County can justly be proud.

This update to the 1974 Comprehensive Plan is intended as a refinement of that document. In accordance with ORS Chapter 197, this refinement has been guided by the applicable statewide land use goals with which the comprehensive plan must be in conformance.

Paramount to the County plan update process has been the reexamination of goal and policy statements which form the basis of the Comprehensive Plan. Goals are general directives or achievements toward which the County wishes to go in the future. Policies are more specific statements of action to move the County toward attainment of the goals. These policies are used in daily decision-making or in the development of ordinances by the County.

Many of the goal and policy statements in the 1974 Plan are just as applicable and appropriate today as they were at the time they were formulated. These have remained intact. Others which no longer apply or are inappropriate because of changing conditions or legislation have been deleted or revised. New goals and policies have been adopted to address topics not covered in the original Plan.

Implementation of the County goals and policies can occur several ways. Many are implemented through county ordinance. Other goals and policies will apply to individual issues or proposals put forth by both private and public sectors. Still others will require action dependent upon the County's fiscal resources through time.

Where certain goals and policies conflict with others, the final decision will require a weighing of the merits in order to achieve a balanced decision. Through time, the goals and policies are guides for consistent, reasonable and balanced land use decisions.

For those goals and policies that are a part of the 1974 Comprehensive Plan, parentheses indicate the page where they are found in the 1974 Plan text. An "R" next to a parenthesis indicates an adopted revision of a 1974 Plan goal or policy.

Introduction to Subsequent Amendments:

Those goals and policies which were adopted or amended by ordinance after June 28, 1979 are indicated by the ordinance number at the end of the amended or added paragraph. New sections added after that time are identified by the ordinance number in the section heading.

NOTE: This document is a compilation of several ordinances and county planning documents. Typographical errors which may appear in this document are not necessarily in the original documents.

RESPONSE: The Applicant acknowledges the origins, purpose, and methods of implementation for the Comprehensive Plan. This application makes every effort to comply with the requirements of the Comprehensive Plan.

SECTION I. Urban Growth and Change and Economic Development

A. Urban Area Development

SUMMARY

Growth in Yamhill County is being most heavily influenced by spillover from the Portland metropolitan area. The northeast section of the county has been absorbing the brunt of this growth pressure and will continue to do so in the future.

Due to a vigorous policy to attract additional industry into the city, McMinnville should also see rapid population growth in coming years.

Future growth pressures will increase the potential for sprawl development, a condition which results in higher costs in providing public facilities and services due to the extension, then underutilization, of those services.

Economic, energy, and environmental considerations point to the need for containing urban growth to existing urban centers.

An established urban growth boundary for each city of Yamhill County will assist in the orderly and efficient transition from rural to urban land uses.

GOAL STATEMENT

1. To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use. (60)

POLICIES

- A. Yamhill County will, in cooperation with the cities and special districts of the county, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.

RESPONSE: One aspect of thriving communities is the development of parks and open space for public use. The existing Ewing Young Park, owned and maintained by Chehalem Park & Recreation District, is one such park. The majority of the park is within the City limits of Newberg, but an 11-acre portion of the park is west of Chehalem Creek and outside of Newberg's urban growth boundary.

- B. Yamhill County will cooperate and coordinate with each of the cities in the development of urban growth boundaries and will adopt an urban area growth management agreement with each city which outlines a growth management plan for unincorporated areas within the boundary and the means by which the boundary can be modified.

RESPONSE: This application does not seek to modify the urban growth boundary.

- C. Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.

RESPONSE: This project is not for urban development, therefore, this Ordinance section does not apply.

- D. Yamhill County will coordinate with the City of Newberg to adopt an Urban Reserve Area (URA). The URA identifies high priority lands to include with the Newberg UGB to meet long-term urban growth needs to the year 2030. Interim rural development within the Urban Reserve Area will be regulated with tools such as corridor plans, shadow plats, clustering and redevelopment plans to ensure that long term options for urban development are protected. (Ord. 596)

RESPONSE: This project is not within an Urban Reserve Area (URA), therefore, this Ordinance section does not apply.

GOAL STATEMENT

- 2. To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth. (70)

POLICIES

- A. Yamhill County will continue to seek full cooperation and coordination among the cities, the school districts, other special-purpose districts of the county and the county itself in jointly planning and programming all land use, urban services and facilities and other public improvements having an impact on the rate and direction of urban growth. (70)
- B. Yamhill County will seek to establish a general commitment by all providers of urban services that no subdivision of lands in designated urban areas on the Plan Map will be permitted without the provision of urban services commensurate with the location, nature and scale of the proposed development, recognizing the overall capital program for community services and the ultimate net cost to the community of the services to be provided. (70)
- C. Yamhill County will coordinate with the cities to ensure that rural residential development contiguous with urban growth boundaries does not restrict long-term options for urban expansion. (596)

RESPONSE: This project maintains an orderly pattern of growth as it is an improvement to an existing park.

GOAL STATEMENT

- 3. To create convenient and attractive residential neighborhoods which can be efficiently serviced with roads, utilities, schools, parks and commerce, and can take advantage of desirable physical features; and to give a satisfactory range of choice to the prospective householder through the imaginative use of a variety of design concepts. (116)

POLICIES

- A. Yamhill County will continue to recognize that the appropriate location of medium-density residential development is in areas having a full range of urban services and amenities within or immediately adjacent to central business districts; immediately adjacent to public traffic generators, such as schools, parks, hospitals, and regional or neighborhood shopping centers; or in selected small areas having unique scenic

qualities and a location where community water supply and sewage-disposal systems, adequate access by way of a road of collector or higher status and other urban services necessary to meet the needs of the intended residents can and will be provided. (117)

- B. Yamhill County will continue to recognize that the appropriate location of low density residential development is in areas where adequate access and services to satisfy the scale of ultimate development can and will be provided. Such areas would generally be within, or contiguous with, existing urban centers, but may also be in selected small areas having unique scenic qualities or, where the need may be demonstrated, in selected outlying areas of varying size having appropriate site qualities and other supporting services. (118)

RESPONSE: The proposed footbridge at Ewing Young Park will further service the surrounding residential neighborhoods by providing access to an additional 11 acres of open space. Chehalem Park & Recreation District intends to use this 11 acres to expand the park's walking paths and disc golf course.

B. Rural Area Development

SUMMARY

Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increase in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as a result of such expansion.

Recognizing the potential problems and conflicts arising from development in the rural area, major concerns connected with any rural area development proposal are its location, nature and scale.

Encroachment of urban development into rural areas threatens to remove valuable farm lands from needed agricultural uses.

GOAL STATEMENT

1. To provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development. (66)

POLICIES

- A. Yamhill County will recognize the lands designated on the plan map as Agriculture/Forestry Small Holding (AFSH), Very Low Density Residential (VLDR) and Low Density Residential (LDR) as the appropriate and desired location for rural residential development, while at the same time encouraging opportunities for small scale or intensive agricultural and forestry activities within these plan-designated areas.

RESPONSE: The proposed footbridge, an improvement to the existing Ewing Young Park, will be located in the Agriculture/Forestry Small Holding District (AF-10). The use of

parks and open space is consistent with the AF-10 zone as it is listed as a permitted use in Zoning Ordinance Section 501.02.E.

- B. All proposed rural area developments shall be based on a reasonable expectation of the demand for the use of such land or facilities within a reasonable period of time and no large-scale development shall be approved without:
1. The submission and approval of a layout and design concept, with provision for the staging and servicing of all phases of the development;
 2. The approval of all federal and state agencies relative in any applicable health, safety and environmental controls; and
 3. An adequate demonstration of the financial capacity and responsibility of the proponents to complete the development and provide for operation and maintenance services. (66)

RESPONSE: This application does not propose any large-scale development, therefore, this Ordinance section does not apply.

- C. All proposed rural area development and facilities:
1. Shall be appropriately, if not uniquely, suited to the area or site proposed for development;
 2. Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;
 3. Shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative better sites or that federal or state aid is available in the form of subsidized water supply or sewerage extensions from nearby urban centers. (67)

RESPONSE: Park use is the most appropriate use of the site due to the floodplain of Chehalem Creek covering the majority of the subject 11 acres on the west side of the creek. There will not be any utility services extended to the west side of the creek, since utilities are not necessary for the proposed use.

- D. No proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection. (68)

RESPONSE: There will not be any utility services extended to the west side of the creek, since utilities are not necessary for the proposed use.

- E. Proposed rural development within acknowledged urban growth boundaries or designated urban reserve areas shall be reviewed by the affected city to ensure that long-term options for development to urban densities with full urban services are protected. (Ord 596)

RESPONSE: The east end of the proposed footbridge will be located within the city limits of Newberg. As such, a separate land use application is being submitted to the City of

Newberg Planning Department. No development will occur for the footbridge until both Yamhill County and the City of Newberg have approved the development.

GOAL STATEMENT

2. To accommodate the demand for rural residential development at very low densities and in areas which are not amenable to integrated neighborhood designs, provided such areas are suited to the uses intended and exhibit high amenity value, and such developments do not preempt farm or forest lands, or generate inordinate service demands of their own. (116)

POLICIES

- A. Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated large areas where commitments to such uses have already been made through existing subdivision, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage disposal systems, and possible rural fire protection.
- B. Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated small holding areas where reasonable opportunities for agricultural and forestry activities exist and where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage disposal systems, and possibly rural fire protection. (119)

RESPONSE: The proposed use of the land as a park is not in conflict with any of the goals or policies identified by this Ordinance section.

C. Alternative Development

SUMMARY

It is important for the county to be able to respond to changing needs and conditions as they occur.

The planned unit development (PUD) concept provides a viable alternative to conventional urban development patterns.

POLICIES

- A. Yamhill County will review and accommodate, wherever possible, any new or alternative development concepts or proposals, provided such concepts or proposals are consistent with and do not compromise in any way the established disposition of land uses on the Plan Map or the goals and policies of the Plan. (71)
- B. Yamhill County will encourage the use of the planned unit development (PUD) concept in both urban and rural environments and any proposed PUDs will be reviewed on the basis of the Plan-established location criteria for the individual uses and densities. (73)

RESPONSE: This application does not seek alternative development. Parks are listed as a permitted use in the AF-10 Zone.

D. City Growth and Development

SUMMARY

Each of the ten cities in Yamhill County has established, or is in the process of establishing, an urban growth boundary.

The staged extension of city services will facilitate orderly urban expansion.

Growth pressures in and around the cities of McMinnville and Newberg make these areas particularly vulnerable to land use conflicts.

POLICIES

- A. All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.

RESPONSE: This application does not seek an extension of urban land uses or City utilities beyond Newberg's urban growth boundary.

- B. Yamhill County will encourage major land uses or functional areas and domestic water supply and sanitary sewer service areas in the cities to develop progressively outward and to be extended on a staged basis until they become coextensive with and fully service the designated urban area.

RESPONSE: This application does not seek an extension of urban land uses or City utilities beyond Newberg's urban growth boundary.

- C. The designated residential area west of Hill Road and east of the Lafayette-Riverside industrial area (in McMinnville) will be denied city water and sewer services until all other designated residential areas are substantially developed, and such services will not be extended across Baker Creek, the North Yamhill River, or Highway 18 except in the designated PUD area. (76)

RESPONSE: The subject property is not located in any of the areas identified by this Ordinance section, therefore, it does not apply.

- D. The designated PUD area (along Three Mile Lane in McMinnville) will be retained for the time being in its present agricultural and limited commercial, industrial and public uses and be designated for the uses shown on the plan map, and the area will be developed in accordance with the general policies of this plan and the following principles set out in the recommendations of the city and county planning commissions relative to Three Mile Lane land use policy:
 1. Both Yamhill County and the City of McMinnville recognize that residential, commercial and industrial development along Three Mile Lane is desirable if it is of good quality and design. Further, such development should be staged in accordance with need and be compatible with the traffic-carrying function of Three Mile Lane,

and the design capacity of the sewer and water service extensions into the area. Therefore, both governing bodies will consider applications for zone changes to property within their jurisdiction provided that the planned unit development concept is utilized.

2. Both Yamhill County and the City of McMinnville will look favorably upon mixed urban development projects; that is, that integrated designs for commercial, industrial and residential uses will be encouraged.
3. Both Yamhill County and the City of McMinnville, in considering applications for zone changes, will place heavy emphasis upon:
 - the minimization of entrances onto Three Mile Lane;
 - the development of on-site circulation systems;
 - the provision of deep setbacks, landscaping, buffer strips, sign controls, and the setting of an adequate setback line from the existing right-of-way line;
 - the provision of service roads and acceleration and deceleration lanes and left-turn refuges when and where necessary and practicable.

RESPONSE: The subject property is not located along Three Mile Lane in McMinnville, therefore, this Ordinance section does not apply.

- E. The City of McMinnville will adopt an annexation policy and urban service policy which would qualify properties for annexation and the extension of urban services based on applicable statewide goals and the applicable policies in the McMinnville Comprehensive Plan. In the case of Three Mile Lane, annexation and extension of urban services will include, but not be limited to, the following considerations:
 - the location and area of the land to be annexed shall be defined as the boundary of the sewer service area east to County Roads 92 and 464 and areas approximately 1500 feet north of Three Mile Lane and approximately 1200 feet south of the Lane;
 - the present and proposed use of the land to be annexed;
 - the availability of, and current service policies concerning access, water supply and sewerage; and
 - the need to annex the land to the city. (76)R

RESPONSE: This application does not seek annexation or extension of urban services, therefore, this Ordinance section does not apply.

- F. An Urban Reserve Area is designated for the City of Newberg as shown on the Comprehensive Plan Map. The URA identifies high-priority land to include within the City of Newberg UGB on a phased basis to meet urban growth needs to the year 2030. Interim rural development within the designated Urban Reserve Area shall be regulated and reviewed as outlined in the City of Newberg/Yamhill County Urban Growth Management Agreement to ensure that long term opportunities for urban development are protected. (Ord. 596)

RESPONSE: The subject property is not located in an Urban Reserve Area, therefore, this Ordinance section does not apply.

E. Housing

SUMMARY

Through its regulatory and legislative powers the county can greatly influence choices in housing types, location, density, and cost within its boundaries.

The rising costs in land, labor, materials and financing, combined with increasing population pressure, have created a housing problem in Yamhill County reflected in both the quantity and quality of the existing stock.

The county has numerous housing units in need of rehabilitation to make them safe, sanitary and decent places in which to live.

Federally subsidized housing programs have provided some relief for those who could not otherwise afford quality shelter, yet it appears that many in need are still unaided. In 1978 the county enacted a new building, mechanical and plumbing ordinance which adopts by reference the Uniform Building Code, the Uniform Mechanical Code, and the Uniform Plumbing Code of 1976 published by the International Conference of Building Officials.

Home occupations are widely practiced in both urban and rural areas of Yamhill County.

GOAL STATEMENT

1. To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost. (125)

POLICIES

- A. Yamhill County will continue to cooperate with all governments and housing agencies within the region in promoting unified housing policies and action programs as well as an equitable distribution of assisted housing throughout the county. (125) R
- B. Yamhill County will continue to administer uniform building, mechanical and plumbing codes for all new construction, as well as consider the adoption and administration of a uniform housing code to assure the maintenance and upgrading of existing housing units to code standards. (126) R
- C. Yamhill County will provide opportunities for a variety of housing types in different residential environments, including single-family structures, conventional and modular type construction, and mobile homes to serve the housing needs of all components of the county population. (126) R
- D. Yamhill County will encourage an adequate supply of new and rehabilitated housing units for rental or purchase by low- and moderate-income families and individuals through support of, and participation in, state and federal programs.
- E. Yamhill County will coordinate its efforts with each city in order to avoid potential conflicts with respect to countywide housing opportunities and demand.
- F. Yamhill County will establish a process by which builders and citizens can receive an energy efficiency evaluation of their site and house plans.
- G. Yamhill County will provide assistance to local realtors, developers, contractors and other members of the building community to inform buyers of total life-cycle housing costs.

