

87-378

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YAMHILL COUNTY, OREGON
1987 JUL 18 AM 10:56
CHARLES STERN
COUNTY CLERK
DEPUTY

IN 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 an Ordinance)
Amending the Yamhill County)
Comprehensive Plan, 1974, and)
the Official Zoning Map of)
the Yamhill County Zoning)
Ordinance No. 310, 1982, as)
Amended to Change the Compre-)
hensive Plan Designation and)
Zoning Designation on Tax)
Lots 2315-5703, 5704, 5705,)
5706, 5707, and 5708 From)
Plan Designation Agriculture)
Forestry/Small Holding (AFSH))
to Very Low Density Residen-)
tial (VLDR) and Zone Designa-)
tion From AF-10 to VLDR-5;)
Taking a "Reasons" Exception)
to Statewide Planning Goal 3;)
and Declaring an Emergency)

INDEXED

ORDINANCE 447

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in regular session on July 1, 1987, Commissioners David E. Bishop, Ted Lopuszynski, and Donald D. Porter being present.

WHEREAS, James and Robert Miller, dba Willamette Pacific Land Company, have applied to the Department of Planning and Development in order to change the plan designation and zone map designation on Tax Lot 2315-5703, 5704, 5705, 5706, 5707, and 5708 from Agriculture Forestry/Small Holding (AFSH)/AF-10 to Very Low Density Residential (VLDR)/VLDR-5, each parcel constituting approximately 10 acres; and

WHEREAS, on May 27, 1987, the Newberg/Dundee Planning Advisory Committee unanimously recommended approval of the application; and

WHEREAS, on June 4, 1987, the Yamhill County Planning Commission unanimously recommended approval of the application; and

WHEREAS, on June 24, 1987, a public hearing was held in Room 32 of the Yamhill County Courthouse on the application and at the conclusion of the public hearing the Board voted unanimously to grant the application and direct the staff to prepare findings of fact and conclusionary findings in support of such approval; and

WHEREAS, staff has prepared findings of fact and conclusionary findings for approval, and based upon such findings attached hereto as Exhibits "A" and "B" and by this reference incorporated herein, it appears appropriate to grant the application of James and Robert Miller, dba Willamette Pacific Land Company, as set forth above; and

WHEREAS, in order to approve this request, an exception must be taken to Statewide Planning Goal 3, and based upon the findings for an exception to Goal 3 included in Exhibit "B", the Board finds that it would be appropriate to take such an exception: NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ordains as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibits "A" and "B" and by this reference

incorporated herein, the official plan map of the Yamhill County Comprehensive Plan, 1974, as amended is hereby amended to change the official plan designation of Tax Lots 2315-5703, 5704, 5705, 5706, 5707, and 5708 as identified on the attached Exhibit "C", from Agriculture Forestry/Small Holding (AFSH) to Very Low Density Residential (VLDR).

Section 2. Based upon the findings of fact and conclusionary findings attached hereto as Exhibits "A" and "B" and by this reference incorporated herein, the official zone map of the Yamhill County Zoning Ordinance, 1982, as amended is hereby amended to change the zone designation on Tax Lots 2315-5703, 5704, 5705, 5706, 5707, and 5708 as identified on the attached Exhibit "C", from AF-10 to VLDR-5.

Section 3. Based upon the findings of fact and conclusionary findings set forth in Exhibits "A" and "B" and by this reference incorporated herein, an exception is hereby taken to Statewide Planning Goal 3 pursuant to OAR 660-04-018(3)(b); and that exception shall be incorporated into and become part of the Yamhill County Comprehensive Plan.

Section 4. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective upon passage hereof.

DONE at McMinnville, Oregon, this 1st day of July, 1987.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

By: Elaine Pearcey
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:

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

David E. Bishop
Chairman DAVID E. BISHOP
Date: 7-1-87

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI
Date: 7-1-87

Donald D. Porter
Commissioner DONALD D. PORTER
Date: 7-3-87

EXHIBIT "A"

(Findings adopted by the Yamhill County Board of Commissioners
in support of Ordinance 447)

I. INTRODUCTION

A. The Proposal

The following report presents the justification for a Comprehensive Plan Amendment and Zone Change for approximately 60 acres of land located on Bald Peak in northern Yamhill County. The property has been owned by the Willamette Pacific Land Company (WPLC) since 1965. The specific proposal is to change the Comprehensive Plan designation for the property from Agriculture and Forestry Small Holding (AFSH) to Very Low Density Residential (VLDR) and to rezone the property from Agriculture/Forestry Small Holding District (AF-10) to Very Low Density Residential (VLDR-5).

B. Location

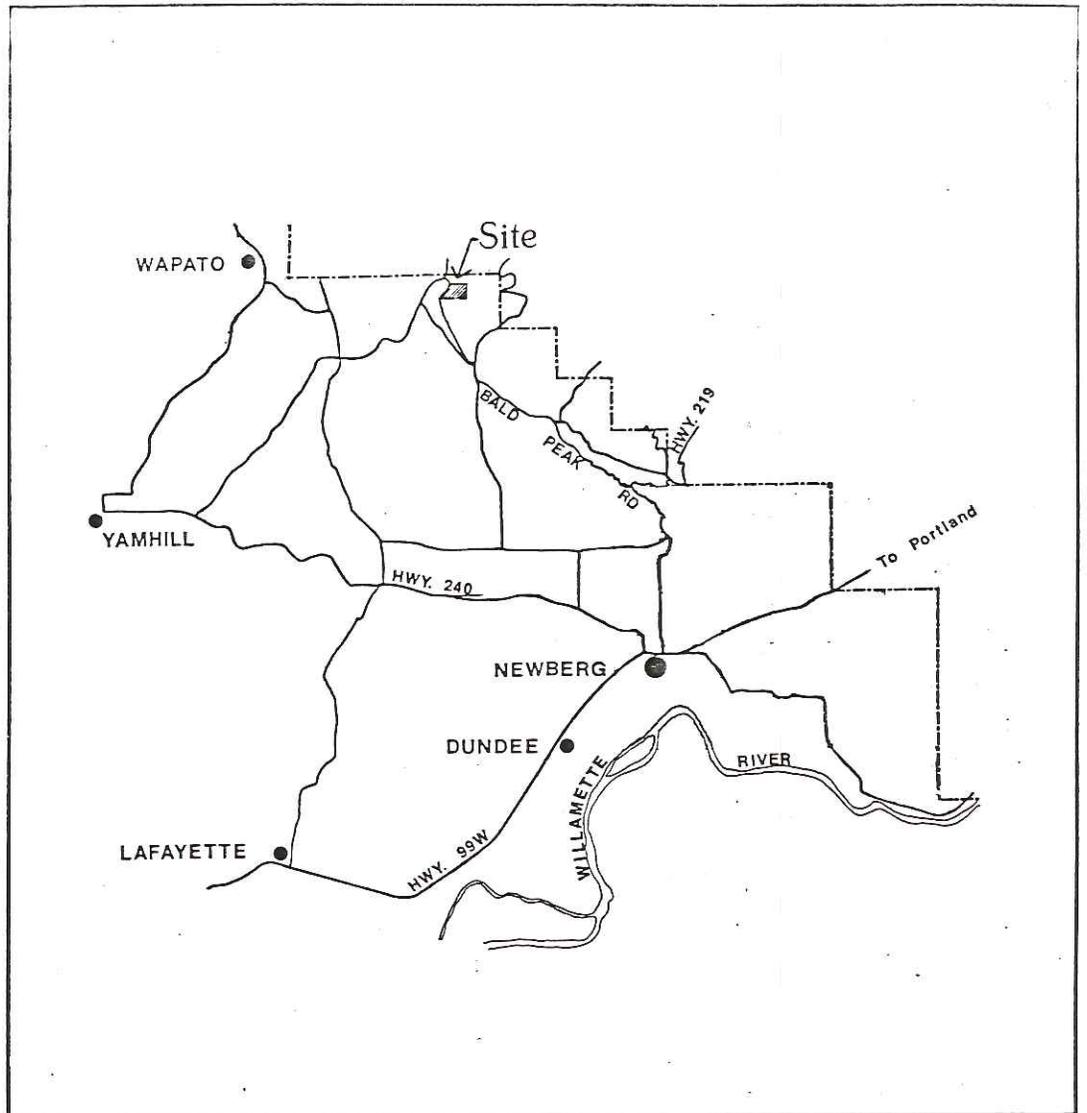
The subject site is located on Bald Peak, the highest point in the Chehalem Mountains, just north and across Bald Peak Road from Bald Peak State Park. The site is located approximately 8 miles northwest of Newberg and 12 miles south of Hillsboro. The property is just south of the Yamhill County/Washington County boundary. See Exhibit 1.

