

I. Staff Report

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

HEARING DATES: July 10, 2025 – Planning Commission Hearing
September 11, 2025 – Board of Commissioners Hearing

DATE: July 3, 2025

DOCKET NO.: PAZ-01-24/S-03-24

REQUEST: Approval of a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential with an Exception to Statewide Planning Goal 2 (Exception Process), Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), and Goal 14 (Urban Development on Undeveloped Rural Lands), and the Transportation Planning Rule. A fourteen (14) lot subdivision is also being requested with an average lot size of 1.23-acres, and seven lots measuring 0.5-acres and seven lots measuring approximately 1.25-acres being created from Tax Lot 4418-01000, a 17.3-acre parcel.

APPLICANT: John Abrams

OWNER: Maralynn Abrams Trust

TAX LOT: 4418-01000

LOCATION: The lot directly west and south of 2540 SW West Wind Drive, McMinnville

CRITERIA: Sections 402, 502, 502.06, and 1208.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may be applicable. OAR 660-12-0060, the Transportation Planning Rule. OAR 660-004, Goal 2 Exception criteria. OAR 660-014, Goal 14 Exception criteria.

REFERRALS: *Public Works* – No comments received to date.
McMinnville Fire Department – No comments received to date.
City of McMinnville – No comments received to date.
Water Master – No comments received to date.
Department of Land Conservation and Development (DLCD) – No comments received to date.
Sanitarian – No comments received to date.
Yamhill County Soil & Water Conservation District (SWCD) – No comments received to date.

EXHIBITS:

- I. Staff Report
- II. Application
 - a. Letter of Incompleteness
 - b. Applicant’s Response to Letter of Incompleteness

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- III. Very Low Density Residential Zoning Ordinance
- IV. Public Notice
- V. Public Agency Reports
- VI. Comments

FINDINGS:

A. Background Facts

1. *Parcel Size:* 17.3-acres
2. *Access:* The subject lot has direct access to NW Hill Road, SW Cottonwood Drive, SW Fox Swale Lane, and SW West Wind Drive.
3. *On-site Land Use:* The subject parcel is located in the Exclusive Farm Use District, the EF-80 zone. Based on a cursory inspection of aerial imagery the lot appears to be a fallow field however the Applicant notes that this is a unique property because there has been a significant amount of infrastructure installed on the property along with, and concurrent with, the adjacent rural residential subdivision (West Wind Country Estates) that is dependent on that infrastructure, all under the same Measure 37 waiver approval, performed and completed prior to November 06, 2007. There is city storm sewer lines installed on the property in addition to gas lines, power lines, telecommunication lines, and community water lines that cross through the property in various locations on the subject parcel as illustrated on Applicant's Exhibit 4. The Applicant notes that the approved West Wind Country Estates subdivision conditions, engineered plans, traffic and other studies, excavation, infrastructure installation, subsequent approvals and fees, infrastructure expenditures, Final Plat approval and more, were all necessary tasks completed in good faith to execute the development rights granted through Measure 37.
4. *Surrounding Zoning and Land Use:* The subject lot is bounded to the east by the West Wind Country Estates subdivision which was created by way of a vested Measure 37 development right, with lots in this subdivision measuring approximately 1-acre in size. Adjacent land south-southeast of the subject parcel is located within the McMinnville City Limits, is undeveloped and owned by the McMinnville School District. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding area.
5. *Water:* The Applicant has proposed that the new subdivision lots would be served by the Fox Ridge Water Company.
6. *Sewage Disposal:* The application indicates that the proposed lots will be served by the development of individual, onsite septic systems.

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7. *Previous Actions:* A lot line adjustment that transferred 2-acres from the subject lot to Tax Lot 4419-00900 was approved in 1999, Docket L-27-99. A lot line adjustment that transferred 36.7-acres from the subject lot to Tax Lot 4418-01100 was approved in 2001, Docket L-25-01. A second lot line adjustment request that transferred 5-acres from the subject lot to Tax Lot 4418-01000 was approved in 2001, Docket L-45-01. A Measure 37 Vesting decision was issued by the Circuit Court in 2008, Docket VEST-12-08, that allowed for the development of up to 50 residential lots with dwellings and commercial development on the remaining lots. In 2014, a comprehensive plan amendment and Urban Growth Boundary expansion request that included the subject lot and Tax Lot 4418-01001 was submitted but was not approved, Docket UGB-01-15/CPA-01-15/PA-01-14.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The application states that the intended use of the property is for the subdivision of the 17.3-acre lot which if approved would add fourteen (14) new lots to the West Wind Country Estates subdivision that was developed more than a decade ago under development rights vested through an approved Measure 37 claim. Currently, the subject parcel has a comprehensive plan designation of AFLH (Agriculture/Forestry Large Holding District) and is zoned for Exclusive Farm Use (EF-80) which would not permit the subdivision as proposed by the Applicant. For this reason, the Applicant is proposing a comprehensive plan amendment from the AFLH and EF-80 designations and zone change to the Very Low Density Residential District comprehensive plan designation and zoned for rural residential development as permitted in the VLDR-1 zone.

The purpose of the Very Low Density Residential District is provided in Section 502.01 of the county zoning ordinance, and land in the VLDR-1 zone is intended to “... *provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan.*” Further, “*The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection.*” Section 502.02 of the YCZO provides a list of permitted uses in the VLDR zone, and one of the permitted uses includes the creation of a subdivision per subsection 502.02(D) of the YCZO. Section E. of this staff report will provide an evaluation of the subdivision request against the subdivision development standards and criteria provided in the *Yamhill County Land Division Ordinance*.

The Applicant argues that the proposed comprehensive plan amendment, zone change, and use of the property will not result in a negative impact to adjacent properties. An evaluation of this assertion will be presented throughout the following Sections of this staff report.

2. This comprehensive plan amendment and zone change application must comply with the Yamhill County Comprehensive Plan, the Oregon Revised Statutes, and the Oregon Administrative Rules, which will be addressed throughout this report.

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3. The application must also comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

(A) *The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*

Though the majority of the Yamhill County Goals and Policies are aspirational and not to be mistaken for, or interpreted as, approval criteria it is required that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, the Planning Commission and Board of Commissioners would need to decide whether it is more appropriate for the 17.3-acre parcel to be preserved for Exclusive Farm uses, or if it is better suited to providing additional residential lots and services.

While the Applicant did not specifically refer to any comprehensive plan goals to justify the request for a change in zone and comprehensive plan designation, staff finds that relevant sections of the comprehensive plan include Section II.A. of the Yamhill County Comprehensive Plan, the Agricultural Lands subsection within The Land and Water Section of the county comprehensive plan, which identifies that: *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. And further, that 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.* This Summary of Section II. of the comprehensive plan is followed by Goal Statement 1. which is as follows:

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.

The following Policies within Section II. of the comprehensive plan provide additional guidance regarding development of within the rural areas of the county and the guidance related to the preservation of valuable farmland.

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.

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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.

Goal Statement 1. of Section I.B. of the Yamhill County Comprehensive Plan, the Rural Area Development subsection within the Urban Growth and Change and Economic Development section of the comprehensive plan is as follows:

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.

Additionally, Policy A. of Goal Statement 1. of Section I.B. lists the zones that are most appropriate for rural residential development in the unincorporated areas of the county.

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.

This Goal Statement indicates that rural residential development and agricultural or forest uses are not inherently disharmonious but may be occur on the same lot or within the same general area of the county.

Additional guidance is provided by Goal Statement 2. of Section I.B. of the Comprehensive Plan as it relates to increased demand for rural residential housing and is as follows:

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.

The guidance from this goal statement suggests that satisfying the demand for rural residential housing may be satisfied by the development of very low density residential neighborhoods as long as that development exhibits “high amenity value” and the developments do not preempt farm uses or create an inordinate demand for the expansion of services. The increased demand for very low density rural residential development in the county may be exacerbated by local cities experiencing challenges to urban growth boundary expansions over the course of years or decades. This stymying of expansions to developable land within urban and urban-adjacent areas has been a significant contributor to the significant local and statewide housing shortage that has been an

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obstacle to so many families having access to affordable housing options. The Applicant has presented local market data indicating there is an unmet demand for the housing proposed for development should the comprehensive plan amendment, zone change, and subdivision request be approved. There is clear tension between these two overarching County Goals and Policies between the protection of productive farmland and the provision of rural residential land. The challenge for the Planning Commission and Board of Commissioners is weighing whether the loss of valuable farmland and open space to create a fourteen (14) lot subdivision is sufficiently justified.

4. (B) *There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*

The Applicant submitted a map of the VLDR-1 and VLDR-2.5 zoned lands located within a 5-mile radius of the subject lot, please see Applicant's Exhibit A and Exhibit D. The Applicant notes in their narrative that there are very few VLDR zoned lots in this study area, especially VLDR-1 zoned lots. The Applicant notes that, *'The purpose of the VLDR District is to provide medium-to-high density rural residential development on selected lands... In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40, or -80, AF-20, -40, or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.'* This lack of transitional land between urban land and large holding agriculture and forestry zones means there is no meaningful buffer between land developable to urban scales and the potential for commercial scale use. The Applicant asserts that this lot is designed and irrevocably committed to function as a transitional zone between urban uses and commercial agricultural uses and activities. The Applicant also notes that there is clearly a significant demand for buildable VLDR-zoned lots in the county. The Applicant conducted several market analyses in April of 2025 and found that there were only a total of 17 parcels available in Yamhill County, and four (4) of those lots had substantially similar characteristics with what is being proposed in the subdivision request that would be facilitated if the comprehensive plan amendment and zone change request receives approval, please see Applicant's Exhibit B, Exhibit C, and Exhibit 12. In fact, the Applicant found that only one (1) out of the 17 lots was located in the VLDR-1 zone and was sold shortly after being listed. The Applicant also notes that the last 1-acre lot that had been available within the Westwind Estates Subdivision was sold before being listed which the Applicant points to as evidence that there is a substantial desire for these types of transitional lots along the periphery of the city which points to a demonstrable need for buildable lots of this size. The Applicant's justification for this criterion relies heavily on this market demand analysis but does not discuss whether the potential for farm uses on the subject parcel as opposed to the potential residential use of the lots would be more important to the citizenry or economy of the county.

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5. (C) *The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*

A portion of criterion (C) requires the proposed change to be shown to be appropriate considering the surrounding land uses along with the density and pattern of development in the area. The Applicant's request is for a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential, and the creation of a fourteen (14) lot subdivision. The subject lot is bounded to the east by the West Wind Country Estates subdivision which was created by way of a vested Measure 37 development right, with lots in this subdivision measuring approximately 1-acre in size. Adjacent land south-southeast of the subject parcel is located within the McMinnville City Limits, is undeveloped and owned by the McMinnville School District. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding area. The proposed subdivision, if approved, would act as an extension to the existing West Wind Country Estates subdivision and could be considered infill if the subdivision and subject lot were located within the city limits of McMinnville. Land to the north and west of the subject parcel appears to be dedicated to commercial farming operations in the form of hazelnut orchards and passive forest uses. The Applicant has noted in their narrative that each new lot within the proposed subdivision would be served by an onsite septic system, pending septic evaluation approval from the County Sanitarian. Potable water service would be provided by the Fox Ridge Water Company. The Applicant further notes that there are existing utility easements, existing live utility services, and subsurface storm-sewer piping located on the subject parcel so it appears as though access to all necessary utilities and services would be available to residential lots created through the subdivision process if the comprehensive plan amendment, zone change, and Exception to applicable Statewide Planning Goals is also approved. The proposed development of the subdivision lots would be at a density in a pattern that would be similar to the adjacent West Wind Country Estates subdivision lots. The emplacement of utility lines and easements on the subject lot were established in order to facilitate the development of the West Wind Country Estates subdivision, which was permitted through a Vested Measure 37 claim. The Applicant notes that there are numerous challenges to farming the subject parcel such as the efficient preparation of the field for planting and harvesting crops, and more particularly the application of any necessary herbicides, fungicides and insecticides because of the irregular shape of the lot, the proximity to high-value residential dwellings and landscaping, as well as the criss-crossing of existing utilities lines and roadways. The Applicant argues in part that the physical development of this lot to provide utilities and services to the adjacent subdivision has irrevocably committed the lot to residential development.

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6. (D) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*

As discussed in greater detail in section B.3. of this staff report, the Applicant conducted an analysis of the other lands within a 5-mile radius of the subject lot that are zoned VLDR-1 or VLDR-2.5, and these analyses found that there were only a total of 17 parcels available in Yamhill County, and four (4) of those lots had substantially similar characteristics with what is being proposed in the subdivision request that would be facilitated if the comprehensive plan amendment and zone change request receives approval. Staff adopts the Applicant's proposed arguments for justifying compliance with this criterion, by reference, Applicant's Exhibit B, Exhibit C, and Exhibit 12.

7. (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

The Applicant is requesting the Planning Commission and Board of Commissioners approve a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential. The Applicant has submitted a parallel request for the creation of a fourteen (14) lot subdivision if the comprehensive plan amendment and zone change request is approved. The Applicant did not appear to submit a justification that specifically addresses this criterion in great detail but points to the argument that the substantial infrastructural development of the subject lot demonstrating that the lot is irrevocably built and committed to rural residential development. The Planning Commission and Board of Commissioners will need to determine if this degree of justification has sufficiently addressed this review criterion.

The Planning Commission or Board of Commissioners has at their disposal the option of putting additional standards and limitations in place through a Limited Use Overlay, and the establishment of a Limited Use Overlay can act to place limits on the type of use(s) permitted on the tract and/or to place more strict parcel coverage limitations, maximum building height, or other standards and limitations that the Planning Commission or the Board feels are a reasonable way to limit impacts to surrounding properties.

C. Ordinance Provisions and Analysis

1. Section 402 of the *Yamhill County Zoning Ordinance (YCZO)* states all permitted uses in the Exclusive Farm Use District and Section 502 of the YCZO states all permitted uses in the Very Low Density Residential District. The Applicant's proposed subdivision is prohibited in the Exclusive Farm Use District pursuant to Section 402.05 of the YCZO, which states that "*Subdivisions and planned unit developments shall be prohibited.*" Conversely, a Subdivision is permitted use in the VLDR District, subject to the land division requirements set forth in Ordinance 205, pursuant to subsection 502.02(D) of the YCZO. The Applicant is requesting a comprehensive plan amendment for the subject Tax Lot from the Agriculture/Forestry Large Holding District to the Very Low Density

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Residential District and a zone change from EF-80 to VLDR-1 in order to facilitate the proposed subdivision of the subject lot. This request will also require taking Exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 12 (Transportation), and 14 (Urban Development on Undeveloped Rural Lands). Section E. of the staff report will present an evaluation of the Applicant's proposed subdivision request against the applicable standards and requirements provided in the Land Division Ordinance (i.e., Ordinance 205, as amended). Sections F., G., H., and I. of the staff report will evaluate the Applicant's justification for taking Exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 12 (Transportation), and 14 (Urban Development on Undeveloped Rural Lands).

Section 502.02(D) of the YCZO lists a subdivision request as a permitted use:

D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

Staff finds that the Applicant's proposed subdivision may be made consistent with the Land Division Ordinance (Ordinance 205, as amended) subject to approval of the proposed comprehensive plan amendment, zone change, and Exceptions to the applicable Statewide Planning Goals. Section E. of the staff report will present an evaluation of the Applicant's proposed subdivision request against the applicable standards and requirements provided in the Land Division Ordinance.

E. Subdivision Ordinance Provisions and Analysis

1. The *Yamhill County Land Division Ordinance* (LDO) Chapter 6 contains general design standards for subdivisions. Applicable standards will be addressed in the following findings.
2. Section 6.000(1) of the LDO requires subdivisions to conform to the requirements of the Comprehensive Plan and other ordinances. As this pertains to the subject tract, the subject Tax Lot is seeking approval of a Comprehensive Plan amendment and zone change from EF-80, the Exclusive Farm Use District to VLDR-1, the Very Low Density Residential District in conjunction with the subdivision request and taking Exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 12 (Transportation), and 14 (Urban Development on Undeveloped Rural Lands). Approval of the subdivision request is contingent on the approval to this Exceptions and comprehensive plan amendment and zone change requests. The Applicant is requesting a subdivision of the 17.3-acre Tax Lot (4418-01000) into fourteen (14) lots with an average lot size of 1.23-acres, with seven (7) lots measuring 0.5-acres and seven (7) lots measuring approximately 1.25-acres. This subdivision is intended to provide additional rural residential housing opportunities that the Applicant argues are insufficiently available within a 5-mile radius of the subject lot. This subdivision request, if approved, would expand upon the West Wind Country Estates subdivision that was created under an approved Measure 37 vesting claim issued by the Circuit Court in 2008, Docket V-12-08,

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that allowed for the development of up to 50 residential lots with dwellings and commercial development on the remaining lots.

As mentioned above, staff finds that the subdivision request may only be approved if the concurrent comprehensive plan request and zone change is approved because a subdivision is explicitly listed as a Prohibited Use in the Exclusive Farm Use District, per Section 402.05 of the YCZO.

~~Therefore, staff will provide the following evaluation of the subdivision request under the basis of an approval of the comprehensive plan amendment and zone change request, below.~~

3. Section 6.010(1) of the LDO requires that road improvements be completed, or appropriate financial security be posted, as specified in Section 13.000 of the LDO. All of the lots within the proposed subdivision will be served by the expansion to existing platted public roadways, SW West Wind Drive, SW Cottonwood Drive, and SW Fox Swale Lane, respectively. These will measure 60-feet in width which will allow for safe ingress/egress to residents as well as providing sufficient space for utility easements to serve the proposed homesites. A condition of approval will also require that all driveways providing access to the proposed lots satisfy the McMinnville Fire Department access and other applicable fire safety standards prior to the issuance of building permits. Staff finds that, with conditions, the request satisfies section 6.010(1) of the LDO.
4. Section 6.010(2) of the LDO requires that the subdivision provide for continuation of the principal streets existing in the area. Access to the proposed subdivision lots will be provided from the continuation of SW Cottonwood Drive and SW West Wind Drive. Staff finds that the request is consistent with Section 6.010(2) of the LDO.
5. Section 6.010(4) of the LDO indicates that the Planning Director may require an arrangement of lots and streets that will permit a later re-division of the properties. Due to the proximity to the McMinnville city limits, staff finds that a condition of approval for a shadow plat is warranted and will be required prior to final plat approval.
6. Subsection 6.010(6) and (7) of the LDO outlines specific road standards for public dedication and easements. County standards require a 20-foot wide improved surface. As stated previously, all of the proposed subdivision lots will be served by expanding existing platted roadways that will have an improved surface measuring at least 20-feet in width. If approved, staff recommends placing conditions of approval to ensure that the road will be engineered and built in a manner consistent with the county road standards prior to approval of the final subdivision plat and the issuance of building permits.
7. Subsection 6.010(8) of the LDO lists the option of property being served by a private drive or easement. All of the proposed lots will be served by the extension to existing public roadways that will be able to serve each of the new fourteen proposed lots. Staff recommends placing a condition of approval that would require all roadways and driveways be constructed to the minimum construction standards outlined in subsection

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6.010(8)(D) of the LDO. Additionally, staff recommends a condition of approval that will require that the driveways serving each lot be built to local Fire Department standards.

8. Subsection 6.030 requires that all lots should form or approximate conventional shapes, with lot side lines running at right angles to the street as far as practical, except for lots on cul-de-sac streets, where side lot lines shall be radial to the curve. All of the proposed lots are approximately conventional in shape to an extent that is possible given the continued path of roads that would be developed to serve the lots and given the unconventional shape of the subject parcel. Many of the proposed lots are approximately square or rectangular in shape with others being simple polygons with as few sides as possible to develop the lots at the density proposed by the Applicant.
9. Subsection 6.030(6) of the LDO requires lot drainage to be designed to the specifications adopted by the Board of Commissioners. The Applicant submitted road profile and design plans that were prepared in 2014 for roadways to serve the West Wind Country Estates subdivision. Staff recommends placing a condition of approval to require the submission of engineered road plan and profile drawings to the Public Works Department, for approval by the Public Works Director, prior to the recording of the subdivision plat. Additionally, staff recommends placing a condition of approval to require the submission of a drainage plan, prepared by a licensed engineer, to the Public Works Director that demonstrates no natural drainage will be disturbed by any development taking place on any of the proposed lots. Staff also recommends a condition of approval to require that all driveways providing access to the proposed lots satisfy the McMinnville Fire Department access and fire safety standards prior to the issuance of septic or building permits.
10. Subsection 6.070 of the LDO deals with lands subject to hazardous conditions related to flooding, inadequate drainage, steep slopes, rock formations, earthquake activity, landmass instability, pollutants, or other general factors or conditions that are likely to be harmful to the health and safety of future residents or the general public. The property is not in the Flood Hazard Overlay zone and is not located within a designated or identifiable hazard area. There are no steep slopes or significant rock formations that could impede the safe and orderly development of the proposed lots. There is no history of dumping of toxic or hazardous pollutants on the subject tract. Earthquakes are an ever-present risk in Oregon but there is no indication that this particular parcel is at greater risk of earthquake than any other geographic area in the county. The proposed configuration of the parcels appears to take the slope and topography into consideration and each parcel appears to have enough level ground for the safe and orderly development of home sites on the proposed lots.
11. Subsection 6.090 of the LDO gives the options for water supply to lots within a subdivision. The ordinance provides the following four options:
 1. *A certification by a municipal, public utility or community water supply system, subject to the regulation by the Public Utility Commission of Oregon, that water will be provided to the parcel line of each and every parcel depicted in the final plat; or*

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2. *A bond, contract or other assurance by the subdivider or partitioner to the county that a domestic water supply system will be installed on behalf of the subdivider or partitioner to the parcel line of each and every parcel depicted on the final plat. The amount of any such bond, contract or other assurance by the subdivider or partitioner shall be determined by a registered professional engineer, subject to any change in the amount as determined necessary by the county; or*
3. *A water well report filed with the State of Oregon Water Resources Department for each well provided within a subdivision or partition. ~~The location of such wells and an appropriate disclosure shall be placed on the face of the final plat. If the subdivider or partitioner intends that domestic water will be provided to the proposed lot or lots by well(s) and no test wells have been drilled, the Director may require that test wells be drilled prior to final approval. The number and location of such wells shall be determined by the director and watermaster having jurisdiction; or~~*
4. *In lieu of Subsections (1), (2), and (3) of this Section, when a municipal, public utility, community water supply or private well system is not available, then a statement must be placed on the final plat or map which states:*

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

The application indicates that potable water will be provided to each lot by the Fox Ridge Water Company, an existing community water supply system that provides water to the West Wind Country Estates residential subdivision lots. It should also be noted that subsection 6.090 of the LDO allows, in option #4, the Applicant to place a disclaimer on the face of the final plat which states that no water system is to be provided.

12. Subsection 6.100 of the LDO contains options and requirements for sewage disposal. No public or city sewer services are available. Staff recommends placing a condition on any approval to require that each lot be served by an individual on-site subsurface sewage disposal system, and also a separate condition of approval to require the applicant to obtain approval for on-site subsurface sewage disposal for all of the proposed lots within the subdivision prior to final plat approval or the issuance of building permits.
13. Section 6.120 of the LDO contains requirements and standards for surveying subdivisions. Since all lots will be less than 10-acres in size, staff recommends a condition on any approval that requires the survey of all newly created lots prior to final plat approval.

F. Exception to Goal 3 (Agricultural Lands)

1. Oregon Revised Statutes (ORS) criteria, rules, and review processes for a Goal exception request are provided in part by ORS 197.732(2), which are presented and addressed below.

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(2) A local government may adopt an exception to a goal if:

(a) The land subject to exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

The Applicant notes that there are existing utility easements, existing live utility services, and subsurface storm-sewer piping located on the subject parcel. The emplacement of utility lines and easements on the subject lot were established in order to facilitate the development of the West Wind Country Estates subdivision, which was permitted through a Vested Measure 37 claim. The Applicant notes that there are numerous challenges to farming the subject parcel such as the efficient preparation of the field for planting and harvesting crops, and more particularly the application of any necessary herbicides, fungicides and insecticides would be problematic due to the proximity of the lot to the adjacent residential subdivision. Additionally, the irregular shape of the lot as well as the criss-crossing of existing utilities lines and roadways make the farming of this lot impracticable. The Applicant submitted a statement from the president of a local family farming operation, Applicant's Exhibit 7, which states that there are a number of obstacles that would make the profitable farming of the lot has several obstacles including proximity to high value homes due to the prevailing winds in the area, the buried utility lines and other surface infrastructure (power transformer and vaults, water meter boxes, natural gas risers, storm water manholes, and road cuts serving utility easements), the lack of irrigation water rights, in addition to the small size and irregular shape of the lot. The Applicant argues in part that the physical development of this lot to provide utilities and services to the adjacent subdivision has irrevocably committed the lot to residential development. The Applicant did not supplement this statement with any additional evidence or arguments that evaluated if other forms of agriculture, not dependent upon access to irrigation water, are viable on the subject lot. Additionally, the Applicant did not provide an analysis that evaluated additional uses available in the Exclusive Farm Use District are no longer available options on the subject lot. Examples of other available uses in the Exclusive Farm Use District that could be viable options on the subject lot could include such uses as a farmstand, farm crop processing facility, a commercial activity in conjunction with farm use which can include such things as a veterinary clinic, farm equipment storage and/or repair, or the storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture as examples of other uses that could potentially be viable on the subject lot. It will be up to the Planning Commission and Board of Commissioners to determine if this criterion has been sufficiently addressed.

2. *(b) The land subject to exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or*

The subject lot is bounded to the east by the West Wind Country Estates subdivision which was created by way of a vested Measure 37 development right, with lots in this subdivision measuring approximately 1-acre in size. Adjacent land south-southeast of the subject parcel is located within the McMinnville City Limits, is undeveloped and owned

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by the McMinnville School District. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding area. Land to the north and west of the subject parcel appears to be dedicated to commercial farming operations in the form of hazelnut orchards and passive forest uses.