- H. Home occupations will continue to be recognized and reasonably regulated in all medium and low density residential areas in accordance with accepted standards and practice in urban environments. (128)
- I. A reasonable expansion of the concept and definition of home occupation will apply to very low density residential and agricultural small and large holding areas where smallscale, family-operated, home-craft industry or repair service has been traditionally carried on, and such uses will be reasonably regulated, subject to limitations on location, scale, performance characteristics, commercial character, and visibility from bounding roads or adjoining property. (128)

RESPONSE: This application does not include any housing, therefore, this Ordinance section does not apply.

F. Economic Development

SUMMARY

The economy of Yamhill County is largely based upon agricultural and forestry related industries.

Economic diversification generally results in a stronger, more stable local economy by increasing employment opportunities.

Yamhill County has traditionally been plagued by high levels of unemployment, but the attraction of new industries in recent years has helped to alleviate this condition. An Overall Economic Development Plan can serve as a guide to the fulfillment of the county's economic development goals and policies.

GOAL STATEMENT

1. To maintain a rate and pattern of economic growth sufficient to prevent recurring high levels of unemployment and under-employment in the county, balance the real property tax base of the various cities, and strengthen local economic bases. (92) R

POLICIES

- A. Yamhill County will, in cooperation with the cities, the local chambers of commerce and affiliated industrial promotion groups, and State agencies concerned with State and regional economic development, encourage a diversified employment base, the strengthening of trade centers, and the attraction of both capital and labor intensive enterprises, consistent with the needs of each community and the county as a whole.
- B. Yamhill County will encourage economic development projects which do not conflict with the predominant timber and agricultural character of the county.
- C. Yamhill County will ensure citizen participation in economic development planning through the continued involvement of the Yamhill County Economic Development Committee.
- D. Yamhill County will develop an Overall Economic Development Program which is consistent with the county comprehensive plan. This program will be outlined in an

updated Overall Economic Development Plan which, upon completion, will be incorporated into the economic element of the county comprehensive plan.

RESPONSE: *Parks are one aspect of thriving communities that encourage economic development. Providing access to the west side of Chehalem Creek within Ewing Young Park increases the recreational opportunities within the park for park users, further establishing the park as a destination within the community.*

G. Commercial Development

SUMMARY

The decline of downtown business districts is a problem facing each of the cities in Yamhill County.

Yamhill County residents' orientation to the Portland and Salem metropolitan areas for shopping, entertainment, medical services and other related commercial services and facilities has tended to drain the commercial vitality of many of the cities. Commercial strip development is often characterized by sprawl, conflicting uses, lack of access control and service roads, inadequate setbacks, and lack of adequate off-street parking and loading facilities.

GOAL STATEMENT

1. To create an environment for commercial development which will preserve and enhance the vitality of the central business districts, assure safer, more convenient and attractive community and neighborhood commercial centers, and protect prime commercial sites for use in advance of need. (129)

POLICIES

- A. Small neighborhood or local commercial uses will be encouraged to locate or relocate only within or immediately adjacent to the residential development or area intended to be served and be spaced in a pattern reflecting this market. (132)
- B. The county will discourage the expansion of strip commercial and provide for the redevelopment of strip commercial areas.
- C. Commercial uses unsuited to downtown areas will normally be restricted to other areas within the urban growth boundary.
- D. Yamhill County will adopt landscape and design criteria for all forms of commercial development occurring outside urban growth boundaries.
- E. Highway service and tourist commercial uses catering to the needs of the traveling public will be encouraged to locate within existing urban centers. Traditional central commercial uses will be encouraged to locate or relocate only in existing town centers and the dispersal of such uses to peripheral highway locations will be discouraged. (133) R
- F. As part of the on-going planning program the county will coordinate with the cities to:
 1. Prepare and maintain an inventory of buildable commercial lands; and

2. Work with businessmen and community groups to formulate re-development plans for existing commercial areas.
- G. Recreational commercial uses will be encouraged to locate within urban growth areas or in compatible urban commercial areas where their location and space requirements can be most satisfactorily fulfilled. (133) R
- H. New highway-oriented commercial development at limited-access highway interchanges will only be permitted in urban areas where direct access is provided from a local street system. The county will prohibit direct access from the State highway system for commercial development oriented to limited-access highways. (Ord. 517)
- I. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited-access highway. (Ord 517)

RESPONSE: *This application does not include any commercial development, therefore, this Ordinance section does not apply.*

H. Industrial Development

SUMMARY

Industrial development is important to the economic vitality of Yamhill County. The provision of adequate urban services is a major concern in an industry's location and operation.

Some industrial activities generate land, water and/or air pollution which can pose both a hazard and a nuisance to those living in the area.

Industrial parks serve to consolidate industrial activities into a designated area in order to reduce incompatibility with surrounding land uses.

Performance standards are a means of regulating industrial activity so as to moderate or abate objectionable features in their operation.

GOAL STATEMENT

1. To concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses.

POLICIES

A. Heavy industrial uses with seasonal or high nuisance characteristics will be encouraged to locate or relocate only in or immediately adjacent to urban areas where all required services are available, well removed and shielded from existing or projected residential development; and conversely, that prime heavy industrial sites will be

identified and protected from encroachment of other urban uses pending acquisition and development.

B. To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban growth boundaries will be compatible with the industrial development goal and will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.

C. Industrial uses which are incompatible with surrounding residential or commercial development and cannot bear the cost of abating their incompatible characteristics, whether related to performance or appearance, will be encouraged to locate or relocate only within urban centers, where contact with residential development is, or will be at a minimum, and where all required services are immediately available. (136) c.

D. Industrial uses which are compatible with surrounding residential development and are willing to bear the cost of maintaining high performance characteristics and attractive site and building layout and design, will be encouraged to locate or relocate in designated industrial parks and that such parks and their staged development will be subject to planned unit development agreements. (137)

E. Industrial uses will be located so that adequate buffer space is provided between incompatible land uses.

F. The county will develop appropriate performance, design and specification standards and requirements for all existing and possible future industrial uses to guide their location or relocation in the county and within existing industrial areas of the county. (137)

G. Agricultural, forestry and mineral resource-oriented industry will be accommodated in areas close to the resources utilized, provided that such industrial uses are compatible with any nearby urban development, city water supply and sewerage are not required, and waste discharges constitute no threat to the environment.

H. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan. (139)

I. Industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.

J. Non-railroad users will be discouraged from locating next to a railroad right-of-way.

K. The county will undertake a study to determine the availability and suitability for development of existing industrial land.

L. The county will encourage industry that is energy conserving and energy efficient. Energy efficient and conservation measures that will be promoted include, but are not limited to, the following:

1. Efficient building, manufacturing, and heating practices;
2. Cogeneration systems including the burning of wastes; and

3. Utilization of new and alternative systems.

M. The county will encourage industrial development which bases its products on renewable and indigenous raw materials.

N. The county will recognize and encourage small scale industries as viable alternatives to larger, conventional enterprises.

RESPONSE: This application does not include any industrial development, therefore, this Ordinance section does not apply.

SECTION II. The Land and Water

A. Agricultural Lands

SUMMARY

Agriculture plays an integral role in the overall economy of the county. A significant amount of land within the county has soils which are defined as having high quality agricultural capability.

The need to maintain the integrity and viability of the agricultural land base has been clearly recognized by Yamhill County residents.

Expansion of urban development into rural areas creates conflicts between farm and urban activities, thereby decreasing the potential for agricultural productivity.

In addition to agriculture's important role in the economy of the county, vast expanses of farm land provide county residents with scenic open space which contributes to their overall health and welfare.

Irrigation is an important element in the production of some farm crops, and water storage is an effective means of prolonging the irrigation season.

GOAL STATEMENT

1. To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner. (104) R

POLICIES

- A. Yamhill County will provide for the preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various public financial incentives. (105)
- B. Yamhill County shall provide for the protection of farmland in large blocks through minimum lot sizes of 20, 40, and 80 acres, as appropriate, on the Comprehensive Plan and official zoning maps. Any proposal to reduce the minimum lot size on a farm or farm/forest parcel shall be shown to be appropriate to maintain the existing commercial agricultural enterprise in the area. (565)
- C. Yamhill County recognizes that certain areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied. (565)
- D. Yamhill County will provide for the conservation of farm lands through various plan implementation measures and the review of any public or private land use determinations subject to county jurisdiction, including urban development activity and the location and construction of highways and utility transmission lines which disturb

the soil cover and natural drainage pattern, and increase storm runoff, erosion and sedimentation. (106)

- E. Yamhill County will recognize and support watershed storage projects in the Yamhill River basin for their irrigation and flood control benefits. (106) R
- F. Yamhill County will continue to support State special assessment incentives relative to farm lands which are subject to ORS statutes or other farm management programs in order to preserve such lands for farm use and production. (106) R
- G. Yamhill County will not permit subdivision on lands designated by the county comprehensive plan as Exclusive Farm Use or Agriculture/Forestry Large Holding in order to preserve such lands for forest and farm uses and production. (233, 565)
- H. No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.
- I. In order to conserve energy in the production and delivery of food and other agricultural products, Yamhill County will encourage the creation of farmer's markets and will encourage the use of less petroleum-intensive farming methods while providing related technical assistance.
- J. Yamhill County shall adopt provisions in the zoning ordinance that will be used as standards for review of requests to change the minimum lot size within the areas designated Exclusive Farm Use or Agriculture/Forestry Large Holding on the Comprehensive Plan map, or from a farm, forest, or agriculture/forestry designation to a different resource classification. (565)
- K. Any Comprehensive Plan or zone map amendment that would reduce the minimum lot size on property within an Exclusive Farm Use or Agriculture/Forestry designation shall not be granted final approval by Yamhill County until the amendment has been considered and approved by the Land Conservation and Development Commission pursuant to ORS 215.780(2). The zoning ordinance shall provide a process for conditional approval by Yamhill County, concurrence by the Land Conservation and Development Commission and final approval by Yamhill County in applications subject to this subsection. (Ord 618)

RESPONSE: The subject property is zoned AF-10, and is not immediately adjacent to any lands currently used for agriculture use. The property, which is currently inaccessible by vehicles or farm equipment, is bounded by +/- 1 acre residential lots to the west and park open space to the east. The use of the subject property as a park is consistent with the surrounding properties.

GOAL STATEMENT

- 2. To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.

POLICIES

- A. Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.
- B. Yamhill County will continue to support ASCS soil conservation measures and SWCD best management practices designed to protect and improve forest and agricultural land productivity and to prevent unnecessary losses through excavation, stripping, erosion and sedimentation. (108) R
- C. Yamhill County will establish an ordinance to control erosion and sedimentation in subdivision developments and both public and private roadway construction.
- D. Yamhill County will require that construction permits contain provisions to protect sites from soil erosion.

RESPONSE: The proposed development of a footbridge will not negatively impact soils of the subject property. Temporary erosion control measures will be placed prior to any site excavations. Once construction is complete, any disturbed areas of the site will be returned to pre-construction conditions by planting and seeding of native vegetation, suitable to specific conditions, to act as permanent erosion control. Refer to Sheet L2.10 of the Drawings for specific erosion control measures. Construction permits will be obtained prior to the commencement of construction.

B. Forest Lands

SUMMARY

The timber industry is Yamhill County's number one basic export economy. In addition to employment and wood products, the county's forest lands provide watershed areas for cities, recreational areas, and fish and wildlife habitat.

A future guarantee of productive forest lands in the county is of concern as the demand for wood products, recreational areas, expanded municipal water supplies and fish and wildlife habitat increase.

Uncertainties exist regarding the adequacy of timber supply for the future. In most locations of the county, marginal agricultural lands can be converted to productive forest lands.

Nearly half of the land area in the county is designated on the plan map as Commercial Forestry; other productive forest lands are scattered throughout the land area designated as Agriculture/Forestry Large Holding.

GOAL STATEMENT

1. To conserve and to manage efficiently the county's forest and range resources, thereby ensuring a sustained yield of forest products, adequate grazing areas for domestic livestock, habitat for fish and wildlife, protection of forest soils and watershed, and preservation of recreational opportunities. (98)

POLICIES

- A. Yamhill County will cooperate with federal and State agencies, large private timber owners and small woodland owners to manage forest and grazing lands for the highest

aggregate economic, recreational and ecological benefits which these lands can sustain, including timber production, livestock range, fish and wildlife habitat, watershed protection, erosion control and recreational use. (98) R

- B. Yamhill County will continue to support State special assessment incentives, reforestation programs, and forest management plans and programs in order to preserve and rehabilitate forest lands in the county.
- C. Yamhill County will encourage afforestation of marginal agricultural lands in the county. (100) R
- D. Yamhill County will provide for the preservation of forest lands through appropriate zoning, and provide for maintenance of commercial-sized forest units via an 80-acre minimum lot size.
- E. Yamhill County recognizes that areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied. (565)
- F. Yamhill County shall adopt provisions in the zoning ordinance that will be used as standards for review of requests to change the minimum lot size within areas designated Agriculture/Forestry Large Holding on the Comprehensive Plan map, or from a farm, forest, or agriculture/forestry designation to a different resource classification. (565)
- G. Yamhill County will not permit subdivision on lands designated by the county comprehensive plan as Commercial Forest or Agriculture/Forestry Large Holding in order to preserve such lands for forest and farm uses and production. (565)

RESPONSE: The proposed development of a footbridge and use of the subject property as a park will not negatively impact the County's forest and range resources. The project will require two trees to be removed, but eleven new trees will be planted to mitigate the loss of these trees. Refer to Sheet L2.10 for tree removal, and to Sheet L5.10 for the new tree plantings.

C. Water Resources

SUMMARY

Efficient use of county water resources is a benefit to all citizens, as water is an essential part of the livability of an area.

GOAL STATEMENT

1. To conserve and to manage efficiently our water resources in order to sustain and enhance the quantity and quality of flows for all consumptive and non-consumptive uses and to abate flood, erosion and sedimentation problems.

POLICIES

- A. Yamhill County will cooperate with federal and state agencies, the cities of the county, and the local soil and water conservation district to identify, conserve and develop water resources on a long-range, multiple-use basis in response to need, with full consideration given to the benefits, costs, potential uses and the carrying capacity of the resource.
- B. Yamhill County will continue participation in the FEMA National Flood Insurance Program to prevent flood-caused loss of life and property, by identifying and mapping the floodplains and floodways of the county, restricting land uses within the floodplains to those which are open and undeveloped, including forestry, agriculture, wildlife habitat and recreational areas and encouraging improved watershed management practices and the construction of watershed storage projects for flood control.
- C. Yamhill County will support the establishment of minimum stream flows to ensure the continuance of beneficial in-stream uses.
- D. Yamhill County will support Soil and Water Conservation District efforts to aid in erosion, sediment, and run-off control.
- E. Yamhill County will coordinate with and support city, regional, state and federal water quality plans and programs so that high water quality will be achieved in the cities of the county, that sound watershed management practices will take place, and that improved treatment of point and nonpoint sources of water pollution will be achieved.
- F. Yamhill County will continue to support the water well monitoring programs of the U.S. Geological Survey and State Department of Water Resources in order to better manage the county's groundwater resources.
- G. Yamhill County will encourage a study by the U. S. Geological Survey of major groundwater recharge areas in the county.
- H. Yamhill County will encourage the prudent use of all county resources and support the development of water conservation techniques and practices.
- I. Where conflicting uses are identified or intended, in specific proposals or programs, the economic, social, environmental and energy consequences of the conflicting uses shall be determined as used as a basis for decision-making.
- J. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 -U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act. (Ord 471)
- K. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including riprap and fill, should be reviewed by the appropriate state

permitting authority to insure that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

- L. Yamhill County will rely upon the Forest Practices Act and regulations adopted under that Act to insure protection of surface water on non-federal forest lands from forest activities that negatively impact surface waters. (Ord. 471)
- M. Yamhill County will coordinate with the cities with watersheds in the county to identify municipal watershed areas as an overlay to the Official Zoning Map. Within the designated Watershed Overlay, the county will provide notice of proposed land use actions to the affected city. The affected city shall have an opportunity to forward a recommendation on the proposed land use action prior to a final county decision, and may propose specific conditions to protect water quality. (566)
- N. Yamhill County will complete the Goal 5 process for wetlands in the county, other than Walker Creek, no later than the next required periodic review of the county's land use plan and regulations. (Ord. 471) Specifically, the Goal 5 process for the following significant resource sites shall be completed by the next periodic review:

East Creek	Cedar Creek
South McGuire	Neverstill
Meadow Lake	Nelson's Golden Valley
Upper Nestucca	Tillamook Burn 1
Nestucca River	Tillamook Burn 2(566)

RESPONSE: *This land use application is being submitted concurrently with a Floodplain Development Permit, which addresses in detail the existing hydrologic conditions of Chehalem Creek and the proposed hydrologic conditions after construction of the footbridge. The development will result in a "no-rise" flood condition for Chehalem Creek. Refer to the Floodplain Development Permit application for details pertaining to the Chehalem Creek water resource as necessary for this land use application.*

D. Fish and Wildlife

SUMMARY

Yamhill County has a rich and varied wildlife resource which includes upland game, fur bearers, anadromous and warm water fish, waterfowl, and a large variety of nongame species.