Yamhill County Assessor's records identify the WPLC site as Tax Lots 5703 to 5708, Section 15, Township 2 South, Range 3 West. The site is a part of Sunrise Peaks Subdivision which is divided into two parts by Bald Peak Road. The western portion is approximately eighteen (18) acres in size, zoned VLDR-5, and is not included in this application. The eastern section is approximately 60 acres in area and comprises the subject site.

C. History

The site has been the subject of a previous plan amendment and zone change application.

In 1983, the applicants submitted a plan amendment and zone change to the county for the 60 acre subject site. The request was approved and the property was rezoned from AF-20 to AF-10. At the same time, exceptions



Legend

 SITE



0 1mi. 2mi. 3mi.



Site Location

Exhibit 1

to LCDC Goals 3 and 4 were granted. Following the zone change, the property was subdivided into six (6) 10 acre parcels. The subdivision was named Sunrise Peaks and received final plat approval on March 27, 1985. The applicants have constructed the road serving the subdivision and have completed the required improvements including the installation of utilities to each lot. See Exhibit 2.

Sunrise Peaks was platted to accommodate a perceived need for 10 acre homesites and woodlot sites. Since development of the subdivision, the market for 10 acre lots has proven to be very soft and none of the lots in the subdivision have sold.

D. Reasons for the Request

The reasons for the request include the following:

1. There is a demand for five acre view lots in the area.
2. Rezoning the property to VLDR-5 is compatible with surrounding zoning and development patterns. The site is bordered on three sides by VLDR-5 zoning.
3. The site is already committed to residential development and the provision of five acre homesites would be more efficient use of the land than the current ten acre lots.



Legend

 EXISTING TREES


0 200 400

Existing Lots
Exhibit 2

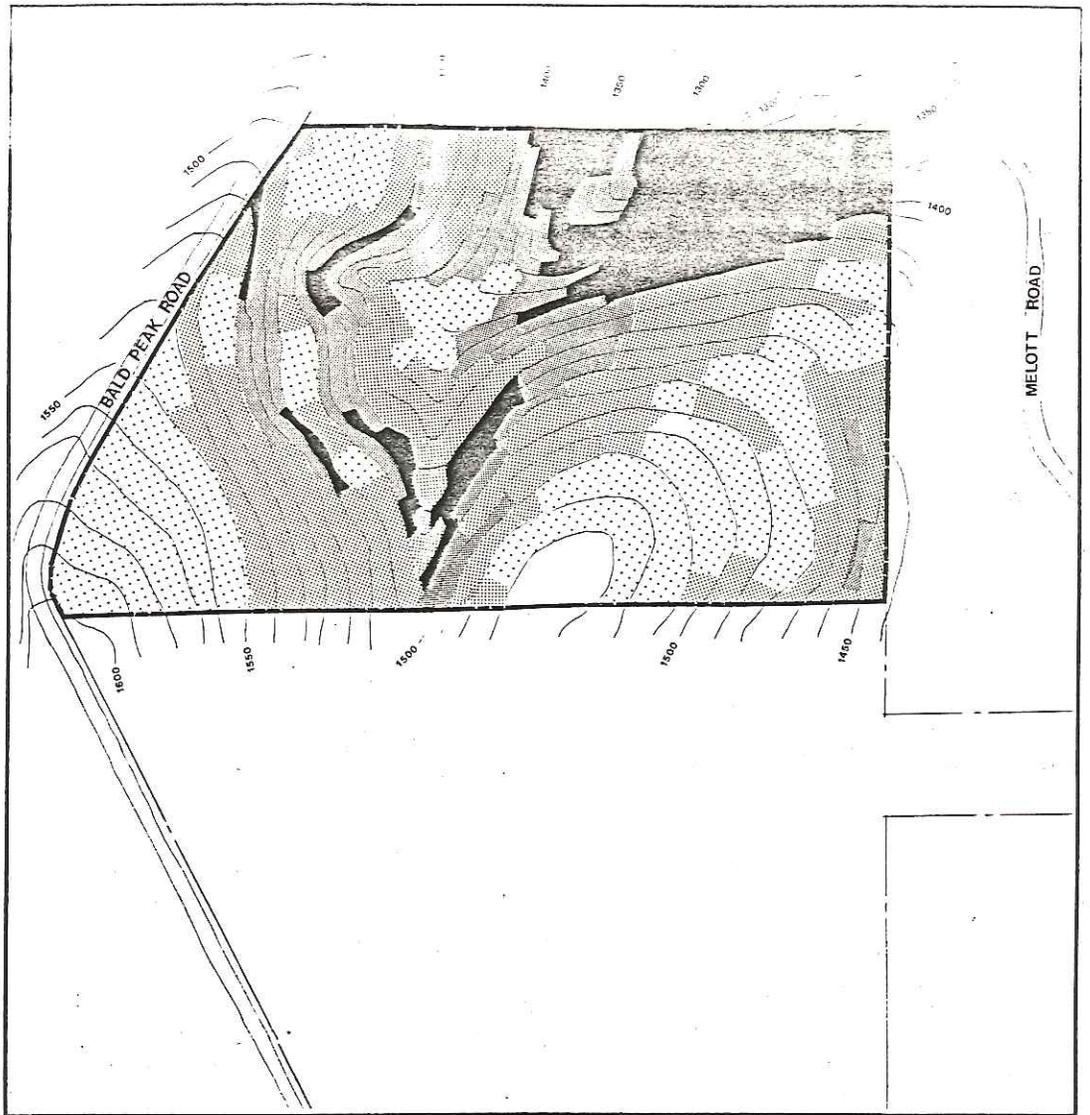
II. GENERAL SITE INFORMATION

A. Topography

The subject property is located on the north face of Bald Peak. A drainageway which crosses the property in a northeasterly direction is a major physical feature of the site. The topography which results from these combined factors is varied in degree and direction of slope. Elevations on the site range from 1600 feet, at the southwest corner of the property, to 1300 feet in the northeastern portion of the site. Slopes vary from less than 10% on the more level portions of the site, to 40% and greater in the ravine area of the property. See Exhibit 3. At the density proposed, the property contains sufficient level areas to accommodate full development of 5 acre rural home sites on the property.

B. Soils

The U.S. Department of Agriculture Soil Conservation Service soil survey information identifies soils for the project site as being composed of the Laurelwood series. Four specific sub-categories related to slopes are identified for the site. See Exhibit 4. In general, the Laurelwood series is comprised of well-drained soils which formed in mixed soil materials on low hills. In a typical soil profile, the surface layer of silt loam is dark brown and is approximately 11 inches thick. The subsoil is a 35-inch thick layer of firm, dark brown silty clay loam. The subsoil is underlain by a very firm, dark reddish-brown silty clay which overlies basalt bedrock. While the soils for the site are identified as being Laurelwood series, the text of the soil survey information establishes 1200 feet as the upper elevation limit for Laurelwood soils. The subject site, as discussed in the topography section, contains elevations that range from 1300 feet to 1600 feet. This increased elevation has a significant effect upon the agricultural capabilities of the site. An increase in winter and late spring precipitation, a 2 to 4 degree drop in average annual temperatures, and a



Legend

	0-3%
	3-12%
	12-20%
	20-30%
	30% →


0 200 400
Slope
Exhibit 3



Legend

-  LUC
-  LUD
-  LUE
-  LUF



0 200 400

Soils

Exhibit 4

decrease of 20 days in the annual growing season are experienced at the site. As a result, the agricultural capabilities shown for the specific sub-categories listed below should be revised downward.