The Applicant asserts that this lot is designed and irrevocably committed to function as a transitional zone between urban uses and commercial agricultural uses and activities due ~~to the proximity of a rural residential subdivision making the application of any necessary~~ herbicides, fungicides and insecticides particularly challenging to apply safely, the irregular shape of the lot, the development of the lot with buried utility services and utility easements, and the partial development of access roadways to name the most glaring factors that have irrevocably committed the lot to residential use.

As discussed above, the Applicant did not provide an analysis that evaluated whether the obstacles to farming the lot extend to the full suite of uses permitted in the Exclusive Farm Use District as described in Sections 402.02 and 402.04 of the YCZO and ORS 215.283. An evaluation of the myriad uses permitted in the Exclusive Farm Use District and whether relevant factors make these uses impracticable is undoubtedly a daunting task however providing an analysis of the uses permitted by Goal 3 is a factor when determining if an Exception is justifiable.

3. *(c) The following standards are met:*
- (A) Reasons justify why the state policy embodied in the applicable goals should not apply;*
 - (B) Areas that do not require a new exception cannot reasonably accommodate the use;*
 - (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 areas requiring a goal exception other than the proposed site; and*
 - (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

Regarding criterion (A) above, the reasons the Applicant has provided to justify why the state policy embodied in Goal 3 should no longer apply to this lot are described in greater detail in Sections B., F.1., and F.2. of this staff report.

Regarding criterion (B) above, the reasons the Applicant has provided to justify why there is not a sufficient number of rural residential zoned lots within a 5-mile radius of the subject lot to meet demand for housing within a reasonable distance of McMinnville, which represents the employment, education, and cultural hub of the county. The Applicant conducted a market analysis in April of 2025 and found that there was a total of 17 parcels available in Yamhill County. Four (4) lots had substantially similar characteristics to the Applicant's proposed subdivision lots, please see Applicant's

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Exhibit B, Exhibit C, and Exhibit 12. The Applicant found that only a single lot out of the 17 lots in the study area was zoned VLDR-1 and this lot was sold shortly after being listed. The Applicant's analysis does not provide a detailed evaluation of the long term evaluation of the economic, social and energy consequences resulting from the implementation of the proposed subdivision and whether the potential identifiable adverse impacts from the proposed subdivision are not significantly more adverse than would typically result from the same proposal being located in areas also requiring a goal exception.

Regarding criteria (C) and (D) above, the fourteen lots proposed for creation through the subdivision would be located adjacent to an existing subdivision composed of similarly sized lots and would also be adjacent to a tract of land owned by the McMinnville School District located within the McMinnville city limits. Staff also adopts by reference Applicant's Exhibit 7 which describes obstacles to farming the subject lot. The subject lot already is criss-crossed by utility service lines and easements that have historically served the adjacent residential West Wind Country Estates subdivision lots as illustrated by Applicant's Exhibit 4, which staff adopts by reference. The Applicant has argued that commercial farming of the lot is impractical due to a variety of factors including the proximity of the subject lot to rural residential subdivision lots and city zoned lots making the application of herbicides, fungicides and insecticides particularly challenging to apply safely, lack of water rights for irrigation activities, along with the irregular shape of the lot in conjunction with the presence of buried utility lines and utility easements. The subject lot's location between an existing rural residential subdivision and city zoned land owned by the McMinnville School District suggests that this lot is more compatible to residential use than to commercial agricultural uses. There are potential deleterious environmental impacts to the surrounding city-zoned and rural residential lots if the lot were to be farmed commercially which would likely necessitate the application of herbicides, fungicides, and/or insecticides so the residential use of the subject lot appears to be a more environmentally responsible use for the subject lot especially when considering that the neighboring lot to the south could someday host a school where young people could be exposed to drift from potentially hazardous spray. The social consequences also appear to favor this lot being dedicated to rural residential use due to the proximity of more compatible residential and urban uses that bound the subject lot to the east, north, and south as described above.

4. (3) *The commission shall adopt rules establishing:*
 - (a) *That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;*
 - (b) *The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and*

The above guidance and requirements shall be abided by if the exception request is approved.

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5. *(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.*

Regarding the above criterion, the staff report, and subsequent findings drafted pending final decision by the Board of Commissioners will include a statement of reasons that demonstrate that the standards of subsection (2) of this section of the OAR have or have not been met.

6. ~~Additional exception criteria are provided in OAR 660-004-0010(2) below:~~

(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

Regarding criterion (a) above, the reason the Applicant has submitted to justify that the state policy related to Goal 3 should not apply are described in greater detail in Sections B., F.1., F.2., and F.3. of this staff report. To summarize, the core of the Applicant's justification to exception to Goal 3 is that the land is built and committed to residential use, the geographic context of the subject lot being bounded on three sides by rural residential lots and school district owned city-zoned lots. The Planning Commission and Board of Commissioners will need to determine based on the supporting documents submitted with the application have sufficiently addressed this review criterion.

7. *(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:*

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

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(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The “alternative areas” standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Regarding the above criteria, staff adopts Applicant’s Exhibit A by reference which indicates the location of existing Exception land that is or could be developed to residential use within 5-miles of the subject lot. The Applicant conducted a market analysis in April of 2025 and found that there was a total of 17 parcels available in Yamhill County. Four (4) lots had substantially similar characteristics to the Applicant’s proposed subdivision lots, please see Applicant’s Exhibit B, Exhibit C, and Exhibit 12, adopted by reference. The Applicant found that only a single lot out of the 17 lots in the study area was zoned VLDR-1 and this lot was sold shortly after being listed. All other lots in the study area conducted by the Applicant would also require taking exceptions to statewide planning goals in order to create new lots that are developable at the same density as the Applicant is proposing in this subdivision request.

The narrative submitted with the application did not evaluate whether areas that do not require a new exception cannot reasonably accommodate the use in areas beyond the 5-mile radius. This analysis should also have considered whether the proposed subdivision could be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land, and if not, providing reasons for why such a use could not be reasonably accommodated on those other lands. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding. The Planning Commission and Board of Commissioners will need to determine based on the supporting

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documents submitted with the application have sufficiently addressed this review criterion.

8. (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 areas requiring a goal exception other than the proposed site.” The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;*

Regarding the above criterion, Staff adopts by reference Applicant’s Exhibit 7 which describes obstacles to farming the subject lot. As described by the Applicant, the subject lot already is criss-crossed by utility service lines and easements that have historically served the adjacent residential West Wind Country Estates subdivision lots as illustrated by Applicant’s Exhibit 4, which staff adopts by reference. The Applicant has argued that commercial farming of the lot is impractical due to a variety of factors including the proximity of the subject lot to rural residential subdivision lots and city zoned lots making the application of herbicides, fungicides and insecticides particularly challenging to apply safely, lack of water rights for irrigation activities, along with the irregular shape of the lot in conjunction with the presence of buried utility lines and utility easements. There was no evaluation submitted that speaks to the costs presented regarding the development of roadways serving the subdivision or the cost to expand and improve the community water system that serves the existing West Wind Country Estate subdivision lots, or other possible impacts to the surrounding area. The narrative did not evaluate other relevant factors identified in this review criterion including, but not limited to, the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. The exception request did not describe the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive

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and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts.

9. *(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.*

Regarding the above criterion, the subject lot's location between an existing rural residential subdivision and city zoned land owned by the McMinnville School District suggests that this lot is more compatible to residential use than to commercial agricultural uses. There are potential deleterious environmental impacts to the surrounding city-zoned and rural residential lots if the lot were to be farmed commercially which would likely necessitate the application of herbicides, fungicides, and/or insecticides so the residential use of the subject lot appears to be a more environmentally responsible use for the subject lot especially when considering that the neighboring lot to the south could someday host a school where young people could be exposed to drift from potentially hazardous spray. The social consequences also appear to favor this lot being dedicated to rural residential use due to the proximity of more compatible residential and urban uses that bound the subject lot to the east, north, and south as described above. The Applicant did not present any evidence demonstrating that the proposed 14-lot subdivision is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The request for an exception shall describe how the proposed use will be rendered compatible with adjacent land uses and the Planning Commission and Board of Commissioners will need to decide whether the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices or whether the Applicant has sufficiently satisfied this criterion.

G. Exception to Goal 4 (Forest Lands) Provisions and Analysis

1. Oregon Revised Statutes (ORS) criteria, rules, and review processes for a Goal exception request are provided in part by ORS 197.732(2), which are presented and addressed below.

(2) A local government may adopt an exception to a goal if:

(a) The land subject to exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

The Applicant notes that there are existing utility easements, existing live utility services, and subsurface storm-sewer piping located on the subject parcel. The emplacement of utility lines and easements on the subject lot were established in order to facilitate the development of the West Wind Country Estates subdivision, which was permitted

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through a Vested Measure 37 claim. The Applicant has focused on the challenges to farming the lot due to the past history of farming however the challenges to farming the property are similar to the challenges associated with conducting commercial forestry uses on the subject parcel. The proximity to adjacent residential lots and to adjacent city-zoned lots owned by the McMinnville school district would make the safe implementation of a commercial forest operation. Commercial forest uses typically involves activities that are noisy and dangerous by nature so proximity to rural residential and urban uses may be challenging to make compatible especially when compared to the proposed residential use of the subject lot which appears to be more harmonious due to the neighboring residential use and future educational use of the adjacent city lot owned by the McMinnville school district. The irregular shape of the lot in conjunction with the presence of existing utilities lines and roadways make the planting and harvesting of timber impracticable. The Applicant argues in part that the physical development of this lot to provide utilities and services to the adjacent subdivision has irrevocably committed the lot to residential development.

The Applicant did not supplement their arguments with any additional evidence or arguments that evaluated if other forms of forest use, not dependent upon access to irrigation water, are viable on the subject lot. Additionally, the Applicant did not provide an analysis that determined whether the full list of forestry-related uses available in the Exclusive Farm Use District are no longer practicable options on the subject lot.

2. *(b) The land subject to exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or*

The subject lot is bounded to the east by the West Wind Country Estates subdivision which was created by way of a vested Measure 37 development right, with lots in this subdivision measuring approximately 1-acre in size. Adjacent land south-southeast of the subject parcel is located within the McMinnville City Limits, is undeveloped and owned by the McMinnville School District. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding area. Land to the north and west of the subject parcel appears to be dedicated to commercial farming operations in the form of hazelnut orchards and passive forest uses.

The Applicant asserts that this lot is designed and irrevocably committed to function as a transitional zone between urban uses and commercial agricultural uses and activities due to the proximity of a rural residential subdivision making the application of any necessary herbicides, fungicides and insecticides particularly challenging to apply safely, the irregular shape of the lot, the development of the lot with buried utility services and utility easements, and the partial development of access roadways to name the most glaring factors that have irrevocably committed the lot to residential use.

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As discussed above, the Applicant did not provide an analysis that evaluated whether the obstacles to forest uses on the lot extend to the full suite of uses permitted in the Exclusive Farm Use District as described in Sections 402.02 and 402.04 of the YCZO and ORS 215.283. An evaluation of the uses permitted in the Exclusive Farm Use District and whether relevant factors make these uses impracticable is a factor when determining if an Exception is justifiable. The Planning Commission and Board of Commissioners will need to determine if the Applicant has sufficiently met the review standards for this criterion.

3. *(c) The following standards are met:*
- (A) Reasons justify why the state policy embodied in the applicable goals should not apply;*
 - (B) Areas that do not require a new exception cannot reasonably accommodate the use;*
 - (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 areas requiring a goal exception other than the proposed site; and*
 - (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

Regarding criterion (A) above, the reasons the Applicant has provided to justify why the state policy embodied in Goal 4 should no longer apply to this lot are described in greater detail in Sections B., F.1., and F.2. of this staff report.

Regarding criterion (B) above, the reasons the Applicant has provided to justify why there is not a sufficient number of rural residential zoned lots within a 5-mile radius of the subject lot to meet demand for housing within a reasonable distance of McMinnville, which represents the employment, education, and cultural hub of the county. The Applicant conducted a market analysis in April of 2025 and found that there was a total of 17 parcels available in Yamhill County. Four (4) lots had substantially similar characteristics to the Applicant's proposed subdivision lots, please see Applicant's Exhibit B, Exhibit C, and Exhibit 12. The Applicant found that only a single lot out of the 17 lots in the study area was zoned VLDR-1 and this lot was sold shortly after being listed. As mentioned previously under the Goal 3 Exception request review, the Applicant's analysis does not provide a detailed evaluation of the long term evaluation of the economic, social and energy consequences resulting from the implementation of the proposed subdivision and whether the potential identifiable adverse impacts from the proposed subdivision are not significantly more adverse than would typically result from the same proposal being located in areas also requiring a goal exception.

Regarding criteria (C) and (D) above, the fourteen lots proposed for creation through the subdivision would be located adjacent to an existing subdivision composed of similarly sized lots and would also be adjacent to a tract of land owned by the McMinnville School District located within the McMinnville city limits. Staff also adopts by reference

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Applicant's Exhibit 7 which describes obstacles to a resource use of the subject lot. As discussed previously in this staff report, there are a variety of utility service lines and easements crossing the lot at various locations and from different angles. These utility improvements serve the adjacent rural residential subdivision, identified as the West Wind Country Estates subdivision, as illustrated by Applicant's Exhibit 4. Commercial forest use of the lot is impractical due to a variety of factors including the proximity of the subject lot to rural residential subdivision lots and city zoned lots making the application of chemicals, such as herbicides, fungicides and insecticides particularly ~~challenging to safely apply, the lack of water rights for irrigation activities, along with the irregular shape of the lot,~~ in conjunction with the presence of buried utility lines and utility easements. The subject lot's location between an existing rural residential subdivision and city zoned land owned by the McMinnville School District suggests that this lot is more compatible to residential use than to commercial timber uses and activities that could be disruptive or hazardous to neighboring residences. There are potential deleterious environmental impacts to the surrounding city-zoned and rural residential lots if the lot were to be used for commercial timber planting and harvesting, if such a use would be economically viable given the relatively small size and irregular shape of the lot. The planting and maintenance of a woodlot on the subject parcel may also necessitate the application of herbicides, fungicides, and/or insecticides so the residential use of the subject lot appears to be a more environmentally responsible use for the subject lot especially when considering that the neighboring lot to the south could someday host a school where young people could be exposed to drift from potentially hazardous spray or dangerous forest harvesting/maintenance activities. The social consequences also appear to favor this lot being dedicated to rural residential use due to the proximity of more compatible residential and urban uses that bound the subject lot to the east, north, and south as described above, and the existence of utility services that could serve the residential lots if the request were to receive land use approval.

4. (3) *The commission shall adopt rules establishing:*
 - (a) *That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;*
 - (b) *The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and*

The above guidance and requirements shall be abided by if the exception request is approved.

5. (4) *A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.*
- (5) *Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.*
- (6) *Upon review of a decision approving or denying an exception:*

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- (a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;*
- (b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have.*
- (7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303.*
- (8) An exception acknowledged under ORS 197.251, 197.625 or 197.630(1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section.*

Regarding the above criterion, the staff report and subsequent findings drafted pending final decision by the Board of Commissioners will include a statement of reasons that demonstrate that the standards of subsection (2) of this section of the OAR have or have not been met.

6. Additional exception criteria are provided in OAR 660-004-0010(2) below:

- (2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:*
 - (a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;*

Regarding criterion (a) above, the reason the Applicant has submitted to justify that the state policy related to Goal 3 should not apply are described in greater detail in Sections B., F.1., F.2., and F.3. of this staff report. To summarize, the core of the Applicant's justification to exception to Goal 3 is that the land is built and committed to residential use, the geographic context of the subject lot being bounded on three sides by rural residential lots and school district owned city-zoned lots. The Planning Commission and Board of Commissioners will need to determine based on the supporting documents submitted with the application have sufficiently addressed this review criterion.

7. *(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:*
- (A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;*
 - (B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered*

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along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Regarding the above criteria, staff adopts Applicant's Exhibit A by reference which indicates the location of existing Exception land that is or could be developed to residential use within 5-miles of the subject lot. The Applicant conducted a market analysis in April of 2025 and found that there was a total of 17 parcels available in Yamhill County. Four (4) lots had substantially similar characteristics to the Applicant's proposed subdivision lots, please see Applicant's Exhibit B, Exhibit C, and Exhibit 12, adopted by reference. The Applicant found that only a single lot out of the 17 lots in the study area was zoned VLDR-1 and this lot was sold shortly after being listed. All other lots in the study area conducted by the Applicant would also require taking exceptions to statewide planning goals in order to create new lots that are developable at the same density as the Applicant is proposing in this subdivision request.

8. *(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 areas requiring a goal exception other than the proposed site." The exception*

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shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

Regarding the above criterion, Staff adopts by reference Applicant's Exhibit 7 which describes obstacles to resource use of the subject lot, including commercial timber uses. As described by the Applicant, there are numerous buried utility lines and easements bisecting the subject lot that serve the adjacent residential West Wind Country Estates subdivision lots as illustrated by Applicant's Exhibit 4. The Applicant has argued that commercial resource use of the lot, including forest uses, is impractical due to a variety of factors including the proximity of the subject lot to rural residential subdivision lots and city zoned lots making the application of herbicides, fungicides and insecticides particularly challenging to apply safely, lack of water rights for irrigation activities, along with the irregular shape of the lot in conjunction with the presence of buried utility lines and utility easements.

The narrative did not evaluate other relevant factors identified in this review criterion including, but not limited to, the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. The exception request did not describe the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts.

9. *(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices.*

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

STAFF REPORT

"Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Regarding the above criterion, the subject lot's location between an existing rural residential subdivision and city zoned land owned by the McMinnville School District suggests that this lot is more compatible to residential use than to commercial timber uses. There are potential deleterious environmental impacts to the surrounding city-zoned and rural residential lots if the lot were to be used for commercial forest use which ~~would likely necessitate the application of herbicides, fungicides, and/or insecticides~~ so the residential use of the subject lot appears to be a more environmentally responsible use for the subject lot especially when considering that the neighboring lot to the south could someday host a school where young people could be exposed to drift from potentially hazardous spray. The social consequences also appear to favor this lot being dedicated to rural residential use due to the proximity of more compatible residential and urban uses (future school and existing residential) that bound the subject lot to the east, north, and south as described above.

The Applicant did not present any evidence demonstrating that the proposed 14-lot subdivision is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The request for an exception shall describe how the proposed use will be rendered compatible with adjacent land uses and the Planning Commission and Board of Commissioners will need to decide whether there is a lack of evidence demonstrating that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices or whether the Applicant has sufficiently satisfied this criterion.

H. Exception to Goal 14 (Urban Development on Undeveloped Rural Lands) Provisions and Analysis

1. OAR (Oregon Administrative Rules) requirements for an exception to Goal 14 are addressed below. The Applicant's request for a Goal 14 Exception is also to allow the creation of lots smaller than 2-acres in size outside of an Urban Growth Boundary. OAR 660-014-0030 states:

(1) A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed.

As mentioned extensively in Sections B., F., and G. of this staff report, the Applicant has argued that the subject lot has seen the installation of buried utility lines (water, storm sewer, electricity, natural gas) as well as the presence utility easements create substantial obstacles to either commercial farm or forest operations being practical uses of this lot. The utility lines that cross the property were installed to serve the rural residential uses

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
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and activities present on the West Wind Country Estate subdivision lots. The presence of these lines could make the tilling, planting, and harvesting crops or timber economically infeasible and impractical. The geographic context of the lot, including such factors as the irregular shape and the fact that the lot is surrounded on three sides by dense and small rural residential lots and the lot owned by the McMinnville School District that if developed could be for a school. The neighboring subdivision is dependent upon the presence of these utility lines and easements so removing these improvements to facilitate a farm or forest use is likewise impractical.

2. *(2) A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.*

As previously discussed, the Applicant has argued that the subject parcel is irrevocably committed to urban levels of development due to the unusual shape of the lot, the utility lines and utility easements that cross the lot, and the proximity to a densely developed rural residential subdivision, and that a city-zoned school district owned lot is located directly to the south and is within the city limits of McMinnville. The Applicant has submitted site plans and maps that were intended to illustrate that the subject lot is indeed irrevocably committed to urban levels of development, please see Applicant's preliminary subdivision site plan and other attachments. The Planning Commission and Board of Commissioners will need to determine if the findings of fact are sufficiently detailed to support that the proposed subdivision area is built upon at urban densities or irrevocably committed to an urban level of development.

3. *(3) A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:*
 - (a) Size and extent of commercial and industrial uses;*
 - (b) Location, number and density of residential dwellings;*
 - (c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and*
 - (d) Parcel sizes and ownership patterns.*

There are four Neighborhood Commercial (NC) zoned lots located within the West Wind Country Estates subdivision, although the lots are not currently developed so there are no commercial or industrial uses occurring in the surrounding area within the county. There are approximately fifty (50) residential lots within the West Wind Country Estates subdivision which was developed residentially following a Measure 37 vesting decision. The McMinnville city storm sewer line runs along the subject lot's southern, western, and northern property lines. There are city water easements located along the subject lot's southern property line—the line that is shared with a McMinnville School District owned

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
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lot which is located within the McMinnville city limits. The lot located to the west of the subject parcel is the outlier, at approximately 274-acres. The parcels within the adjoining rural subdivision are approximately 1-acre in size and are privately owned and used residentially. The Planning Commission and Board of Commissioners will need to determine if the findings of fact are sufficiently supported by substantial evidence in the record to address this review criterion.

4. ~~*(4) A conclusion that rural land is irrevocably committed to urban development shall be based on all of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development.*~~

The subject lot is bounded to the east by the West Wind Country Estates subdivision which was created by way of a vested Measure 37 development right. Adjacent land south-southeast of the subject parcel is located within the McMinnville City Limits, is undeveloped and owned by the McMinnville School District. Land to the southwest, west and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding area. Land to the north and west of the subject parcel appears to be dedicated to commercial farming operations in the form of hazelnut orchards and passive forest uses.

The Applicant asserts that this lot is designed and irrevocably committed to function as a transitional zone between urban uses and commercial agricultural uses and activities. The Applicant has identified a number of factors that have committed the use of this lot to a lot that is far better suited to rural residential use than farm or forest use. Commercial farm or forest use of the lot is impractical due to a variety of factors including the proximity of the subject lot to rural residential subdivision lots and city zoned, school owned lots making the application of chemicals, such as herbicides, fungicides and insecticides particularly challenging to safely apply, the lack of water rights for irrigation activities, along with the irregular shape of the lot, in conjunction with the presence of buried utility lines and utility easements. The subject lot's location between an existing rural residential subdivision and city zoned land owned by the McMinnville School District suggests that this lot is more compatible to residential use than to commercial timber or agricultural uses and activities that could be disruptive or hazardous to neighboring residences. There are potential deleterious environmental impacts to the surrounding city-zoned and rural residential lots if the lot were to be used for commercial timber or crop planting and harvesting, if such a use would be economically viable given the relatively small size and irregular shape of the lot. Residential use of the subject parcel appears to be a more harmonious use considering the surrounding land use pattern and geographic context of the subject lot, the existing improvements that have been made to the property to serve both city (stormwater sewer lines) and rural residential uses occurring in the surrounding area. The Applicant has argued that implementation of farm or forest uses would likely be more incompatible with the uses occurring in the surrounding area. The Applicant has submitted evidence that suggests the cost to

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STAFF REPORT

implement economically viable farm or forest uses on the subject lot are impracticable due to the potential hazards to surrounding residential and city uses due to such likely nuisances such as drift from the application of herbicides, pesticides, and fungicides, or the noise, odor, limited pastureland, and potential for hazardous interactions if a substantial number of livestock were to be hosted on the lot. The findings presented throughout the staff report and in the Applicant's justification provide evidence that farm and forest uses are not economically or practically to safely implement. The subject lot has buried water lines, buried communication lines, buried power lines, buried storm sewer lines which have created irrevocable obstacles to making the lot commercially viable for farm or forest uses. A comprehensive plan amendment and zone change to a zoning designation that permits rural residential use appears to be in the best interest for the public when measured against the potential for deleterious health and environmental impacts if commercial scale farm or forest uses were ever implemented on the lot. To successfully implement and maintain farm or forest uses on the lot would lead to a substantially higher cost to implement and would necessitate a substantially dissimilar suite of practices than are the norm for other lots located in the Exclusive Farm Use District throughout the county. Conversely, the subject lot already has implemented a variety of transportation improvements as well as utility and service lines that are currently serving city uses and the rural residential community, so the further residential development of the lot would be more harmonious and more compatible with the surrounding land use pattern. The Planning Commission and Board of Commissioners will need to determine if the findings of fact are sufficiently supported by substantial evidence in the record to address this review criterion.

5. *(5) More detailed findings and reasons must be provided to demonstrate that land is committed to urban development than would be required if the land is currently built upon at urban densities.*

As noted above and supported by findings provided throughout Sections B., F., G., and H. of this staff report, the Applicant has demonstrated that the use of the subject parcel is irrevocably committed to residential use—both to serve the adjacent rural residential subdivision with utilities (water, electricity, natural gas, telecommunications) and to serve the urban lots (storm sewer lines) within the surrounding area. The infrastructure is in place to easily serve any rural residential lots that would be developed on the subject lot if the exceptions to statewide planning goals are approved in conjunction with the request for a comprehensive plan amendment and zone change to facilitate the subdivision of the subject lot. The implementation of these utility lines and easements coupled with the geographic circumstances of the lot demonstrate that this lot is irrevocably committed to rural residential uses rather than being practical for farm or forest uses. The subject lot is bounded on three sides by either a rural residential subdivision, with 1-acre lots, and by a school district owned lot. The subject lot has the utilities and services to be built to urban scale density and uses if annexation within the McMinnville city limits were to become a possibility. The Planning Commission and Board of Commissioners will need to determine if the findings of fact are sufficiently supported by substantial evidence in the record to address this review criterion.