The county has several sensitive wildlife habitat areas whose protection is essential for the wellbeing of the resource.

Fishing provides important recreational benefits to Yamhill County citizens. Land use conflicts can occur which would degrade the county's wildlife resource.

GOAL STATEMENT

1. To conserve the fish and wildlife habitat of Yamhill County with a view to maintaining an optimum ecological balance, enhancing the sport fishing and hunting resource of the county, and protecting endangered species. (101)

POLICIES

- A. Yamhill County will cooperate with the Oregon Fish and Wildlife Department, the Yamhill County cities, the U.S. Agricultural Stabilization and Conservation Service, the Bureau of Reclamation, and the soil and water conservation districts of the region to identify, conserve, and protect fish and wildlife habitat; determine areas of critical imbalance and threats to particular species; and formulate and implement measures for the improvement of existing habitat and the creation of new habitat where needed. (101)
- B. Yamhill County will recognize the need to conserve and protect fish and wildlife habitat in its plan implementation measures; and the following will be considered in any public or private land use determination subject to county review; the impact of harvesting forested areas where there is no forest management plan for regeneration of the forest lands; the filling or drainage of swamps or marshes; the damming of rivers and streams; the location and construction of highways and utility transmission lines; and any other land development activities which significantly interfere with the vegetation or soil cover or drainage patterns in critical habitat areas. (102) R
- C. All identified sensitive wildlife areas will be classified as exclusive agriculture, forest land or open space. No major land use change, including but not limited to road construction and recreational developments will be permitted without approval of measures to limit undesirable impacts on sensitive wildlife areas.
- D. Habitat of all species indicated as endangered, threatened, or vulnerable will be preserved. Nesting sites of endangered bird species will be protected and buffered from conflicting uses.
- E. Yamhill County will recognize and support watershed storage projects in the Yamhill River Basin where streamflow maintenance benefits improve water quality for enhancement of sport fisheries and native species. (103) R
- F. In the Sensitive and Peripheral Big Game Winter Range, all proposed zone changes and applications for partitions will be referred to the Oregon Department of Fish and Wildlife for determination of conflicts with big game habitat requirements. In the event the Department identifies and informs the county that site-specific habitat conflicts exist, the county will not approve said zone changes without seeking resolution of such conflicts. (Ord. 233) (Ord 491)
- G. Yamhill County will rely upon the Forest Practices Act and regulations adopted under that Act to ensure protection of Fish and Wildlife on non-federal forest lands from forest activities that negatively impact fish and wildlife. (Ord. 471)
- H. Although Pigeon Mineral Spring sites have been determined by the county not to constitute "ecologically significant natural areas" they are significant wildlife habitat. These sites are therefore included in the county's inventory of significant wildlife areas. Information is available indicating the possible existence of Pigeon Mineral Spring sites. However, current information is not adequate to identify with particularity the location, quality, and quantity of these resource sites. These sites are therefore included in the

comprehensive plan inventory as a special category. It is the policy of Yamhill County that land use management practices for the protection of inventoried Pigeon Mineral Spring sites that are agreed to by affected property owners are a preferred method of protection for these habitats, but owner consent will not be the determinative criterion in whether a site is included on the inventory. To achieve this goal, Yamhill County will coordinate with the Oregon Department of Fish and Wildlife and owners of property containing inventoried Pigeon Mineral Spring sites for the development of a habitat protection program for the sites. It is intended that the Goal 5 process will be completed for these sites prior to the termination of Yamhill County's next periodic review. (Ord 546)

RESPONSE: *The proposed development of a footbridge will not require any work within the Ordinary High Water Mark (OHWM), as the bridge and its abutments will be well above and outside of the OHWM as shown on Sheet L3.10. With the exception of the bridge and bridge approaches, the rest of the site that is disturbed by construction activities will be returned to pre-construction conditions by planting and seeding native vegetation, as shown on Sheet L5.10. This will limit the impacts to wildlife habitat.*

E. Open Space

SUMMARY

Yamhill County possesses an extensive open space network that contributes to the overall rural character and liveability of the county.

GOAL STATEMENT

1. To ensure the continuance of the open space character that has always existed in Yamhill County.

POLICIES

- A. Yamhill County will cooperate with all governmental and recreation agencies within the region to identify open space and scenic resources, to determine resident and non-resident recreation needs, and to formulate and implement measures for open space preservation and use. (94)
- B. The inventory will include, but not be limited to the location, quantity and quality of the following resources: fish and wildlife habitats; ecologically and scientifically significant natural areas; outstanding scenic view and sites; water areas, wetlands, watersheds, and groundwater resources; wilderness areas; historic areas, sites, structures and objects; cultural areas; potential and approved Oregon recreation trails; potential parks and recreation sites.
- C. Where conflicting uses are identified concerning an open space, natural or scenic resource proposal, the economic, social, environmental and energy consequences of the conflicting uses will be determined and programs developed to achieve the goal.

RESPONSE: *This application ensures the continuance of the open space character of Yamhill County by expanding Ewing Young Park to the west side of Chehalem Creek via the construction of a pedestrian footbridge.*

GOAL STATEMENT

2. To preserve and improve potential recreational and other open spaces in both urban and rural environments for all to enjoy. (94)

POLICIES

- A. Yamhill County will seek to establish a permanent county open space net; increased public access to areas of prime recreational significance; the development of additional water-based recreational opportunities; and continuity of scenic views, buffer areas, wildlife and natural habitat and associated natural environments. (95) R
- B. Yamhill County will continue to support State special assessment incentives and other similar legislative actions as well as federal incentive and grant-in-aid programs which are designed to secure and preserve elements of the open space net, provide increased recreational access, and develop low intensity use recreational reservoirs. Funding proposals and incentives to preserve open space include the following: allocation of money in the county budget for fee acquisition; acceptance of donations and bequests of land where the scenic or recreational value justifies its removal from the tax rolls, and the on-going expense of its maintenance; easement acquisition; and acquisition of development rights. (96) R

RESPONSE: *Ewing Young Park is one of the premier recreational destinations within Yamhill County. The park offers the public access to programmed uses such as a BMX track, dog park, skatepark, playground, disc golf course, RC track, and picnic shelter, along with passive uses such as walking paths, open lawns, bird watching, and other opportunities for interaction with the natural environment due to the natural setting of the park along Chehalem Creek. The development of a pedestrian footbridge across Chehalem Creek will provide access to an additional 11-acres of land to expand the park's walking paths and potentially the disc golf course, further expanding recreational opportunities for the public to enjoy.*

F. Mineral and Aggregate Resources

SUMMARY

An inventory of mineral and aggregate resources for Yamhill County is scheduled to be undertaken in 1979 by the Oregon Department of Geology and Mineral Industries. Mineral resources in Yamhill County consist mainly of sand and gravel, and rock quarries.

The Willamette River is a major source of sand and gravel. Unless properly developed and rehabilitated, mining and quarrying activity can pose irreparable environmental damage.

GOAL STATEMENT

1. To protect mineral deposits from urban encroachment, provided that such deposits are not located on land identified for urban and rural residential development by the Comprehensive Plan and Plan Map; to ensure that all extraction of mineral resources takes

place under conditions which foster compatibility with existing surrounding land uses; and to provide for the restoration of extraction sites for future agriculture, open space, recreational or other appropriate uses. (Ord. 301)

POLICIES

- A. Mineral and aggregate resources will be recognized as a nonrenewable resource important to the growth and development of the county and of the surrounding region. (Ord. 301)
- B. Yamhill County will continue to cooperate with State and federal agencies within the region to identify lands that are, can, or should be utilized for sources or processing of mineral aggregates; will determine present and future needs; and will formulate and implement necessary measures for the protection of such sources or sites; and sites that are found to be compatible with the Plan goals will be recognized through appropriate plan designations and zone districts on the Plan and zone maps. (Ord. 301)
- C. Areas designated by the Comprehensive Plan for urban and rural residential development or other conflicting uses will continue to be protected from incompatible mining activities through appropriate zoning and review measures. (Ord. 301)
- D. Areas designated by the Comprehensive Plan for mineral resources will continue to be protected from incompatible urban and rural residential development and other conflicting uses through appropriate zoning and review measures. If such development is approved, adequate setbacks and use limitations will be applied to the development to minimize conflicts with adjacent future mining operations. (Ord. 301).
- E. Where a property has been identified as having important mineral and aggregate resources and is identified as farm or forest land in the Comprehensive Plan, and conflicts exists between competing uses, consideration of the economic, social, environmental and energy consequences shall be a part of the aggregate site designation and zoning process. (Ord. 301)

GOAL STATEMENT

- 2. To ensure that irreparable environmental damage or the creation of safety hazards does not result from mining, quarrying or extractive activities; and to ensure that reclamation of mining, quarrying and extraction sites is accomplished according to an approved reclamation plan.

POLICIES

- A. All requests for mining, quarrying, and extractive operations will be required to prepare and submit detailed plans of the site operation and plans for reclamation to ensure proper continued operation and final closure of the development. Approval of the request may occur only after the posting of all necessary performance bonds and submittal of all applicable plans.
- B. Yamhill County will cooperate with State regulatory agencies in support of the reclamation or restoration of all lands subject to mining, quarrying, and extractive activities; and assurance will be required at the outset of the development by the posting of adequate performance bonds.

- C. All requests for operations within any stream bed will require the approval of appropriate governmental agencies.
- D. Operating standards adopted for mineral resource sites will be designed to the greatest extent possible to protect air and water quality, soil resources and natural vegetation from deterioration or irreparable environmental damage.

RESPONSE: *This application neither proposes the mining of mineral and aggregate resources nor negatively impacts existing mineral and aggregate deposits, therefore, this Ordinance section does not apply.*

G. Ecologically and Scientifically Significant Natural Areas (Ord 471)

SUMMARY

An inventory of ecologically and scientifically significant natural areas in Yamhill County was completed by the Nature Conservancy in 1977. In 1988 the Oregon Natural Heritage Data Base of the Nature Conservancy completed an update of Yamhill County natural areas that included a review of the significance of those sites listed in the 1977 inventory and investigation of additional sites.

GOAL STATEMENT

To protect land and water areas that have substantially retained their natural character and land and water areas that, although altered in character, are important as habitat for plant, animal or marine life, for the study of natural historical, scientific, or paleontological features or for the appreciation of their natural features.

POLICIES

- A. Yamhill County's Goal 5 analysis of information on Yamhill County natural areas, provided by the Oregon Natural Heritage Data Base, is included in an attachment to the county's Revised Local Periodic Review Order of 1988-89 and is a data base supplement adopted as background information to the Comprehensive Plan, by reference.

RESPONSE: *This application proposes the use of the subject property as a park. The expansion of Ewing Young Park, which is identified by the Chehalem Park & Recreation District as primarily a "nature park", will certainly protect the land and water areas along Chehalem Creek more than most other potential uses of the site.*

H. Outstanding Scenic Views and Sites (Ord 471)

SUMMARY

Outstanding scenic views and sites exist throughout Yamhill County. Scenic views are an important component of the liveability, attractiveness, and economic health of the county.

GOAL STATEMENT

1. To protect outstanding scenic views and sites for future generations.

POLICIES

- A. Yamhill County will allow uses that may impact scenic resources in the county, subject to the protection offered by the Statewide Land Use Planning Goals, Yamhill County Comprehensive Plan and zoning provisions, particularly site design review, solid waste enforcement, and any other measures as may be adopted to protect the scenic attractiveness of the county.
- B. The Yamhill County Parkway Committee, established by Board Order 88-642 will develop a strategy for establishing a parkway along the State Highways 99 and 18 corridor in Yamhill County.

RESPONSE: *This application proposes the use of the subject property as a park. The expansion of Ewing Young Park, which is identified by the Chehalem Park & Recreation District as primarily a "nature park", will certainly protect the scenic views and sites along Chehalem Creek more than other potential uses of the site.*

I. Historic Areas, Sites, Structures and Objects and Cultural Areas (Ord 471)

SUMMARY

As described more fully in Yamhill County's Revised Local Periodic Review Order for 1988-89, Yamhill County has surveyed and inventoried historic and cultural resources in the county and has established mechanisms for protection of significant historic and cultural resources.

GOAL STATEMENT

- 1. To protect sites, structures and objects that have local, regional, statewide, or national historical significance, and areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms, for future generations.

POLICIES

- A. Through its Historic Landmark Commission and preservation program adopted in 1988, Yamhill County shall limit uses that conflict with significant historic and cultural resources duly designated as Yamhill County Landmarks.
- B. Yamhill County will continue to seek funding and otherwise promote activities designed to further the public's understanding of the cultural and historic diversity of the county.

RESPONSE: *The subject property is historically significant for two reasons. Ewing Young erected the first sawmill in the Oregon Country on Chehalem Creek within the subject property in 1838. The subject property was also Herbert Hoover's boyhood swimming hole, just downstream from the proposed location of the footbridge.*

The proposed development of a footbridge will not negatively impact the historical significance of the site, but will in fact provide better access for the public to observe and experience these historically significant sites.

J. Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways (Ord 471)

SUMMARY

The Statewide Comprehensive Outdoor Recreation Plan (SCORP) (1983) developed by the State Parks and Recreation Division of the Oregon Department of Transportation, lists certain Yamhill County River segments as possessing "sufficient resource values to include them in an inventory of potential study for future designation into either the State Scenic Waterways System or the National Wild and Scenic Rivers System." (P. 47). Other rivers and streams may be designated for protection by the state or federal government in the future.

GOAL STATEMENT

1. To protect approved federal wild and scenic waterways and state scenic waterways, and to coordinate with state and federal agencies studying potential federal wild and scenic waterways and state scenic waterways.

POLICIES

A. The following river segments are identified as potential scenic waterways:

1. Willamette River (federal status) from southern county border downstream approximately 26 miles from Salem.
2. Nestucca River (state status) from the lower end of Old Meadow Lake to county border.
3. Nestucca (Little) River (federal status) entire length within Yamhill County.

Zoning along the above-listed segment of the Willamette is entirely EF-40 and AF-20, both resource zone designations. The segment of the Nestucca in Yamhill County is located entirely within the F-80 district, which is a resource designation, or on BLM property. The segment of the Little Nestucca in Yamhill County is entirely within the F80 district or in the Siuslaw National Forest. Yamhill County recognizes and designates the above-listed river segments as significant Goal 5 resources.

B. Yamhill County shall coordinate with state and federal agencies in applying the Statewide Planning Goal 5 rule process in the event a study is made for designation of any of the above-listed river segments as a federal, wild, and scenic river and/or State Scenic Waterway.

C. The Nestucca River (from immediately below the McGuire Dam downstream to its confluence with East Creek) and Walker Creek (from its source to the confluence with the Nestucca River) is designated a State Scenic Waterway. So long as it retains its state designation, the county recognizes Walker Creek, and that portion of the Nestucca River within Yamhill county, as a significant Goal 5 resource. It is the county's intent to remove the designation of Walker Creek as a significant Goal 5 resource if the state scenic waterway designation is removed in the future. Removal of the county's Scenic Waterway Overlay designation will require a Comprehensive Plan Amendment and a revised ESEE consequences analysis under Goal 5. The county recognizes that the State Parks and Recreation Department has the lead role in the development of management plans and review of land use activities adjacent to designated state scenic waterways. The county will coordinate and cooperate with the State Parks and Recreation Department and property owners within the scenic waterway boundary to ensure compatibility and consistency of regulatory controls. (566)

RESPONSE: The subject property is not identified as a potential scenic waterway, therefore, this Ordinance section does not apply.