Laurelwood silt loam - LuC

Occurs on long, broad ridge tops of the Chehalem Mountains, with slopes ranging from 3 to 12 percent. The soil has a moderate permeability, no seasonal high water table, and little potential for shrink-swell conditions. The identified Agricultural Capability Unit is III e-2. The woodland group is 2o1. This series comprises roughly 36% of the site.

Laurelwood silt loam - LuD

Occurs on steeper sloped areas in the Chehalem Mountains (12-20% slope) with similar characteristics of LuC. Because of the steeper slopes, erosion potential is greater in areas unprotected during rainy periods. Agricultural Capability Unit is III e-2. The woodland group is 2o1. This series comprises approximately 2% of the site.

Laurelwood silt loam LuE

Occurs on the side slopes of drainageways on slopes ranging from 20 to 30%. With the exception of increased erosion hazard on unprotected slopes, characteristics are similar to LuC and LuD. Due to increased slope, Agricultural Capability is reduced to Unit IV e-2. The woodland group is 2o1. This series comprises approximately 25% of the property.

Laurelwood silt loam LuF

The profile of this soil, which occurs on steep sideslopes of drainageways, is similar to the other Laurelwood series soils. Slopes range from 30 to 60 percent and erosion hazard is increased. Capability unit is identified as VI e-5, with steep slopes severely limiting agricultural potential. The woodland group is 2o1. This series comprises approximately 13% of the site.

1. Septic Tank Suitability

LuC - Slight limitations (3-12% slope)

LuD - Slight to Moderate limitation (12-20% slope)

LuE - Moderate limitations to 25% slope, then severe

LuF - Severe limitations

2. Residential Site Suitability

LuC - Slight limitations (3-12% slope)

LuD - Moderate limitations (12-20% slope)

LuE - Severe limitations (20-30% slope)

LuF - Severe limitation (30-60% slope)

Limitations on steeper slopes are based on potential for slide hazard and moderate shrink-swell potential.

3. Roads and Streets

LuC - Moderate limitations

LuD - Moderate limitations

LuE - Moderate limitations

LuF - Severe limitations

Limitations are the same as those identified for residential uses.

C. Vegetation

The site is divided into two types of vegetation areas, based primarily on slope. The less steep areas of the site have been cleared and have been used for cultivation of crops in previous years. The steeper ravine areas, which are generally unsuitable for agricultural uses, remain wooded. Trees are primarily second growth Douglas Fir. The forested areas have not been managed for timber production.

D. Public Services**1. Roads**

The site fronts on Bald Peak Road: a paved, two lane minor arterial. Bald Peak Road intersects with Highway 219 approximately six miles southeast of the site. Highway 219 provides access to Hillsboro, to the north, and Newberg, to the south.

A private road provides access into the site. The road is 1850' in length and ends with a cul-de-sac. The road is surfaced with asphaltic concrete.

2. Water

The site lies within the service area of the LA Water Co-op. The co-op has a 40,000 gallon storage reservoir located just south of the subject property. A six-inch main is located in Bald Peak Road along the frontage of the subject property. A second six-inch main is located in an easement along the southern boundary of the site. This line provides water service to the rural homesites on Melott Road, below the subject property. The LA Water Co-op has indicated that it has sufficient capacity to serve the proposed development. Based on earlier development plans, W.P.L.C. has reserved water service connections with the Co-op for this property. A 4" water line was installed on the site when the property was subdivided. The line follows the road right-of-way and, according to officials of the LA Water Co-op, the existing water line is capable of serving the additional homesites.

3. Sewer

The property is proposed to be developed at rural densities. Sewer will be provided by individual septic tanks and drainfields. The existing six lots have approved septic drainfield areas.

4. Electrical

Electrical service is provided to the property by P.G.E. Existing power lines are located along Bald Peak Road.

5. Telephone

Phone service is provided by General Telephone Company from underground lines along Bald Peak Road.

6. Schools

The project is serviced by the Newberg Public School District 29J. School bus service exists along Bald Peak Road.

7. Police

The Yamhill County Sheriff's Department and Oregon State Police provide police protection in the Bald Peak area.

8. Fire Protection

The site lies within the service area of the Newberg Rural Fire District. Response time is approximately 18-20 minutes according to Assistant Fire Chief Ken Andrews. The Gaston Rural Fire District has a mutual aid agreement with the Newberg district and will respond when needed.

E. Existing Land Use

1. Site

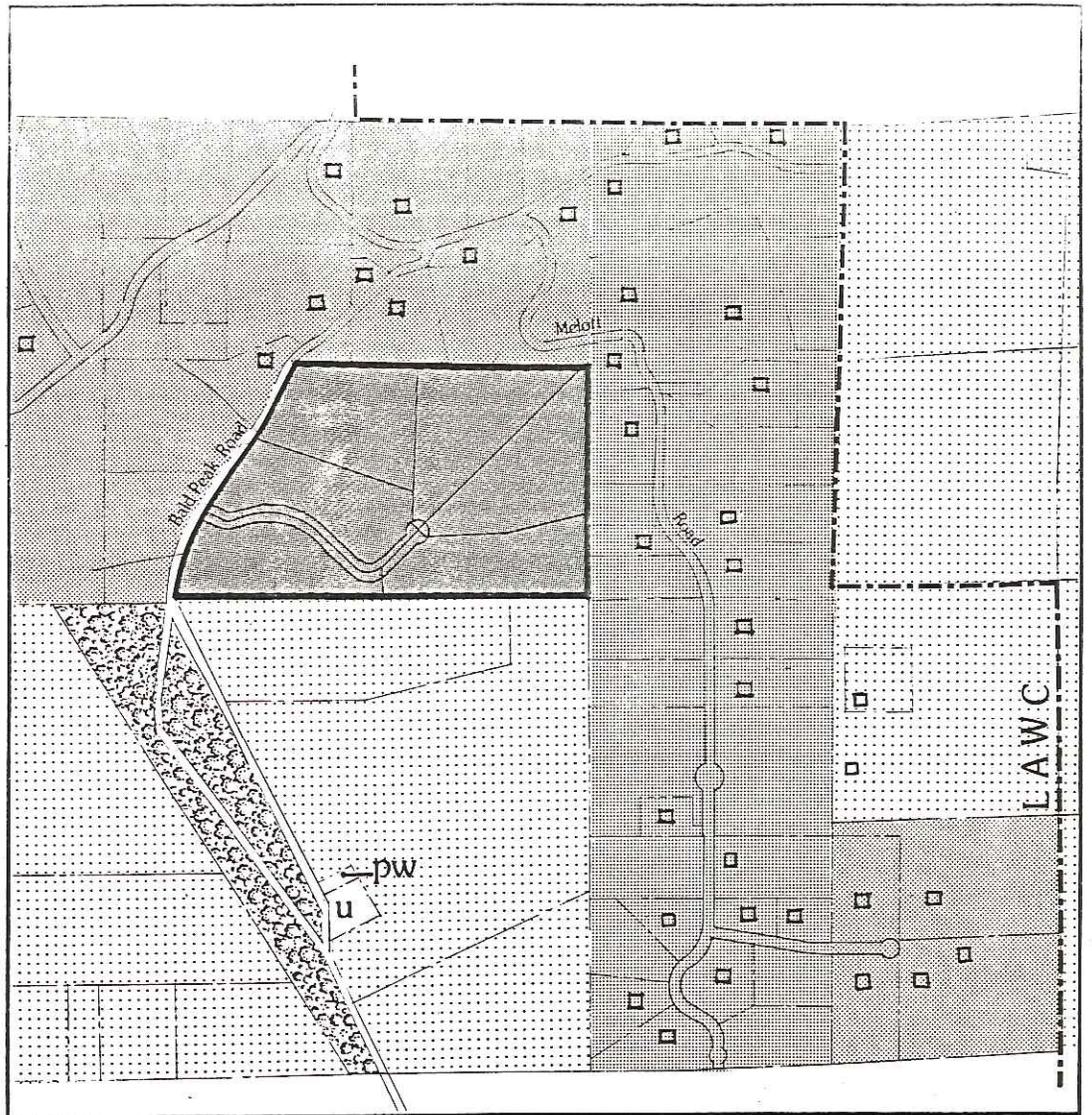
The site is currently vacant although, in the past, it has been leased for very limited agricultural use. A variety of crops have been cultivated on the property, including wheat and potatoes. Due to the elevation of the property, the success of these agricultural

endeavors has been poor. The property also contains an unmanaged stand of mixed second-growth timber. An old farmhouse which had been located on the site has been razed.