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
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I. Goal 12 (Transportation Rule) Provisions and Analysis

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-0060 contains the provisions that must be met:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

2. Regarding OAR 660-12-0060, the Applicant states that “approval of this application will finish segments of an existing platted road system on the subject tract, that also serves the existing West Wind Country Estates subdivision. Said road segments are substantially constructed as they exist today. Additionally, please see (Exhibit 11), Lancaster Eng. Traffic Study, this study was performed assuming 77 total lots (page 1), if this application is approved the subject area will finish out with 69 lots, approximately 90% of the study assumption. The study also assumed the Hill Road High School would be operating on the adjacent Tax Lot 4418-701 (page 3). The study used ‘Traffic volumes for year 2025 traffic conditions’ (page 3). The study ‘Summary’ (page 4) states: ‘*No significant impacts to public health and safety are anticipated in conjunction with the proposed residential subdivision. The site access intersections are expected to operate safely and*

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

efficiently upon build-out of the subdivision, and will continue to operate safely through the planning horizon year. No mitigations are recommended.’ It should be noted, that Hill Road has been significantly improved since this study was completed, including a left turn lane into the subject tract’s road system and round-a-bouts at the ‘access intersections’ and that the anticipated High School is still not built or operating, these are all factors that reinforce concluding the current transportation system, relative to this application, is more than adequate.”

The Applicant’s justification continues, “Tax Lot 4418-1000 is a truly unique tract of land relative to the Oregon land use system. It was encumbered by (very real) development infrastructure along with, and concurrent with, the adjacent rural residential subdivision that is dependent on that infrastructure, all under the same Measure 37 waiver approval, performed and completed prior to November 06, 2007. The approved subdivision conditions, engineered plans, traffic and other studies, excavation, infrastructure installation, subsequent approvals and fees, infrastructure expenditures, Final Plat approval and more, were all necessary tasks completed in good faith. Tax Lot 1000 very accurately is labeled as Phase II on the legally valid and recorded West Wind Country Estates plat dated November 06, 2007, and it shows the Public Utility Easements and roadways crossing the subject tract, please see the attached engineered plans showing the installed utilities and storm sewers, (Exhibit 4). Tax Lot 1000 is not just adjacent to (legally) developed land, it is (legally) developed land, irrevocably developed and committed land.

CONCLUSIONS FOR APPROVAL:

1. The request is for a Comprehensive Plan amendment from Agriculture/Forestry Large Holding (AFLH) to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential.
2. The request is for the creation of a fourteen (14) lot subdivision pending approval of the parallel and simultaneous request for a comprehensive plan amendment and zone change.
3. With conditions the request can be made consistent with the standards and criteria of the Land Division Ordinance.
4. The proposal is consistent with County Comprehensive Plan goals and policies.
5. Exceptions to all applicable Oregon Statewide Planning Goals have been adequately justified.
6. The proposal is consistent with Section 1208.02 of the Yamhill County Zoning Ordinance.
7. The Applicant has demonstrated that the use complies with the Transportation Planning Rule in that it will not have a significant effect on transportation facilities in the area.

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
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CONCLUSIONS FOR DENIAL:

1. The request is for a Comprehensive Plan amendment from Agriculture/Forestry Large Holding (AFLH) to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential.
2. The request is for the creation of a fourteen (14) lot subdivision pending approval of the parallel and simultaneous request for a comprehensive plan amendment and zone change.
3. The Applicant has not adequately demonstrated that the request satisfies Sections 1208.02(B) and (D) in that it has not been shown that there is a need for those uses allowed in the requested zone and that other land within the County is either unavailable or not as well suited for the use.
4. The Applicant has not adequately demonstrated that the use complies with the Transportation Planning Rule.
5. The request is not consistent with the standards and criteria of the Land Division Ordinance.
6. The proposal is inconsistent with County Comprehensive Plan goals and policies.
7. The Applicant has not adequately justified an Exception to Statewide Planning Goal 2 (Exception Process), Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), and/or Goal 14 (Urban Development on Undeveloped Rural Lands).

RECOMMENDATION:

A staff recommendation will be given after the receipt of testimony at the County Planning Commission.

II. Application

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

LAND USE APPLICATION

Docket PAZ-01-24
 Date _____
 Rec'd by _____
 Receipt # _____
 Fee _____

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

APPLICANT				LEGAL OWNER (IF DIFFERENT)			
Last name	First	MI		Last name	First	MI	
ABRAMS	JOHN	B		MARALYNN ABRAMS TRUST			
Mailing address (Street or PO Box)				Mailing address (Street or PO Box)			
12475 BAKER CREEK ROAD				SAME			
City	State	Zip		City	State	Zip	
McMINNVILLE	OR	97128		SAME			
Telephone				Telephone			
503-474-7069				SAME			
E-mail address				E-mail address			
johnabrams1@frontier.com				SAME			
If the applicant is not the legal owner, state interest in property:							
trustee							
PROPERTY INFORMATION							
Tax Lot(s):		4418-1000		Zone:		EFU-80	
Size of Tract (include all adjacent tax lots)				17.3 acre			

- TYPE OF APPLICATION** (what is requested?): Plan Amendment/Zone Change/Exception
- JUSTIFICATION FOR REQUEST** YCZO Section(s): 1204 with OAR 660-004-0028 (Irrevocably Committed)

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.
- Present use of property: Idle, Assessor designated "400 Tract Residential Vacant"
- Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):
NONE
- Is there a septic system on the property? Yes No
- How will water be provided? Well City Other Fox Ridge Water Company
- What road and/or easement is the property accessed from? West Wind Drive & Cottonwood Drive

Tax lot 4418-1000



Tax lot 1000



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:

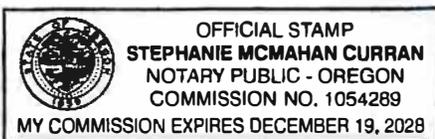
1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed 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).

General land use application used for Conditional Use, Variance, Site Design Review, Floodplain, Willamette River Greenway, Comprehensive Plan Amendment and Zoning District Boundary Amendment, Comprehensive Plan Amendment, and Zone Change.

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.



[Signature] 5-29-25
 Applicant's signature Date

[Signature] 5-29-25
 Property owner's signature (if different) Date

State of Oregon

County of Yamhill

Signed before me on this 29th day of May, 20 25

by John Abrams trustee for Marilyn Adams Trust

[Signature]
 Notary Public for Oregon
 My Commission expires 12-19-28

Yamhill County Department of Planning & Development

APPLICATION FOR SUBDIVISION

Docket S-03-24
 Date _____
 Rec'd by _____
 Receipt # _____
 Fee **\$4,055.00**

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

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Last name	First	MI	Last name	First	MI
ABRAMS	JOHN	B	MARALYNN ABRAMS TRUST		
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
12475 BAKER CREEK ROAD			12475 BAKER CREEK ROAD		
City	State	Zip	City	State	Zip
McMINNVILLE	OR	97128	McMINNVILLE	OR	97128
Telephone			Telephone		
503-474-7069					
E-mail address			E-mail address		
johnabrams1@frontier.com					

PROPERTY INFORMATION

Tax Lot(s): 4418-1000 Zone: EFU-80

Property Address: _____

Size of original parcel: 17.3 acre Plan Designation: _____

PROPOSED SUBDIVISION

Number of lots to be created 14 Subdivision name: WEST WIND COUNTRY ESTATES

Average lot size: 1.0 ACRE Estimated length of roads: 1,100 feet

Minimum lot size: 0.5 ACRE Proposed name of new road(s): NO NEW ROADS NAMES

PROPERTY INFORMATION:

- Is there a septic system on the property? Yes No
 If yes, which parcel(s) is the septic system on: _____
- How will water be provided? Well: existing proposed
 On-site spring or creek Water Association (name) FOX RIDGE WATER COMPANY
- What road or easement will be used as access? WEST WIND DRIVE, COTTONWOOD DRIVE
- Is the property in a Fire District? Name of Fire District:
- Is the property within two miles of any city limits? If yes, name of city: McMINNVILLE
- To your knowledge, do any of the following exist on the property?

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

7. What are the proposed uses of the new parcels (e.g. residence, farm, business)? RESIDENTIAL

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

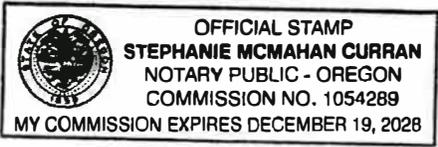
I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

[Signature] 5-29-25
Applicant's signature Date

[Signature] 5-29-25
Property owner's signature (if different) Date

State of Oregon)
County of Yamhill)

Signed or attested before me on this 29th day of May, 2025
by John Abrams trustee for Marilyn Adams Trust



[Signature]
Notary Public for Oregon
My Commission expires 12-19-28

979-24-00573-PLNG

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

LAND USE APPLICATION

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

Docket PAZ-01-24
Date 12-31-24
Rec'd by SL
Receipt # 934207
Fee \$4930.00
7373-

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Last name	First	MI	Last name	First	MI
ABRAMS	JOHN	B	MARALYNN ABRAMS TRUST		
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
12475 BAKER CREEK ROAD			SAME		
City	State	Zip	City	State	Zip
McMINNVILLE	OR	97128	SAME		
Telephone			Telephone		
503-474-7069			SAME		
E-mail address			E-mail address		
johnabrams1@frontier.com			SAME		
If the applicant is not the legal owner, state interest in property:					
trustee					
PROPERTY INFORMATION					
Tax Lot(s):		4418-1000	Zone:		EFU-80
Size of Tract (include all adjacent tax lots) 17.3 acre					

- TYPE OF APPLICATION** (what is requested?): Plan Amendment/Zone Change/Exception
- JUSTIFICATION FOR REQUEST** YCZO Section(s): 1204 with OAR 660-004-0028 (Irrevocably Committed)

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.
- Present use of property: Idle, Assessor designated "400 Tract Residential Vacant"
- Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):
NONE
- Is there a septic system on the property? Yes No
- How will water be provided? Well City Other Fox Ridge Water Company
- What road and/or easement is the property accessed from? West Wind Drive & Cottonwood Drive

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

7. What are the proposed uses of the new parcels (e.g. residence, farm, business)? _____

RESIDENTIAL

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.

John B. News 12-31-2024 X
 Applicant's signature Date

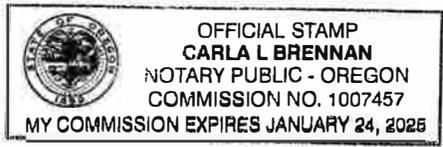
Marilyn Abrams Trust by John B. News Trustee _____
 Property owner's signature (if different) Date

State of Oregon)
 County of Yamhill)

Signed or attested before me on this 31st day of December, 2024

by John B. News X

Carla Brennan
 Notary Public for Oregon
 My Commission expires 1-24-25





Yamhill County, Oregon

to the heart of the Willamette Valley

535 NE 5th Street
McMinnville, OR 97128
503-434-7521

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[Help](#)

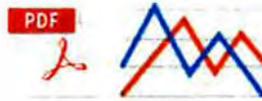
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[Property Search](#) > [Search Results](#) > Property Summary

Property Account Summary

12/30/2024



Click image above for more information

Account Number | 145505 | Property Address | 2370 SW COTTONWOOD DR , MCMINNVILLE, OR 97128

General Information

Alternate Property #	R4418 01000
Property Description	PARCEL 3 P2019-03
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	40.2
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY = \$18,145.72

Tax Rate

Description	Rate
Total Rate	12.5182

Property Characteristics

Neighborhood	Industrial Farm East
Land Class Category	400 Tract Residential Vacant
Account Acres	17.3000
Change Property Ratio	Tract Land

Parties

Role	Name
Owner	ABRAMS MARALYNN TRUST
Owner	ABRAMS MARALYNN TRUSTEE

Related Properties

979-24-00573-PLNG

Yamhill County Department of Planning & Development

APPLICATION FOR SUBDIVISION

Docket

Date

Rec'd by

Receipt #

Fee

S-03-24

12/31/24

[Signature]

434206

\$4,055.00

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

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Last name	First	MI	Last name	First	MI
ABRAMS	JOHN	B	MARALYNN ABRAMS TRUST		
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
12475 BAKER CREEK ROAD			12475 BAKER CREEK ROAD		
City	State	Zip	City	State	Zip
McMINNVILLE	OR	97128	McMINNVILLE	OR	97128
Telephone			Telephone		
503-474-7069					
E-mail address			E-mail address		
johnabrams1@frontier.com					
PROPERTY INFORMATION					
Tax Lot(s):	4418-1000		Zone:	EFU-80	
Property Address: _____					
Size of original parcel:	17.3 acre		Plan Designation:	_____	
PROPOSED SUBDIVISION					
Number of lots to be created	_____		Subdivision name:	WEST WIND COUNTRY ESTATES	
Average lot size:	0.75 ACRE		Estimated length of roads:	1,100 feet	
Minimum lot size:	0.5 ACRE		Proposed name of new road(s):	NO NEW ROADS NAMES	

PROPERTY INFORMATION:

- Is there a septic system on the property? Yes No
If yes, which parcel(s) is the septic system on: _____
- How will water be provided? Well: existing proposed
 On-site spring or creek Water Association (name) FOX RIDGE WATER COMPANY
- What road or easement will be used as access? WEST WIND DRIVE, COTTONWOOD DRIVE
- Is the property in a Fire District? Name of Fire District:
- Is the property within two miles of any city limits? If yes, name of city: McMINNVILLE
- To your knowledge, do any of the following exist on the property?

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).

General land use application used for Conditional Use, Variance, Site Design Review, Floodplain, Willamette River Greenway, Comprehensive Plan Amendment and Zoning District Boundary Amendment, Comprehensive Plan Amendment, and Zone Change.

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.

JL B Allen 12-31-2024
Applicant's signature Date

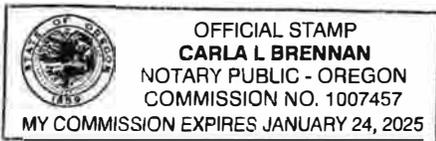
Meredith Adams Trust by JL B Allen Trustee 12-31-2024
Property owner's signature (if different) Date

State of Oregon

County of Yamhill

Signed before me on this 31st day of December, 20 24

by JL B Allen



Carla Brennan
Notary Public for Oregon
My Commission expires 1-24-25

**SECTION 1200 –
LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS**

1204. EXCEPTIONS TO STATEWIDE GOALS.

[Last amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]

Goal Two of the Statewide Planning Goals, ORS 197.732, and Oregon Administrative Rules, Chapter 660, Division 4, specify the requirements for approval of an exception to a statewide planning goal. An exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. An applicant may apply for an exception pursuant to those provisions, and subject to the Type C procedure of Section 1301 of this ordinance. The Planning Commission shall hold a public hearing to consider a request for an exception. Their decision shall be in the form of a recommendation to the Board of Commissioners, who shall also hold a public hearing prior to making a final decision on the request.

West Wind Country Estates

THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

Legend

- = 5/8" X 30" iron rod set with yellow plastic cap marked "Newberg LS 2838", flush to 0.2" down unless otherwise stated
- = 5/8" X 30" iron rod set with aluminum cap marked "Newberg LS 2838", flush to 0.2" down unless otherwise stated
- = removable board, flush to 0.2" down, origin stated if known, in good condition unless otherwise stated
- = Yamhill County iron pipe and brass cap as noted, in good condition unless otherwise stated
- i.r.f. = iron rod found in this survey
- w/y/c/p = "with yellow plastic cap" marked as noted
- w/r/p/c = "with red plastic cap" marked as noted
- w/a/c/p = "with aluminum cap" marked as noted
- (---) = record data as noted
- (---) = record data CSP-4564 & F.V. 73 Pg. 830
- R/W = road right of way as noted
- L = XXX = length of arc along curve
- = private easement, as noted
- S.S.E. = Private Sanitary Sewer Easement
- A.E. = Private Access Easement
- S.D.E. = Private Storm Drainage Easement
- = U.E. = Utility Easement
- = roadway centerline
- = private Landscaping Easement

A Subdivision in the
W 1/2 Section 18 T. 4 S., R. 4 W., WM.,
Part of the T.J. Shadden Certificate Claim
Yamhill County, OR
Date: 12 October, 2007
Docket No. S-05-05

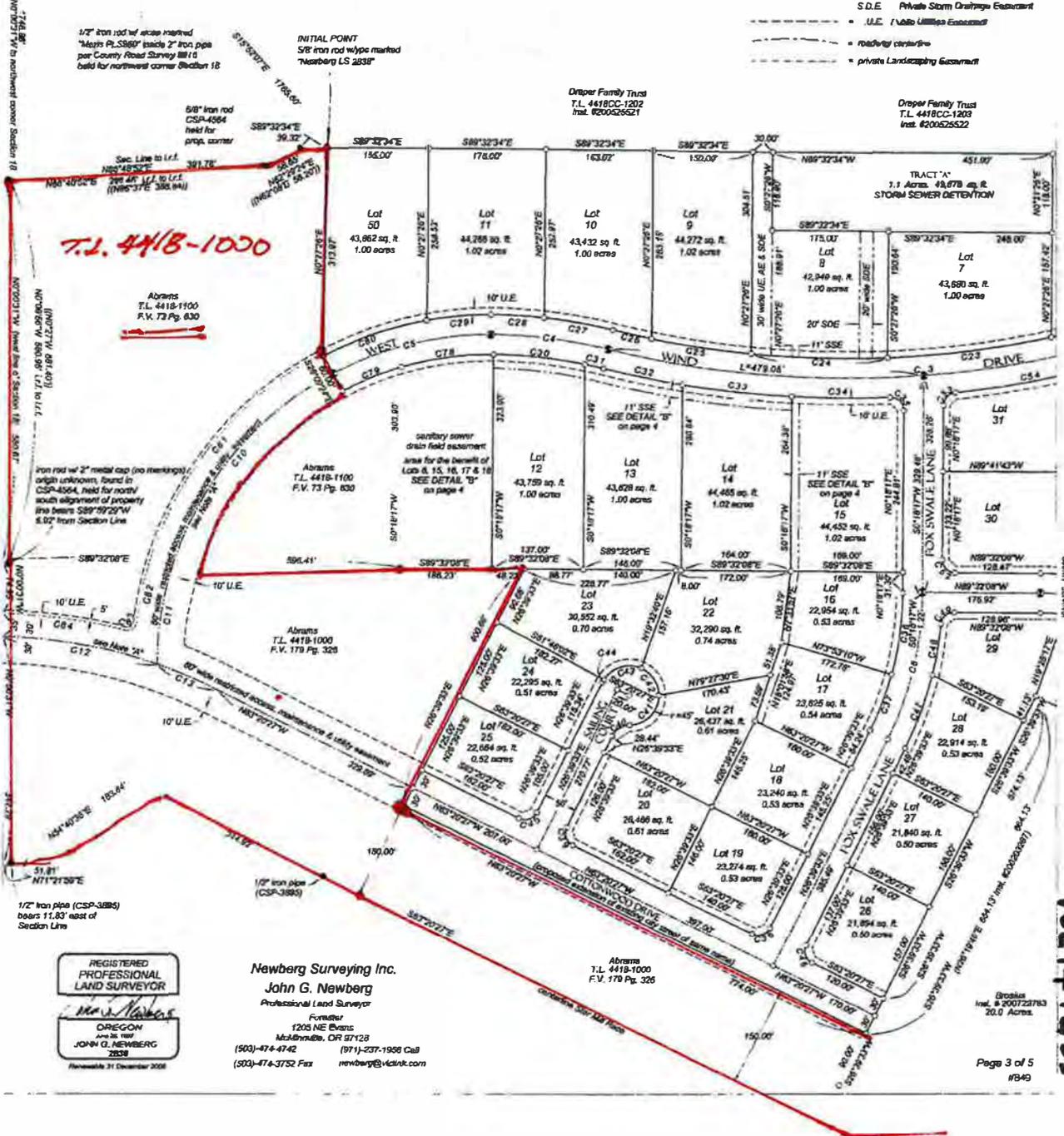
NOTE "A" The roadways shown crossing lands described in F.V. 73 Pg. 830 and F.V. 179 Pg. 326 are part of an engineered master plan allocating another 21 lots in Phase 2 West Wind Country Estates when the parcels are fully developed. Prior to Phase 2 occurring, the roadways are easements for public and private utilities for the purpose of access, construction and maintenance for the benefit of the water system and electrical service providers for West Wind Country Estates. Said easements are to be terminated at such time as said Phase 2 is completed and/or said roadways are dedicated to the public.

CURVE TABLE FOR CENTERLINE OF U.E. OUTSIDE SUBDIVISION

CURVE	CHORD
C81	45°45'17" 427.86' 535.00' S89°13'27"W 418.55'
C82	9°18'58" 86.39' 535.00' S11°38'18"W 88.80'
C83	87°25'28" 25.51' 18.00' N55°42'57"E 22.54'
C84	13°19'00" 182.45' 785.00' N82°4'03"W 182.04'



Scale: 1" = 100'



INITIAL POINT
5/8" iron rod w/y/c/p marked
"Newberg LS 2838"

Draper Family Trust
T.L. 4418CC-1202
Inst. #200525521

Draper Family Trust
T.L. 4418CC-1203
Inst. #200525522

T.J. 4418-1000

Abrams
T.L. 4418-1100
F.V. 73 Pg. 830

Abrams
T.L. 4418-1100
F.V. 73 Pg. 830

Abrams
T.L. 4418-1000
F.V. 179 Pg. 326

Abrams
T.L. 4418-1000
F.V. 179 Pg. 326

REGISTERED PROFESSIONAL LAND SURVEYOR
JOHN G. NEWBERG
2838
Renewable 31 December 2008

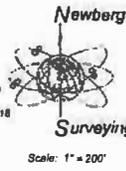
Newberg Surveying Inc.
John G. Newberg
Professional Land Surveyor
Forester
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1998 Cell
(503)-474-3752 Fax newberg@vclink.com

Block
Incl. & 200722783
20.0 Acres.

VOL 14 PG 33

West Wind Country Estates THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

A Subdivision in the
W 1/2 Section 18 T. 4 S., R. 4 W., WM.,
Part of the T.J. Shadden Certificate Claim
Yamhill County, OR
Date: 12 October, 2007
Docket No. S-05-05



Legend

- = 5/8" X 30" iron rod set with yellow plastic cap marked "Newberg 2838"; flush to 0.2" down unless otherwise stated
- ⊖ = 5/8" X 30" iron rod set with aluminum cap marked "Newberg 2838"; flush to 0.2" down unless otherwise stated
- = monument found; flush to 0.2" down, origin stated if known, in good condition unless otherwise stated
- ⊙ = Yamhill County iron pipe and brass cap as noted, in good condition unless otherwise stated
- l.r.f. = iron rod found in this survey
- w/ycp = with yellow plastic cap marked as noted
- w/alcap = with aluminum cap marked as noted
- (...) = record data as noted
- (---) = record date CSP-4564 & F.V.73 Pg 830
- rw/w = record right of way as noted
- L.S.E. = length of arc along curve
- sq = square feet
- - - = private easement as noted:
 - S.S.E. Private Sanitary Sewer Easement
 - A.E. Private Access Easement
 - S.D.E. Private Storm Drainage Easement
 - L.S.E. Private Landscape Easement
 - U.E. Utilities Easement
- - - = roadway centerline

INDEX

- Page 1.....Boundary Survey & overview of complete subdivision
- Page 2.....East Half of Subdivision showing lot dimensions and detail of entrance
- Page 3.....West Half of Subdivision showing lot dimensions and utilities & easements extending across adjoining land to the west
- Page 4.....Detail of Wastewater Easements Curve Table of property lines for all lots 1 - 60
- Page 5.....Surveyor's Certificate Acknowledgements Narrative Notes

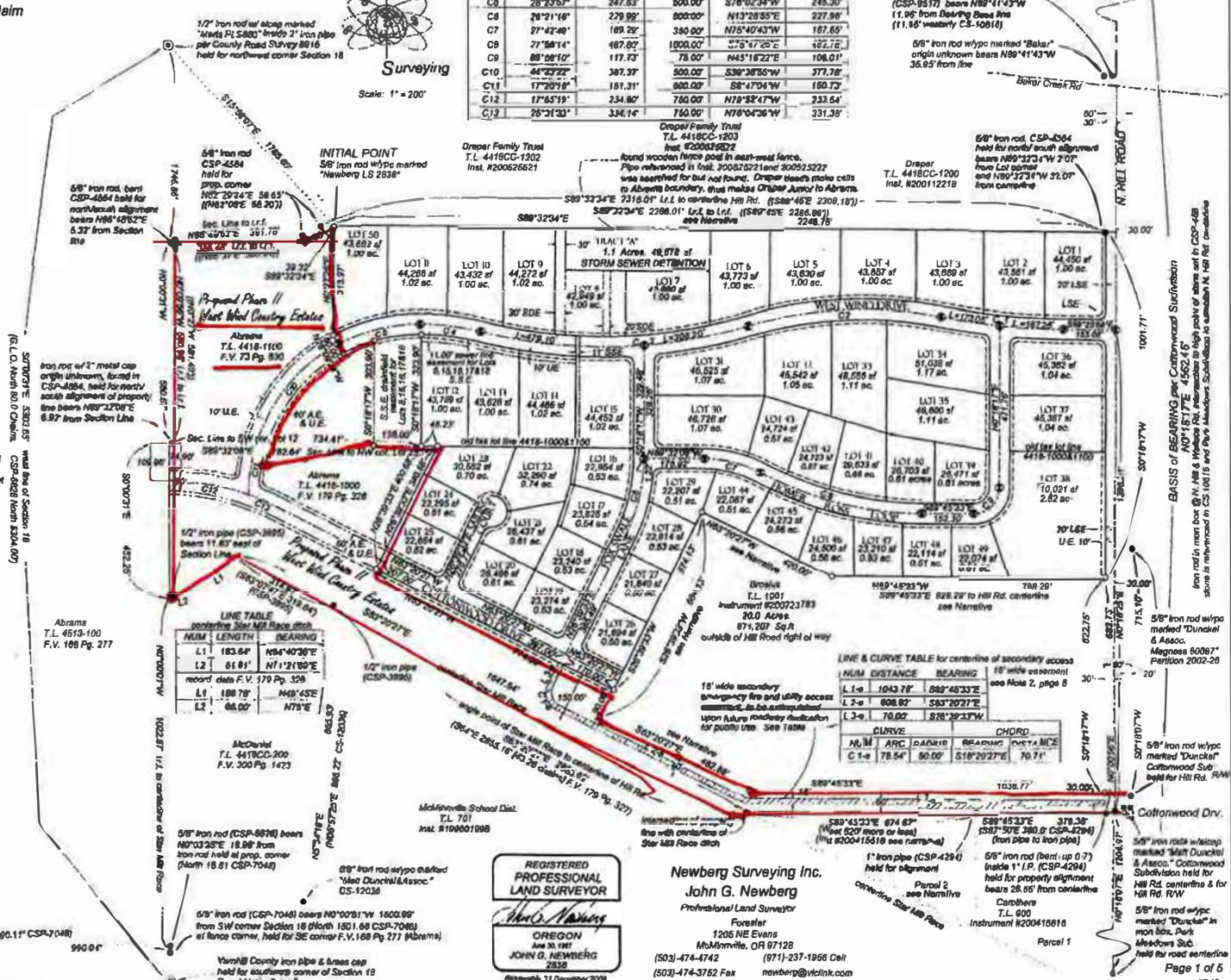
CURVE TABLE for centerline road

MUM	DELTA	ARC	RADIUS	BEARING	CHORD	DISTANCE
C1	10°18'19"	360.31'	2000.00'	S84°16'18"E	359.82'	62.00'
C2	37°08'33"	567.78'	1200.00'	S87°20'05"W	562.50'	100.00'
C3	30°04'21"	787.30'	1500.00'	N88°48'59"E	778.30'	100.00'
C4	13°36'35"	178.18'	750.00'	N82°57'09"W	177.74'	100.00'
C5	28°37'59"	247.63'	900.00'	S78°02'34"W	245.30'	100.00'
C6	28°21'18"	279.99'	900.00'	N13°28'55"E	277.98'	100.00'
C7	27°47'40"	169.29'	380.00'	N75°40'43"W	187.65'	100.00'
C8	27°58'14"	167.80'	380.00'	S°57'25"E	162.76'	100.00'
C9	88°58'10"	117.73'	78.00'	N43°16'22"E	106.01'	100.00'
C10	44°23'22"	387.39'	500.00'	S38°38'55"W	377.78'	100.00'
C11	17°20'18"	181.31'	800.00'	S8°47'04"W	180.73'	100.00'
C12	17°45'19"	234.80'	780.00'	N78°52'47"W	233.64'	100.00'
C13	28°31'33"	334.14'	750.00'	N78°04'36"W	331.39'	100.00'