SECTION III. Transportation, Communications and Public Utilities

A. Transportation

SUMMARY

Efforts need to be coordinated among local, regional, state and federal agencies in order to develop a sound transportation system for the county.

The regional transportation needs must be addressed primarily in respect to the utilization of the county's arterials as State thoroughfares.

A major concern of the county is to develop a transportation system that will maintain and enhance the quality of life enjoyed by its residents.

Due primarily to the increasing traffic load and traffic hazards on all county roads, there is a need to control access points for future development.

In view of the rapidly increasing cost and decreasing supply of energy, it is imperative that all transportation decisions take into account the conservation of energy.

The provisions of adequate bicycling and pedestrian paths within the county is a concern of the county residents. Such modes of transportation lend themselves particularly to the rural nature of the county.

There is a potential for the McMinnville Municipal airport to be developed into a Basic Transport facility.

Rail freight service to the county is provided by Southern Pacific Railroad. The county operates a limited public transit system.

In order to protect the scenic resources of the county, outstanding highway views should be designated as scenic areas.

GOAL STATEMENT

1. To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.
(142)

POLICIES

- A. Yamhill County will encourage the establishment of a transportation system supportive of a geographically distributed and diversified industrial economy for the county including coordination with all city comprehensive plans.
- B. All transportation-related decisions will be made in consideration of land use impacts including but not limited to adjacent land use patterns, both existing and planned, and their designated uses and densities.

- C. Yamhill County will cooperate and establish close liaison with the State Department of Transportation, the cities of the county, the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Southern Pacific Railroad, the Federal Aviation Administration, Federal Highway Administration, and private utility companies operating in the county, in respect to matters relating to the location, design and programming of roads, railroads, public transit facilities, airports, transmission lines, pipelines, waterways, energy corridors and communications facilities to guide and accommodate the emerging development patterns of the county. (142)
- D. Yamhill County will, in cooperation with the State Highway Division and the cities of the county, establish a comprehensive list of recommended road improvements throughout the county, establish a suitable review mechanism for arriving at and amending priorities on a continuing basis and work towards the creation of an on-going capital improvement program closely coordinated with all agencies of government responsible, including cities for road location, construction, finance and maintenance. (145)
- E. Yamhill County will cooperate with and support the State Highway Division, the Mid-Willamette Valley Council of Governments, and any other county or regional transportation agency in an effort to establish a viable and productive regional transportation planning process and operations system geared to identifying, prioritizing and resolving both present and future transportation needs, with special reference to our county and regional network. (145)
- F. Yamhill County will establish by ordinance in cooperation with the State Highway Division, the cities of the county, adjoining counties, the U.S. Postal Service and all affected special purpose districts, including fire protection districts, a system for naming all public roads and numbering property as prescribed by ORS 215.110(1)(c), and in doing so will give full consideration to the costs, benefits and timeliness of such action. (152)
- G. Yamhill County will appoint a committee of interested citizens to study all State highways within the county and inventory and evaluate the aesthetic features of the views from such highways, consider the eligibility of specific sections for designation as scenic areas under the provisions of the Scenic Areas Act, and make appropriate recommendations to the Planning Commission and Board of Commissioners in respect to a petition to the Scenic Area Board to hold hearings on the possible designation of scenic areas within Yamhill County. (153)
- H. Yamhill County will, in cooperation with the cities of the county, and in consultation with the Mid-Willamette Valley Council of Governments, the State Public Transit Division, the Public Utility Commissioner, and private companies providing transit services, make a comprehensive study of public transit possibilities, including bus and rail, and if economically feasible, will seek such services as are found to be safe, efficient, and convenient in serving the transportation needs of the residents of the county. (155)
- I. Yamhill County will encourage bicycle and pedestrian traffic as an element of the transportation system by coordinating with the cities within the county to develop an integrated system of safe and convenient bicycle and pedestrian ways to complement other modes of transportation. (158)
- J. Yamhill County will require new development to:

1. Limit access points on highways designated as arterials when alternative access points are feasible.
 2. Provide a frontage setback requirement of 50 feet from the public right-of-way of all designated arterials within the county for commercial and industrial development; and
 3. Minimize direct access points onto arterial right-of-ways by encouraging the utilization of common driveways.
- K. All county transportation-related decisions will be made in particular consideration of energy efficiency and conservation.
- L. Yamhill County will establish programs, such as van or car pooling to increase vehicle occupancy and reduce unnecessary passenger car travel.
- M. Transportation needs for the disadvantaged, such as the low income, the handicapped, and the elderly, will be considered in the development of the county transportation system.
- N. Yamhill County will utilize existing facilities and right-of-ways to the fullest extent possible provided that such use is consistent with the county comprehensive plan.
- O. All transportation-related decisions will be made in support of the efficient and economic movement of people, goods, and services throughout the region, and will be based on the location and adequacy of facilities for such goods and services.
- P. The county plan and zoning ordinance will continue to recognize the need for protecting the McMinnville Municipal Airport as a vital county-wide transportation facility and efforts will be made to regulate land use in the environs of the airport to prevent the erection of further airport hazards and obstructions, at the same time preventing any residential encroachment upon the critical noise contours.
- Q. The status and proposed location or expansion of all airport facilities will be specifically designated in the plan map, as amended, and, if under county jurisdiction, will be accorded a planned-unit development designation in the zoning ordinance, in order to assure a compatible association of airport growth with surrounding urban development. (161)
- R. The county will continue to work with the State, the City of Newberg, and the City of Dundee on alternatives for routing Highway 99W traffic through or around Newberg and Dundee. (Ord. 517)

RESPONSE: This application does not propose or directly impact transportation facilities as identified by this Ordinance section, therefore, this Ordinance section does not apply.

B. Utilities

SUMMARY

Transmission lines and pipelines cross miles of land, consume many acres of right-of-way, and have a significant impact on land use. The Public Utility Commission has allowed for local review of utility location with its agency coordination program.

The county recognizes the effects that the development of utilities has on land use and sees a need for close consideration and cooperation with the utility companies.

GOAL STATEMENT

(See goal statement under Public Facilities and Services)

POLICIES

- A. Yamhill County will review all right-of-way acquisitions for utility lines and facilities and, where appropriate, require:
1. That the route or corridor chosen locate on or parallel to existing public or private right-of-ways and avoid the creation of unusable parcels;
 2. That the route or corridor chosen have a minimum visual impact along highways and in residential areas, blend well with the natural landscape, and create minimum conflict with present and planned uses of the land;
 3. That clearing for, and construction of, transmission lines, pipelines and other utility facilities be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources, and which will minimize scarring of the landscape or siltation of streams;
 4. That following construction of utility facilities, construction areas will be cleaned up and efforts will be made to restore the landscape and the land capability to its original condition prior to construction; and
 5. That a maintenance program for utility facilities include maintenance of the environmental preservation and restoration achieved during all phases of construction.

RESPONSE: This application does not propose right-of-way acquisition for utility lines and facilities, therefore, this Ordinance section does not apply.

SECTION IV. Public Land, Facilities, and Services

A. Public Facilities and Services

SUMMARY

The county sees a need to integrate public facilities and services in an effort to eliminate costs and conserve energy.

Coordination with all jurisdictions and affected agencies is essential in the development and maintenance of adequate public facility systems.

The expansion of public facilities is a major factor in directing urbanization. The consolidation of water and sanitary sewer facilities can reduce the construction, operation and maintenance costs of such facilities.

The joint acquisition and use of school and park sites can represent a substantial economic benefit to the cities and the county.

There are a number of sites of historic and archaeological significance worthy of preservation within the county.

It is necessary to identify, reserve and protect future domestic water supply sources in order to meet the increasing urban and rural needs.

It is a concern of the county to regulate public and quasi-public institutional uses within rural areas of the county.

Recycling of solid waste materials conserves natural resources and energy.

GOAL STATEMENT

1. To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services. (166)

POLICIES

- A. Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public services and facilities within the urban growth boundaries.
- B. Public facilities and services for rural areas will be provided and maintained at levels appropriate for rural use only.
- C. In recognition of the necessity to promote the conservation of energy, Yamhill County will assume a demonstrative role through the application of energy conserving practices that will support the development and operation of an efficient arrangement of public facilities and services within the county.

- D. Yamhill County will coordinate with the cities and appropriate local, state, and federal agencies in providing for the health and service needs of the public, particularly the needs of the disadvantaged, including the young, the elderly and the handicapped.
- E. Yamhill County will encourage the consolidation of city, county, and state administrative offices, public health, safety and welfare buildings, and community cultural facilities as opportunities that will promote energy conservation, provide convenient, centralized services and attractive building and open space groupings. (168) R
- F. Yamhill County will, where practicable, encourage the consolidation of city, county, school district, utility and state works yards, shops, bus barns, and equipment and storage yards, in order to realize economies of scale in land acquisition, development, and operation and maintenance costs, and eliminate present facilities which are incompatible with sensitive residential and commercial areas throughout the county. (171)
- G. Close cooperation will be encouraged among the cities, the school districts, and the county in respect to matters of school site selection, acquisition, planning, servicing, and joint use in keeping with the anticipated direction and pattern of urbanization within the urban growth boundary. (172) R
- H. Yamhill County will work with cities within the county, the Yamhill County Historical Society, the Oregon Historical Society, the Oregon State Museum of Anthropology, the State Historical Preservation Officer, the Heritage and Conservation Administration, and all other interested groups to identify and preserve sites of historic or archaeological interest. (179)
- I. Yamhill County will accommodate the location of non-profit, institutional organizations as defined by the Internal Revenue Code in the designated agriculture and forestry small holding areas on the Plan Map, provided such uses are compatible with such areas, the stated goals and policies of the plan are fully complied with, and such uses are established and regulated as planned unit developments under the zoning ordinance. (181) R
- J. Yamhill County will cooperate with other interested agencies to identify, acquire and/or reserve in advance through appropriate open space zoning designations suitable watershed areas and reservoir sites to serve the domestic water needs of the emerging urban and rural development areas of the county. (182)
- K. Yamhill County will encourage the dedication of major drainage-ways such as wetlands, swales, intermittent creek basins and roadside depressions for the purpose of storm water collection.
- L. Yamhill County will encourage and cooperate with regional solid waste management programs in scale with the county's needs and subject to equitable cost-sharing arrangements for each of the services and facilities developed on a regional basis. (188) R
- M. Yamhill County will assist in the organization of special purpose districts, such as water and irrigation districts, water associations and county service districts, which would be able to utilize federal and state funds to build reservoirs and provide the desired services to their respective communities or clientele. (183)

- N. The establishment of domestic water supply systems will be supported where such systems conform to all applicable water quality and engineering design criteria developed by the Oregon State Health Division; where the supply, storage and distribution of facilities are able to satisfy insurance fire-flow requirements and provide a given reserve for maximum daily use and emergency needs; where such systems are developed at a level consistent with the ability of the providing agency to support the services and provide qualified personnel for operation and maintenance; where the extension of water distribution lines is justified by the users' ability to support the services within a reasonable period of time; and where the extension of water distribution lines will not create development levels incompatible with the basis county goal of preserving agricultural and forestry lands.
- O. Groundwater supplies will be protected from critical draw-downs or disrupted flows occasioned by surrounding land use development or activities, such as mining and logging where municipal watersheds exist; surface water supplies will be protected from unusual increases in turbidity and sedimentation caused by farming, logging, mining, excavation or grading; and both ground water and surface water supplies will be protected from contamination by subsurface sewage disposal systems, sewage lagoons, sanitary landfill sites and other sources of pollution. (184) R
- P. Yamhill County will assist in the organization of special purpose districts such as sanitary districts, sanitary authorities, and county service districts which would be able to utilize federal and state funds to build collection and treatment facilities and provide the necessary services to their respective communities or clientele. (184)
- Q. The development of sanitary sewerage systems will be supported where such systems conform to all applicable federal and state standards pertinent to the collection, treatment, and final disposal of effluent; support will be given for the continued separation of sanitary and stormwater collection systems and the development of correction programs to reduce ground and surface water infiltration; support will be given for the separation and disposal of industrial wastes which differ significantly from normal domestic sewage in strength or composition, or which contain significant quantities of grease, chemicals or suspended metals; and the planning management criteria enunciated for domestic water systems should be applied with equal consideration to sanitary sewerage systems. (184)
- R. The development of small biological and physical-chemical plants in areas of existing or planned urban densities in rural environments will be supported, provided they are operated by a public agency or licensed private corporation or homes association and meet established federal and state operational and water-quality standards. (185)
- S. Yamhill County will encourage, where feasible, the land disposal of treated waste effluents and will consider in land use actions around the cities of the county, the future need for such applications of treated wastes. (185) R
- T. Yamhill County will support any consolidation of water and sewer facilities to secure the potential economies of scale and organization, providing their potential environmental impacts are consistent with existing land-use plans, related urban growth goals and policies, established water quality standards, and where separate local facilities are shown to be more expensive.

RESPONSE: The proposed development of a footbridge across Chehalem Creek will expand the recreational opportunities of Ewing Young Park to the west side of the creek, providing a necessary service of parks and recreation for the public to enjoy.

B. Parks and Recreation

SUMMARY

The Oregon State Park Department, Yamhill County, Chehalem Park and Recreation District, the school districts and the Yamhill County cities provide a variety and different levels of park and recreation opportunities for county residents and the transient population. Most of the park land outside Yamhill County cities are accessible only by automobile. There is a lack of water-based recreational opportunities in Yamhill County.

GOAL STATEMENT

1. To provide adequate recreational opportunities in both the rural and urban environments to meet existing and projected needs.

POLICIES

- A. Yamhill County will cooperate with all governments and recreation agencies within the region to identify recreation, open space, and scenic resources; determine resident and nonresident needs and formulate and implement measures for providing recreation services.

RESPONSE: The subject property is owned and maintained by Chehalem Park & Recreation District (CPRD). The proposed development of a pedestrian footbridge across Chehalem Creek will expand the recreational opportunities of Ewing Young Park in alignment with CPRD's master plan for the park.

- B. Yamhill County will seek the cooperation of the cities, school districts and Chehalem Park and Recreation District in the joint acquisition, development, operation and maintenance of combined school and neighborhood park and playground sites in harmony with projected neighborhood needs and surrounding uses. (175)

RESPONSE: The proposed development of a pedestrian footbridge across Chehalem Creek will expand the recreational opportunities of Ewing Young Park from inside the City limits to outside the City limits (west of Chehalem Creek).

- C. Yamhill County will seek to offer greater opportunities for water-based recreation on the Willamette and South Yamhill Rivers and their tributaries. (175) R

RESPONSE: The proposed development will not improve opportunities for water-based recreation, therefore, this Ordinance section does not apply.

- D. Yamhill County will encourage the location of urban parks in scenic areas which are easily accessible to much of the urban population and which can be developed to provide recreation opportunities for a variety of age and interest groups. (176)

RESPONSE: The existing Ewing Young Park is an urban park in a scenic area which is easily accessible to much of the urban population, with an existing parking lot. The park provides a variety of recreation opportunities for a variety of ages.