2. Surrounding Area

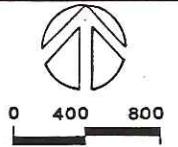
Properties to the west, north, and east of the subject site are zoned VLDR-5 and have been developed for rural residential subdivisions. The Mal Vista Ridge Estates subdivision is located immediately to the east and downhill from the site. Most of these home sites are in the three to five acre range and have been developed with single-family homes. See Exhibit 5.

Bald Peak State Park is located to the southwest, across Bald Peak Road from the site. Immediately to the south of the site, zoning is AF-20 and the land is used to grow Christmas trees. Further to the south and adjacent to the land used for tree farming is cropland on which grain is grown. The LA Water Co-op reservoir is located approximately 1/3 mile south of the WPLC site.



Legend

- pw PUBLIC WORKS
- u UTILITIES
- PARK, RECREATION, OPEN SPACE
- LA WATER CO OP BOUNDARY
- AF-10, AGRICULTURE, FORESTRY, 10 AC.
- AF-20, AGRICULTURE, FORESTRY, 20 AC.
- VLDR-5, VERY LOW DENSITY RESIDENTIAL, 5 AC.



Existing Zoning

Exhibit 5

III. EXCEPTION STATEMENT TO STATEWIDE PLANNING GOALS 3 AND 4

In 1983, exceptions to Statewide Planning Goals 3 and 4 were granted to allow the site to be rezoned from AF-20 to AF-10. Since that time the site has been subdivided into six lots and substantial site improvements have been made. Public utilities have been installed to serve the lots. A 20 foot wide public road has been constructed within a 50 foot wide right-of-way which also carries underground electrical service and water lines to the lots. Although these improvements have irrevocably committed the land to rural residential use, OAR 660-04-018 (3)(b) requires that a new exception be taken to change the intensity of the use within the exception area. Because the original exception was a "Reasons" exception processed under OAR 660-04-020, the new exception must also be a "Reasons" exception processed under the same section.

The four factors in Goal 2 Part II(c) which are required to be addressed when taking an exception are listed below. Each of the four factors is addressed in the following sections. The factors are:

- o "Reasons justify why the state policy embodied in the applicable goals should not apply."
- o "Areas which do not require a new exception cannot reasonably accommodate the use."
- o "The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception."
- o "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

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

Goals 3 and 4 should not apply to the subject property for the following reasons:

1. The land is irrevocably committed to rural residential use.

In 1983, the property was rezoned for rural residential use when the zoning was changed from AF-20 to AF-10. After rezoning, the property was subdivided into six lots. A road was constructed to serve the lots and utilities were installed. Each lot is serviced with water from the LA Water Co-op and electrical service from P.G.E. Because the property is committed to development and is no longer available for resource use, an exception to the resource goals is justified.

2. There is a demand for additional 5 acre view lots in the area.

The Chehalem Mountains in Yamhill County have proven to be a popular area for new residential development on 5 acre lots. The area is attractive for its easy access to both Newberg and Hillsboro and for its excellent views. For example, the area surrounding Bald Peak near the subject site, is over 1000 feet in elevation which provides views to the south and west toward the Chehalem Valley and views to the north and east toward the Tualatin Valley. The summit of Bald Peak is approximately 9 miles to Newberg and 10 miles to Hillsboro.

Residential development in the Chehalem Mountains has been concentrated in two districts of five acre VLDR zoning which total approximately 1594 acres. See Exhibit 6. From 1980 to 1986, there have been 41 residential building permits or mobile home permits issued in the two districts. During that same time, the population in Yamhill County has grown by 1768 persons. According to the



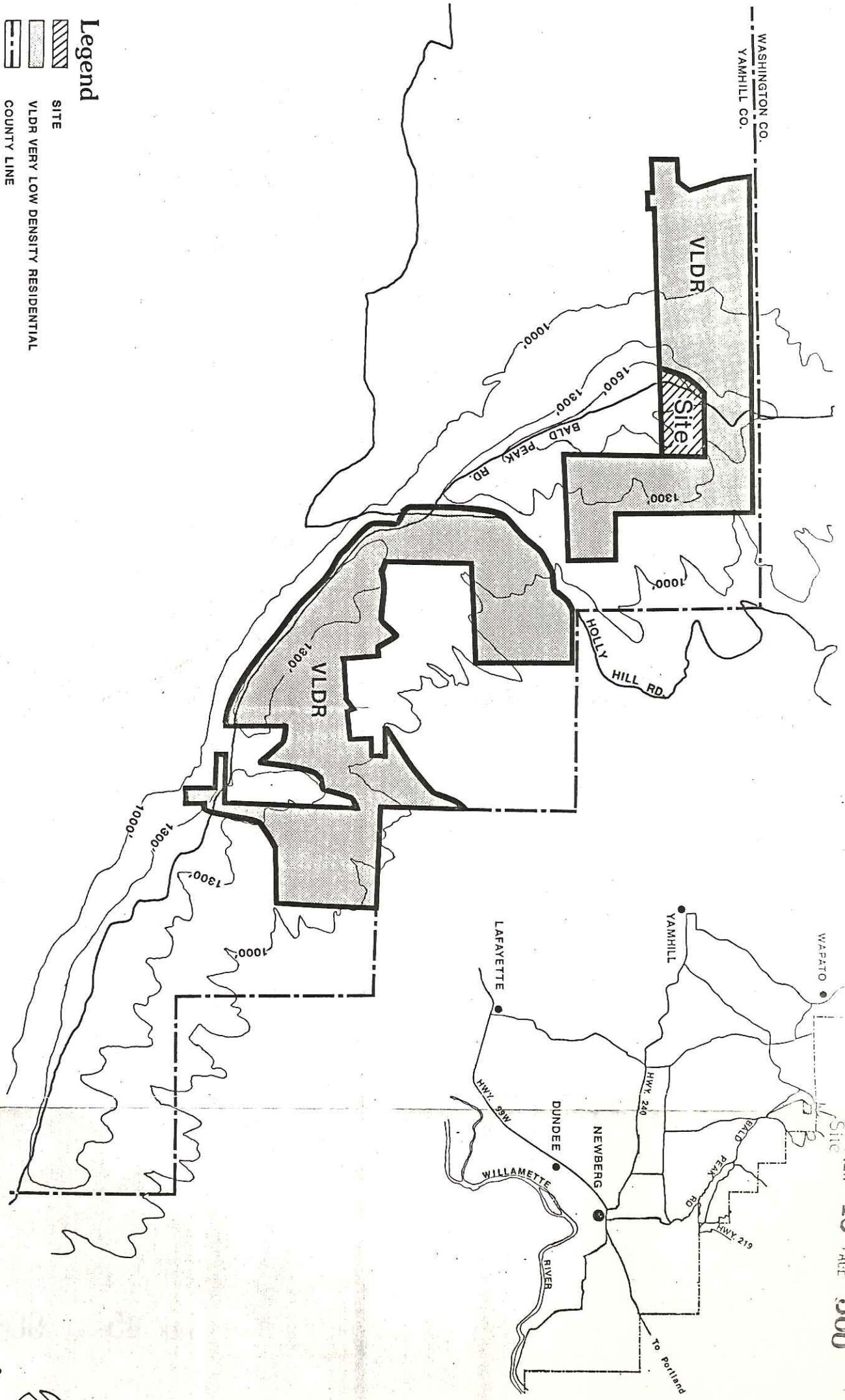
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 EXISTING TREES



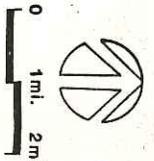
Existing Lots

Exhibit 2



Legend

-  SITE
-  VLDR VERY LOW DENSITY RESIDENTIAL
-  COUNTY LINE



VLDR/Topographic Relationship

Center for Population Research at Portland State University, Yamhill County had a population of 55,322 in 1980 and 57,100 in 1986.