High point of stone, accepted as 6X12X9" stone set in CSP-458 starting the NW corner of the portion of the T.J. Shadden Claim sold to Hobbs 5/8" iron rod marked "Dunker" (CSP-10518) bears N1°14'05"W 1.27' from stone 5/8" iron rod (CSP-8517) bears S79°58'12"E 1.20' from stone

5/8" iron rod w/ycp marked "Plaster" (CSP-9517) bears N89°41'43"W 11.98' from Bearing Base line (11.98' westerly CSP-10816)

5/8" iron rod w/ycp marked "Baker" origin unknown bears N89°41'43"W 36.85' from line



LINE TABLE

MUM	LENGTH	BEARING
L1	183.84'	N84°40'36"E
L2	61.81'	N1°21'59"E
L3	188.78'	N48°55"E
L4	68.00'	N75°11"E

LINE & CURVE TABLE for centerline of secondary access

MUM	DISTANCE	BEARING
L1-a	1043.78'	S88°48'23"E
L2-a	608.92'	S83°20'27"E
L3-a	70.02'	S78°39'37"W

REGISTERED PROFESSIONAL LAND SURVEYOR
Newberg Surveying Inc.
John G. Newberg
Professional Land Surveyor
Forester
1205 NE Evans
McMinnville, OR 97128
(503) 474-4742 (971) 237-1966 Cell
(503) 474-3762 Fax newberg@victlink.com
Retiring 31 December 2009

Newberg Surveying Inc.
John G. Newberg
Professional Land Surveyor
Forester
1205 NE Evans
McMinnville, OR 97128
(503) 474-4742 (971) 237-1966 Cell
(503) 474-3762 Fax newberg@victlink.com
Retiring 31 December 2009



Yamhill County, Oregon

535 NE 5th Street
McMinnville, OR 97128
503-434-7521

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[Property Search](#) > [Search Results](#) > [Property Summary](#)

Property Account Summary

12/30/2024



Click image above for more information

Account Number | 145505 | Property Address | 2370 SW COTTONWOOD DR , MCMINNVILLE, OR 97128

General Information

Alternate Property #	R4418 01000
Property Description	PARCEL 3 P2019-03
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	40.2
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY = \$18,145.72

Tax Rate

Description	Rate
Total Rate	12.5182

Property Characteristics

Neighborhood	Industrial Farm East
Land Class Category	400 Tract Residential Vacant
Account Acres	17.3000
Change Property Ratio	Tract Land

Parties

Role	Name
Owner	ABRAMS MARALYNN TRUST
Owner	ABRAMS MARALYNN TRUSTEE

Related Properties

a. Letter of Incompleteness

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET ! McMINNVILLE, OREGON 97128

Phone:(503) 434-7516 ! Fax:(503) 434-7544 ! TTY 1-800-735-2900 ! Internet Address: <http://www.yamhillcounty.gov>

January 30, 2025

John Abrams
Maralynn Abrams Trust
12475 Baker Creek Rd
McMinnville, OR 97128

**Re: Docket PAZ-01-24/S-03-24, Plan Amendment/Zone Change and Subdivision Application
Tax Lot 4418-1000, Zone: EF-80, Exclusive Farm use**

On December 31, 2024, received applications for a plan amendment/zone change and subdivision application for Tax Lot 4418-1000. The applications were submitted without any justification of the applicable criteria or a description of what type of zone change is being requested. The following criteria is a minimum of what will need to be addressed prior to our office processing the application.

GOAL 2 EXCEPTION PROCESS – OAR 660-004

GOAL 14 URBAN DEVELOPMENT ON UNDEVELOPED RURAL LANDS – OAR 660-014

TRANSPORTATION PLANNING RULE

The Transportation Planning Rule is found in OAR 660-012. OAR 660-012-0060 is titled **Plan and Land Use Regulation Amendments** and subparagraph (1) states: *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.* The application needs to consider the existing function, capacity and performance standards of the road and demonstrate that the resulting re-zoning will not significantly affect the transportation facility.

ZONING ORDINANCE CRITERIA

A zone change is required to comply with Section 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive Plan Goals and Policies may also be applicable. A subdivision is required to comply with the Land Division Ordinance and the criteria in the requested zone.

Your application will be considered incomplete until we receive the information indicated above. Pursuant to ORS 215.428(3), in order to have your application considered under the land use regulations in effect at the time you submitted the application, you have 180 days to submit the requested information. If you prefer not to submit the additional information, please inform our office in writing and we will process the application as is. This may result in a staff recommendation for denial due to inadequate justification.

If you have any questions on these matters, please feel free to call me

Sincerely,



Kenneth P. Friday
Planning Director

**b. Applicant's Response to Letter of
Incompleteness**

RECEIVED

MAY 12 2025

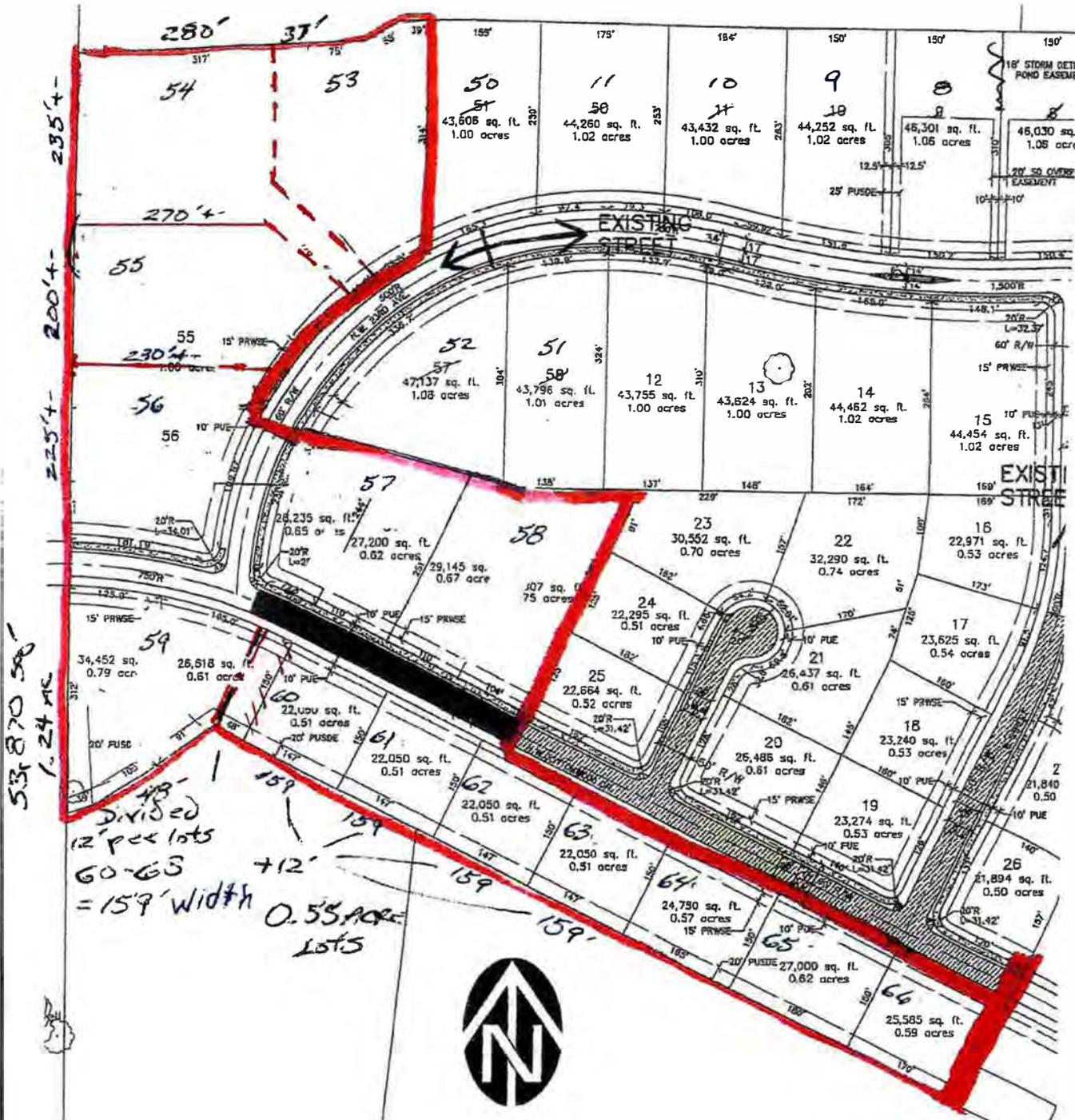
YAMHILL COUNTY
PLANNING DEPARTMENT

Proposed Subdivision Lots, Total of 14 Lots, acre size shown is approximate

Seven (7) half-acre + lots, lots 60 - 66 as shown per map

Five (5) 1.25+ acre lots, lots 53, 54, 55, 56 & 59 per map, w/ 75' west-side building setback

Two (2) 1.25+ acre lots, 57 & 58 per map



Yamhill County Zoning Ordinance (YCZO), Section 1208.02 Exhibit

Section 1208.02 (A)(C)(E) are all satisfied by reasons listed above describing the Goal 2 Exception standards.

1208.02 (B): *"There is an existing, demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone."*

The Subject Tract, due to the exception process is uniquely qualified to offer needed "Urban Type" VLDR Zone housing to the immediate McMinnville area. The attached **Exhibit "A"** is map of VLDR 1 & 2.5 acre zoned tracts that exist within a five (5) mile radius of the "subject tract" (Tax Lot 4418-1000). The subject tract is the blue, irregular shape in the center of the red circle (study area), the study includes almost all of McMinnville, it quickly becomes obvious how little VLDR-1 zoned land exists adjacent to the City of McMinnville and in the entire study area. The VLDR Zone is described in YCZO Section 502.01 as: *The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands... In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40 or -80, AF-20, -40 or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.* The map clearly shows that McMinnville has very little VLDR adjacent land filling the specific role as a "transitional zone" or a buffer between city and County large holding agriculture and forestry use. The subject tract within this application is designed and irrevocably committed to function as a transitional zone between urban and commercial agriculture.

Additionally, there exists a tremendous demand for buildable VLDR-1 land, please see **Exhibit "B"**, market study of available vacant buildable parcels between 0.5 acre and 3.0 acres in size within all of Yamhill County as found on Redfin on 04-29-2025. On that date, there were a total of 17 parcels available in all of Yamhill County. Only four parcels within the analysis had substantially similar characteristics with what is proposed within this application, particularly close proximity to urban development. The thirteen other parcels are either quite rural, not near a city (5), or inside a city (3), not zoned for residential (2), or have other challenges (3) noted within the study. Of the similar lots, three are pending sales including: Parcel 10, Parcel 16 was listed less than two days before going "pending". Parcel 12 is the only VLDR-1 lot in the study and even though it lists as "not having city water access, which can be a huge issue on a one-acre lot, this parcel went "pending" in 75 days. The remaining similar lot, Parcel 11 has only been listed for four days and is assumed to sell very quickly. The quick sales of the parcels that are actually fairly similar to the lots proposed within this application, and relatively high price-points, demonstrate a very strong demand for this particular (VLDR) housing type.

Also see (**Exhibit 12**) West Wind Country Estates "Days On Market" analysis, which clearly demonstrates an extraordinary high demand for the very VLDR type housing opportunities being asked for in this application. It is obvious that multiple homes, over a four year span, averaging "days on market" of 44 days, again, especially at the price points shown, reflect a grossly under-served market and as explained, one that is very economically significant to the greater McMinnville area.

One last example, (**Exhibit "C"**) is the Yamhill county "Property Account Summary" for the last, vacant, one-acre lot sold in West Wind Country Estates, this parcel sold, in an "arms length transaction" on 08-12-2024 without ever being listed for sale, demonstrating again, if a VLDR-1 parcel exists, near a city, it will be "scooped-up" very quickly, solely because the demand for such lots is huge.

1208.02(D) *"Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors."* Again, this provision is addressed within all the data found in the Goal 2 Exception analysis within this application. Additionally, all existing VLDR-1 parcels within the five-mile radius study (**Exhibits "A" & "D"**) area are already occupied, along with the simple fact that no other VLDR tract is infilled with

existing infrastructure to support the VLDR-One-Acre Zone as is the Subject Tract of this application. The Subject Tract (Tax Lot 4418B-1000) of this application is irrevocably committed to urban-type rural residential development, unlike any other available VLDR zoned tract shown on Exhibit "A", the "demonstrable need" and high demand for more VLDR-1 parcels in the McMinnville area has been shown and validated, and finally, this particular location has the demonstrable need for a VLDR buffering "transition zone" between the commercial agriculture on one side and the residential subdivision on another side and the School District land within the City of McMinnville on another side.

Exhibit "A"

YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information Docket: N/A

Westwind Estates

 Subject Parcel(s)

Tax Lot: R4418 01000
Lot Acreage: 17.3

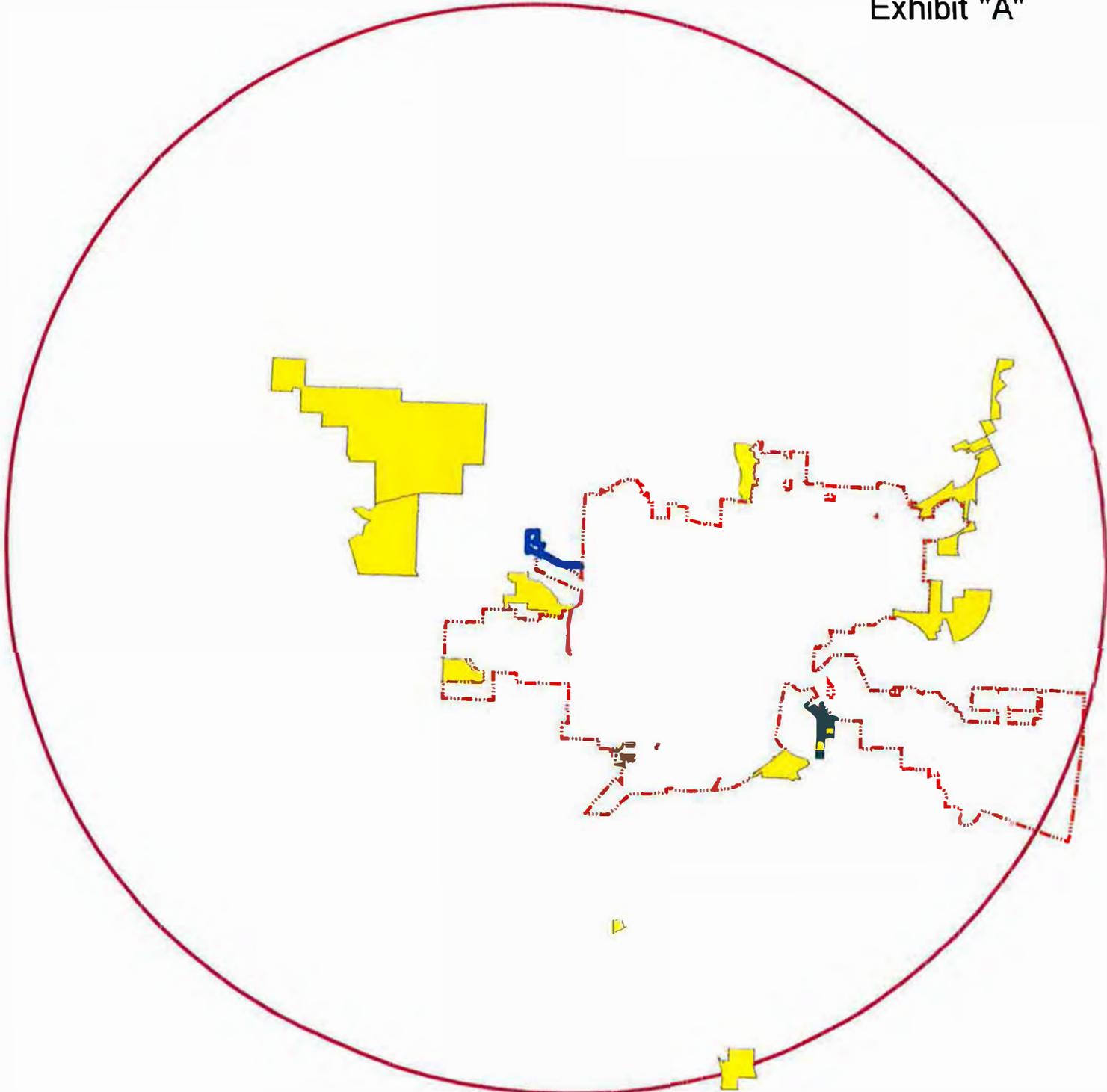
 VLDR-1 Zone

 VLDR-2.5 Zone

 5-mile Analysis Area

 McMinnville City Limits

Approximate Locations & Dimensions
1 inch = 7,000 feet



YAMHILL COUNTY TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: N/A

Westwind Estates



Subject Parcel(s)

Tax Lot: R4418 01000

Lot Acreage: 17.3

all



Very Low Density
Residential District



5-mile Analysis Area



McMinnville City Limits

Approximate Locations & Dimensions

1 inch = 7,000 feet



Exhibit "B"

Available Comparaple Parcel Study all of Yamhill County

Search: "Vacant Land, Size: 1/2 acre - 3 acres" Search Date 04-29-20225

Data from "Redfin" Property Search - Seventeen (17) comparable available parcels found

(1)

NW Berry Creek Rd #2, McMinnville, OR 97128

\$495,000 **2.40** Acres (Lot)

About this home (parcel)

Nestled in the heart of picturesque McMinnville this stunning, buildable **2.40 acre parcel**, offers the ideal canvas! Surrounded by the natural beauty of the Pacific Northwest, this property boasts a serene and private setting, ideal for those seeking tranquility and a connection to nature. Shared well. Septic approved. **Power nearby**. Parcel #2 Tax Id 718404. Buyer to perform all own due diligence of all aspects of property with Yamhill County. No through access across subject property to adjacent properties. Imagine waking up to the lush landscape Oregon's country side offers, all the while being a short drive away from McMinnville's charming downtown, renowned wineries and a vibrant community. Don't miss a chance to own a piece of Oregon's enchanting countryside.

Show more

\$206,250 Price/Acres 2.4 acres Lot Size Vacant land Property 32 days On Redfin

Shared well, Septic Approved, Rural setting Type

(2)

NW Berry Creek Rd #1, McMinnville, OR 97128

\$495,000 **2.40** Acres (Lot)

About this home (parcel)

Nestled in the heart of picturesque McMinnville this stunning, buildable **2.40 acre parcel**, offers the ideal canvas! Surrounded by the natural beauty of the Pacific Northwest, this property boasts a serene and **private setting**, ideal for those seeking tranquility and a connection to nature. Shared well. Septic approved. **Power nearby**. Buyer to perform all own due diligence of all aspects of property with Yamhill County. Subject is Parcel #1 tax id #718402. This parcel benefits from an exiting gravel road on it that could make the perfect start of a driveway access! No through access across subject property to adjacent properties. Imagine waking up to the **lush landscape** Oregon's country side offers, all the while being a short drive away from McMinnville's charming downtown, renowned wineries and a vibrant community. Don't miss a chance to own a piece of Oregon's enchanting countryside!

Show more

\$206,250 Price/Acres 2.4 acres Lot Size Vacant land Property 32 days On Redfin

Shared well, Septic Approved, Rural setting Type

(3)

FOR SALE - ACTIVE

NE Newby St, McMinnville, OR 97128

\$1,900,000 **2.93** Acres (Lot)

About this home (parcel)

Newly **Zoned R-4** for Apartments, Middle Housing, and/or Residential Care Center opportunities. **2.93 acres** in City ready for development. Land has been cleared. All **utilities adjacent** to site and have capacity for min. of 120 units. Listing agent is a member in Seller.

\$648,464Price/Acres 2.93 acresLot Size Vacant landProperty 132 daysOn Redfin

High Density R-4 Zone

Type

(4)

FOR SALE - ACTIVE

Chalmers, McMinnville, OR 97128

\$140,000 **0.93** Acre (Lot)

About this home (parcel)

South Yamhill River frontage offering encompassing 0.93ac! 2 lots provide great location for development w/rare opportunity to build 2 legal residences or a single, custom home on just under an acre. Coveted cul-de-sac location w/ample privacy & beautiful river views. Joe Dancer Park & nature trail located across the river w/brushland providing additional privacy to the west. Power already stubbed in at corner of one lot. City water & sewer avail. Listing agent is a party to LLC property owner

\$150,538Price/Acres 0.93 acresLot Size Vacant landProperty 466 daysOn Redfin

No flood plain information

Type

Sale History below included to show unusual status fo past 11+ years, no explanation or further details found.



Jan 18, 2024	Listed (Active)	\$140,000
Date	RMLS #24310605	—
Jun 18, 2015	Listing Removed	—
Date	WVMLS #678590	\$35,000
Aug 5, 2014	Pending	—
Date	WVMLS #678590	Price

Jun 25, 2014
Date

Listed (Active)
WVMLS #678590

\$40,000

Oct 25, 2013
Date

Price Changed
WVMLS #668523

\$35,000

Date

WVMLS #668523

Price

Price

(5)

FOR SALE - ACTIVE

Three Trees Ln, Amity, OR 97101

\$390,000 **3.00** Acres (Lot)

About this home (parcel)

Located in the heart of the Eola Hills, this 3-acre lot offers an extraordinary opportunity to create your dream home or vineyard. Tucked away in a beautiful, **wooded setting**, the property is just a short drive from the charming towns of Amity, McMinnville, and Salem, offering the perfect mix of privacy and convenience. The land is currently wooded providing plenty of natural beauty and a sense of seclusion. This location is ideal for those seeking a peaceful, rural lifestyle, surrounded by wildlife and **scenic views**. As part of the transaction, a lot line adjustment will be completed, reducing the size of the lot from its current 5 acres to 3 acres (photos show approximate property lines after adjustment) .

Show more

\$130,000Price/Acres 3 acresLot Size Vacant landProperty 32 daysOn Redfin
well on-site, rural setting Type

(6)

FOR SALE - ACTIVE

102 3rd St, Dayton, OR 97114

\$349,900 **2.66** Acres (Lot)

About this home (parcel)

Two commercial lots prominently positioned off Highway 18 Dayton Bypass interchange welcome you straight downtown on 3rd St in Dayton Oregon. Combined these lots yield a **large flat area** above the floodplain of the nearby waterway. Many opportunities exist for this **cornerstone piece of land**. Compare your ideas with the opportunities in Dayton today.

\$131,541Price/Acres 2.66 acresLot Size Vacant landProperty 193 daysOn Redfin
Commercial Zone Type

(7)

FOR SALE - ACTIVE

3406 SE Amity Dayton Hwy, Amity, OR 97101

\$375,000 **2.13** Acres (Lot)

About this home (parcel)

Nestled atop a scenic hill in the heart of Oregon's Wine Country lies a hidden gem, waiting for its next chapter. This enchanting small acreage in Amity, Oregon offers a panoramic view of the lush valley below, creating an idyllic backdrop for your dream home. Situated in an intimate rural neighborhood of just three homes, this 2.13 acre parcel promises exclusivity and serenity. With electricity, septic, and a shared well already in place, it's primed and ready for visionaries to bring their architectural dreams to life. The centerpiece? A breathtaking meadow, so picturesque it feels straight out of a storybook. A place where memories are waiting to be made, and dreams become reality. Embrace the opportunity to craft your very own sanctuary in this magical slice of Oregon paradise. Please call for more information.

Show more

\$176,056 Price/Acres 2.13 acres Lot Size Vacant land Property 483 days On Redfin

Rural setting

Type

(8)

PENDING ON AUG 29, 2023

4th St, Dayton, OR 97114

\$299,950 **1.38** Acres (Lot)

About this home (parcel)

Subdivision with expired approvals of approximately 1.38 Acres, 6 lots for single family homes, and a private street. The subject site is located on a flag parcel on the south side of Mill Street at the 4th and Mill intersection. The site is currently vacant.