- E. Yamhill County will encourage the development of rural parks with appropriate spacing to serve the needs of county residents on sites which have unique aesthetic value, appropriate access by road or path, and are otherwise suitable for picnicking and water-related activities. (176)

RESPONSE: *The proposed development is not a rural park, therefore, this Ordinance section does not apply.*

- F. Yamhill County will encourage an appropriate amount of park and recreation development designed to meet the needs of the transient and regional population. (177)R

RESPONSE: *The existing Ewing Young Park currently serves the needs of the transient and regional population through a variety of activities, including BMX track, skatepark, RC track, and disc golf course. The proposed development of a footbridge will expand the recreational opportunities of the park to the currently-inaccessible 11 acres of land on the west side of the creek, which will further establish the park as a destination for the transient and regional population.*

- G. Yamhill County will promote the development of an integrated bicycle and pedestrian trail system to provide recreational opportunities and to link open space, Yamhill County communities and park areas. (178) R

RESPONSE: *The proposed development of a pedestrian footbridge across Chehalem Creek will expand the internal path system within Ewing Young Park, but will not provide any connections to an integrated bicycle and pedestrian trail system for Yamhill County at large.*

- H. Yamhill County will explore the possibilities of placing a greater share of the burden of park acquisition on new residents of the county who generate an increased demand for parks and open space. (178)

RESPONSE: *The subject property is already owned by Chehalem Park & Recreation District, therefore, this Ordinance section does not apply.*

- I. Yamhill County will encourage cooperation among government agencies to increase recreation opportunities, programs and facilities for county residents, and will explore the possibilities of providing recreation programs for the small towns and rural areas of the county. (179)

RESPONSE: *The proposed development will increase recreation opportunities for county residents. Ewing Young Park is a large community park, and includes a large existing parking lot, making it open and accessible to county residents.*

- J. For the purpose of implementing recreation programs and development, Yamhill County will investigate funding alternatives such as tax levies, bonding grants in aid, user fees and subdivision ordinance stipulation.

RESPONSE: *Chehalem Park & Recreation District will bear the full cost of implementing the proposed development, therefore, this Ordinance section does not apply.*

C. Willamette Greenway

SUMMARY

The Willamette River is a valuable resource, offering unique scenic and recreational opportunities.

A sound management program will ensure that the Willamette River remains valuable for all to enjoy.

GOAL STATEMENT

1. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.

POLICIES

- A. Yamhill County will cooperate with appropriate governmental agencies and special districts to protect all Willamette Greenway lands and resources.
- B. Yamhill County will identify a Willamette Greenway Boundary on the county comprehensive plan and zoning maps, and will develop and adopt a greenway ordinance, providing for the review of intensifications, changes of use, or developments within the Willamette Greenway Boundary to ensure compatibility with the goal.
- C. Yamhill County will continue to cooperate with the Oregon Department of Transportation in examining the feasibility of future acquisition plans within the Willamette Greenway Boundary.

RESPONSE: The subject property is not within the Willamette Greenway Boundary, therefore, this Ordinance section does not apply.

SECTION V. Environmental Quality

A. Air, Water and Land Resources Quality

SUMMARY

Yamhill County has retained an overall high-quality natural environment, yet the impact of human activities on the environment has upset the natural ecological balances and the high aesthetic quality of the county in the past, and poses the threat of future deterioration. The increasing demands put upon the air resources of the county affect the capability of those resources to provide for a clean, enjoyable and safe environment. The Willamette Valley is prone to air pollution as a result of climatic and physiographic conditions. Suspended particulates from a number of sources, including automobiles, dust, field and slash burning, and industry process losses, pose the largest air pollution problem for Yamhill County.

GOAL STATEMENT

1. To conserve and to protect natural resources, including air, water, soil and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment. (189)

POLICIES

- A. Yamhill County will cooperate with the State Department of Environmental Quality in enforcing state and federal regulations designed to achieve high air quality. (189) R
- B. Yamhill County will, in making land use decisions relative to industrial or other uses likely to pose a threat to air quality, consider proximity of the proposed use to residential areas and meteorological factors such as seasonal prevailing wind direction and velocity. (190)
- C. Yamhill County will cooperate with the State Department of Environmental Quality in implementing noise control regulations. (192)
- D. Consideration will be given to adopting an ordinance requiring environmental impact review of all major public and private development proposals and the social and economic costs and benefits associated with any particular development proposal will be properly evaluated prior to public endorsement or approval. (196)
- E. In order to maintain and improve the quality of the county's air, water and land resources, Yamhill County will seek to minimize irreversible and other long-term impacts in its development of energy resources; support efforts, where feasible, for the appropriate and efficient recovery of energy as a means to reduce waste problems; and encourage a program to recover and recycle used motor oil.

RESPONSE: *The proposed development will provide temporary erosion control during construction and permanent erosion control after construction and mitigate the removal of plant material by planting new native plantings. The project will have no measurable alteration of the ecological balance of the site, and will not be detrimental to human health or compromise the beauty and tranquility of the natural environment of the site.*

GOAL STATEMENT

2. To preserve and enhance the charm and amenity values of the county, while accommodating change, through ensuring harmony between urban development and the natural environment, at the same time cultivating more attractive urban environments in which to live, work and play. (193)

POLICIES

- A. Yamhill County will, in cooperation with the cities, work to establish high standards for urban development and redevelopment, initiate incentives and regulatory programs to achieve such standards and seek abatement of the aesthetic degradation of the environment resulting from conflicting land uses and blighted neighborhoods, indiscriminate waste disposal, offensive outdoor storage and advertising, and the lack of adequate natural and landscaped open space. (193)
- B. Yamhill County will work to maintain a healthy natural balance among the many life forms existing together within the region. (192)

RESPONSE: The proposed development maintains the charm and amenity values of the site, while providing access for the public to enjoy that very charm and amenity value through the expansion of the park to the west side of Chehalem Creek.

SECTION VI. Energy Conservation

SUMMARY

At the present time Yamhill County residents depend on oil, natural gas and electricity to meet 95 percent of their fuel and utility needs.

All of these primary fuels are imported into the county, which means taking more capital out of local circulation to pay for energy use.

Over 50 percent of the energy Yamhill County residents purchase is lost, largely through inefficient and inappropriate use.

Energy resources that are efficiently and appropriately used offer numerous benefits including: prolonging existing rates, reducing energy-related expenses, conserving and creating local jobs, reducing pollution, and preserving natural resources.

Solar energy is available in Yamhill County to provide substantial portions of the residential and commercial heating needs.

Sufficient wind energy is available at sites in Yamhill County to generate electricity cheaper than the cost of thermally (coal or nuclear) produced electricity.

Water power and biomass wastes, including logging and mill residues, also offer potential energy sources to Yamhill County residents.

GOAL STATEMENTS

1. To reduce the per capita use of fossil fuels and other non-renewable sources of energy through the efficient and appropriate use of all energy.
2. To promote the conservation of existing depletable energy resources and the development of local, renewable resources to ensure that an adequate supply will be available to Yamhill County citizens at a reasonable cost.

POLICIES

- A. Yamhill County will encourage and support the highest possible current and future energy efficient design standards in all land use issues.
- B. Yamhill County will identify, monitor and protect sites of energy supply, especially, but not limited to, wind and water power.
- C. Yamhill County will support efforts to investigate and establish appropriately scaled units of renewable energy production.
- D. Yamhill County will promote development of renewable energy resources, including but not limited to solar, wind, water and biomass.
- E. Through the services of the Yamhill County Energy Committee, Yamhill County will continue efforts of cooperation and communication between citizens, utilities, local governments and state and federal agencies concerning energy-related issues and programs, and will participate in formulating state and regional policies that determine how energy is to be produced and consumed locally.

- F. Yamhill County will continue to provide information, technical assistance and otherwise demonstrate energy conservation.
- G. Yamhill County will continue its energy conservation planning program, amplifying its energy-related inventories, proposals, programs and plans, in efforts to guarantee a reasonable level of energy self-sufficiency.
- H. Yamhill County will establish standards to guide the appropriate and efficient use of energy in its programs, purchases and practices.
- I. Yamhill County will establish standards to conserve energy in its motor pool vehicles and practices.
- J. Yamhill County will analyze and minimize total life cycle costs in its new and remodeling programs, and other capital investments.
- K. Yamhill County will encourage programs for resource recovery and recycling of solid wastes.
- L. Yamhill County will assist local governments to promote the use of conservation, solar and other renewable sources of energy supply.

RESPONSE: Once construction is complete, the proposed development will not require any energy, as it has no lighting or other energy needs.

SECTION VII. Implementation, Evaluation, and Review

A. Citizen Involvement

SUMMARY

Extensive efforts were made to involve Yamhill County citizens during the development of the 1974 County Comprehensive Plan.

The county has a citizen involvement program composed of eight planning advisory committees which meet regularly to review land use proposals in their respective areas.

The county's citizen involvement program has been approved by the Land Conservation and Development Commission.

POLICY

- A. Yamhill County will continue to implement an ongoing citizen involvement program that provides county residents opportunity to be involved in all phases of the planning process.

RESPONSE: Chehalem Park & Recreation District (CPRD), similar to Yamhill County's citizen involvement process, involves the community in the development of park and recreation planning and design projects. As such, CPRD held multiple public meetings during the master planning of Ewing Young Park in 2018. A pedestrian footbridge over Chehalem Creek was presented to the public during one of these meetings, and received favorable feedback because of the opportunity it presents to expand the recreational uses of the park. For that reason, the footbridge was included in the 2018 Ewing Young Park Master Plan.

B. Review and Update

SUMMARY

Changing needs and conditions will necessitate future review, evaluation, and updating of the Comprehensive Plan and its supporting documents. Intergovernmental coordination of all planning activities affecting land uses within the county are necessary to assure an integrated comprehensive plan for the entire area of Yamhill County.

POLICIES

- A. Yamhill County will review any development concepts or proposals which conflict with the Plan Map, goals or policies in light of changing needs and conditions and in keeping with established procedures of Plan evaluation, amendment, and update.
- B. Yamhill County will undertake a major update of the Comprehensive Plan and review of all supporting documents every five years to ensure that an adequate factual basis for planning decisions is maintained.
- C. Yamhill County will encourage federal, state, and regional agencies and special districts to coordinate their planning efforts with those of the county.

RESPONSE: The Applicant acknowledges the County's process of Review and Update to the Comprehensive Plan. This application makes every effort to comply with the current standards and requirements as set forth in the Comprehensive Plan.

Applicable Zoning Ordinance Requirements

The following section responds to the Yamhill County Zoning Ordinance requirements for the *Ewing Young Park Footbridge* development proposal.

Zoning Ordinance section responses include:

C – Applicable Zoning Ordinance Requirements Section

Section 100 – Introductory Provisions C-1

 Section 101 – Title C-1

 Section 102 – Authorization and Application C-1

 Section 103 – Purpose and Scope C-1

Section 200 – Definitions and Rules of Construction C-3

 Section 201 – Rules of Construction C-3

 Section 202 – Definitions C-3

Section 300 – Establishment of Districts C-4

 Section 301 – Classification of Districts C-4

 Section 302 – Official Zoning Map C-5

 Section 303 – Rules for Interpretation of District Boundaries C-6

 Section 304 – Application of Zoning District Regulations C-6

Section 500 – Rural Residential Districts C-8

 Section 501 – Agriculture/Forestry Small Holding District (AF-10) C-8

Section 900 – Overlay Districts C-15

 Section 901 – Floodplain Overlay District (FP) C-15

Section 1100 – Site Design C-27

 Section 1101 – Site Design Review Process and Standards C-27

Applicable Zoning Ordinance Narrative

The following information responds to the Yamhill County Zoning Ordinance requirements in regards to the proposed ***Ewing Young Park Footbridge***. Responses to individual sections are highlighted in bold for each applicable development standard criterion.

Section 100 Introductory Provisions

101 TITLE

This ordinance and any amendments hereto shall be known and may be cited or pleaded as the Yamhill County Zoning Ordinance, No. 310, 1982.

102 AUTHORIZATION AND APPLICATION

This ordinance is hereby enacted for all the area of Yamhill County subject to County jurisdiction under the provisions of ORS 215.130 and subsequent amendments of the Oregon Revised Statutes.

103 PURPOSE AND SCOPE

103.01 This ordinance is enacted to promote the public health, safety and general welfare at to implement the goals and policies of the Yamhill County Comprehensive Plan 1974, Ordinance No. 62-1974 as amended.

103.02 Conformance Required.

No land shall be used, and no buildings or structures, or part thereof, shall be erected, constructed, reconstructed, located, moved, extended, enlarged, structurally altered, or used or occupied except in conformity with this ordinance.

103.03 Violations.

It shall be unlawful for any person to violate any provision of this ordinance, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under this ordinance. Violations of this ordinance shall be prosecuted and penalties assessed pursuant to Section 1406 of this ordinance.

103.04 Interpretation.

The provisions of this ordinance shall be held to be minimum requirements. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or that imposing the higher standards shall govern.

103.05 Severability.

If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance. Each section, sentence, clause and phrase hereof is declared severable.

103.06 Repeal of Previous Zoning Ordinance.

The Yamhill County Zoning Ordinance, Ordinance No. 83, 1976 enacted on the 11th day of February, 1976, and amendments thereto, and the Yamhill County Flood Hazard District Ordinance, Ordinance No. 69, 1975 enacted on the 9th day of July, 1975, are repealed. Any reference to Ordinance No. 83, as amended, shall be referenced to the appropriate provisions of this ordinance. All ordinances hereby repealed shall allow application of remedies or punishment of a person for the act done or committed prior to the date of this Ordinance and in violation of an ordinance hereby repealed.

RESPONSE: The Applicant acknowledges the purpose and scope of the Zoning Ordinance as defined by this Ordinance section. This application makes every attempt to comply with all applicable Zoning Ordinances.

Section 200
Definitions and Rules of Construction

201 RULES OF CONSTRUCTION

201.01 Interpretations.

For the purposes of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for" or "extended for the purpose of";
- E. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"; and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

RESPONSE: The Applicant acknowledges the interpretations as defined by this Ordinance section.

202 DEFINITIONS

RESPONSE: The Applicant acknowledges the definitions as defined by the Yamhill County Zoning Ordinance Section 202.

**Section 300
Establishment of Districts**

301 CLASSIFICATION OF DISTRICTS

For the purposes of this Ordinance, the unincorporated area of Yamhill County, Oregon, is hereby divided into the following districts:

A. Natural Resource Districts

Forestry District F-80

Exclusive Farm Use District

- 80 acre minimum EF-80

- 40 acre minimum EF-40

- 20 acre minimum EF-20

Agriculture/Forestry Large Holding District

- 80 acre minimum AF-80

- 40 acre minimum AF-40

- 20 acre minimum AF-20

Mineral Resource District MR

Parks, Recreation, and Open Space District PRO

B. Rural Residential Districts

Agriculture/Forestry Small Holding District AF-10

Very Low Density Residential

- 5 acre minimum VLDR-5

- 2 1/2 acre minimum VLDR-2 1/2

- 1 acre minimum VLDR-1

Low Density Residential

- 12,000 District LDR-12,000

- 9,000 District LDR-9,000

- 6,750 District LDR-6,750

C. Commercial Districts

Recreation Commercial District RC

Neighborhood Commercial District NC

Highway/Tourist Commercial District HC

D. Industrial Districts

Resource Industrial District RI

Light/General Industrial District LI

Heavy Industrial District HI

E. Public Facility Districts

Public Assembly/Institutional District PAI

Public Works/Safety District..... PWS

Public Airports/Landing Fields District PALF

F. Overlay Districts

Floodplain Overlay District FP

Willamette River Greenway Overlay District WRG

Planned-Unit Development Overlay District PUD

Limited Use Overlay District..... LU

Watershed Overlay District WS

Scenic Waterway Overlay District SW

Airport Overlay District AP

RESPONSE: *The subject property is zoned Agriculture/Forestry Small Holding District AF-10, and subject to the AF-10 Zoning Ordinance standards and requirements.*

302 OFFICIAL ZONING MAP

302.01 Boundaries

The boundaries of the zoning districts and overlay districts established by Section 301.00 of this Ordinance are indicated on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 302 of the Yamhill County Zoning Ordinance, No. 310, 1982."

302.02

For the precise location of all zoning district and overlay district boundaries within the unincorporated areas of Yamhill County, reference shall be made to the Official Zoning Map.

302.03

If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board or Commission. Amendments to this Ordinance which involve matter portrayed on the Official Zoning Map shall become effective upon recording in

the Clerk's Office. All changes shall also be promptly and properly recorded on the Official Zoning Map.

302.04

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1406 of this Ordinance.

302.05

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, there shall be only one Official Zoning Map which shall be located in the office of the Director and which shall be the final authority as to the current zoning status of any land and water areas, or buildings or structures in the County.

302.06

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on the 1st day of February, 1976, as part of the Yamhill County Zoning Ordinance, No. 310, 1982."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendments.