If it is assumed that new construction on VLDR lots in the Chehalem Mountains will keep pace with projected population growth through the year 2000, there will be need for additional lots in the area. The Center for Population Research projects a population increase of 18,100 persons in Yamhill County between 1986 and the year 2000. Based on this projected population increase and the permit trend established from 1980 to 1986, there will be a demand for 416 new housing units in the area by the year 2000.

Even if a more conservative estimate of population growth is used, the demand for housing will be strong. If it is assumed that the county population grows by 10,000 persons between 1986 and the year 2000, 230 new housing units will be needed in the Chehalem Mountain area. For purposes of further calculations, a more conservative estimate was used.

Table 1

DEMAND CALCULATIONS FOR CHEHALEM MOUNTAIN

41 lots developed 1980-1986	
1,768 total population growth 1980-1986	= 0.023 lots per person
0.023 x 10,000 (conservative estimate of year 2000 population growth)	= 230 additional lots

Demand for five acre lots is also apparent from lot sales data. Based on 1986 information from the Oregon Multiple Listings Service for Yamhill County and southwest Washington County, 73% of all sales of rural residential lots involved parcels less than 10 acres in size.

Table 2
 RURAL RESIDENTIAL SALES - 1986
 Yamhill County and Southwest Washington County

Parcel Size	Number Sold	Percent
Less than 10 acres	16	73%
10 to 20 acres	6	27%

The table demonstrates that the market for smaller lots is stronger than the market for larger lots. The developers of Sunrise Peaks Subdivision have also found this to be true. None of the six 10 acre lots have sold even with an aggressive marketing program.

Extensive newspaper advertising has been used to market the property with no results. According to Sam Gotter, the Realtor offering the property, consumers think that ten acre parcels are too large for rural residential purposes. Based on Mr. Gotter's lifetime experience with rural residential and farm sales, he believes that individuals seeking ten acre parcels desire productive land for intensive farm use. As noted in Section II B of this application, elevation and soils limit the agricultural productivity of the site. For these reasons, the site is better suited for five acre residential use than ten acre hobby farm use.

3. There is a shortage of VLDR land in relation to projected demand.

There are currently 1594 acres of VLDR land located in two zoning districts in the Chehalem Mountains between Newberg and the county line. Based on a review of a Yamhill County development map which plots existing houses and permits issued from 1980, there are 163 housing units scattered throughout the two VLDR districts. If it is assumed that each housing unit is located on a five acre parcel, 815 acres are developed and 769 acres are vacant. The 769 vacant

acres can accommodate 153 new dwelling units assuming 1 dwelling per 5 acres. With the projected demand for 230 new dwelling units in the Chehalem Mountain area by the year 2000, there will be a shortage of VLDR land needed to accommodate the projected demand for rural residential homesites.

Table 3
CALCULATIONS - LAND REQUIREMENTS

163 units of existing development
x 5 acre minimum lot size
815 developed acres

1594 acres of existing VLDR land
-815 developed acres
769 vacant acres

769 vacant acres divided by 5 = 153 units

Need: 230 units (See Table 1)
Less: -153 units
77 unit shortage x 5 acre lot size = (385 acre shortage) or 6 lots per year

Because the demand for lots in the Chehalem Mountain area is primarily based on the elevation and views, it is unlikely that the area will ever fully meet the projected demand. Much of the area is steeply sloped and many parcels do not have views of the valleys. These areas will be the last to develop.

However, the subject property does possess the qualities that make it attractive for rural residential development. The property offers excellent views of the Tualatin Valley and provides adequate buildable land area for 11 five acre lots. Because the property is well suited to meet the demand for residential property in the Chehalem Mountains, an exception should be granted.

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

Currently 1,594 acres in the Chehalem Mountains are zoned for five acre development. As demonstrated in the previous section, approximately 769 acres are vacant. Based on the demand calculations for rural residential view lots, the demand greatly exceeds supply. To meet the projected demand an exception is needed.

As stated previously, the qualities that make the area desirable for residential use include views and easy access to Newberg and Hillsboro. In the vicinity surrounding Bald Peak, there exist excellent views to the northeast and southwest for most properties over 1300 feet in elevation. See Exhibit 6. The following table provides zoning information for properties over 1300 feet in elevation.

Table 4
ZONING AND DEVELOPMENT - PROPERTY ABOVE 1300 FEET MSL

Zone	Acreage	Existing Units
VLDR 5	246.8	42
AF-10	60	0
AF-20	693.6	27

If it is assumed that each of the existing 42 units in the VLDR 5 zone occupy five acre lots, only 36.5 additional acres are available for five acre homesites above 1300 feet. The 36.5 acres can accommodate only seven more homes. As demonstrated in the previous section there is a strong demand for additional five acre view lots.

The 60 acres of AF-10 property included in the table is the property that is the subject of this application.

The 693.6 acres of AF-20 property above 1300 feet is classified as resource land and must go through the exception process if needed for development. An exception to the resource goals was granted for the subject 60 acre site when the property was rezoned from AF-20 to AF-10 in 1983. It is more appropriate to encourage rural residential development on land which is not designated for resource production.

- C. The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

The proposed change in land use designation will result in only a minor change from what is currently approved for the site. The property is currently zoned AF-10 and has been subdivided into six lots. Approval of the request will add the potential for five additional lots. For this reason the environmental, economic, social and energy impacts of the proposal are minimal.

The impacts of rezoning the subject site for rural residential use are less than the impacts of rezoning other properties on Chehalem Mountain. The subject site is currently committed to residential use due to the existing subdivision and site improvements. All other land in the area that could be rezoned to meet the demand for new VLDR land is currently zoned AF-20 and must also go through the exception process. The subject site is currently zoned AF-10, and because it abuts VLDR land and is committed to residential development, the impacts of rezoning it for VLDR use are less than if AF-20 lands were rezoned.

Because the property will be served by the LA Water Co-op, no individual wells will be required to accommodate the development. According to John Rehm of the Oregon Department of Water Resources, the Bald Peak area has experienced water problems in the past. Due to the elevation of the Bald Peak area, groundwater recharge occurs only on a perched, localized

basis. Because the property will be served by the water co-op, the development of the property will not contribute to further depletion of groundwater in the area.

The proposal will place a small additional burden on public services in the area and additional energy use for the increased number of homes. However, the services are adequate to handle the growth and the energy impact is small.

The proposal will result in an improved county economy due to substantial capital investments in new homes on the site. If eleven new homes with an average value of \$100,000 each are built on the property, the total capital investment is over \$1 million. This investment will benefit local construction firms and building supply stores. The new homes will also provide new tax revenue for the County. Based on the 1986 Yamhill County mileage rate and an assessed value of \$1 million, the residences would contribute \$3,230 per year in county taxes or \$18,400 total property tax.

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

The site is surrounded on the north, east, and west by rural residential use and VLDR-5 zoning. To the south is a small Christmas tree farm and cropland. The tree farm and cropland abut VLDR-5 land to the east and there have not been compatibility problems in the past. There is no reason to believe that compatibility with the subject property would be any different.

The proposed Comprehensive Plan Amendment and Zone Change is in conformance with the goals and policies of Section B "Rural Area Development" of the Yamhill County Comprehensive Plan. The goals and policies for this section are listed below followed by our comment on the applicability of each goal and policy.

- Goal 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.

Comment: The subject site is committed to rural residential use. The proposed request will decrease the average lot size on the site from a 10 acre minimum to a 5 acre minimum to allow a total of eleven lots on the site. Section III of this application demonstrates that there is a need for additional five acre view lots in the Chehalem Mountains and that the current inventory of lots is insufficient. Granting this request would address the need in conformance with Goal 1.

- Policy 1a.** 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.

Comment: The proposed plan map designation is VLDR. When the property is developed, a range of lot sizes will be made available from approximately three acres to approximately seven acres. The average lot size will be just over five

acres. The larger parcels on the site will provide the opportunity for small scale agricultural use, but as stated in Section II B of this application, elevation and soils limit the agricultural productivity of the property. Based on these limitations, the site is better suited for residential use than agricultural use, especially considering the excellent views available from the property.