\$217,355 Price/Acres 1.38 acres Lot Size Vacant land Property 350 days On Redfin

"Expired Subdivision"

Type

(9)

179 N Highway 99w, Dundee, OR 97115

\$865,000 **1.10** Acres (Lot)

About this home (parcel)

Perfect location in Beautiful Dundee Wine Country! Lots of possibilities with over 20,000 Traffic Count Daily. Zoned VLDR 2.5 now. But touches City limits and Commercial. Call me about the possibilities. (Verify with City) Use your 1031 to buy it and use it for a long term land lease or build it out yourself. If it is Commercial maybe a drive-thru something! Right next to the only gas station in Dundee Wine Country. A lot of new things will be happening here within the next two years.

\$786,364Price/Acres 1.1 acresLot Size Vacant landProperty 158 daysOn Redfin

VLDR 2.5 Zone

Type

(10)

PENDING ON MAR 3, 2025

16574 NE Koss Dr, Newberg, OR 97132

\$799,000 **2.13** Acres (Lot)

About this home (parcel)

Rose Pointe Development. Home to the 2022 Street of Dreams. Your chance to build a luxury home on this one of a kind parcel with an outstanding view. Just minutes from World Class wineries and restaurants. Enjoy everything Oregon Wine Country has to offer.

\$375,117Price/Acres 2.13 acresLot Size Vacant landProperty 332 daysOn Redfin

No Utility Information Found, Irregular
shape

Type

(11)

FOR SALE - ACTIVE

0 NE Cullen Rd, Newberg, OR 97132

\$499,000 **1.85** Acres (Lot)

This home (parcel) is popular, It's been viewed 8,645 times. Tour it before it's gone!

Today, Apr 29

About this Parcel

Unlock the potential of this expansive 1.85-acre parcel strategically located within the **Urban Growth Boundary**—just 290 feet from Newberg city limits. Flat, **buildable land** with **scenic views** of surrounding **hazelnut orchards**, offering the perfect canvas for development. Situated less than a mile from Chehalem Valley Middle School and Jaquith Park, and only **minutes to downtown Newberg** and Oregon's famed wine country, this rare property combines rural charm with urban convenience. With strong demand in the area and infrastructure nearby, this is an exceptional opportunity for savvy investors and developers looking to capitalize on future growth. Buyer to perform own due diligence on intended use and development feasibility.

Show more

\$269,730 Price/Acres 1.85 acres Lot Size Vacant land Property 4 days On Redfin
"Infrastructure Nearby"???

(12)

PENDING ON FEB 8, 2025

501 NE Blume Ln, Newberg, OR 97132

\$399,900 **1.00** Acre (Lot)

About this home (parcel)

Bring your dream home plans to this one acre level lot! Currently about 1/2 acre of Fir trees, 2 Black Walnut trees and one English Walnut tree. There is one out building currently on property. There is a utility and road-Blume Ln. easement that is shared by two other homes. ***This property does not have access to city water.*** Road surface is paved, beautiful area and convenient to town. Located within the UGB. Zoning is **VLDR-1-Rural Residential**.

\$399,900 Price/Acres 1 acres Lot Size Vacant land Property 75 days On Redfin
VLDR-1 Zone "no water" Type

(13)

FOR SALE - ACTIVE

Mt. Top Rd, Newberg, OR 97132

\$424,900 **2.50** Acres (Lot)

About this home (parcel)

Top of the world view. Off of paved road and EZ commute to Intel, Nike, etc. Homesite cleared. New home of your choice to be built by Elk Ridge Homes.

\$169,960 Price/Acres 2.5 acres Lot Size Vacant land Property 3324 days On Redfin

No Utilities Information, Rural Setting Type

(14)

FOR SALE - ACTIVE

N College St, Newberg, OR 97132

\$270,000 **0.54** Acre (Lot)

About this home (parcel)

Welcome to Newberg! This .54 acre lot is conveniently located to multiple amenities and has ample space for your dreams! Property is located behind the home addressed 3509 N College, please refer to property lines and map.

\$500,000 Price/Acres 0.54 acres Lot Size Vacant land Property 213 days On Redfin

Very Little Information Provided, Inside City Type

This is a long very narrow lot

(15)

27010 NE Neill Rd,

Newberg, OR 97132

\$299,000 **1.90** Acres (Lot)

About this home (parcel)

This property is perfect for those seeking a private retreat, a vacation home, or a new place to settle in the beauty of nature. Imagine a cottage or a small log cabin nestled in the trees. Don't miss the opportunity to own this **1.9-acre property** nestled atop the serene hills of Newberg! Equipped with a well, **septic system**, and electrical already on-site, this property is ready for your vision to come to life. Approximately half of the land is level, featuring a **concrete slab** from a previous manufactured home, along with a level driveway, and storage shed on site. The remaining acreage is sloped, offering lush greenery - even has a seasonal creek meandering through the property. Tucked away in a picturesque part of Newberg, you'll enjoy peace and tranquility while remaining close to town, the heart of Oregon wine country, and countless outdoor adventures. RV on site will be removed or could be negotiated.

\$157,368 Price/Acres 1.9 acres Lot Size Vacant land Property 137 days On Redfin

AF-2 Zone, very irregular, narrow shaped lot Type

(16)

PENDING ON MAR 23, 2025

30875 NE Canter Ln, Sherwood, OR 97140

\$719,000 1.64 Acres (Lot)

About this home (parcel)

A rare opportunity to build your custom dream home on this large lot with a terrific view of mountains and valley in a secluded neighborhood between Sherwood and Newberg! Lot has a functional well, a completed Geologic Study and has Septic System approval!

\$38/moHOA Dues \$438,415Price/Acres 1.64 acresLot Size **2 daysOn Redfin**

Type

(17)

FOR SALE - ACTIVE

24201 Wallace Rd, Salem, OR 97304

\$350,000 1.66 Acres (Lot)

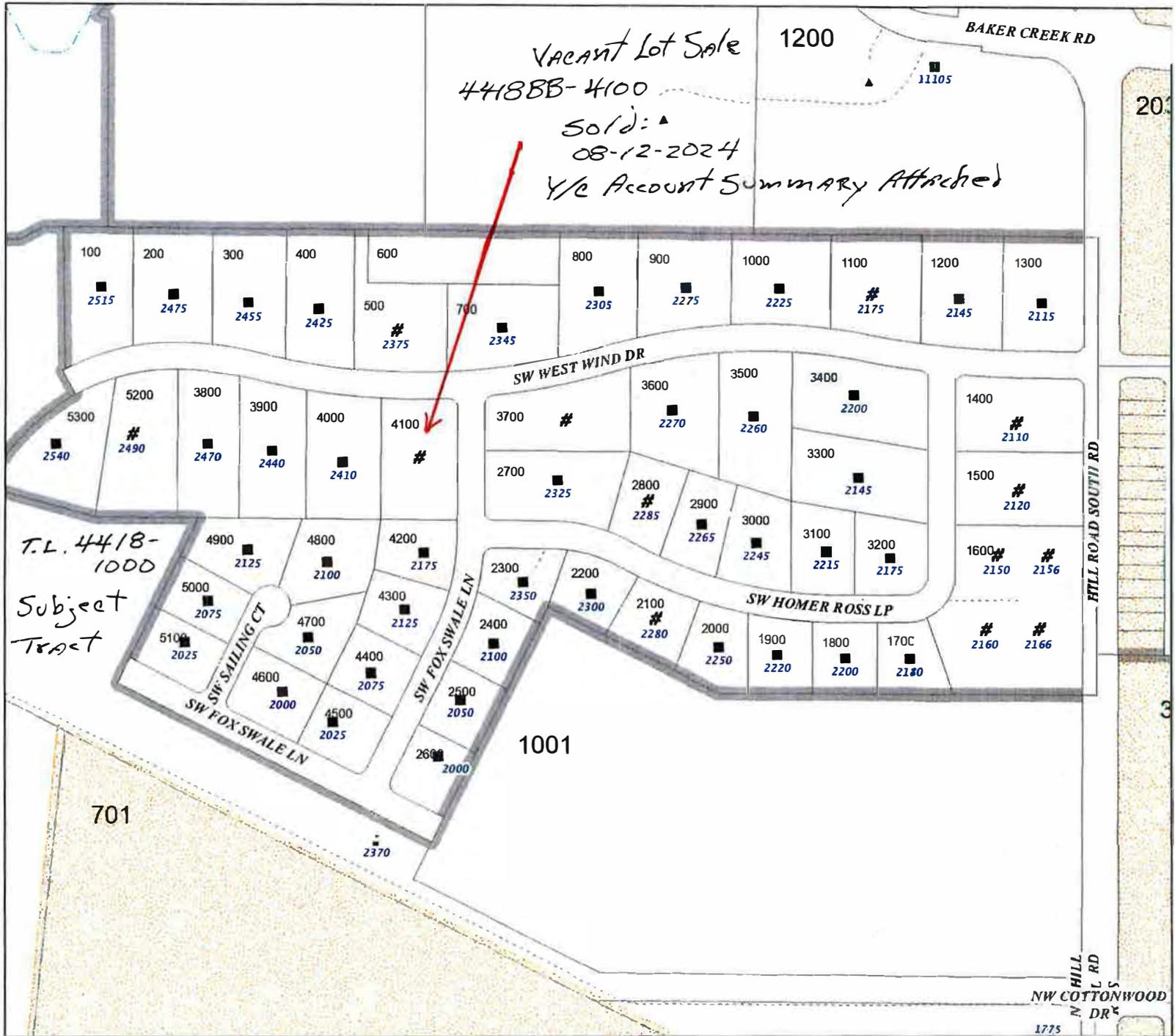
About this home (parcel)

Beautiful buildable rural lot above the Willamette River with views of Mt Hood and Mt Jefferson! Seller is a builder or you can bring your own.

\$210,843Price/Acres 1.66 acresLot Size Vacant landProperty 19 daysOn Redfin

No flood plain information, Rural Setting Type

Exhibit "C"



YAMHILL COUNTY ADDRESSING MAP T4S-R4W SECT. 18B

Last Update: Feb 13, 2024



1 inch = 300 feet

USPS: McMinnville 97128

	31	32	33	34	35	36	
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
	6	5	4	3	2	1	

- Legend**
- Historic Landmark
 - Structures**
 - Use**
 - Apartments
 - Commercial
 - Farm Buildings
 - Hardship Dwelling
 - Industrial
 - Miscellaneous
 - Mobile Home
 - Multi-Family
 - Residential
 - Number
 - CITY



Yamhill County, Oregon

In the heart of the Willamette Valley

535 NE 5th Street
McMinnville, OR 97128
503-434-7521

[Home](#)

[Help](#)

[Login](#)

[Logout](#)

[Property Search](#) > [Search Results](#) > [Property Summary](#)

Property Account Summary

4/29/2025

PDF



Click image above for more information

Account Number	541669	Property Address	
----------------	--------	------------------	--

General Information

Alternate Property #	<u>R4418B 04100</u>
Property Description	<u>Lot 15 in WEST WIND COUNTRY ESTATES</u>
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	40.2
Remarks	

Tax Rate

Description	Rate
Total Rate	12.5182

Property Characteristics

Neighborhood	McMinnville West Wind
Land Class Category	450 Tract EFU Vacant
<u>Account Acres</u>	<u>1.0205</u>
Square Feet	44452.0000
Change Property Ratio	Tract Land

Parties

Role	Name
Owner	
Owner	
Owner	

Related Properties

No Related Properties Found

Property Values

Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
Assessed Value AVR	\$168,023	\$163,129	\$158,378	\$153,765	\$149,286
Exempt Value EAR					
Taxable Value TVR	\$168,023	\$163,129	\$158,378	\$153,765	\$149,286
Real Market Land MKLTL	\$271,544	\$271,544	\$271,544	\$224,685	\$237,384
Real Market Buildings MKITL					
Real Market Total MKTTL	\$271,544	\$271,544	\$271,544	\$224,685	\$237,384
M5 Market Land MKLND	\$271,544	\$271,544	\$271,544	\$224,685	\$237,384
M5 Limit SAV M5SAV					
M5 Market Buildings MKIMP					
M50 MAV MAVMK	\$168,023	\$163,129	\$158,378	\$153,765	\$149,286
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUUse Portion) SAVL					

Active Exemptions

No Exemptions Found

Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

[Installments Payable/Paid for Tax Year\(Enter 4-digit Year, then Click-Here\):](#) 2024

Receipts

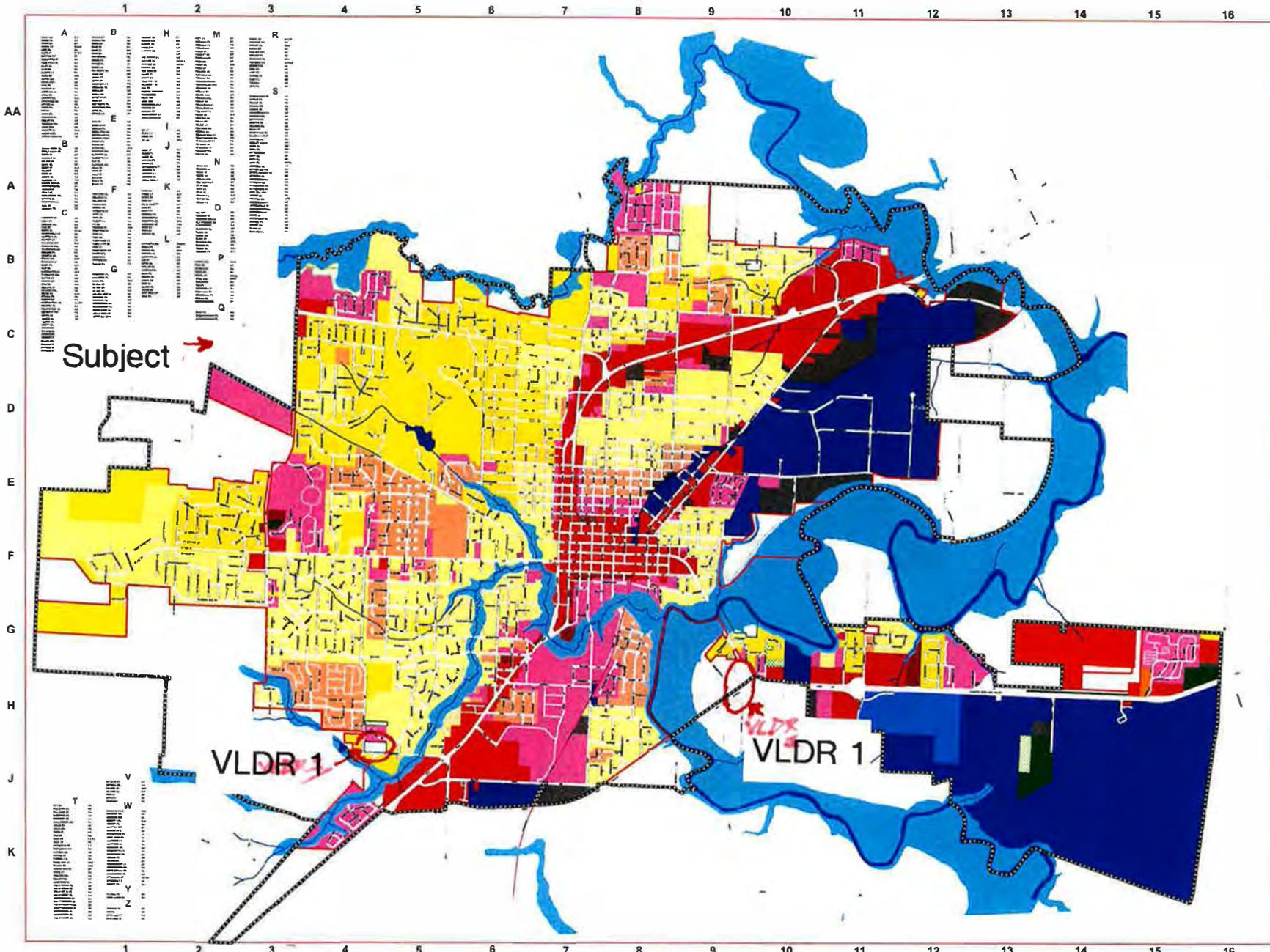
Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/01/2024 00:00:00	1297617	\$1,998.88	\$1,998.88	\$1,886.67	\$0.00
08/16/2024 10:54:00	1290362	\$5,223.86	\$0.00	\$5,119.39	\$0.00
11/29/2023 13:03:00	1283802	\$2,038.02	\$4,956.32	\$4,956.32	\$0.00
11/15/2022 16:28:00	1226083	\$1,827.67	\$1,827.67	\$1,772.84	\$0.00
11/22/2021 00:00:00	1183489	\$1,783.57	\$1,783.57	\$1,730.06	\$0.00
11/17/2020 11:43:00	1131885	\$1,734.15	\$1,734.15	\$1,682.13	\$0.00

Sales History

Sale Date	Entry Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
08/12/2024	08/21/2024	2024-07516	\$450,000.00	279864		S	No
05/01/2024	05/14/2024	2024-03855	\$0.00	278895		S	No
11/18/2020	12/16/2020	2020-20771	\$0.00	265338		S	No
01/31/2014	01/31/2014	2014-01180	\$155,000.00	161247		S	No

City of McMinnville Zoning

Exhibit "D"



Legend

City Zoning

- R-1
- R-2
- R-3
- R-4
- O-R
- C-1
- C-2
- C-3
- M-L
- M-1
- M-2
- A-H
- F-P

County Zoning

- LDR9000
- VLDR-1
- AF-20
- EF-80

City Limits

- Jurisdiction
- City
- County
- UGB



0 1,000 2,000

Last amended September 19...

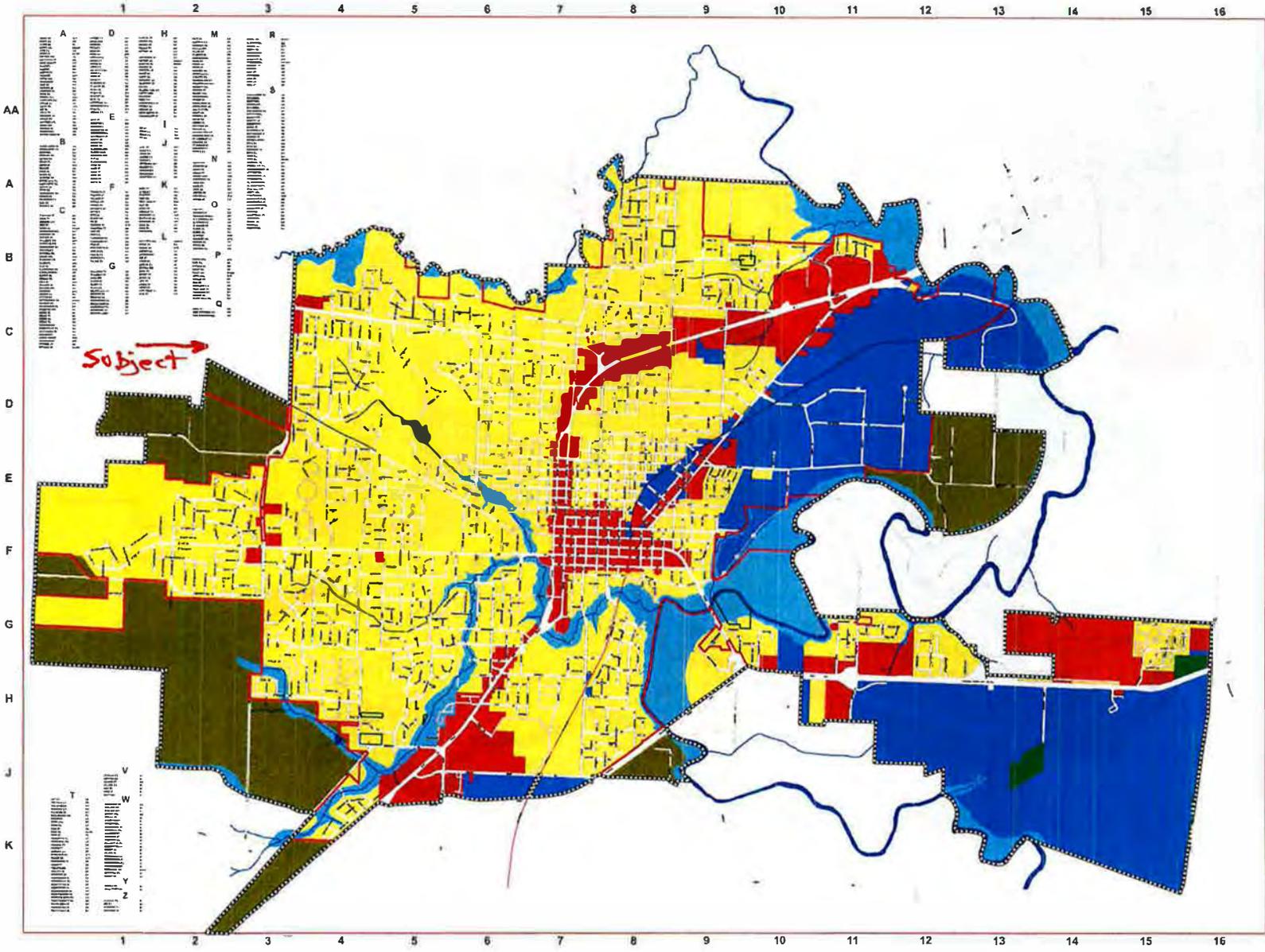
Note:

This map is for pre-plan purposes only. For more information, please call the McMinnville Planning Department at (503) 434-7311.

Planned Development by not identified.

Planning Department
City of McMinnville
231 NE Fifth St
McMinnville, OR 97128
(503) 434-7311

City of McMinnville Comprehensive Plan



Legend
Comprehensive Plan

- Residential
- Urban Holding
- Commercial
- Industrial
- Mixed Use Urban
- Floodplain

Jurisdictions

- City
- County
- Urban Growth Boundary



0 1,000 2,000 4,000 Feet

Last amended September 2022

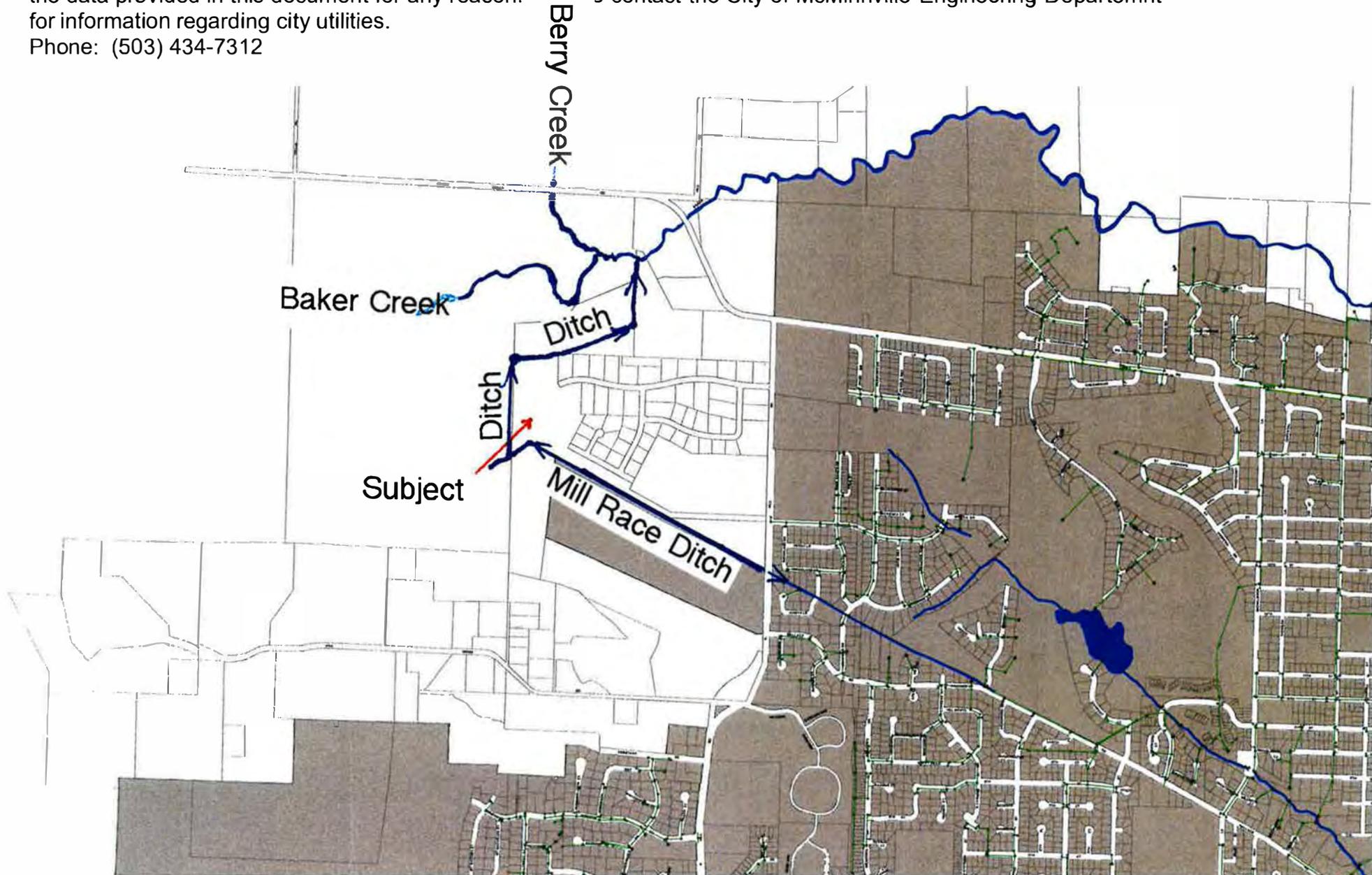
Note:
 This map is for pre-planning purposes only. For more detailed information, please call the McMinnville Planning Department at (503) 434-7311.

Planning Department
 City of McMinnville
 231 NE Fifth St
 McMinnville, OR 97128
 (503) 434-7311

City of McMinnville Storm Sewer Network

The City of McMinnville makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided in this document. The reader should not rely on the data provided in this document for any reason. Please contact the City of McMinnville Engineering Departemnt for information regarding city utilities.