RESPONSE: The subject property is zoned Agriculture/Forestry Small Holding District AF-10, and subject to the AF-10 Zoning Ordinance standards and requirements. This application does not seek to change the zoning of the subject property.

303 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

303.01

Where uncertainty exists as to the boundaries of zoning districts or overlay districts, as shown on the Official Zoning Map, the following rules shall apply:

RESPONSE: No uncertainty exists as to the boundaries of zoning districts or overlay districts for the subject property. The subject property is zoned Agriculture/Forestry Small Holding District AF-10, with the Floodplain Overlay District FP.

304 APPLICATION OF ZONING DISTRICT REGULATIONS

304.01

The regulations established by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building or other structure shall hereafter be erected or altered:
 - 1. To be greater in height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of parcel area; or
 - 4. To have narrower or smaller front yards, rear yards, side yards, or other open spaces, than specified by this Ordinance.
- B. No part of a yard, or other open space, or offstreet parking or loading space required by this Ordinance in connection with any building shall be included as part of a yard, open space, or offstreet parking or loading space similarly required for any other building.
- C. No yard or parcel existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the date of adoption of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. The zoning district regulations which apply to lands which may hereafter be annexed to any city shall continue in effect until such lands are otherwise classified, or rezoned by the jurisdiction having authority to make such changes.

RESPONSE: The Applicant acknowledges the application of zoning district regulations as they apply to the subject property. The proposed project will conform to the established regulations of this Ordinance.

Section 500 Rural Residential Districts

501 AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)

501.01 Purpose.

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans.

RESPONSE: The urban growth boundary and city limits of the City of Newberg follow the centerline of Chehalem Creek, which bisects the subject property. The subject property is, therefore, immediately adjacent to an urban center, and the zoning is intended to be a transitional zone between the lower-density F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts and higher-density VLDR and LDR Districts or urban districts identified in the City of Newberg Comprehensive Plan.

501.02 Permitted Uses.

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

- A. Farm uses;
- B. Propagation and harvesting of forest products;
- C. The boarding of horses for profit, subject to Section 1101 for site design review;
- D. Principal dwelling;
- E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves;
- F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- H. Accessory uses;
- I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- K. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

- L. Signs, pursuant to the sign provisions set forth in Section 1006; and
- M. Residential home.
- N. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014.

RESPONSE: *The proposed development is an expansion of Ewing Young Park. Parks are identified as a permitted use by this Ordinance section.*

A Park is defined in Zoning Ordinance section 202 as any public or private land reserved for recreation, educational, cultural, or open space uses. Since specific improvements within a park, such as playgrounds, restrooms, pathways, or footbridges are not defined by section 202, specific improvements should be reviewed by the County as to whether or not those improvements are proposed for recreational, educational, cultural, or open space uses. A footbridge across Chehalem Creek will expand the recreational opportunities of Ewing Young Park by providing public access to 11 acres of additional walking paths and potentially some additional disc golf holes. This 11 acres is currently inaccessible, and so pedestrian access across Chehalem Creek is essential for the expansion of the park.

Pedestrian pathways and footbridges are essential to parks, and are regularly found in parks throughout Yamhill County and the rest of the region. Parks in Yamhill County are regularly located along rivers, creeks, and drainageways since many of these areas are prone to flooding and/or are not conducive to other types of uses. Footbridges specifically are essential to parks in these types of settings since rivers, creeks, and drainageways prevent access otherwise.

501.03 Conditional Uses.

In the AF-10 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Secondary dwelling, for persons engaged full-time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:
 - 1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 - 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 - 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a manufactured home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the manufactured home shall be removed.
- B. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the

term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:

1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement.
- C. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
- D. Mineral resource extraction, subject to the applicable criteria in Section 404;
- E. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- F. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- G. Kindergarten, day nursery or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- H. Veterinary hospital;
- I. Kennel;

- J. Community or municipal water-supply system, except within acknowledged service boundaries;
- K. Community or municipal sewer system;
- L. Utility facility, subject to Section 1101 for Site Design Review;
- M. Public or private school, including all buildings essential to the operation of the school; and
- N. Church
- O. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities.
- P. Winery, including production and wholesale and retail sale of wine, subject to Section 1101 site design review and the following:
 - 1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
 - 2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery;
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and
 - (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site;
- Q. Community Centers.
- R. Residential facility as defined in ORS 197.660.

RESPONSE: The proposed development is for a park, which is permitted by Zoning Ordinance section 501.02, therefore, this Ordinance section does not apply.

501.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the AF-10 District.

RESPONSE: The proposed development is for a park, which is permitted by Zoning Ordinance section 501.02, therefore, this Ordinance section does not apply.

501.05 Nonconforming Uses.

Nonconforming uses found in the AF-10 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

RESPONSE: The subject property does not contain any nonconforming uses, therefore, this Ordinance section does not apply.

501.06 Standards and Limitations.

In the AF-10 District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses.

(a) The overall dwelling density shall not exceed one (1) principal dwelling per ten (10) acres; and

(b) Not more than one (1) principal dwelling shall be permitted on any parcel except in the case of a planned unit development. Yamhill County Zoning Ordinance Page 501-5

RESPONSE: This application does not include a principal dwelling, therefore, this Ordinance section does not apply.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. Except as provided in Subsection 4 below, the minimum size of any newly-created parcel shall be ten (10) acres, except in the case of parcel size averaging the minimum parcel size shall be five (5) acres.

2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1.

4. Division of Pre-existing Dwellings. A division of a lot or parcel may be allowed if:

(a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);

(c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size; and

(d) At least one dwelling is located on each lot or parcel created under this paragraph.

RESPONSE: The subject property, tax lot R3219 00700, is 23.82 acres in size and is not a newly-created parcel or substandard pre-existing lot of record, therefore, this Ordinance section does not apply.

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation;
2. The minimum setback for a kennel and a veterinary hospital shall be fifty (50) feet;
3. The minimum setback for signs shall be five (5) feet; and
4. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
5. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
6. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 501.06(F).

RESPONSE: The proposed development is in accordance with the setback requirements established by this Zoning Ordinance section. Refer to the Site Plan on Sheet L3.10 for setback information.

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

RESPONSE: The subject property is 23.82 acres in size, therefore, this Ordinance section does not apply.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

RESPONSE: The proposed development does not include a dwelling, therefore, this Ordinance section does not apply.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points

twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

RESPONSE: *The subject property does not abut the intersection of any County roads, public roads, private roads serving four or more parcels, and railroads, therefore, this Ordinance section does not apply.*

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

RESPONSE: *The only structure included for the proposed development is a pedestrian footbridge. Although the final design of the footbridge has not been completed, the height of the bridge will be limited to between 42" and 48" for the pedestrian safety railing on either side of the bridge. No other structures will be built above the height of the pedestrian safety railing.*

H. Occupancy of Recreational Vehicles

One (1) recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless the necessary permits have been obtained.

RESPONSE: *This application does not include recreational vehicles, therefore, this Ordinance section does not apply.*

I. Off-street Parking.

1. In the AF-10 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-10 District shall be determined by the Director subject to the provisions of Section 1007.

RESPONSE: *The proposed development does not include a dwelling, and will not generate traffic beyond what is normally expected in the AF-10 District. Any and all public access to the subject property will utilize the existing off-street parking lot at Ewing Young Park, located on tax lot R3219DC 02000, which is within the Newberg city limits.*

Section 900 Overlay Districts

901 FLOODPLAIN OVERLAY DISTRICT (FP)

901.01 Purpose.

The purpose of the FP Overlay District is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood damage by establishing methods and provisions designed to recognize such hazards.

RESPONSE: *The Applicant acknowledges the purpose of the FP Overlay District.*

901.02 Area of Application.

- A. The provisions of this section shall apply to all areas of special flood hazards in the county identified as the FP Overlay District, and includes those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas" dated March 2, 2010, with accompanying Flood Insurance Rate Map (FIRM), which study and map are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the Yamhill County Department of Planning and Development, McMinnville, Oregon.
- B. The FP Overlay District shall be combined with at least one (1) underlying zoning district, and may be combined with any zoning district pursuant to this ordinance. All property within the FP Overlay District shall be subject both to the provisions of this section and to the provisions of the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district.

RESPONSE: *The subject property is located within the FP Overlay District and the AF-10 underlying zoning district, and is subject to the Zoning Ordinance requirements of both.*

901.03 Use of Other Base Flood Data.

In areas of the FP Overlay District for which flood elevation data are not provided by the FIRM in accordance with subsection 901.02, the applicant shall supply to the county other base flood elevation and floodway data or any other evidence available from governmental or private sources that is identified by the county as data appropriate to demonstrate compliance with subsection 901.10 and the flood protection standards of this section.

RESPONSE: *Base flood data has been collected from FEMA and is provided in detail in the Bridge Hydraulic Design Report, which is attached as Appendix 4 to this application.*

901.04 Floodplain Overlay District Use Provisions.

All uses of land and water provided for in the underlying zoning district may be permitted in the FP Overlay District, with the provisions that those uses shall require a floodplain development permit, and shall be subject to the provisions set forth in subsection 901.05 through 901.14. The following uses shall not require a floodplain

development permit unless the uses involve fill or are otherwise determined to constitute construction or development:

- A. Residential uses such as lawns, gardens, parking areas and play areas.
- B. Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry sod farming and wild crop harvesting.

RESPONSE: The proposed development is for a park, which is a permitted use in the AF-10 underlying zoning district. A floodplain development permit application is being submitted concurrently with this Land Use application.

901.05 Floodplain Development Permit Application.

Except as provided in subsection 901.04, a floodplain development permit shall be obtained before the start of any construction or development, including manufactured homes, within the FP Overlay District. In the event a variance is necessary for construction within the floodplain, such application shall be processed in conjunction with the floodplain permit application, and shall be subject to the provisions of subsection 901.18.

A floodplain development permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the review criteria listed in subsections 901.06 through 901.10. In addition to the notification requirements of Section 1402, written notice of the request and action taken will be sent to the Oregon Department of Fish and Wildlife and the Department of Land Conservation and Development. The following information shall be required to be provided by the applicant:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- B. Elevation, expressed in feet above mean sea level, to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 901.08.
- D. Specific data regarding the extent to which any watercourse will be altered or relocated as a result of the proposed development.

RESPONSE: The proposed development includes a floodplain development permit application which is being submitted concurrently with this Land Use application. The elevations of the footbridge are shown on Sheet L3.11 and L4.10. Final design of the footbridge has not yet been completed, but floodproofing criteria specified in subsection 901.08 will be included in the final design. Specific data regarding impacts to the Chehalem Creek watercourse is provided in the Bridge Hydraulics Design Report.

901.06 Floodplain Development Permit Criteria.

Prior to issuance of a floodplain development permit, the applicant must demonstrate that:

- A. The proposed development conforms with the permit requirements and conditions of this section and the use provisions, standards and limitations of the underlying zoning district and other overlay district.
- B. The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.
- C. The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- D. All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.

RESPONSE: *The proposed development conforms with the requirements and conditions of this section. Specific data pertaining to the floodway and impacts to the base flood elevation are provided in the Bridge Hydraulic Design Report (Appendix 4). All applicable permits have been or will be obtained prior to construction of the proposed development.*

- E. The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471.

Policies j. and k. of the Comprehensive Plan, as amended by Ordinance 471:

- j. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 -U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act. (Ord 471)

RESPONSE: *The proposed development of a footbridge and use of the subject property as a park will not negatively impact riparian vegetation along Chehalem Creek. The project will require two trees to be removed, but eleven new trees will be planted to mitigate the loss of these trees. Refer to Sheet L2.10 for tree removal, and to Sheet L5.10 for new trees, riparian plants, and seeding plan.*

- k. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including riprap and fill, should be reviewed by the appropriate state permitting authority to insure that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

RESPONSE: *Rock rip rap requirements are addressed in the Bridge Hydraulic Design Report (Appendix 4), which shows that rip rap is not required. Native plants will be used*

around the footbridge abutments and bridge approaches to restore any areas of the site that are disturbed during construction to a native riparian habitat.

901.07 Floodplain Overlay District General Standards.

In all areas within the FP Overlay District the following standards shall apply:

A. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with subsection 901.07 B.
2. No manufactured home park or mobile home subdivision shall be developed in the FP Overlay District.

RESPONSE: The proposed development does not include manufactured homes.

B. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Except in the case of a manufactured home, elevation of a structure on fill above the base flood level shall be considered to satisfy the anchoring requirement.

RESPONSE: Although the bridge has not been structurally designed, the Applicant acknowledges that anchoring of the bridge is required to prevent flotation, collapse, or lateral movement. The final design of the bridge will be provided by a third-party bridge manufacturer. The Hydraulic Analysis of Chehalem Creek will be provided to the third-party bridge manufacturer to determine how the bridge will be anchored. Structural design and calculations for anchoring of the bridge will be provided to the County prior to construction.

2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, subject to the following specifications:
 - (a) Over-the-top ties shall be provided at each corner of the manufactured home, with two (2) additional ties per side at intermediate points, or with one (1) additional tie per side for manufactured homes less than fifty (50) feet in length. Yamhill County Zoning Ordinance Page 901-4
 - (b) Frame ties shall be provide at each corner of the manufactured home, with five (5) additional ties per side at intermediate points, or with four (4) additional ties per side for manufactured home less than fifty (50) feet in length.
 - (c) All components of the anchoring system shall be capable of withstanding a force of 4,800 pounds per square inch.
 - (d) Any structure appurtenant to the manufactured home shall be similarly anchored.

RESPONSE: The proposed development does not include manufactured homes.

C. Construction Materials Methods and Certification.

1. All new construction and substantial improvements to existing structures shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. All new construction and substantial improvements with fully enclosed areas below the floor and subject to flooding shall be designed to automatically equalize the hydrostatic forces to exterior walls by allowing entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of floor area subject to the flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade, and may be equipped with screens, louvers, or other devices that automatically permit entry and exit of floodwaters.
5. All floodproofed nonresidential construction shall include certification by a registered professional engineer or architect that the standards of this subsection subsection 901.08 (A) are satisfied based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the Yamhill County Planning Director.

RESPONSE: The bridge will be constructed with materials and methods that are resistant to flood damage. The bridge will have no utilities or fully enclosed areas. The final structural design and calculations of the bridge will be stamped by a registered professional engineer.

D. Utilities and Services.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate flood water infiltration and contamination resulting from discharge of effluent consistent with the requirements of the Oregon Department of Environmental Quality (DEQ).
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the DEQ.

RESPONSE: The bridge will have no water or sanitary sewage utilities.

E. Subdivision Proposals.

No new subdivisions shall be allowed in floodway areas. New subdivisions in flood fringe areas shall be subject to the following:

1. All subdivision proposals shall be consistent with the requirement to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevations in feet above mean sea level shall be provided for all subdivisions and other proposed developments which contain at least 50 lots or 5 acres, whichever is less, in the FP Overlay District.

RESPONSE: *The proposed development does not include a subdivision proposal.*

F. Fills and Levees.

Except for approved relocation of a water course, no fill or levee shall extend into a floodway area. Fills or levees in a flood fringe area shall be subject to the following:

1. Fills shall consist only of natural materials such as earth or soil aggregate and including sand, gravel and rock, concrete and metal.
2. Any fill or levee must be shown to have a beneficial purpose and therefore to be no greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled or diked land will be put and the final dimensions of the proposed fill.
3. Such fill or levee shall be protected against erosion by vegetative cover, rip-rap, bulkheading or similar provisions. No fill or levee shall cause additional flood waters on adjacent land.