Policy 1b. 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:

- a. the submission and approval of a layout and design concept, with provision for the staging and servicing of all phases of the development;
- b. the approval of all Federal and State agencies relative to any applicable health, safety and environmental controls; and
- c. an adequate demonstration of the financial capacity and responsibility of the proponents to complete the development and provide for operation and maintenance services.

Comment: It has been demonstrated in Section III that there is a need for additional VLDR land in the Chehalem Mountains. This request for a Plan Amendment and Zone Change only changes the land use designation of the property and does not constitute approval of the development. All necessary information required by items a, b, and c above will be provided when the property is subdivided.

Policy 1c. All proposed rural area development and facilities:

- a. shall be appropriately, if not uniquely, suited to the area or site proposed for development;
- b. 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;
- c. 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.

Comment: It has been demonstrated that the subject site is appropriately suited to the proposed use due to its elevation and views, the availability of public water, and the adequacy of other necessary public services. While the site does contain some steep areas, at the proposed density of development there are sufficient areas of less steep topography to accommodate rural home sites. It has also been demonstrated that the soils are generally suited to sub-surface sewage disposal. While erosion is a potential problem on steeper areas of the site, no major soil limitations for single family residences exist in the areas planned for homes. Access, via the existing road and Bald Peak Road, is adequate for the level of development proposed. Water is available from the LA Water Co-operative.

Policy 1d. 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.

Comment: The use proposed for this site will not require the extension of additional services. Water and electrical facilities exist on the site and the proposal will result in fuller and more economical utilization of the existing utilities. Sub-surface sewage disposal, which is suited to rural areas, is planned. The level of development is at a low rural density, (1 unit per 5 acres), and will not place inordinate burden on existing rural services.

Goal 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 pre-empt farm or forest lands, or generate inordinate service demands of their own.

Policy 2a. 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.

Comment: The property is committed to rural residential development. The substance of the request is whether the property develops at a density of one unit per five acres or one unit per ten acres. The site is well suited for increased densities due to the excellent views and the existing utility system. The site is compatible with the surrounding land uses and is surrounded on three sides by VLDR zoning. Access, water, sub-surface sewage disposal and fire protection are all adequate for the additional density.

Policy 2b. 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 a single local-road access, individual domestic wells and sewage-disposal systems, and possibly rural fire protection.

Comment: The policy is satisfied by the request because the magnitude of the proposed development will not cause a need for urban level services. An existing access road will provide access to the development and individual septic systems will be provided. The site is within the Newberg Rural Fire District. In addition, the range of acreages that will be provided in the development will create the opportunity for small scale agriculture and woodlot operations.

V. ZONE CHANGE CRITERIA

Approval of a request to change the Zoning Map designation on a site must be based upon the following provisions of Section 1207 of the Yamhill County Zoning Ordinance:

- A. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Comment: See Section IV above for a discussion of the goals and policies of the Comprehensive Plan.

- B. That there is an existing demonstrable need for the particular uses proposed for the property once the zone is changed, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand for any goods or services which such uses will provide and the presence or absence and location of other such uses or similar uses in the area.

Comment: See Section III for discussion of public need. The need exists within the planning time frame applicable to the Yamhill County Comprehensive Plan and Zoning Ordinance. In order to provide a reasonable choice of VLDR sites to meet the need, the request should be granted at this time. There is insufficient acreage currently zoned VLDR to accommodate the projected demand for rural residential homesites in the Chehalem Mountains north of Newberg.

- C. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district.

Comment: The proposal is timely. All services necessary for the development of the property, including public water, currently exist at the site.

The proposal fits the pattern of land use in the area. Surrounding the site to the north, east, and west, the existing VLDR-5 land is parcelized and developed with single family homes.

- D. That there are no other lands in the County already zoned for the proposed uses, or, if there are such lands, that they are either unavailable or unsuitable due to location, size or other factors.

Comment: While there are other lands in the County already zoned for VLDR-5 development, the availability of such land in the Chehalem Mountains is limited. The area is extremely desirable for residential development because of good views and easy access to both Newberg and Hillsboro. The most desirable properties are those above 1300 feet in elevation. Based on USGS maps and maps of county development patterns, there are 246.8 acres of VLDR land above 1300 feet MSL in the Chehalem Mountains. The development maps indicate that there are 42 existing dwelling units within the VLDR areas above 1300 feet. If it is assumed that each unit occupies 5 acres of land, only 36.5 acres are available for new development. The demand for rural homesites in the area far exceeds the existing supply of VLDR land.

The proposed Comprehensive Plan Amendment and Zone Change for this site will provide additional VLDR-5 zoned homesites with excellent views. The site is located on Bald Peak in an area of existing rural residential development. Public facilities currently serve the site and are adequate for the proposed development. The existing property is committed to rural residential development and is currently subdivided into six 10 acre lots. The proposal makes more efficient use of the land and existing utilities by increasing the density and providing a range of parcel sizes.

It has been demonstrated that the existing supply of vacant VLDR-5 lands in the Chehalem Mountains north of Newberg is limited and that there is a need for additional sites to meet projected needs to the Year 2000. The proposal complies with the locational policies of the Rural Lands section of the Comprehensive Plan.

It has been demonstrated that an exception to Goal 3 and Goal 4 is justified to increase the density from AI-10 to VLDR. The proposal complies with the criteria of the Yamhill County Zoning Ordinance for reviewing zone change requests. Given all of these factors, it is appropriate that the Planning Commission and Board of Commissioners approve the request.

EXHIBIT B
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR APPROVAL OF DOCKET PAZ-1-87

1. The applicants submitted a report to Yamhill County justifying the requested plan amendment/zone change on April 16, 1987. The information contained in that report is incorporated by this reference and provides additional findings in support of the request. A copy of the report is attached to the Ordinance as **Exhibit A**.
2. The applicant has requested a plan amendment/zone change from AFSH/AF-10 to VLDR/VLDR-5 on approximately 60 acres. The property is part of the Sunrise Peaks Subdivision and is platted into 6 parcels of approximately 10 acres each.
3. In 1983, the Yamhill County Planning Commission and Board of Commissioners approved a plan amendment and zone change from an AFLH plan designation and AF-20 zone to the present AFSH/AF-10 designation. **Exceptions to Goals 3 (Agricultural Lands) and 4 (Forest Lands) were approved as part of the 1983 action.**
4. Yamhill County provided the Department of Land Conservation and Development (DLCD) with notice of the 1983 application in accordance with post-acknowledgement procedures. **DLCD did not object to the exception to the resource goals or to the rezoning of the property from AF-20 to AF-10.**
5. **Based on the 1983 approval of the Plan Amendment, Zone Change, and Exception, the protection of resource land is not at issue with this application.** The property is zoned AF-10 and is not subject to EFU zoning requirements. **By the action taken in 1983, Yamhill County and DLCD have recognized that the subject property is appropriately designated for rural residential development.** The focus of this application is the increase in potential development density from 1 dwelling/10 acres to 1 dwelling/5 acres and compatibility with adjacent uses and agricultural operations in the vicinity. Approval of this application results in a potential increase of six additional rural residential parcels at the summit of Bald Peak in an area of existing rural residential development.

6. Yamhill County provided notice of the current application in accordance with County procedures and post-acknowledgement referral requirements. A public meeting was held before a neighborhood advisory group, the Newberg-Dundee PAC, on May 27, 1987. The PAC recommended approval of the request by unanimous vote. Primary reasons cited by the PAC in support of their action were:
- o The site is a pocket of AF-10 land which abuts VLDR-5 zoning and smaller parcels on three sides.
 - o The owner of the Christmas tree farm operation adjacent to the southern boundary of the site testified in support of the change and indicated that the minor increase in density would not introduce conflicts with his operation.
 - o The subject property lies to the north and downhill of Bald Peak State Park. Development of additional homesites at this location will not conflict with view corridors from the park. The State Parks Division indicated that the proposal did not conflict with their interests.
 - o There will be a need for additional 5-acre parcels in the Chehalem Mountains during the time frame of the County Plan. The subject property provides the most appropriate location for VLDR zoning because of the surrounding pattern of development and zoning; adequacy of facilities to accommodate the density; and compatibility with adjacent uses.
7. The Yamhill County Planning Commission conducted a public hearing to review the request on June 4, 1987. The Planning Commission, by unanimous vote, recommended that the Board of Commissioners approve the request. There was no opposition presented to the plan amendment/zone change. A neighboring Christmas tree farmer who spoke at the PAC meeting also testified in support of the change at the Planning Commission hearing. Findings cited by the Planning Commission in support of the decision were similar to the Newberg-Dundee PAC findings summarized above.