Phone: (503) 434-7312



Message to Planning Department:

Preliminary application

Please review for adequacy and completeness

Specifically, please advise if the comprehensive Plan has been adequately addressed.

Not yet completed but hopefully will be submitted within next 10 days:

Available similar properties analysis

Two more "impracticable to farm" statements (Exhibit 7)

Can you respond(?) if it seems necessary / appropriate to include the Vesting Decision for West Wind Country Estates? It is only referred to once and in passing...

Proposed Subdivision Lots, Total of 14 Lots, acre size shown is approximate

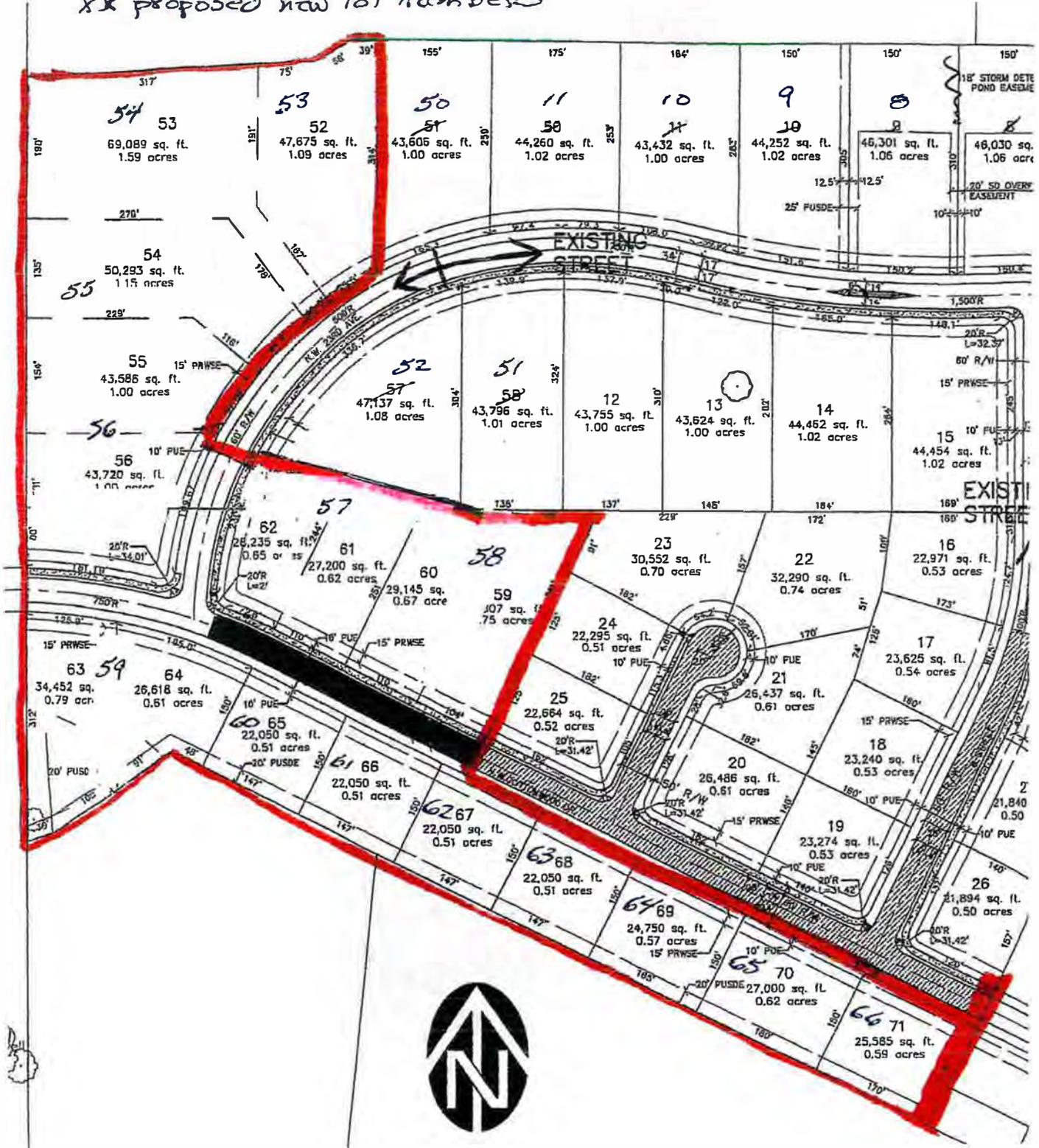
Seven (7) half-acre lots, lots 65 - 71 as shown per map

Four (4) 1.5 acre lots, reconfigured lots 52 - 56 per map, w/ 100' west-side building setback

Two (2) 1.25 acre lots, reconfigured lots 59 - 62 per map

One (1) one-acre lot, reconfigured lots 63 & 64 per map, w/ 40' south-side building setback

xx proposed new lot numbers



Summary of Applications PAZ-01-24 & S-03-24

The Maralynn Abrams Trust is submitting these applications for a site shown as Phase II on the West Wind Country Estates (WWCE) subdivision plat ([Exhibit 1](#), Plat showing Phase II) recorded on November 6, 2007 Instrument No. 20072485, also being Tax Lot 4418-1000. WWCE is a legal, rural-residential subdivision built under the legal, voter initiated Measure 37 process ([Exhibit 2](#), DLCD Order & Staff Report). The Original applied for subdivision ([Exhibit 3](#), Yamhill County Staff Report) encompassed all 67 acres of the then Tax Lots 4418-1000 & 1100 and specified it could be built in two Phases. The current subject site is the remainder of Tax Lot 1000 after the first phase of West Wind Country Estates had been completed. As a result of construction, building the original approved and platted subdivision, the Tax Lot 1000 tract now comprises three parcels divided by road cuts, utility easements, existing live utility services and storm-sewer piping buried in the ground (see [Exhibit 4](#), as-built utilities services maps), with apologies for the small scale of these maps.

The parcels' current approximate sizes & developed characteristics are described as follows:

A strip of land 150 feet wide lying between Cottonwood Drive and a protected historic wet-land ditch (Mill Race Ditch). Much of this parcel has existing buried power, water, gas & communication utilities (full utilities) installed.

Parcel (northwest corner) including storm water services on all sides and full utilities service along its West Wind Drive & south road frontage.

Parcel (middle) abutted on two sides by existing home-sites and the other two sides by road cuts and storm-water services.

The three parcels above are defined by dividing thirty-four foot wide roads & road cuts. including developed road right-of-way and the mandated "emergency ingress & egress", public & private utility easements and existing storm-water infrastructure. Road segments are a total of 3,125' long with approximately half being rockered including the mandated secondary emergency ingress & egress, with the balance excavated and also including rock in some portions.

All above described parcels contain some buried "live": power, water, NW Natural gas and Ziplly fiber-optic & Com-cast cable communications including transformer vaults, meter boxes & risers along with storm sewer piping and manholes ([Exhibit 4](#)). There is an approximately 330' segment of the Cottonwood Drive section that is not currently fully served by power & water, however, by finishing the utility service in this section, both power & water supplies serving the existing West Wind Country Estates subdivision would be fully "looped" as originally engineered. It is established knowledge that looped power adds greatly to reliability, security and safety, as does looped water supplies, including ensuring good water quality by eliminating "dead-end" stagnant segments. Additionally, by finishing the roads as originally platted for Phase II, thereby completing the "loop" on the west end of West Wind Country Estates, said emergency access / escape will serve the entire development better.

There is significant difficulty farming the parcels, including efficiently preparing and harvesting the ground and more particularly the application of necessary, normal practice, herbicides, fungicides and insecticides, because of the irregular shapes and hazards resulting from the criss-cross of existing utilities and roads along with the libelous proximity to extensive high value residential landscaping and residences and given the prevailing wind patterns. To that end, and to ensure this application does not

perpetuate a new "farm vs residences" conflict, the proposed lots abutting Tax Lot 4513-100 will be restricted by seventy-five foot (75') residential building set-backs ([Exhibit 5](#)) along their west property lines. The southerly parcel, that also abuts active farm land has the protected wet-land (Mill Race Ditch) as a natural existing buffer along its entire boundary with that farmland. Additionally, all proposed lots will be encumbered by a required "Right to Farm and Non-remonstrance Agreement" ([Exhibit 6](#)) recording and codifying Oregon Right To Farm protections to all adjacent and nearby farm land and operations.

Because of the inexplicable chaos unprecedented State action against the voter approved Measure had and the resultant Measure 49 somehow opening the door to allow "retroactive" attacks on legally developed and platted Measure 37 subdivisions, many lots within this application are currently fully served by existing paved road access and full utility services but remain un-buildable. These and the other proposed lots within this application remain in a fallow-state, not practical to farm ([Exhibit 7](#)) and not legal (yet) to be home-sites

The lot characteristics, sizes and specific home-sites found within this application and the existing West Wind Country Estates subdivision are an undeniable benefit to the greater McMinnville community and Yamhill County in general. Although not always "politically correct" to espouse, the home-owner demographic that comes with these proposed lots, are people with "economic horsepower", they are among the local people who tend to help keep the lights on down 3rd Street McMinnville. They employ countless businesses and individuals through a disproportionately high level of home improvement and maintenance and landscaping activity, support of the local restaurant and other services industries, local artistic community and more. A community such as McMinnville requires residents from every demographic, that includes those with relatively high disposable income - to continue to provide housing that attracts that particular resident, by finishing West Wind Country Estates, this community benefit will not be avoided, as often seems to be the case in Oregon land-use. On the following page are excerpts from the State DLCDC web-site ([Exhibit 8](#)) that seem to specifically pertain to this application. In its "Mission Statement" it clearly states: ... "help communities plan for, protect and improve the built and natural systems that provide a **high quality** of life. In partnership ... we foster sustainable and **vibrant** communities... ." Local 'High-end-housing' is a vital part of the "high quality" and "vibrant" McMinnville and Yamhill County experience and way of life. As stated above, this demographic ripples disposable income through every local economic activity from the posh wineries to domestic cleaning services and everything in between. West Wind Country Estates uniquely unabashedly strives to support that vital housing type and in-turn, help to bolster the economic base that improves all strata of Yamhill County existence.

Exhibit 8

Excerpts taken from the Oregon Dept. of Land Conservation & Development (DLCD) web-site

MISSION STATEMENT:

The Department of Land Conservation and Development's mission is to help communities plan for, protect, and improve the built and natural systems that provide a high quality of life. In partnership with Oregonians and local governments, we foster sustainable and vibrant communities and protect our natural resources legacy.

DLCD VALUES:

DLCD's work is:

• Adaptive • Collaborative • Equitable • Holistic • Inclusive • Professional • Resourced • Service-focused • Stewardship-focused •

Rural Development:

However, rural development is permitted under certain circumstances. A county decides where rural development should be allowed by following what is called the "exceptions process." Rural residential, recreational, commercial, and industrial zones (in "exception areas") allow development in certain rural areas (see below). All rural development is overseen by the counties.

Exceptions:

Rural land that has physical properties that make it suitable for farm or forest use is generally required to be planned and zoned for those resource uses. In some cases, a county may approve an "exception" to [Statewide Planning Goal 3, Agricultural Lands](#), and/or [Goal 4, Forest Lands](#), to zone land for other uses.

The most common reason for "taking an exception" is that the land is "physically developed" or "irrevocably committed" to non-farm and non-forest uses. Think of a rural residential neighborhood or a crossroads store that existed before the statewide planning goals took effect. If an area is shown to be committed to non-resource use, infill development is permitted at a rural scale. Outward expansion of development would require a new exception. Zoning of these exception areas must limit uses to those that are the same as existing uses (for example, commercial zoning for a store) or compatible rural uses.

A county can also take an exception to Goal 3 and Goal 4 if there is a strong reason those goals should not apply. In this case, the county must look at compatibility of the proposed use with existing adjacent uses and compare the long-term land use effects of placing the proposed use in the proposed location versus other locations. Zoning of a "reasons" exception area must limit allowed uses to those used to show that the exception is justified.

Other goals, in addition to Goal 3 and Goal 4, may be subject to an exception. For example, a county must take an exception to Goal 14, Urbanization, in order to allow an urban use on rural land.

660-004-0018

Planning and Zoning for Exception Areas

Application for a Zone Change and Subdivision of a Tract of land described as Yamhill County Tax Lot 4418-1000 (subject tract) for urban type rural-residential home-sites on lots ranging in size from half-acre to over one acre. Approval of this application will complete all phases of the original engineered and approved plat of West Wind Country Estates, attached as (Exhibit 1). Said built subdivision and plat made possible by the Measure 37 approval and the subsequent Yamhill County approval (Exhibits 2 & 3).

Criteria:

Goal 2 Exception Process, OAR 660-004

Tax Lot 4418-1000 is a tract of land, not currently being farmed, that has no agricultural water right and does not receive special farm tax deferral, see (Exhibit 9) "Property Account Summary", (Please note: the subject tract is classified as "*Tract Residential Vacant*"). The subject tract is divided into three relatively small, irregular shaped parcels by existing roads and road excavation (cuts) and installed utility services along with Public Utility Easements (PUE), see (Exhibit 4). The subject tract is also adjacent to existing urban-type rural residential housing with extensive landscaping improvements, all being on the leeward (down-wind) side of the subject tract. The subject tract is also adjacent to a parcel within the City of McMinnville's boundary and owned by the McMinnville School District No. 40, said parcel is reserved to accommodate the community's next high school.

Attached (Exhibit 7) are signed statements from the local agricultural industry declaring the subject tract un-farmable due to existing utilities and road cuts, irregular parcel shapes and proximity conflicts with neighboring residences and uses, OAR660-04-028(3).

For the above reasons, Tax Lot 4418-1000 should be determined "Irrevocably Committed" to residential development and valid "Reasons Exception Land".

Particular attention needs to address the following:

OAR 660-004-0028(6)(c) *'prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception for nearby property.'*

The existing development on Tax Lot 4418-1000 and the rural residential uses on the adjacent West Wind Country Estates subdivision were legally approved, allowed and constructed through the Measure 37 process prior to November 07, 2007. In (Exhibit 2), it clearly states in the applicable State Final Order No. M118918, Order(1) "... the State of Oregon will not apply the following laws ... those provisions of Statewide Land Use Planning Goal 3, applicable provisions of ORS 215.780, and OAR chapter 660, division 33, that restrict the requested use of the subject property", said "subject property" being all of "Tax lots 4513-100, 4418-1000, and 4418-1100, T.4S, R.4W, Sections 13 and 18, W.M. Yamhill County."

Furthermore: Since the development stated above was completed under the sole authority of the Measure 37 waiver, and that waiver explicitly removed all restrictive authority of Goal 3 and ORS 660 (Statewide Land Use Planning Goal 3, applicable provisions of ORS 215.780, and OAR chapter 660, division 33) the development was not "pursuant" to the statewide land use goals per OAR 660-004-0028(6)(c) - the applicable goals did not apply, so how, in reality, can the development be "Pursuant" to them? (Legal definition of "*Pursuant to*": Pursuant to is a legal term that signifies conformity, action, or compliance with a particular law, regulation, agreement, or order. FitterLaw.com)]. This particular waiver essentially "rolled back" the land-use criteria to pre-Goal standards.

However, past actions dictate that certain agencies and private groups might take exception to this "Reasons Exception", indeed, that somehow, we are supposed to with blind faith to our centralized

land-use bureaucracy, pretend that legally completed development "pursuant" to the voter approved and State Supreme Court approved, Measure 37 Waiver process - somehow is not worthy of equal acknowledgment by the State Land Use system and by that reasoning, we should all pretend that actual "exception" land is not really exception land and as such, that land should remain in an inexplicable unproductive limbo...

Please keep in mind, this application's subject Tax Lot 4418-1000, as it exists today, is not just adjacent to the existing, very real and legally vested Measure 37 rural residential subdivision, it's also, part of the very same Measure 37 developed land, legally built on, pursuant to the waiver, before November 07, 2007.

It is also vital to understand that development of the above described 67 acres, including the current subject tract, was performed in good faith as witnessed by the statement on page 1 of Exhibit 2, the cover page to the DLCD Final Order, dated June 03, 2005: "*This Final staff Report and Recommendation and the Final Order constitute the final decision on this claim. No further action will be taken on this matter*". Page one of the Staff Report (page 5 of Exhibit 2) explains that the waiver allows the claimant to: "divide the property ... for residential development...". Irrevocable construction and installation of infrastructure on the subject tract was timely performed and completed, prior to November 06, 2007 under the "Final" assurance described above.

Addressing **OAR 660-04-0018(2)** "to limit use on the property within the exception area to ensure that the exception does not tend to commit adjacent and nearby resource lands to non-resource uses", please see (**Exhibits 5 & 6**) "Right to Farm Non-remonstrance Agreement" and "Agriculture Buffer-Zone Building Set-back Requirements", also please recognize the existing and historic open ditch storm water system that borders the subject tract on all three sides adjacent to farm land, these protected waterways provide a very real physical "buffer-zone" to adjacent lands (**Exhibit 4**).

Goal 14 Urban Development on Undeveloped Rural Lands (Exhibit 10**)**

Specifically, 660-014-0040(1)(2)(3)(a)(b)(A)(c)(B) are all satisfied by specific facts and reasons listed above describing the Goal 2 Exception standards.

660-014-0040(3)(d) As shown throughout this application, "public services" utilities are already existing on the subject tract and in fact, a primary reason the exception designation is needed and justified. There will be no impact or obligation for public expenditure of resources providing service to the subject tract, all necessary utility services (including: power, water, gas and communications) are currently on-site and is privately funded, completing the road system is privately funded and all sewer service will be individual on-site private systems.

Transportation Planning Rule, OAR 660-012-0060, approval of this application will finish segments of an existing platted road system on the subject tract, that also serves the existing West Wind Country Estates subdivision. Said road segments are substantially constructed as they exist today. Additionally, please see (**Exhibit 11**), Lancaster Eng. Traffic Study, this study was performed assuming 77 total lots (page 1), if this application is approved the subject area will finish out with 69 lots, approximately 90% of the study assumption. The study also assumed the "Hill Road High School would be operating on the adjacent Tax Lot 4418-701 (page 3). The study used "Traffic volumes for year 2025 traffic conditions" (page 3). The study "Summary" (page 4) states: "*No significant impacts to public health and safety are anticipated in conjunction with the proposed residential subdivision. The site access intersections are expected to operate safely and efficiently upon build-out of the subdivision, and will continue to operate safely through the planning horizon year. No mitigations are recommended.*"

It should be noted, that Hill Road has been significantly improved since this study was completed, including a left turn lane into the subject tract's road system and round-a-bouts at the "access intersections" and that the anticipated High School is still not built or operating, these are all factors

that reinforce concluding the current transportation system, relative to this application, is more than adequate.

Tax Lot 4418-1000 is a truly unique tract of land relative to the Oregon land use system. It was encumbered by (very real) development infrastructure along with, and concurrent with, the adjacent rural residential subdivision that is dependent on that infrastructure, all under the same Measure 37 waiver approval, performed and completed prior to November 06, 2007. The approved subdivision conditions, engineered plans, traffic and other studies, excavation, infrastructure installation, subsequent approvals and fees, infrastructure expenditures, Final Plat approval and more, were all necessary tasks completed in good faith. Tax Lot 1000 very accurately is labeled as Phase II on the legally valid and recorded West Wind Country Estates plat dated November 06, 2007, and it shows the Public Utility Easements and road ways crossing the subject tract, please see the attached engineered plans showing the installed utilities and storm sewers, (**Exhibit 4**).

Tax Lot 1000 is not just adjacent to (legally) developed land, it is (legally) developed land, irrevocably developed and committed land.

EXHIBIT INDEX

- "1" West Wind Country Estates Plat, dated 11-06-2007
- "2" Measure 37 State of Oregon_DLCD
- "3" County Measure 37 & Subdivision Staff Report
- "4" Utilities as existing, maps
- "5" Set-back requirement, next to farmland
- "6" Right to Farm_non-remonstrance agreement
- "7" Impracticable to Farm testimonials
- "8" DLCD Mission / Operation Statements
- "9" Tax Lot 4418-1000 Assessor "Property Account Summary"
- "10" OAR 660-014-0040 & OAR 660-015-0000(2)
- "11" Lancaster Engineering Traffic Study
- "12" Adjacent Existing Homes "Days on Market sales Analysis

Also Attached: Additional Miscellaneous Supporting Maps

West Wind Country Estates

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A Subdivision in the
W 1/2 Section 18 T. 4 S., R. 4 W., WM.,
Part of the T.J. Shadden Certificate Claim
Yamhill County, OR
Date: 12 October, 2007
Docket No. S-05-05

Newberg

Surveying

Scale: 1" = 200'

Legend

- = 5/8" X 3/32" iron rod cast with yellow plastic cap marked "Newberg 2007" flush to 0.2" down unless otherwise stated
- = 6/8" X 3/32" iron rod cast with aluminum cap marked "Newberg 2007" flush to 0.2" down unless otherwise stated
- = monument found, flush to 0.2" down, origin stated if known, in good condition unless otherwise stated
- ⊙ = Yamhill County iron pipe and brass cap as noted, in good condition unless otherwise stated
- 1/2" w/yo = iron rod found in this survey
- w/yo = with yellow plastic cap marked as noted
- w/pc = with red plastic cap marked as noted
- w/alcap = with aluminum cap marked as noted
- (.....) = record date as noted
- (.....) = record date CSP-4964 & F.V. Pg. 620
- R/W = road right of way as noted
- L=XXX = length of arc along curve
- sf = square feet
- private easements as noted:
 - S.S.E. Private Sanitary Sewer Easement
 - A.E. Private Access Easement
 - S.D.E. Private Storm Drainage Easement
 - L.S.E. Private Landscape Easement
 - U.E. Utility Easement
- = roadway centerlines

INDEX

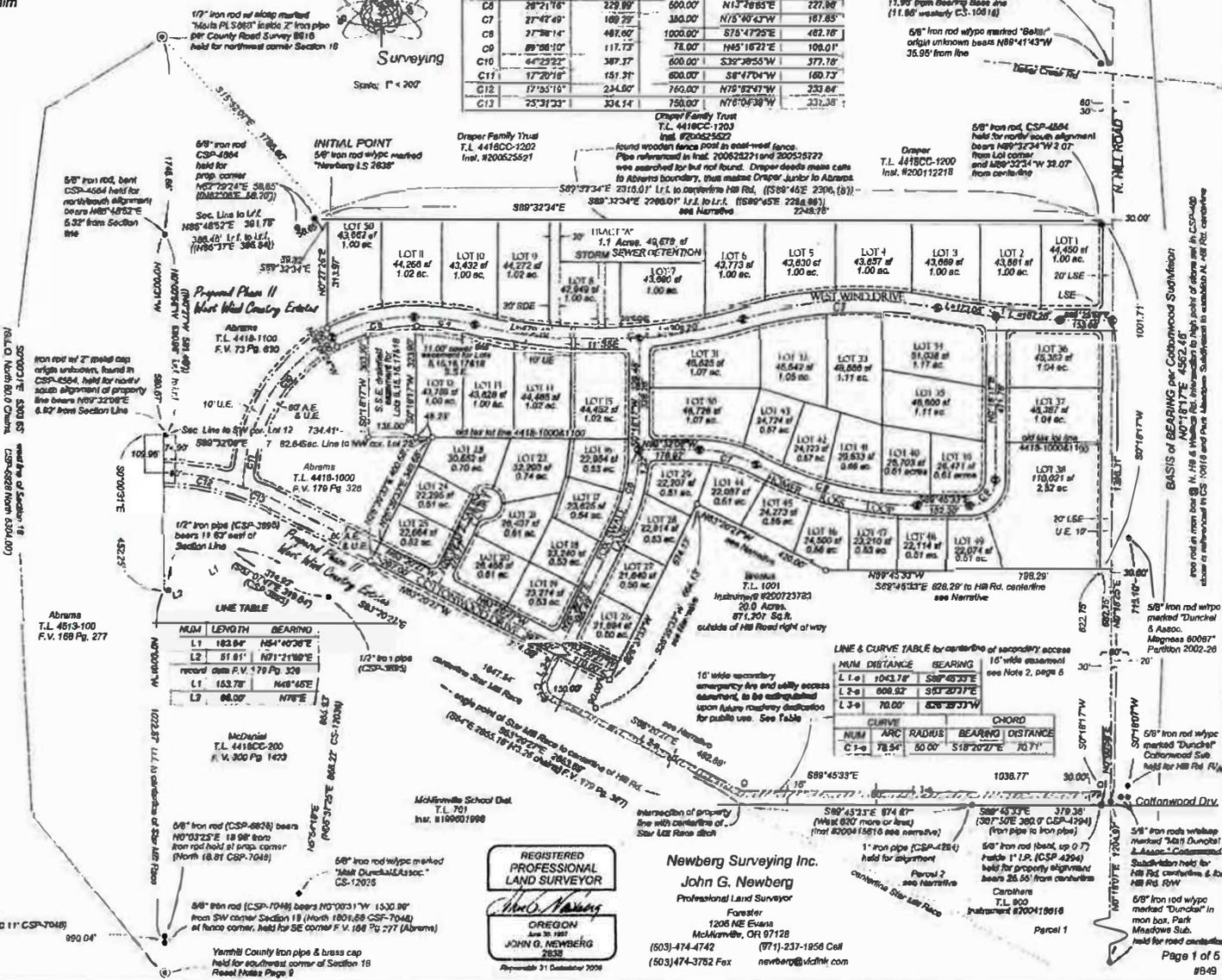
- Page 1.....Boundary Survey & overview of complete subdivision
- Page 2.....East Half of Subdivision showing lot dimensions and detail of entrance
- Page 3.....West Half of Subdivision showing lot dimensions and utilities & easements extending across adjoining land to the west
- Page 4.....Detail of Wastewater Easements Curve Table of property lines for all lots 1 - 60
- Page 5.....Surveyor's Certificate Acknowledgments Narrative Note