RESPONSE: *The proposed development will have no fill or levee within the floodway of Chehalem Creek. The construction of the bridge will require earthwork and fill within the flood fringe area for the construction of the bridge's abutments. This fill will be natural materials as specified in this Ordinance section, and as found on Sheet L4.10. Fills will have vegetative cover for erosion control, as seen on Sheet L5.10.*

901.08 Specified Standards for Areas Where Base Flood Elevation Data are Available.

In the FP Overlay District where base flood elevation data have been provided, as set forth in subsection 901.02 or 901.03, the following standards shall apply:

- A. For any new residential construction and substantial improvement of any residential structure, the lowest floor level shall be a minimum of one (1) foot above the base flood elevation. New construction and substantial improvement of any commercial, industrial or other nonresidential structures and accompanying utility and sanitary facilities shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or together with attendant utility and sanitary facilities be subject to the following:
 1. Be floodproofed so that all portions of the structure below the base flood level are watertight, with walls that are substantially impermeable to the passage of water.
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

RESPONSE: *The proposed development does not include residential construction. Although the pedestrian footbridge will be located below the base flood elevation, it will be floodproofed and structurally capable of resisting hydrostatic and hydrodynamic*

loads and effects of buoyancy. The structural design and calculations of the bridge will be provided to the County prior to construction.

- B. For the placement of a manufactured home the bottom of the longitudinal chassis frame beam shall be one (1) foot above the base flood elevation, and the provisions of section 901.07(C)(4) shall be satisfied, if applicable. In addition, the mobile home must be elevated on a permanent foundation and is subject to the anchoring requirements in subsection 901.07 (B).

RESPONSE: The proposed development does not include a manufactured home.

- C. Nonresidential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as described in Section 901.07(C).

RESPONSE: The proposed footbridge will be floodproofed.

- D. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than 180 consecutive days; or
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type security devices, and has no permanently attached additions.

RESPONSE: The proposed development will not include the storage or placement of recreational vehicles.

901.09 Floodway or Watercourse Development Provisions.

- A. The placement of any dwelling in the floodway shall be prohibited.

RESPONSE: The proposed development does not include any dwellings.

- B. Except those uses provided for in subsection 901.04, all development, including substantial improvements, in the floodway shall be prohibited unless certification is provided by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in conformance with standard engineering practice that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.

RESPONSE: The proposed pedestrian footbridge spans across the floodway. A Bridge Hydraulic Design Report has been performed, and is attached as Appendix 4 to this application, which demonstrates that the proposed footbridge will not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. For any proposed alteration of a watercourse a floodplain development permit shall be required, and approval of the permit shall be subject to the following additional requirements:
1. Adjacent communities, the State Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified by the Director of any proposed alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
 2. All appropriate state and federal permits shall be obtained.

3. It shall be the applicant's responsibility to maintain the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished.

RESPONSE: The Applicant acknowledges that the proposed alterations of the Chehalem Creek watercourse require a floodplain development permit. A floodplain development permit is being submitted concurrently with this land use application. All appropriate state and federal permits have been obtained or will be obtained prior to construction. The Bridge Hydraulic Design Report (Appendix 4) provides detailed information for how the Chehalem Creek watercourse flood carrying capacity will not be diminished as a result of this development.

901.10 Review of Permits in Generalized Floodplain Areas.

Where specific flood elevation data are not available, pursuant to subsections 901.03 and 901.04, applications for floodplain development permits shall be reviewed to ensure that the proposed development will be reasonably safe from flooding or resistant to flood damage. In determining whether the proposed floodplain development is reasonably safe, historical data, high water marks, photographs of past flooding, etc. shall be utilized, where available. In addition to the applicable requirements of this section, the following factors shall be considered when reviewing a floodplain development permit for any proposal in an area where specific flood elevation data are not available:

- A. The danger to life and property due to flooding or erosion damage.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. The importance of the services provided by the proposed facility to the community.
- E. The necessity to the facility of a waterfront location, where applicable and the compatibility of the proposed use with existing and anticipated development.
- F. The relationship of the proposed use to the Comprehensive Plan and any floodplain management program of the area.
- G. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- I. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

RESPONSE: Specific flood elevation data is available for Chehalem Creek, therefore, this Ordinance section does not apply.

901.11 Conditions of Approval.

In approving an application for a floodplain development permit, the decision-making body may impose such conditions as it deems appropriate to ensure the intent of this section is carried out. Such conditions shall be reasonably related to the applicable criteria and standards set forth in subsections 901.08 through 901.10.

RESPONSE: The Applicant acknowledges that the County may impose conditions in approving an application for a floodplain development permit.

901.12 General Requirements.

Any floodplain development permit authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized floodplain development permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent owner or developer adheres to the specific proposal originally approved and complies with conditions of approval.

RESPONSE: The Applicant acknowledges that an authorized floodplain development permit is not personal to the Applicant and shall be deemed to run with the land.

- B. A floodplain development permit involving construction shall become null and void 180 days from the date it is granted unless substantial construction has taken place. The Director may extend the permit for an additional 180 days if there have been no revisions to the FIRM or FIS, upon receipt of a written request for extension from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to the expiration date of the permit. In the event that a permit expires prior to renewal, the Director may require a new application fee.

RESPONSE: The Applicant acknowledges that a floodplain development permit shall become null and void 180 days from the date it is granted unless substantial construction has taken place or the Director has granted an extension.

- C. Where base flood elevation data has been provided, as set forth in subsection 901.02 or 901.03, the actual elevation (in relation to mean sea level) of the lowest floor, including basements, of all new or substantially improved structures must be obtained from the applicant and the elevation, together with information regarding whether the structure contains a basement, must be recorded on the building permit and FEMA's current Elevation Certificate form.

RESPONSE: Elevations of the proposed development are provided on Sheet L3.11 and Sheet L4.10, and will be included in the building permit application. The stamped and signed Engineering "No-Rise" Certification included in the Bridge Hydraulics Design Report meets FEMA's requirements.

- D. For all new or substantially improved floodproofed structures, the Planning Director must verify and record the actual elevation of the structure (in relation to mean sea level) and maintain the floodproofing certifications required in subsection 901.07(C)(5).

RESPONSE: Elevations of the proposed development are provided on Sheet L3.11 and L4.10.

- E. All records pertaining the provisions of this section are to be maintained for public inspection.

RESPONSE: The Applicant acknowledges that all records pertaining to the provisions of this section are to be maintained for public inspection.

901.13 Appeals.

Appeal of any decision made pursuant to this section shall be as provided in Section 1404 of this ordinance.

RESPONSE: The Applicant acknowledges that appeals shall be as provided in Section 1404.

901.14 Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that areas outside of the FP Overlay District or uses permitted within such district will be free from flooding or flood damages. This section shall not create liability on the part of Yamhill County or any officer or employee thereof, for any flood damages that result from reliance on this Section or any decision lawfully made thereunder.

RESPONSE: The Applicant understands that this section does not create liability on the part of Yamhill County or any officer or employee thereof, for any flood damages that result from reliance on this Section or any decision lawfully made thereunder.

901.15 Map Revisions.

Floodplain/floodway maps may be revised in accordance with provisions of the National Flood Insurance Program outlined in the Federal Register 44 CFR Part 70, upon approval of the Federal Emergency Management Agency.

RESPONSE: Since the proposed improvements will result in a 'No-Rise' condition to the base flood elevation, floodplain and floodway maps will not need to be revised.

901.16 Denial of Flood Insurance Coverage.

In the event that the county finds a violation of floodplain ordinance provisions or a violation of other National Flood Insurance Program requirements, a declaration shall be submitted to the Federal Emergency Management Agency, according to the provisions of 44 CFR Part 70, notifying them of the violation(s), and resulting in the denial of floodplain insurance eligibility for the property in violation.

RESPONSE: The Applicant acknowledges that a violation of floodplain ordinance provisions or a violation of other National Flood Insurance Program requirements may result in the denial of floodplain insurance eligibility for the proposed development.

901.17 Rate Criteria and Notice.

In the event that the lowest floor of proposed construction is not elevated at least two feet above the highest adjacent grade in floodplain areas where elevation data is not available, higher insurance rates may result. [Amended 2/24/2010; Ord.851] Applicants floodproofing non-residential buildings are hereby notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.

RESPONSE: Specific flood elevation data is available for Chehalem Creek, therefore, this Ordinance section does not apply.

901.18 Floodplain Variance Criteria.

A variance to this Section may be authorized, pursuant to the Type B application procedure set forth in Section 1301 and upon consideration of all technical evaluations, all relevant factors, applicable standards specified in other sections of this ordinance, and the factors specifically listed in subsection 901.10.

RESPONSE: This application does not seek a variance to this Section.

901.19 Conditions for Variances.

A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the factors listed in subsection 901.10 have been fully considered. As the lot sizes increase, the technical justification required for issuing the variance increases.

B. Variances may be issued for reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

F. Variances as interpreted by the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property, they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

G. Variances may be issued for nonresidential structures in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 901.19 (A), and otherwise complies with subsection 901.07(B), (C) and (D).

H. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood

elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

RESPONSE: This application does not seek a variance to this Section.

Section 1100 Site Design

1101 SITE DESIGN REVIEW PROCESS AND STANDARDS

1101.01 Purpose.

The site design review process is intended to guide future growth and development in accordance with the Comprehensive Plan and other related county ordinances, to provide for an effective process and framework to review commercial and industrial development proposals, to insure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment, and to resolve potential conflicts that may arise between proposed developments and adjacent uses. This section shall apply to all development in all Commercial, Industrial, and Public Facilities Districts, all development in the PRO District, and all other uses as may be required by this ordinance in the AF, EF, F-80, AF-10, VLDR and LDR Districts.

RESPONSE: The Applicant acknowledges the purpose of the Site Design Review Process and Standards.

1101.02 Evaluation of Site Development Plans.

- A. The review of a site development plan shall be based upon consideration of the following:
1. Characteristics of adjoining and surrounding uses;
 2. Economic factors relating to the proposed use;
 3. Traffic safety, internal circulation and parking;
 4. Provisions for adequate noise and/or visual buffering from noncompatible uses;
 5. Retention of existing natural features on site;
 6. Problems that may arise due to development within potential hazard areas.
 7. Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.
- B. All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed, upon determining that requirements requested to be waived are not necessary for an effective evaluation of the site development plan.

RESPONSE: The Applicant understands what the review of a site development plan shall be based upon, and that site design review is subject to the development standards of the underlying zoning district of AF-10 for this development application.

1101.03 Site Development Plan Review Procedures.

The Director shall review site development plans subject to the following procedures:

A. Pre-application Conference. A pre-application conference shall be held prior to submittal. An application form together with appropriate ordinance requirements shall be provided to the applicant at the pre-application conference.

RESPONSE: A pre-application conference was held for the proposed development on January 31, 2022. Notes from the pre-application conference are provided as Appendix 3.

B. Preliminary Site Development Plan Submittal and Review. A preliminary plan, together with a site design review application, shall be submitted for review in accordance with the requirements of this section and the underlying zoning district. The Director shall determine whether the application will be reviewed under the Type A or Type B application procedures set forth in Section 1301, based on the type, scale, location and potential impacts of the development. The Director shall inform the applicant in writing concerning compliance with applicable ordinance and development standards, and shall stipulate any modifications or changes necessary for final plan approval. If modifications or changes are not required, a preliminary plan may be approved as a final plan.

RESPONSE: The proposed development land use application includes a Site Plan on Sheet L3.10. The Applicant acknowledges that the Director may stipulate modifications or changes necessary to the Site Plan for final approval.

C. Final Site Development Plan Submittal. If a final site development plan is required, the final plan shall be submitted for review in accordance with the requirements of this section. The Director shall inform the applicant in writing within fifteen (15) days of receipt of the final site plan of action taken for approval.

RESPONSE: The Applicant acknowledges that the Director may stipulate modifications or changes necessary to the Site Plan for final approval. If required, the Site Plan will be revised to bring it within compliance with applicable ordinance and development standards.

D. Appeal of Director's Decision. The decision of the Director may be appealed to the Board, pursuant to the provisions of Section 1404 for appeals.

RESPONSE: The Applicant understands that the decision of the Director may be appealed to the Board.

1101.04 Preliminary Site Development Plan Requirements.

The following site design information shall be represented at a scale of 1"=5', or an appropriate scale as may be approved by the Director:

- A. Existing site conditions as follows:
1. Site topography at the following minimum intervals:
 - (a) Two (2) foot intervals for slopes of up to 15%;
 - (b) Five (5) or ten (10) foot intervals for slopes in excess of 15%; and
 - (c) Identification of areas exceeding 35% slopes.
 2. Site drainage, creeks, ponds or areas of standing water, potential flooding and soil or geologic hazard;

3. Major trees 8" in diameter at five (5) feet height, together with areas of significant natural vegetation. Where the site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted; and only those trees that will be affected by the proposed development need be sited accurately;
4. Classification of soil types within the site and discussion of their suitable uses;
5. Existing structures, improvements, roadway access and utilities, together with the film volume and page number of all easements affecting the property; and
6. Existing land uses, ownerships, property lines and building locations on adjoining and adjacent property within three hundred and fifty (350) feet of the subject property.

RESPONSE: *The proposed development Existing Conditions Plan, included as Sheet L1.10, follows the conditions set forth in this Ordinance section. A Geotechnical Report (Appendix 5) provides detailed information regarding site soils, and states that the site is suitable for the construction of a bridge with shallow foundations..*

- B. Proposed changes and improvements to the site as follows:
 1. Proposed site improvements, including:
 - (a) Boundary lines and dimensions for the property and proposed topographical changes;
 - (b) All proposed structures, including finish floor elevations and setbacks;
 - (c) Vehicular and pedestrian circulation patterns and parking, loading and service areas;
 - (d) Site drainage plan, including location of sumps or settling ponds; and
 - (e) A boundary survey and cross sections, and profiles as may be required by the Director.
 2. Proposed utilities, including subsurface sewerage, water supply system and electrical services. Inverse elevations shall be shown for all underground transmission lines.
 3. Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems.
 4. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses.
 5. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks.

RESPONSE: *The proposed development Site Plan, included as Sheet L3.10, follows the conditions set forth in this Ordinance section. Utilities, signs, and fencing or other fabricated barriers are not proposed in the proposed development. The proposed Planting Plan is included as Sheet L5.10.*

- C. A written statement to accompany the site development plan, containing the following:

1. A statement of present ownership of all lands included within the proposed development; and
2. A schedule of expected development.

RESPONSE: *The proposed development application includes a written statement in the Application Introduction. Chehalem Park & Recreation District owns all lands included within the proposed development. The project is scheduled to be designed and permitted from the summer of 2022 through the spring of 2023, and constructed during the summer of 2023.*

1101.05 Final Site Plan Requirements.

The final development plans shall include the same information required for a preliminary plan together with any revisions, adjustments or refinements that may be required for compliance with the general development standards.

- A. The final plan shall include the following information and shall be labeled by the Director as follows:

Exhibit A - Proposed Schedule of Development

Exhibit B- Site Analysis (map of existing conditions)

Exhibit C - Site plan

Exhibit D - Final Grading Plan

Exhibit E - Landscape Plan in accordance with Section 1010

Exhibit F - Cross Sections, Elevations and/or Architectural Drawings of Proposed Structures

- B. If submittal of any of the above exhibits are waived by the Director, justification to support such a decision shall be provided by the Director.
- C. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures set forth under this section.

RESPONSE: *The Applicant acknowledges the Final Site Plan Requirements listed in this Ordinance section. All required revisions, adjustments or refinements will be made prior to construction.*

1101.06 Compliance with Site Development Plans.

Compliance with conditions imposed in granting a site design review and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke any site design review approval for failure to comply with any prescribed condition of the approval or for any other violation of this ordinance.

RESPONSE: *The proposed development will comply with conditions imposed in granting a site design review and adhere to the approved plot plan.*

1101.07 Revocation of a Site Design Review.

The procedure for the revocation of a site design review shall be as follows:

A. If, upon review by the Director, a failure to comply with any condition imposed in granting a site design review or other violations of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the site design review. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Boards Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the site design review. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.

B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the site design review has been revoked, and that any subsequent action on the application will require a new application for site design review approval.

RESPONSE: The Applicant acknowledges that the Site Design Review may be revoked if conditions imposed in granting of the Site Design Review are not complied with.

D
Exhibit Drawings

The following exhibit drawings are intended to meet the plan and graphic requirements for the *Ewing Young Park Footbridge* development proposal.