8. On May 26, 1987 DLCD forwarded a letter to the County expressing concerns regarding the adequacy of the findings contained in the original submittal (See Exhibit A). The letter from DLCD was entered into the record of the proceedings at the Planning Commission hearing. An excerpt from the DLCD letter is highlighted below:

The subject property is within an exception area and is currently committed to six 10 acre lots. The proposal is to change the plan and zoning from AF-10 to VLDR-5 which allows a density of one dwelling per 5 acres. Because the proposal allows a change in the existing level of development, the requirements of OAR 660-04-018 apply. Since the proposal states that the original exception was a "reasons" exception (p. 14), the new exception must also be a "reasons" exception (OAR 660-04-018 (3) (b)).

9. The four factors in Goal 2 Part II(c) which must be addressed when taking an exception are listed below.
- o "Reasons justify why the state policy embodied in the applicable goals should not apply."
 - o "Areas which do not require a new exception cannot reasonably accommodate the use."
 - o "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception."
 - o "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

Each of the four factors is addressed in the following findings.

10. **Reasons justify why the state policy embodied in the applicable goals should not apply.**

- a. In 1983, Yamhill County approved a plan amendment and zone change for the subject property from AFLH/AF-20 to the current AFSH/AF-10 designation. Therefore, this property has already been excepted from the provisions of Goals 3 (Agricultural Lands) and 4 (Forest Lands), and it is irrelevant at this point to argue that the state policy embodied in Goals 3 and 4 should not apply. "Reasons" cited in support of the original exception included: impact of elevations on agricultural productivity; impact of surrounding rural residential development on agricultural use of the property; and need for parcels appropriate for small woodlot development.
- b. The use proposed in the current application, 5-acre rural residential development, is targeted to an acknowledged exception area. The amount of land committed to non-resource use is not increased with approval of this application. The type of use proposed for the property, rural residential homesites, is the same use that was approved with the original exception in 1983.
- c. The application represents an increase in potential development density from 1 dwelling/10 acres to 1 dwelling/5 acres. The level of density proposed is clearly rural and will not require the extension of urban facilities and services or result in urban level development outside of a UGB. Facilities are in place and adequately sized to accommodate the rural density of development proposed.

11. **Areas which do not require a new exception cannot reasonably accommodate the use.**

- a. As noted in the applicant's April 16, 1987 submittal to Yamhill County, there are two distinct areas of existing VLDR-5 zoning on Chehalem Mountain. The two areas are mapped on Exhibit 6 (page 16) and evaluated on pages 18-21 of the report. These are the only two areas in the vicinity of the site which could accommodate the density of development proposed without a new exception.

- b. From 1980 to 1986, a very slow growth period in Yamhill County, permits were issued for construction of 41 new residential units in the two existing VLDR Districts on Chehalem Mountain.
- c. The planning staff completed a detailed review of the potential for development in the two exiting VLDR Districts and concluded that the applicant significantly overstated the availability of potential 5-acre development sites in the two areas. The County concluded that the two VLDR Districts have the potential to accommodate a total of 90 homesites.
- d. One of the factors to be evaluated in a review of alternative sites includes consideration of increasing the density of uses on nonresource land. The subject property is nonresource land, and it is the only property contiguous to the two existing VLDR Districts on Chehalem Mountain which has already been excepted from Goals 3 and 4. All other properties adjacent to the existing VLDR Districts are designated AFLH and zoned AF-20.
- e. The level of development proposed, one dwelling per 5 acres, cannot be reasonably accommodated inside an urban growth boundary. Development at a rural residential density within an urban growth boundary complicates the efficient and orderly conversion of urbanizable lands to urban densities. It is more appropriate to direct rural residential development to suitable locations, such as the Chehalem Mountains, which lie beyond the reaches of an urban growth boundary. It is critical to evaluate the suitability of proposed rural residential locations as to adequacy of access, water, suitability for septic drainfields, and compatibility with agricultural and forestry operations in the vicinity.
- f. As noted in the applicant's submittal (See Exhibit A), the existing paved road which was constructed when the property was subdivided can accommodate the modest increase in density. A four inch water line (LA Water Co-op), and phone and electricity cables were installed in conjunction with the road construction and can accommodate the level of development proposed. Septic approvals have been issued for the existing six lots in the subdivision.

Finally, the area proposed for rural residential development is surrounded on three sides by a large district of VLDR zoning and existing rural residential development. Therefore, approval of the change of zoning from AF-10 to VLDR-5 will not introduce conflicts or compatibility problems with agricultural and forestry operations.

- g. No parties in the local proceeding on this request have identified specific sites that can more reasonably accommodate the proposed use. Therefore, the applicant and the County have met the alternative area standard of "a broad review of similar types of areas rather than a review of specific alternative sites."
12. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.
- a. The change in land use designation from AFSH to VLDR will result in only a minor change from what is currently approved for the site. The property has been subdivided into six parcels and a paved road, utilities and water lines have been installed. Approval of the change will add the potential for five or six additional rural residential homesites at this location.
- b. Given that facilities are already in place to accommodate the development, the environmental, economic, social and energy impacts associated with the change are minimal. The increase in density will result in more efficient utilization of existing facilities.
- c. The consequences of rural residential use at this location are not significantly more adverse than would typically result from the rural residential development being located in other areas requiring a goal exception. The site has already been designated for Rural

Residential development and the land was removed from the resource base in 1983. Because the property will be served by the LA Water Co-op, no individual wells will be required to accommodate the development. The LA Water Co-op obtains water from the City of Hillsboro via surface water supplies of the Trask River. Therefore, the development of this property will not contribute to depletion of groundwater resources in the area. Finally, no improvements to existing roads will be required as a result of the change. According to the County Engineer, the existing paved road that was constructed to serve the existing Sunrise Peaks Subdivision can accommodate the additional density.

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

a. The subject property is bounded by VLDR zoning and existing rural residential development on three sides. The extent of parcelization and development of properties adjacent to the 60 acres to be rezoned from AF-10 to VLDR-5 is summarized below:

East - Four parcels abut the eastern boundary of the subject property. Parcel sizes range from 1.6 to 4.21 acres, with an average size of 2.73 acres. Dwellings are located on three of the four parcels. Adopted zoning to the east is VLDR-5.

West - Three parcels abut the western boundary of the subject property. Parcel sizes range from 3 to 7 acres, with an average size of 5 acres. A dwelling is located on the northern parcel. Adopted zoning to the west is VLDR-5.

North - Four parcels abut the northern boundary of the subject property. Parcel sizes range from 1 acre to 4.8 acres, with an average size of 3.69 acres. Dwellings are located on two of the parcels. Adopted zoning to the north is VLDR-5.

South - Two 20 acre parcels abut the southerly property boundary. A small Christmas tree operation is located on one of the parcels and the other property is leased but is currently fallow. There are no dwellings on the parcels. **Adopted zoning to the south is AF-20.**

- b. The development proposed for the subject property is clearly compatible with the type and intensity of rural residential development existing adjacent to three sides of the property. Mr. Bob Park, the owner of the Christmas tree farm abutting the southern property boundary, testified in support of the change at both the Planning Advisory Committee meeting and Planning Commission hearing. Mr. Park indicated that the Christmas tree area was treated with herbicide and sprayed by air on one occasion. The trees are now established and additional aerial spraying is not anticipated. The existing Christmas tree farm is bounded by extensive rural residential development to the east and a state park to the west. With approval of the subject plan amendment, two additional rural residential lots will abut the northern boundary of the Christmas tree operation. The balance of the subject property will be separated from the Christmas tree operation by the existing private road.