CURVE TABLE for centerline road					
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	10°19'19"	360.91'	2000.00'	S84°15'18"W	369.82'
C2	37°06'37"	867.78'	1700.00'	S87°20'06"W	662.60'
C3	30°04'31"	787.30'	1800.00'	N88°48'50"E	778.30'
C4	13°30'36"	178.16'	760.00'	N82°57'00"W	177.74'
C5	28°23'57"	247.83'	500.00'	S76°02'34"W	246.30'
C6	28°21'16"	229.89'	500.00'	N17°38'53"E	227.98'
C7	27°47'49"	180.29'	380.00'	N75°40'47"W	187.85'
C8	37°38'14"	487.60'	1000.00'	S76°47'25"E	482.78'
C9	88°38'10"	117.73'	78.00'	N45°16'22"E	108.01'
C10	64°23'22"	387.37'	600.00'	S33°35'55"W	377.76'
C11	17°20'18"	151.31'	600.00'	S8°47'04"W	160.73'
C12	17°25'16"	234.60'	760.00'	N78°32'41"W	233.84'
C13	23°31'33"	334.14'	750.00'	N76°04'30"W	331.38'

High point of stone monument as BK12K24 stone set in CSP-485 marked the NW corner of the portion of the T.J. Shadden Claim sold to Hibbs & Biron Iron Road marked "Barber" (CS-10818) bears N1°34'05"W 1.22' from stone
5/8" iron rod (CSP-8512) bears 378°58'12"E 1.20' from stone

5/8" iron rod w/yo marked "Pawnee" (CSP-8612) bears N89°41'43"W 11.90' from bearing stone set (11.86' westerly CS-10516)

5/8" iron rod w/yo marked "Sells" origin unknown bears N89°41'43"W 36.95' from line



Draper Family Trust
T.L. 4418CC-1203
Inst. #20052521

Draper Family Trust
T.L. 4418CC-1200
Inst. #200112218

Draper Family Trust
T.L. 4418CC-1200
Inst. #20052522

Draper Family Trust
T.L. 4418CC-1200
Inst. #200112218

Draper Family Trust
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T.L. 4418CC-1200
Inst. #200112218

Draper Family Trust
T.L. 4418CC-1200
Inst. #20052522

NUM	LENGTH	BEARING
L1	183.84'	N54°40'26"E
L2	51.61'	N71°21'50"E
L3	163.78'	N48°45'E
L4	66.00'	N76"E

LINE & CURVE TABLE for opening of easement					
NUM	DISTANCE	BEARING	CHORD		
L-1	1043.71'	S89°45'23"W	1038.77'		
L-2	608.92'	S67°20'37"E	602.71'		
L-3	70.00'	S28°39'33"W	70.00'		

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 18, 1981
JOHN G. NEWBERG
2838

Revised 21 September 2008

Newberg Surveying Inc.
John G. Newberg
Professional Land Surveyor

Forester
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McMinnville, OR 97128
(503) 474-4742 (503) 474-3762 Fax
(503) 237-1856 Cell newberg@victor.com

Exhibit 1

West Wind Country Estates

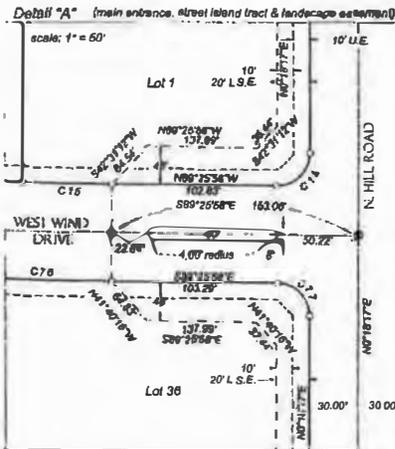
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Yamhill County, OR
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Draper Family Trust
T.L. 4418CC-1203
Insl. #200626522

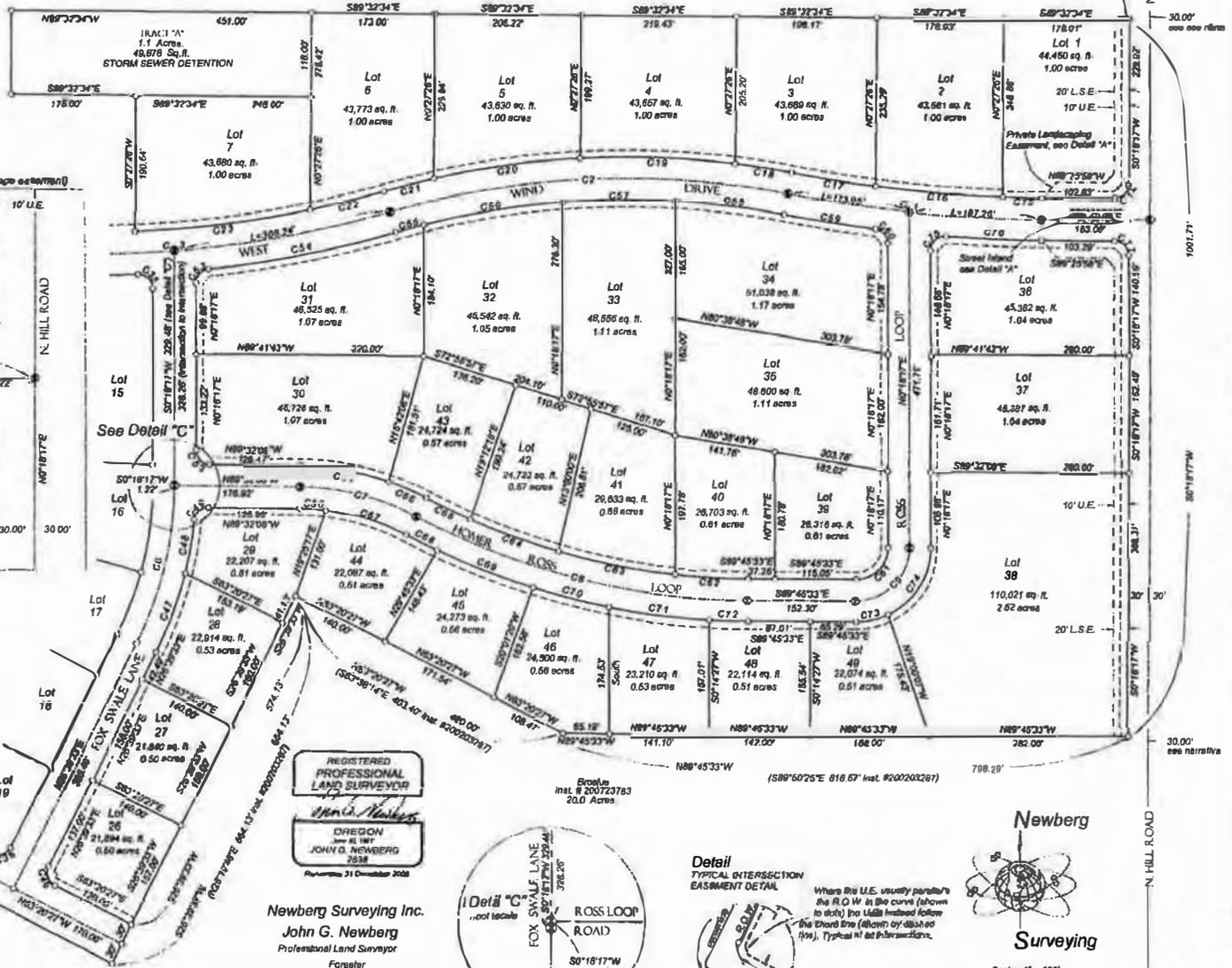
Draper
T.L. 4418CC-1200
Insl. #200112218

66" iron rod, CSP-4564
held for north-south alignment
bearing N89°32'34"W 2.07'
from property corner



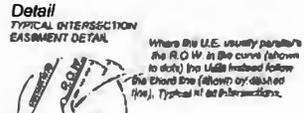
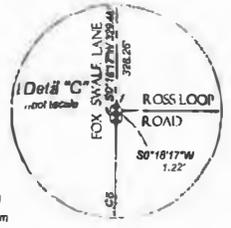
Legend

- ⊖ = 60" x 30" iron rod set with yellow plastic cap marked "Newberg LS 2838", flush to 0.2" down unless otherwise stated
- ⊙ = 60" x 30" iron rod set with aluminum cap marked "Newberg LS 2838", flush to 0.2" down unless otherwise stated
- ⊙ = monument found, flush to 0.2" down, origin stated if known, in good condition unless otherwise stated
- ⊙ = Yamhill County iron pipe and brass cap as noted, in good condition unless otherwise stated
- ℓ.r.l. = iron rod found in this survey
- w/y/c = with yellow plastic cap marked as noted
- w/r/c = with red plastic cap marked as noted
- w/a/c = with aluminum cap marked as noted
- (.....) = record date as noted
- (l.....) = record date CSP-4564 & F.V. 73 Pg 830
- R/W = road right of way as noted
- L = XXX = length of arc along curve
- - - - - = private easement as noted
- S.S.E. = Private Sanitary Sewer Easement
- A.E. = Private Access Easement
- S.D.E. = Private Storm Drainage Easement
- = U.E. = Utilities Easement
- - - - - = roadway centerline
- - - - - = L.S.E. = Private Landscape Easement



REGISTERED
PROFESSIONAL
LAND SURVEYOR
John G. Newberg
OREGON
June 18, 1911
JOHN G. NEWBERG
7638
Expires 31 December 2008

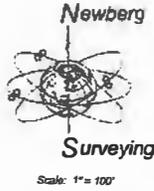
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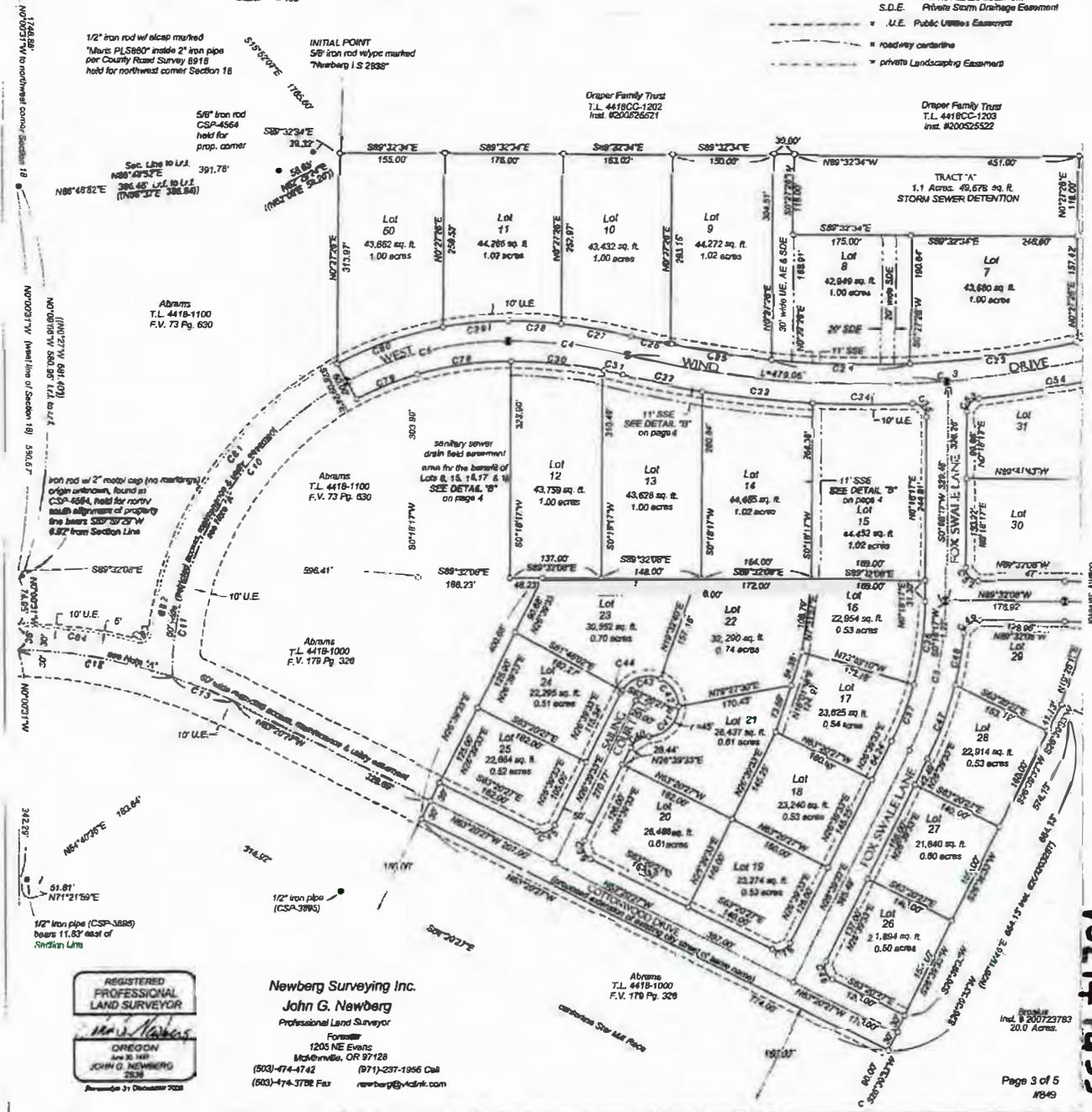


Scale: 1" = 100'

NOTE "A" The roadways shown crossing lands described in F.V. 73 Pg. 630 and F.V. 179 Pg. 326 are part of an engineered master plan allocating areas for 21 lots in Phase 2 West Wind Country Estates when the parcels are fully developed. Prior to Phase 2 occurring, the roadways are easements for public and private utilities for the purpose of access, construction and maintenance for the benefit of the water system and electrical services providers for West Wind Country Estates. Said easements are to be terminated at such time as said Phase 2 is constructed and/or said roadways are dedicated to the public.

CURVE	U.E. OUTSIDE SUBDIVISION		
	CHORD	CHORD	CHORD
C81	492.05'	535.00'	539°13'27"W 1 418.03'
C82	26.61'	15.00'	155°42'37"E 22.54'
C84	182.45'	785.00'	N82°11'03"W 182.04'

- Legend**
- = 5/8" X 30" iron rod set with yellow plastic cap marked "Newberg LS 2639", flush to 0.2" down unless otherwise stated
 - = 5/8" X 30" iron rod set with aluminum cap marked "Newberg LS 2639", flush to 0.2" down unless otherwise stated
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 - l.r.l. = iron rod found in this survey
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 - w/r/p/c = "with red plastic cap" marked as noted
 - w/a/l/c/a/p = "with aluminum cap" marked as noted
 - (---) = record date as noted
 - (---) = record date CSP-4954 & F.V. 73 Pg. 630
 - R/W = road right of way as noted
 - L = XXX = length of arc along curve
 - Private easement as noted
 - S.S.E. Private Sanitary Sewer Easement
 - A.E. Private Access Easement
 - S.D.E. Private Storm Drainage Easement
 - U.E. Public Utilities Easement
 - road/corridor centerline
 - private Landscaping Easement



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 10/4/07

West Wind Country Estates

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DETAIL "B"
CURVE TABLE for centerline of 10' wide
easement granted from F.V. 73 Pg. 630
to Lots 8, 16, 17 & 18

NUM	DISTANCE	BEARING
L8	29.09'	S0°18'17"W
L9		
L7		S0°18'17"W

DETAIL "B"
CURVE TABLE for centerline of 11' wide
easement granted from F.V. 73 Pg. 630
to Lots 8, 15, 16, 17 & 18

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C-8-1	0°18'54"	8.80'	1174.19'	N89°32'08"W	8.80'
C-8-2	0°17'45"	108.69'	757.57'	S89°32'08"W	108.69'

DETAIL "B"

Wastewater on site treatment, access and installation easements (per OAR 340-71-130) granted by F.V. 73 Pg. 630 for the benefit of Lots 8, 15, 16, 17 & 18 of West Wind Country Estates as shown hereon. Also showing the 11 foot wide sanitary sewer utility easement across Lots 12, 13, 14, 15, 16 & 17 (per OAR 340-071-0130) dedicated for the installation and maintenance of the sub-surface transmission lines servicing each lot granted said wastewater treatment easement from F.V. 73 Pg. 630.

Newberg Surveying Inc.
John G. Newberg
Professional Land Surveyor

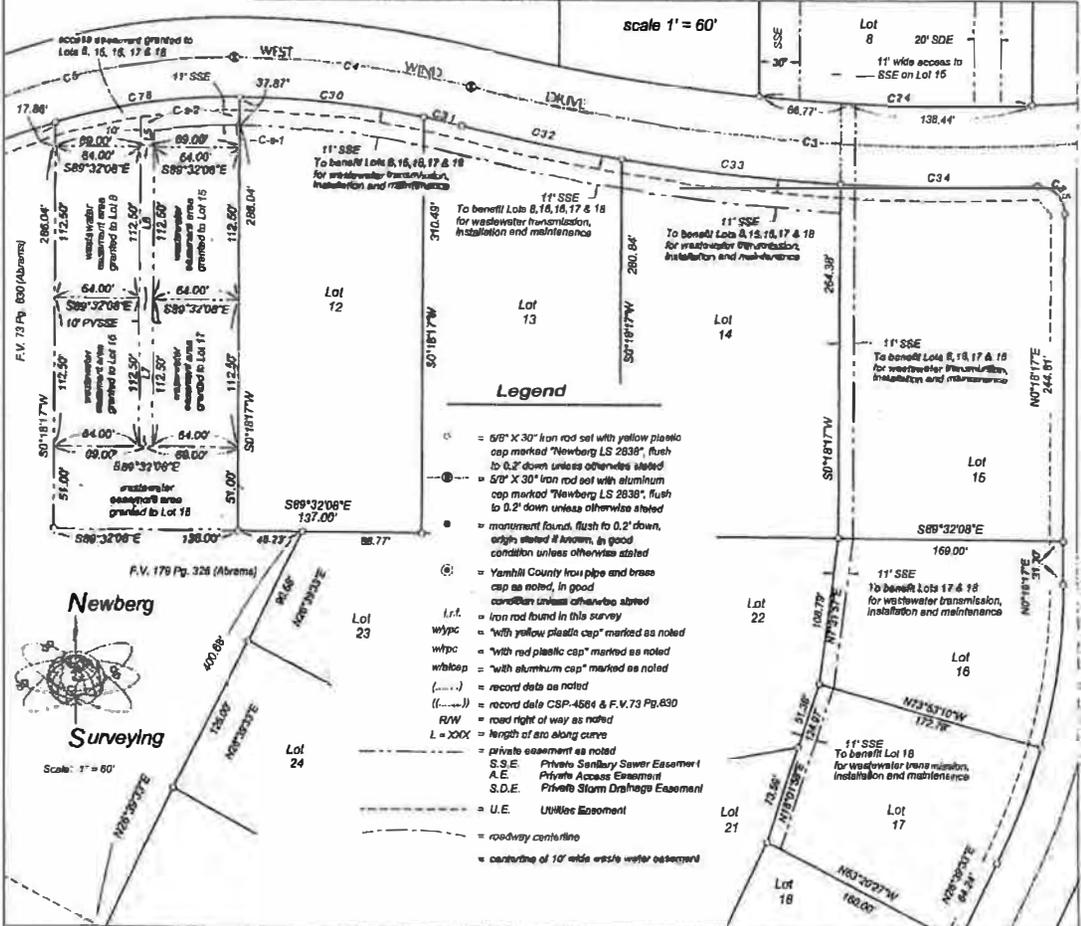
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CURVE TABLE PROPERTY LINES LOTS 1 - 50

LOT	NUM	DELTA	ARC LENGTH	RADIUS	BEARING	DISTANCE
1	C18	60°18'42"	31.67'	30.00'	N42°27'16"E	28.35'
1	C18	1°37'18"	86.76'	1972.00'	S89°37'19"E	86.76'
2	C16	0°12'18"	179.51'	1978.00'	S89°12'02"E	179.48'
3	C17	3°28'48"	119.87'	1974.00'	S89°01'01"E	118.82'
3	C19	3°45'55"	80.84'	1230.00'	N89°59'26"W	80.82'
4	C19	10°14'18"	219.80'	1230.00'	N89°38'43"W	218.57'
5	C20	8°47'11"	204.72'	1230.00'	S89°01'26"W	204.47'
8	C21	3°22'57"	72.52'	1230.00'	S75°28'17"W	72.61'
8	C22	4°08'28"	106.32'	1470.00'	N78°51'07"E	106.30'
7	C23	9°41'12"	248.83'	1470.00'	N82°48'02"E	248.73'
9	C24	7°57'54"	205.21'	1470.00'	S88°32'21"E	203.04'
9	C25	0°54'22"	151.88'	1470.00'	S89°26'12"E	151.51'
10	C26	2°20'07"	59.92'	1470.00'	S79°18'54"E	59.91'
10	C27	7°47'00"	106.00'	780.00'	N80°02'26"W	106.01'
11	C28	0°49'27"	78.29'	780.00'	N80°00'42"W	78.25'
11	C29	10°31'53"	87.44'	830.00'	S84°09'37"W	87.28'
12	C30	10°08'28"	137.80'	730.00'	N83°05'47"W	137.88'
13	C31	2°19'38"	290.07'	720.00'	N77°18'16"W	290.02'
13	C32	4°34'11"	122.02'	1530.00'	S78°25'52"E	122.00'
14	C33	0°10'37"	184.85'	1830.00'	S89°48'20"E	184.87'
14	C34	8°32'48"	148.10'	1830.00'	S89°40'02"E	148.04'
16	C35	0°44'42"	32.37'	30.00'	N42°27'16"E	28.95'
16	C36	10°11'37"	124.68'	470.00'	N79°34'18"E	124.31'
17	C37	11°08'16"	91.81'	470.00'	N71°04'54"E	91.38'
17	C38	80°00'00"	31.42'	20.00'	N71°30'33"E	28.28'
20	C39	80°00'00"	31.42'	20.00'	S16°20'27"E	28.28'
21	C40	62°10'48"	32.50'	30.00'	S87°44'07"W	30.88'
21	C41	0°30'21"	68.77'	48.00'	N44°28'11"E	62.80'
22	C42	08°17'08"	62.01'	45.00'	N83°00'33"W	48.16'
23	C43	81°44'19"	64.20'	45.00'	S72°34'47"W	58.89'
24	C44	0°04'48"	4.86'	45.00'	S29°01'38"W	4.90'
26	C45	80°00'00"	31.42'	20.00'	N71°30'33"E	28.28'
26	C46	80°00'00"	31.42'	20.00'	S16°20'27"E	28.28'
28	C47	1°48'33"	119.89'	630.00'	N83°18'16"E	118.24'
28	C48	8°28'34"	76.10'	530.00'	N79°34'12"E	78.00'
29	C49	85°03'28"	38.90'	20.00'	S41°59'09"W	27.04'
29	C50	0°38'51"	38.64'	320.00'	N86°12'42"W	38.82'
30	C51	18°10'58"	127.23'	380.00'	N79°08'26"W	128.83'
30	C52	88°47'34"	28.80'	20.00'	S40°30'30"E	27.22'
31	C53	83°32'48"	28.16'	20.00'	S47°04'46"W	26.86'
31	C54	170°21'4"	288.92'	1830.00'	N78°48'08"E	288.88'
31	C55	1°58'00"	40.54'	1170.00'	S74°48'21"W	40.52'
32	C56	9°47'11"	198.48'	1770.00'	S80°37'30"W	198.25'
33	C57	7°02'32"	180.14'	1170.00'	S89°24'22"W	180.02'
34	C58	7°33'43"	164.42'	1170.00'	N82°53'30"W	164.31'
34	C59	3°41'22"	130.72'	2030.00'	S87°07'18"E	130.70'
34	C60	81°06'17"	29.01'	20.00'	N41°14'53"W	26.53'
36	C61	89°38'01"	70.64'	45.00'	N48°16'27"E	63.60'
40	C62	0°04'48"	102.84'	970.00'	S89°53'08"E	102.88'
41	C63	0°08'56"	188.44'	970.00'	S78°42'18"E	184.22'
41	C64	7°49'12"	132.40'	970.00'	S89°46'10"E	132.20'
43	C65	4°05'14"	69.20'	970.00'	S83°51'58"E	68.18'
43	C66	0°31'50"	66.68'	380.00'	N68°05'14"W	56.53'
44	C67	31°05'58"	117.94'	320.00'	N77°29'17"W	117.18'
44	C68	2°42'54"	48.81'	1030.00'	S63°11'48"E	48.81'
46	C69	0°02'17"	145.48'	1030.00'	S67°34'57"E	145.23'
46	C70	0°08'52"	109.52'	1030.00'	S78°41'07"E	108.87'
47	C71	7°57'20"	143.00'	1030.00'	S82°49'14"E	142.81'
48	C72	3°03'38"	84.02'	1030.00'	S87°12'44"E	83.01'
49	C73	26°18'47"	46.38'	105.00'	N77°30'04"E	46.01'
36	C74	64°37'23"	118.13'	105.00'	N02°30'09"E	112.25'
36	C75	94°06'13"	32.84'	20.00'	S47°20'34"W	28.27'
36	C76	3°48'28"	136.50'	2030.00'	S87°31'14"E	135.46'
36	C77	89°44'17"	21.32'	20.00'	N44°02'40"W	18.72'
37	C78	17°03'18"	138.80'	470.00'	S82°12'32"W	138.39'
37	C79	11°30'37"	97.16'	470.00'	S87°45'54"W	94.99'
50	C80	17°52'00"	165.28'	630.00'	S70°05'38"W	164.82'





Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

June 3, 2005



Maralynn Abrams
12477 Southwest Baker Creek Road
McMinnville, Oregon 97128

Re: Ballot Measure 37 Claim Number M118918

Claimant: Maralynn Abrams

Dear Ms. Abrams:

Enclosed, in regard to the above-referenced claim for compensation under Ballot Measure 37 (Chapter 1, Oregon Laws 2005), are the Final Staff Report and Recommendations of the Department of Land Conservation and Development and the Final Order.

This Final Staff Report and Recommendations and the Final Order constitute the final decision on this claim. No further action will be taken on this matter.

Thank you for your courtesies.