Exhibit drawings contained in this section include:

D - Exhibit Drawings Section

- L0.00 – Cover Sheet
- L1.10 – Existing Conditions Plan
- L2.10 – Demolition & Erosion Control Plan
- L3.10 – Site Plan
- L3.11 – Bridge Enlargement Plan
- L4.10 – Grading Plan
- L5.10 – Planting Plan
- L5.11 – Planting Details

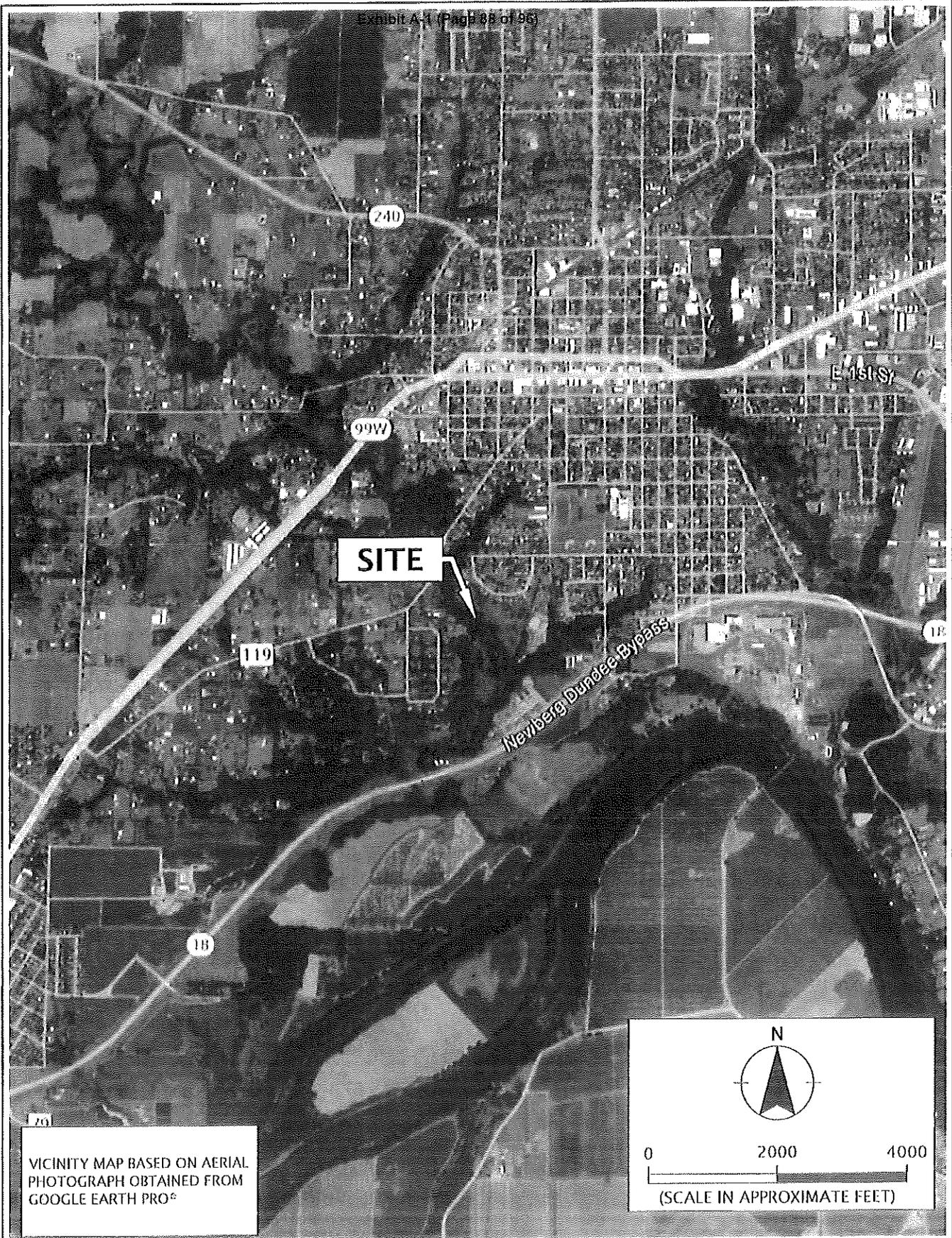
E
Appendices

The following appendices are intended to supplement the narrative responses and exhibit drawings to meet the applicable Comprehensive Plan requirements and applicable Zoning Ordinance requirements for the ***Ewing Young Park Footbridge*** development proposal.

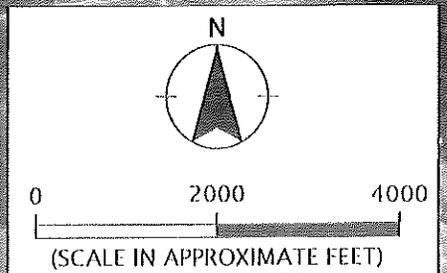
Exhibits, documents, and reports contained in this section include:

E - Appendices Section

Appendix 1	Assessor's Tax Map 3 2 19
Appendix 2	CSP 6537 (dated 4/4/1977)
Appendix 3	Pre-application Conference Meeting Minutes (dated 1/31/2022)
Appendix 4	Bridge Hydraulic Design Report
Appendix 5	Geotechnical Report
Appendix 6	US Geologic Survey Soils Map
Appendix 7	List of property owners within 500 feet of the property



VICINITY MAP BASED ON AERIAL PHOTOGRAPH OBTAINED FROM GOOGLE EARTH PRO®



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 File Name: C:\M-R\NV5\NV5-18\NV5-18-01\Figures\CAD\NV5-18-01-VM01.dwg | Layout: FIGURE 1

NIV15	NV5-18-01	VICINITY MAP	
	JANUARY 2022	PEDESTRIAN BRIDGE - EWING YOUNG PARK NEWBERG, OR	FIGURE 1 Exhibit A

FIGURES

APPENDIX

APPENDIX

FIELD EXPLORATIONS

GENERAL

The site was explored by drilling one boring (B-1) on November 22, 2021, to a depth of 16.1 feet BGS. Drilling services were provided by Dan J. Fischer Excavating, Inc. of Forest Grove, Oregon. Figure 2 shows the approximate exploration location. The exploration location was determined by pacing from existing site features and should be accurate to the degree implied by the methods used. The exploration was observed by a member of NV5's staff. The exploration log is presented in this appendix.

SOIL SAMPLING

We collected representative samples of the various soils encountered during drilling for geotechnical laboratory testing. Samples were collected from the boring using 1½-inch-inside diameter split-spoon samplers (SPT) in general accordance with ASTM D1586. The sampler was driven into the soil with a 140-pound hammer free falling 30 inches. The sampler was driven a total distance of 18 inches. The number of blows required to drive the sampler the final 12 inches is recorded on the exploration log, unless otherwise noted. Sampling methods and intervals are shown on the exploration log.

The hammer used to conduct the SPTs was lifted using a rope and cathead system. The hammer was raised using two wraps of the rope around the cathead to conduct the SPTs.

SOIL CLASSIFICATION

The soil samples were classified in accordance with the "Exploration Key" (Table A-1) and "Soil Classification System" (Table A-2), which are presented in this appendix. The exploration log indicates the depths at which the soil or its characteristics change, although the change actually could be gradual. If the change occurred between sample locations, the depth was interpreted. Classifications are shown on the exploration log.

LABORATORY TESTING

CLASSIFICATION

The soil samples were classified in the laboratory to confirm field classifications. The laboratory classifications are shown on the exploration log if those classifications differed from the field classifications.

MOISTURE CONTENT

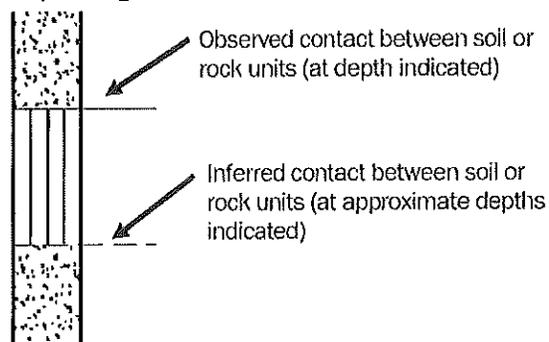
We tested the natural moisture content of select soil samples in general accordance with ASTM D2216. The test results are presented in this appendix.

PARTICLE-SIZE ANALYSIS

We completed particle-size analysis on select soil samples in order to determine the particle-size distribution in general accordance with ASTM D1140. The test results are presented in this appendix.

SYMBOL	SAMPLING DESCRIPTION	
	Location of sample collected in general accordance with ASTM D1586 using Standard Penetration Test (SPT) with recovery	
	Location of sample collected using thin-wall Shelby tube or Geoprobe® sampler in general accordance with ASTM D1587 with recovery	
	Location of sample collected using Dames & Moore sampler and 300-pound hammer or pushed with recovery	
	Location of sample collected using Dames & Moore sampler and 140-pound hammer or pushed with recovery	
	Location of sample collected using 3-inch-outside diameter California split-spoon sampler and 140-pound hammer with recovery	
	Location of grab sample	
	Rock coring interval	
	Water level during drilling	
	Water level taken on date shown	

Graphic Log of Soil and Rock Types



GEOTECHNICAL TESTING EXPLANATIONS

ATT	Atterberg Limits	P	Pushed Sample
CBR	California Bearing Ratio	PP	Pocket Penetrometer
CON	Consolidation	P200	Percent Passing U.S. Standard No. 200 Sieve
DD	Dry Density	RES	Resilient Modulus
DS	Direct Shear	SIEV	Sieve Gradation
HYD	Hydrometer Gradation	TOR	Torvane
MC	Moisture Content	UC	Unconfined Compressive Strength
MD	Moisture-Density Relationship	VS	Vane Shear
NP	Non-Plastic	kPa	Kilopascal
OC	Organic Content		

ENVIRONMENTAL TESTING EXPLANATIONS

CA	Sample Submitted for Chemical Analysis	ND	Not Detected
P	Pushed Sample	NS	No Visible Sheen
PID	Photoionization Detector Headspace Analysis	SS	Slight Sheen
ppm	Parts per Million	MS	Moderate Sheen
		HS	Heavy Sheen

NIV15

EXPLORATION KEY

TABLE A-1

RELATIVE DENSITY - COARSE-GRAINED SOIL							
Relative Density	Standard Penetration Test (SPT) Resistance	Dames & Moore Sampler (140-pound hammer)		Dames & Moore Sampler (300-pound hammer)			
Very loose	0 - 4	0 - 11		0 - 4			
Loose	4 - 10	11 - 26		4 - 10			
Medium dense	10 - 30	26 - 74		10 - 30			
Dense	30 - 50	74 - 120		30 - 47			
Very dense	More than 50	More than 120		More than 47			
CONSISTENCY - FINE-GRAINED SOIL							
Consistency	Standard Penetration Test (SPT) Resistance	Dames & Moore Sampler (140-pound hammer)	Dames & Moore Sampler (300-pound hammer)	Unconfined Compressive Strength (tsf)			
Very soft	Less than 2	Less than 3	Less than 2	Less than 0.25			
Soft	2 - 4	3 - 6	2 - 5	0.25 - 0.50			
Medium stiff	4 - 8	6 - 12	5 - 9	0.50 - 1.0			
Stiff	8 - 15	12 - 25	9 - 19	1.0 - 2.0			
Very stiff	15 - 30	25 - 65	19 - 31	2.0 - 4.0			
Hard	More than 30	More than 65	More than 31	More than 4.0			
PRIMARY SOIL DIVISIONS			GROUP SYMBOL	GROUP NAME			
COARSE-GRAINED SOIL (more than 50% retained on No. 200 sieve)	GRAVEL (more than 50% of coarse fraction retained on No. 4 sieve)	CLEAN GRAVEL (< 5% fines)	GW or GP	GRAVEL			
		GRAVEL WITH FINES (≥ 5% and ≤ 12% fines)	GW-GM or GP-GM	GRAVEL with silt			
			GW-GC or GP-GC	GRAVEL with clay			
		GRAVEL WITH FINES (> 12% fines)	GM	silty GRAVEL			
	GC		clayey GRAVEL				
	GC-GM		silty, clayey GRAVEL				
	SAND (50% or more of coarse fraction passing No. 4 sieve)	CLEAN SAND (<5% fines)	SW or SP	SAND			
		SAND WITH FINES (≥ 5% and ≤ 12% fines)	SW-SM or SP-SM	SAND with silt			
			SW-SC or SP-SC	SAND with clay			
		SAND WITH FINES (> 12% fines)	SM	silty SAND			
SC			clayey SAND				
SC-SM			silty, clayey SAND				
FINE-GRAINED SOIL (50% or more passing No. 200 sieve)	SILT AND CLAY	Liquid limit less than 50	ML	SILT			
			CL	CLAY			
			CL-ML	silty CLAY			
			OL	ORGANIC SILT or ORGANIC CLAY			
		Liquid limit 50 or greater	MH	SILT			
			CH	CLAY			
			OH	ORGANIC SILT or ORGANIC CLAY			
			PT	PEAT			
HIGHLY ORGANIC SOIL			PT	PEAT			
MOISTURE CLASSIFICATION		ADDITIONAL CONSTITUENTS					
Term	Field Test	Secondary granular components or other materials such as organics, man-made debris, etc.					
		Percent	Silt and Clay In:		Percent	Sand and Gravel In:	
	Fine-Grained Soil		Coarse-Grained Soil			Fine-Grained Soil	Coarse-Grained Soil
dry	very low moisture, dry to touch	< 5	trace	trace	< 5	trace	trace
moist	damp, without visible moisture	5 - 12	minor	with	5 - 15	minor	minor
		> 12	some	silty/clayey	15 - 30	with	with
wet	visible free water, usually saturated				> 30	sandy/gravelly	Indicate %
NIVIS		SOIL CLASSIFICATION SYSTEM				TABLE A-2	
						Exhibit A	

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	Exhibit A-1 (Page 94 of 96)		TESTING		INSTALLATION AND COMMENTS
			ELEVATION	DEPTH	SAMPLE	TESTING	
0.0		Stiff, brown with orange mottled and black streaked CLAY (CL/CH), trace sand and organics; moist (2-inch-thick root zone).					
2.5					PP	12	PP = 3.0 tsf
5.0		very stiff at 5.0 feet			P200 PP	23	P200 = 95% PP = 4.5 tsf
7.5					PP	17	PP = 2.75 tsf
10.0		Very stiff, brown with orange mottled SILT (ML), trace sand; moist.	9.5		PP	18	PP = 3.0 tsf
12.5							
15.0		Very dense, brown with orange mottled, clayey SAND with gravel (SC); moist, weak to moderate cementation.	13.0		P200		P200 = 41% 28-50-50/1"
16.1		Exploration terminated at a depth of 16.1 feet due to refusal.	16.1				Surface elevation was not measured at the time of exploration.
17.5		SPT completed using two wraps with a cathead.					
20.0							

BORING LOG - NV5 - 1 PER PAGE NV5-18-01-B1-GPJ_GDL_NV5.GDT PRINT DATE: 1/17/22:SN:KT

DRILLED BY: Dan J. Fischer Excavating Inc. LOGGED BY: H. Herneck COMPLETED: 11/22/21

BORING METHOD: soil-stem auger (see document text) BORING BIT DIAMETER: 4 inches

	NV5-18-01	BORING B-1	
	JANUARY 2022	PEDESTRIAN BRIDGE - EWING YOUNG PARK NEWBERG, OR	

FIGURE A-1

Exhibit A-1 (Page 95 of 96)

SAMPLE INFORMATION			MOISTURE CONTENT (PERCENT)	DRY DENSITY (PCF)	SIEVE			ATTERBERG LIMITS		
EXPLORATION NUMBER	SAMPLE DEPTH (FEET)	ELEVATION (FEET)			GRAVEL (PERCENT)	SAND (PERCENT)	P200 (PERCENT)	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX
B-1	2.5		30							
B-1	5.0		24			95				
B-1	7.5		28							
B-1	15.0		19			41				

LAB SUMMARY - CDI-NV5 NV5-18-01-01.CPJ CDL_NV5.CDT PRINT DATE: 1/17/22:KT



NV5-18-01

SUMMARY OF LABORATORY DATA

JANUARY 2022

PEDESTRIAN BRIDGE - EWING YOUNG PARK
NEWBERG, OR

FIGURE A-2

N | V | 5 Delivering Solutions
Improving Lives