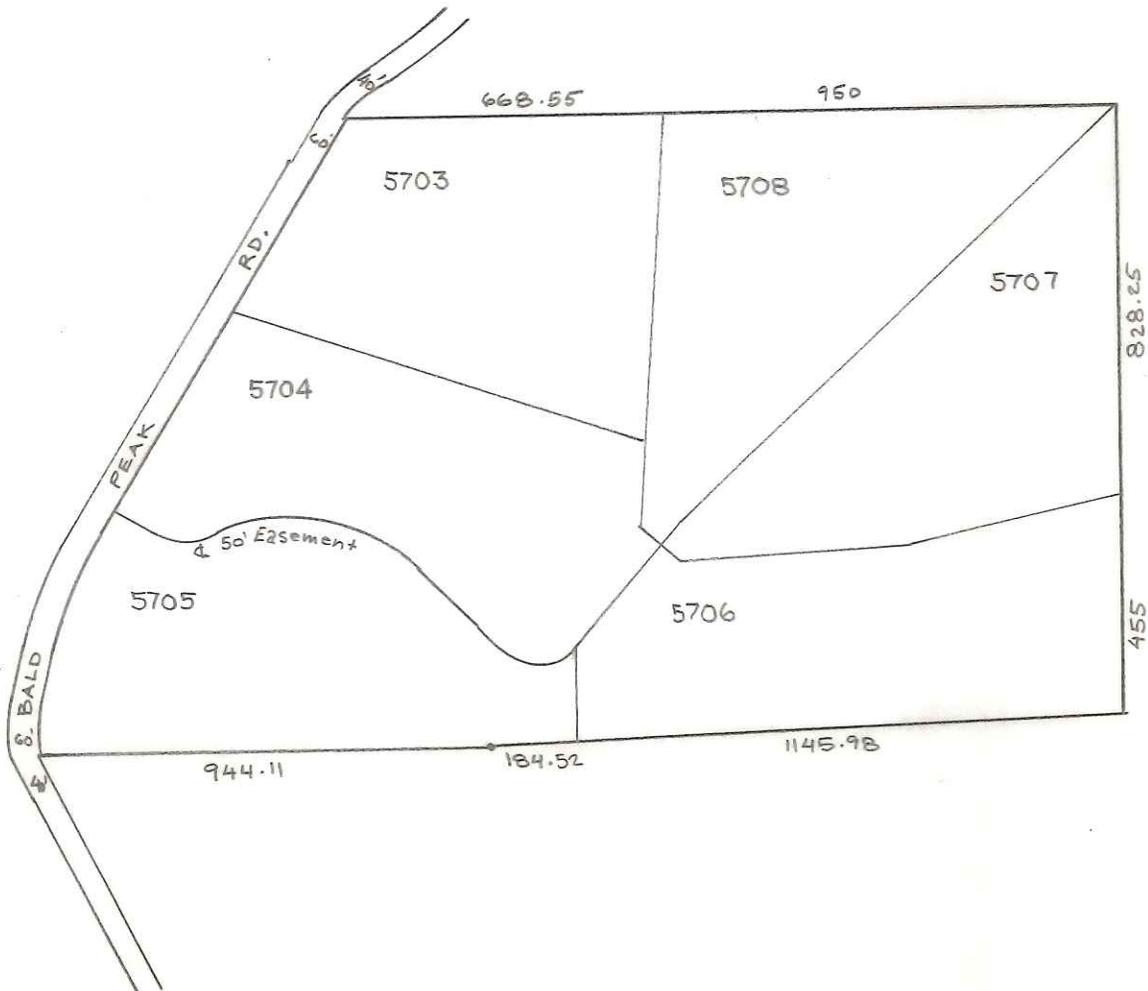
SKETCH MAP FOR COMPREHENSIVE PLAN AMENDMENT
EXHIBIT "C" FOR ORDINANCE NO: 447
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY THE
YAMHILL COUNTY BOARD OF COMMISSIONERS
JULY 1, 1987

TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION
FROM "Agriculture/Forestry Small Holding"
TO "Very Low Density Residential"

TO CHANGE THE OFFICIAL ZONING MAP
FROM "AF-10" TO "VLDR-5"



SCALE: 1" = 400'



Change applies to all portions of Tax Lot No's: 2315-5703, 5704, 5705, 5706, 5707 & 5708.

Sketch prepared by Yamhill County Department of Planning & Development.

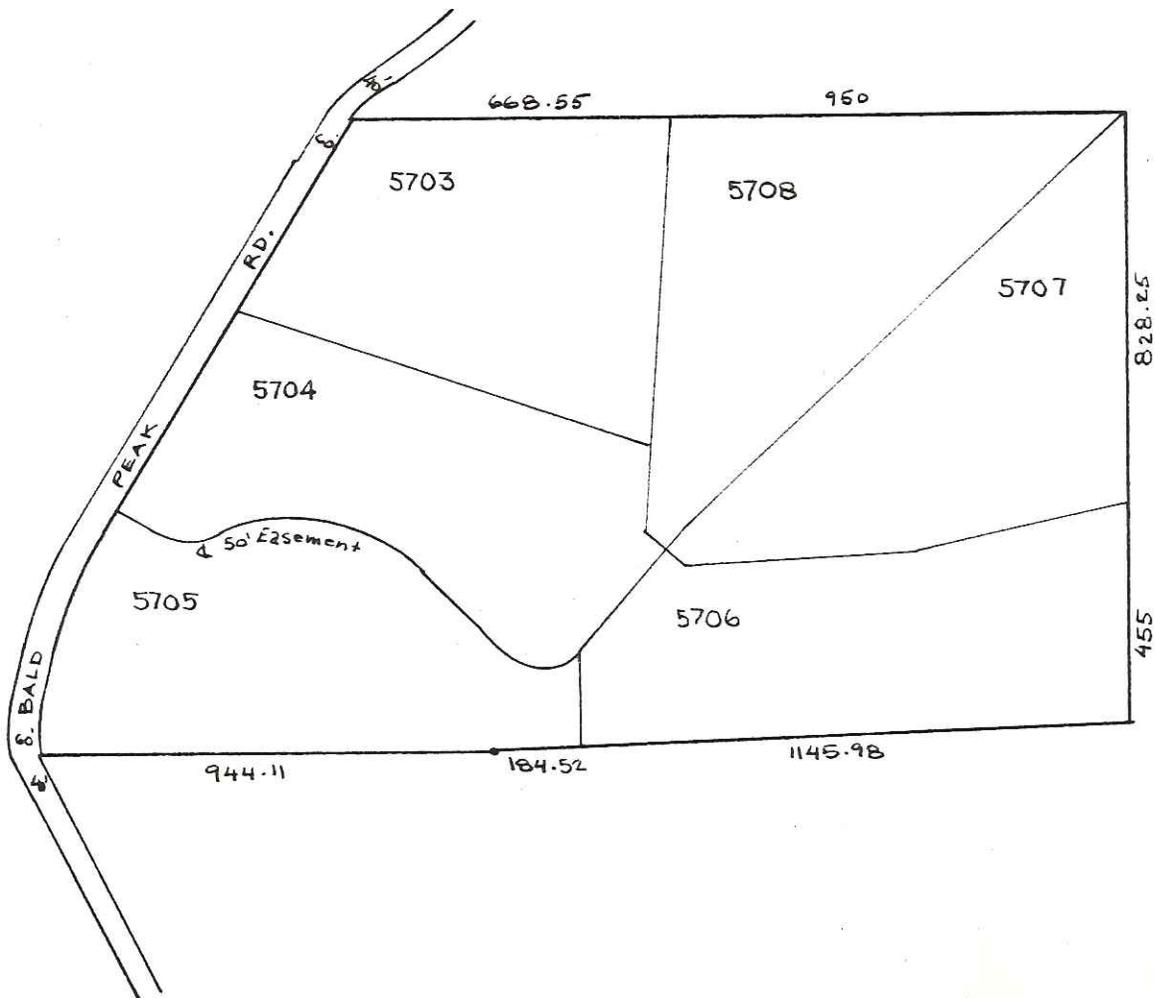
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