Yours very truly,

LANE SHETTERLY
Director

Enclosure

BEFORE THE DEPARTMENT OF ADMINISTRATIVE SERVICES, THE DEPARTMENT
OF LAND CONSERVATION AND DEVELOPMENT OF THE STATE OF OREGON

IN THE MATTER OF THE CLAIM) FINAL ORDER
FOR COMPENSATION UNDER) CLAIM NO. M 118918
BALLOT MEASURE 37 (CHAPTER)
1, OREGON LAWS 2005) OF)
Maralynn Abrams, CLAIMANT)

Claimant(s): Maralynn Abrams (the Claimant)

Property: Tax Lots 4513-100, 4418-1000, and 4418-1100, T.4S, R.4W, Sections 13 and 18, W.M., Yamhill County

Claim: The demand for compensation and any supporting information received from the Claimant by the State of Oregon (the Claim).

Claimant submitted the Claim to the State of Oregon under Ballot Measure 37 (2004) (Oregon Laws 2005, Chapter 1) (hereafter, Measure 37). Under OAR 125-145-0010 *et seq.*, the Department of Administrative Services (DAS) referred the Claim to the Department of Land Conservation and Development (DLCD) as the regulating entity. This order is based on the record herein, including the Findings and Conclusions set forth in the Final Staff Report and Recommendation of DLCD (the DLCD Report) attached to and by this reference incorporated into this order.

ORDER

The Claim is approved as to laws administered by DLCD and the Land Conservation and Development Commission (LCDC) for the reasons set forth in the DLCD Report, and subject to the following terms:

1. In lieu of paying just compensation under Measure 37, the State of Oregon will not apply the following laws to Ms. Abrams' requested division of the Property into lots or parcels or to the establishment of single-family residential dwellings or urban type commercial uses on each lot or parcel: those provisions of Statewide Land Use Planning Goal 3, applicable provisions of ORS 215, including, but not limited to, ORS 215.780, and OAR chapter 660, division 33, that restrict the requested use of the subject property to the extent necessary to allow Ms. Abrams a use of the property permitted at the time she acquired the Property (tax lot 4513-100 on December 19, 1952; tax lot 4418-1000 on January 3, 1955; and tax lot 4418-1100 on November 18, 1968).
2. The relief granted by this order does not authorize Ms. Abrams to use the Property for a use that was not permitted when she acquired her interest in the Property. The use of the Property permitted in 1952, 1955, and 1968 was governed by state laws that include, but are not limited to: provisions of ORS 92, related to subdivision and partitioning, adopted prior to the claimant's 1952 acquisition of the first of the three tax lots.

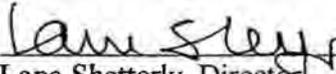
3. To the extent that any law, order, deed, agreement or other legally-enforceable public or private requirement provides that the Property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the Property unless the Claimant first obtains that permit, license, or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.412 or ORS 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the Property imposed by private parties.

4. Any use of the Property by the Claimants under the terms of this order remains subject to the following laws: (a) those laws not specified in (1), above; (b) any laws enacted or enforced by a public entity other than DLCD; and (c) those laws not subject to Measure 37 including, without limitation, those laws exempted under section (3) of Measure 37.

5. Without limiting the generality of the foregoing terms, in order for the Claimant to use the Property, it may be necessary for the Claimant to obtain a decision under Measure 37 from a city and/or county and/or metropolitan service district that enforces land use regulations applicable to the Property. Nothing in this order relieves the Claimant from the necessity of obtaining a decision under Measure 37 from a local public entity that has jurisdiction to enforce a land use regulation applicable to a use of the Property by the Claimant.

This Order is entered by the Director of the DLCD as a final order of DLCD and the Land Conservation and Development Commission under Measure 37, OAR 660-002-0010(8), and OAR chapter 125, division 145, and by the Administrator for the State Services Division of the DAS as a final order of DAS under Measure 37, OAR chapter 125, division 145 and ORS chapter 293.

FOR DLCD AND THE LAND CONSERVATION
AND DEVELOPMENT COMMISSION:


Lane Shetterly, Director
DLCD

Dated this 3rd day of June, 2005.

FOR the DEPARTMENT OF ADMINISTRATIVE
SERVICES:


David Hartwig, Administrator
DAS, State Services Division

Dated this 3rd day of June, 2005.

NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

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

1. Judicial review under ORS 293.316: Judicial review under ORS 293.316 may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review under ORS 293.316 is pursuant to the provisions of ORS 183.482 to the Court of Appeals.
2. Judicial review under ORS 183.484: Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 may be filed in the Circuit Court for Marion County and the Circuit Court in the county in which you reside.
3. A cause of action under Oregon Laws 2005, chapter 1 (Measure 37 (2004)): A present owner of the property, or any interest therein, may file a cause of action in the Circuit Court for the county where the property is located, if a land use regulation continues to apply to the subject property more than 180 days after the present owner made a written demand for compensation.

(Copies of the documents that comprise the record are available for review at the Department's office at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540)

FOR INFORMATION ONLY

The Oregon Department of Justice has advised the Department of Land Conservation and Development that "[i]f the current owner of the real property conveys the property before the new use allowed by the public entity is established, then the entitlement to relief will be lost."

**BALLOT MEASURE 37 (CHAPTER 1, OREGON LAWS 2005)
CLAIM FOR COMPENSATION**

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

**Draft Staff Report and Recommendation
May 10, 2005**

STATE CLAIM NUMBER: M118918
NAME OF CLAIMANT: Maralynn Abrams
MAILING ADDRESS: 12477 SW Baker Creek Road
McMinnville, Oregon 97128
DATE RECEIVED BY DAS: December 6, 2004
180-DAY DEADLINE: June 4, 2005

I. CLAIM

Maralynn Abrams, the claimant, seeks compensation in the amount of \$20,500,000 for the reduction in fair market value as a result of certain land use regulations that are alleged to restrict the use of certain private real property. The claimant desires compensation or the right to divide the property into approximately one acre, more or less, and smaller parcels for residential development and to allow some urban type commercial uses.¹ The claim includes three properties that are described as being located within T4S, R4W, sections 13 & 18, west of Hill Road and south of Baker Creek Road, in Yamhill County, Oregon (near the City of McMinnville). The property is designated as Tax Lots 4513-100, 4418-1000, and 4418-1100, by Yamhill County. (See claim.) Together, the properties contain approximately 342 acres of land.

II. SUMMARY OF STAFF RECOMMENDATION

¹ The claimant's qualifying statement filed with the state (DAS) claim form asks for a broad restoration of all rights of land division. However, an attachment to the claim (denial letter from Yamhill County for a local land division request prior to filing the Measure 37 claim) is more specific to one acre or smaller lots and some "commercial style development." The claimant's initial pre-Measure 37 claim letter to Yamhill County requesting a land division is also very specific to one acre or smaller lots and commercial development. The County supplied this letter for the department's file at the department's request. According to information received verbally from Yamhill County, the County claim is also very specific as to the proposed use. The County's staff report for the claimant's Measure 37 claim there (Docket M37-01-04) also refers to residential one-acre, more or less, lots and urban commercial development. This staff report is written to follow the more specific use request because that information is available from the Yamhill County claim and also referred to by the claimant in an attachment to the state claim form.

exception of some subdivision and partitioning laws in what is now ORS 92, which were adopted prior to the claimant's 1952 acquisition of the first of the three tax lots.

Conclusions

The claim includes a detailed listing of the laws that are alleged to apply to the property. However, it is impossible for the department to determine if the list is comprehensive without a more specific statement of what use the owner intends to carry out. Similarly, without a specific statement of what use is intended, the department is not able to determine whether particular laws that do apply to that use fall under one or more of the exemptions under Measure 37. It does appear that the general statutory, goal and rule restrictions on minimum lot size, residential development and use of agricultural land apply to the owner's anticipated use of the property, and for the most part these laws would not come under any of the exemptions in Measure 37.

The restrictions in ORS 92, on the sale of land prior to the approval and filing of a plat, generally predate 1952, and so will continue to apply to the property. There may be other specific laws that continue to apply under one or more of the exemptions in the Measure, or because they are laws that are not covered by the Measure to begin with.

VI. FORM OF RELIEF

Section 1 of Measure 37 provides for payment of compensation to an owner of private real property if the department has enacted or enforced a law that restricts the use of the property in a manner that reduces its fair market value. In lieu of compensation, the department may choose to not apply a law to allow the present owner to carry out a use of the property permitted at the time the present owner acquired the property. The Commission, by rule, has directed that if the department determines a claim is valid, that the Director must provide only non-monetary relief unless and until funds are appropriated by the legislature to pay claims.

Findings of Fact

Based on the findings and conclusion set forth in this report, laws enacted or enforced by the Commission or the department, specifically Goal 3 and ORS 215.780, restrict the partition of the subject properties and thus, the claimant cannot divide the property into one-acre parcels with dwellings and develop some commercial uses on portions of the site. The laws enacted or enforced by the Commission or department reduce the fair market value of the 342 acre property to some extent. The claim asserts this amount to be \$20,500,000. However, because the claim does not provide a specific explanation for how the specified restrictions reduce the fair market value of the property, a specific amount of compensation cannot be determined. Nevertheless, based on the record for this claim, the department acknowledges that the laws on which the claim is based more likely than not have reduced the fair market value of the property to some extent.

Conclusions

The claim has been submitted within two years of December 2, 2004, the effective date of Measure 37, based on land use regulations adopted prior to December 2, 2004, and is therefore timely filed.

V. ANALYSIS OF CLAIM

1. Ownership

Ballot Measure 37 provides for payment of compensation or relief from specific laws for “owners” as that term is defined in the Measure. Ballot Measure 37, Section 11(C) defines “owner” as “the present owner of the property, or any interest therein.”

Findings of Fact

The claim consists of three properties. The claimant, Maralynn Abrams, acquired full interest in the three properties at the following times: tax lot 4513-100 on December 19, 1952; tax lot 4418-1000 on January 3, 1955; and tax lot 4418-1100 on November 18, 1968, (described as T4S, R4W, sections 13 and 18, in Yamhill County, Oregon). Copies of deeds for each tax lot have been included in the claim. A copy of the Real Property Tax Statements from Yamhill County for the time period July 1, 2004 to June 30, 2005 lists the claimant as the current owner of Yamhill County tax lots 4513-100, 4418-1000, and 4418-1100. The three tax lots that the claim includes represent a total of approximately 342 acres. (See 2004 Yamhill County tax statement in the department’s claim file.)

Conclusions

The claimant, Maralynn Abrams, is an “owner” of the three tax lots (342 acres total) that are the subject of this claim as that term is defined under Section 11(C) of Ballot Measure 37.

2. The Laws that are the Basis for the Claim

In order to establish a valid claim, Section 1 of Ballot Measure 37 requires, in part, that a law must restrict the claimant’s use of private real property in a manner that reduces the fair market value of the property relative to how the property could have been used at the time the claimant or a family member acquired the property.

Findings of Fact

The claim states that:

include any information on whether or not any dwellings would be allowed on the three subject properties under Yamhill County's current zoning.

Statewide Planning Goal 3 (Agricultural Lands), OAR 660-015-0000(3) and the provisions applicable to land zoned for exclusive farm use under ORS 215 and OAR 660-033-0090, including ORS 215.780, restrict the zoning, use and division of the subject properties. Goal 3 became effective on January 25, 1975, and required agricultural land, as defined by the Goal, to be zoned EFU pursuant to ORS 215. (See citations to statutory and rule history under OAR 660-015-0000(3).) ORS 215.780 became effective on November 4, 1993 (Chapter 792, Or Laws 1993). The claimant's three tax lots are "agricultural land" as defined under Statewide Planning Goal 3 because they are predominantly composed of NRCS Class I-IV soils. (See soils map for property from the "Soil Survey of Yamhill Area, Oregon, Sheet # 26" USDA/NRCS.) In addition, significant portions of the three parcels are also defined as "high-value farmland" in OAR 660-033-0020(8)(A)&(B) because they contain substantial amounts of NRCS Class I - II soils and also the Class III-IV soils listed in OAR 660-033-0020(c)(A)-(C).

Specifically, ORS 215.780(1) establishes an 80-acre minimum lot size for the creation of a new parcel in an EFU zone. Other provisions of state law, generally cited by the claimant as ORS 215, establish the standards for the approval of dwellings on land zoned EFU. These include ORS 215.283, 215.284 and 215.705. These current state laws restrict the claimant's ability to develop the property as stated in the claim.

The provisions of ORS 92 prohibiting the sale of land without the prior approval of a partition or subdivision plat, generally date from prior to 1952, the date the claimant acquired the first parcel that is part of the subject property.

The claim also asserts other state statutes and rules regulate the use of the claimant's property resulting in the reduction in its fair market value, specifically, ORS 94, ORS 105, ORS 183, ORS 197, ORS 227, and OAR 661. These statutes generally do not restrict the use of private real property or are otherwise not land use regulations as defined in Measure 37(11)(B). Without more information from the claimant as to how a specific statute restricts the claimant's use of the property, the department is not able to identify a particular statute that the claimant may have a right to relief for under Measure 37. As to OAR 661, administrative rules of the Oregon Land Use Board of Appeals are not "land use regulations" as that term is defined in Measure 37.

Conclusion

The zoning requirements, minimum lot size and dwelling standards established by Statewide Planning Goal 3, and ORS 215, including ORS 215.780, and OAR 660-033-0090, were all adopted after the claimant acquired the three tax lots that are the subject of this claim, and restrict the use of the subject properties. Except for the provisions of ORS 92, which were generally in effect when the claimant acquired the property, the land use laws identified above were adopted since 1968, and restrict the use of the property relative to the uses allowed when the property was acquired..

Exhibit 3

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
MEASURE 37 APPLICATION

401 NE Evans Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket: M37-1-04
Date: 12-6-04
Rec'd By: Uowe
Receipt #: 57175
Fee: \$ 250⁰⁰

LEGAL OWNER			ADDITIONAL OWNER (IF ANY) (attach additional sheet if there are additional owners)		
<u>ABRAMS</u>	<u>MARALYNN</u>	<u>M</u>			
Last Name	First	MI	Last Name	First	MI
<u>12477 S.W. BAKER CREEK RD.</u>			Mailing Address (Street or PO Box)		
<u>McMinnville</u>			<u>OR</u>		
<u>97128</u>			City State Zip		
<u>503 472 7069</u>			City State Zip		
Telephone			Telephone		
PROPERTY INFORMATION					
Tax Lot(s) <u>R4513-00100, R4418-01000</u> Current Zoning District <u>EF-80</u>					
<u>R4418-01100</u>					

COMPENSATION INFORMATION:

Preferred Resolution (Check One):

- Action by Board to modify, remove or not apply land use regulation.
- Action by Board to pay just compensation for reduction of fair market value of property.

Date of Acquisition by:

Current Owner: R4513-100 - 12-19-1952 / R4418-1000 - 1-03-1952
or R4418-1100 - 11-15-1968

Family Member: _____

Zoning Designation(s) (if any) at Time of Acquisition by:

Current Owner: NONE
or

Family Member: _____

Staff Report
Yamhill County Planning Department

DATE: February 28, 2006

DOCKET NO.: S-05-05

REQUEST: The applicant is requesting to develop a 50 lot subdivision on property with a combined area of 67 acres. The subdivision is to be done in two phases. Phase I includes Lots 1-4. Phase II includes Lots 5-50. This application is being made subsequent to the approval of a "Measure 37" claim which allows the applicant to apply for development under the land use regulations in effect when the present owner acquired the property. The details of the "Measure 37" approval are found in Board Order 05-385.

APPLICANT: Maralynn M. Abrams

TAX LOT: 4418-1000, 1100

LOCATION: Approximately 500 feet south of the intersection of Baker Creek Road and Hill Road South on the west side of Hill Road South.

ZONE: EF-80 Exclusive Farm Use

CRITERIA: Board Order 05-385 and the Yamhill County Land Division Ordinance

COMMENTS: *Yamhill Co. Public Works* - See memo August 30, 2005 memo from William A. Gille, Director of Pubic Works
Yamhill County Sanitarian - All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided. The Yamhill County soil survey indicates both suitable and unsuitable soils in the tax lots identified. Do not modify the soils in the proposed drainfield areas.
McMinnville Rural Fire District - No response to date.
City of McMinnville- See September 12, 2005 memo from Doug Montgomery, City Planning Director
SWCD - See September 12, 2005 memo from Tim D. Stieber, District Manager, urging denial of the request.
Watermaster - No response to date.
Patrick McGanty - The reason we bought a house on the edge of town is so we could still see some of the country in McMinnville. Please do not take it away.

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

Page 2

Katie Land - I would hope they (developer) would be required to upgrade Hill Road with sidewalks as foot and vehicle traffic will increase - very dangerous now!

Friends of Yamhill County - See September 12, 2005 letter in opposition.

EXHIBITS: Application
Public Notice
Comments Received

FINDINGS:

A. Background Facts

1. *Lot Size:* The acreage of the two tax lots is 67 acres.
2. *Access:* Hill Road South.
3. *On-Site Land Use and Zoning:* The property is an open field that is zoned EF-80 Exclusive Farm Use. Property to the east, across Hill Road South is within the city limits of McMinnville.
4. *Surrounding Land Use:* Land to the north, south and west appears to be in farm use. Land to the east, across Hill Road South is within the city limits of McMinnville.
5. *Surrounding Zoning:* The adjacent property in the county is all zoned EF-80. Land to the east, inside the city limits has a variety of zoning. It includes R-1 Single Family Residential, R-1/PD (Plan Development) and C-3 General Commercial.
6. *Soils:* The Yamhill County Soil Survey shows the majority of the soils are composed of Willamette, Wapato, Chehalem and Amity soils. These have an agricultural Class of I to III. The majority of the property is rated as high-value farmland.
7. *Water:* To be provided by wells through a community water system. The applicant has submitted two well reports to demonstrate that the wells can supply an adequate quantity of water to the intended subdivision lots.
8. *Sewage Disposal:* On-site subsurface septic systems are the only option.
9. *Fire Protection:* McMinnville Rural Fire Department.

10. *Previous Actions:* Maralynn Abrams filed the first application under Measure 37 (2004) to remove, modify or not apply the land use regulations in effect when she first acquired the property. Her claim was approved as detailed in Board Order 05-385. The Board Order states that:

Claimant is authorized to make application to subdivide the subject property into various lot sizes ranging from less than one acre to over one acre for residential and commercial development, a use permitted on the subject property at the time claimant acquired the property.

Similarly the State of Oregon has processed and approved a claim from Maralynn Abrams through Claim No. M118918. This claim stated:

In lieu of paying just compensation under Measure 37, the State of Oregon will not apply the following laws to Ms. Abrams' requested division of the Property into lots or parcels or to the establishment of single-family residential dwellings or urban type commercial uses on each lot or parcel: those provisions of Statewide Land Use Planning Goal 3, applicable provision of ORS 215, including, but not limited to, ORS 215.780, and OAR chapter 660, Division 33, that restrict the requested use of the subject property to the extent necessary to allow Ms. Abrams a use of the property permitted at the time she acquired the Property (tax lot 4513-100 on December 19, 1952; tax lot 4418-1000 on January 3, 1955; and tax lot 4418-1100 on November 18, 1968.)

Measure 37 does not allow the local jurisdiction to remove, modify or not apply regulations related to public health and safety. Section 1.(3)(b) of Ordinance 749 defines exempt land use regulations as a regulation that:

(b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations.

Therefore, health and safety regulations will need to be complied with in evaluating this land division.

11. *Natural Hazards:* The northwest corner of the property has a small area that is identified as being in the 100-year floodplain overlay zone. Development in this area would require compliance with the floodplain overlay district since Measure 37 does not allow exemption from health and safety standards.

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

Page 4

12. *Phasing:* The applicant has requested to develop this subdivision in two phases. Phase I will include Lots 1-4. Phase II is the remainder of the proposed subdivision. Therefore, the applicant will have a set of requirements to complete Phase I and a set to complete Phase II. The applicant has the option to complete both Phase I and II at the same time.

B. Zoning Considerations

1. Presently the property is zoned EF-80 Exclusive Farm Use. However, as noted above the property has received approval through Measure 37 for the property to be developed under the land use regulations in effect at the time the property was acquired by the applicant. The applicant acquired tax lot 4418-1000 on January 3, 1955; and tax lot 4418-1100 on November 18, 1968.

This application is “uncharted territory” in that this is the first large scale subdivision submitted in Yamhill County after the approval of the applicant’s claim under Measure 37. The applicant has applied using the present subdivision standards. The planning staff has tried to evaluate the request keeping in mind that many of the standards would not be applied when the owner first acquired the property. Notably, the measure does not allow the local jurisdiction to remove, modify or not apply regulations related to public health and safety. Section 1.3(b) of Ordinance 749 defines exempt land use regulations as a regulation that:

(b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations.

Therefore, health and safety regulations, like the requirement to have the soil evaluated for the safe installation of a sewage disposal system, will need to be complied with in evaluating this land division. Standards unrelated to health and safety issues will not be required. The following staff report is intended to evaluate the request and determine which of the present standards are health and safety standards that need to be addressed. In certain circumstances there are some suggestions that have been submitted that can not be required but may be listed as suggestions for the applicant to consider. An example of this relates to item #4 of the September 12, 2005 memorandum from the City of McMinnville. In that memo it suggests that CC&Rs should be recorded stipulating that residents shall not complain about neighboring farm practices. This will not be required but may be something for the applicant to consider since they intend to keep farming the adjacent property and, to a lesser degree, some of the subdivided property.

The southern tax lot was acquired in 1968 and was zoned Agriculture. While the Agriculture zone had no minimum lot size, it did not allow commercial uses. Some of the lots planned for

commercial use are in the Agriculture zone and, therefore, will not be allowed to be developed as commercial. Only those uses allowed in the 1968 Agriculture zone can be allowed.

Lastly, Friends of Yamhill County submitted a letter that, among other things, stated that the application was not complete. As noted above this application has a Measure 37 approval and not all of today's standards will apply. For example, our office did not require the applicant to provide such items as a map with *contour lines at intervals of not less than five feet*. This was not required because it was not judged to address a health and safety standard necessary to evaluate this subdivision. Further, the land is flat and contour maps are typically not required for any subdivision application on such terrain. Finally, the determination of whether an application is complete is an administrative determination made by this department. This application has been deemed complete by the Planning Department.

C. Subdivision Ordinance Provisions and Analysis

1. The Yamhill County Land Division Ordinance (LDO) Chapter 6 contains general design standards for subdivisions. Applicable standards will be addressed in the following findings.
2. Section 6.000 of the LDO requires subdivisions to conform with the requirements of the Comprehensive Plan and other ordinances. As noted in Finding A.10, the subject property was granted state and local approval for a claim under Measure 37. The approval directed that the county remove, modify or not apply certain land use regulations so that the applicant can be allowed to develop the property under the regulations in place when it was purchased. The proposed development does not comply with the local comprehensive plan (i.e. preservation of Class I-IV soils for agriculture). However, the local comprehensive plan will not be applied to this property because the plan was a land use regulation adopted after the property was acquired by the applicant.
3. Section 6.010(1) requires that road improvements be completed or proper security posted as specified in Section 13.000. The Planning Department believes the installation and completion of a safe road system is a matter of public safety. Therefore, the applicant will be required to submit an engineered road design that includes a full plan and profile and construction cost estimate for approval by the County Public Works Department. In addition, conditions related to the safe design and function of roads will be required on any approval.
4. Section 6.010(2) requires that the subdivision provide for continuation of the principal streets existing in the area. The City has requested connection with their street system. The applicant has had discussions with the City of McMinnville and has proposed alignment with a proposed extension of 23rd Street and NW Cottonwood Drive. These alignments and compliance with AASHTO safety standards will be required.

5. Section 6.010(4) indicates that the Planning Director may require an arrangement of lots and streets that will permit a later re-division of the properties. The property is currently outside the urban growth boundary but it has been considered for inclusion in the UGB. An expansion of urban areas in the future is anticipated so a shadow plat would typically be required. A shadow plat is not a health and safety standard so it will not be required; however, it will be suggested that the applicant consider making up such a plan so the property can be efficiently divided to urban size lots in the future.
6. Subsection 6.010(6) and (7) outlines specific road standards for public dedication and easements. County standards require a 20' wide improved surface with a 30' radius cul-de-sac. The proposed roadways are to be constructed within 50 and 60 foot rights-of-way. The applicant has not indicated on the three 50-foot rights-of-way going north and south how the southern turn around would be designed. The applicant would either need to identify a cul-de-sac or a hammerhead turn around approved by the Public Works Department and local rural fire district. This will be made a condition on any approval. The County Public Works Director made a list of recommendations in his August 30, 2005 memorandum to Mike Brandt. The recommendations related to the design of the roads serving the subdivision. He recommended, among other things, that the road be designed to urban standards. The Public Works Director's recommendations addressing safety issues will be incorporated into the conditions of approval.
7. Subsection 6.010(8) lists the option of property being served by a private drive or easement. At a minimum Lot #3 has no direct access onto an existing or proposed platted right-of-way. This parcel would need to have a 30-foot wide, nonexclusive easement assigned. The City has recommended that the proposed access from Hill Road South be limited and that the access to Lots 2 and 3 be through Lots 1 and 4. This will be made as a condition of approval. Our office will require that Lot 3 be assigned a 30-foot wide nonexclusive easement for ingress and egress. The location of said easement shall be approved by the Planning Director.
8. Subsection 6.030 requires that all lots should form or approximate conventional shapes, with lot side lines running at right angles to the street as far as practical, except for lots on cul-de-sac streets, where side lot lines shall be radial to the curve. Subsection 6.030 has been removed, modified, or not applied as to this application, as it is not a health & safety standard. Nonetheless, the proposed plat meets the requirements of subsection 6.030.
9. Section 6.030(6) of the LDO requires lot drainage to be designed to the specifications adopted by the Board of Commissioners. The subject parcel is relatively level. A condition of approval will be made that the applicant be required to submit an engineered drainage plan that maintains the natural drainage to the maximum extent possible.

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

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10. Subsection 6.070 deals with lands subject to hazardous conditions. The northwest corner has a very small area that is within the Flood Hazard Overlay zone. Measure 37 does not remove, modify or not apply regulations related to the Flood Hazard Overlay zone. Any development in this area will require an approval for development of property in the Flood Hazard Overlay zone.

10. Subsection 6.090 gives the options for water supply to lots within a subdivision. There were a number of comments submitted related to water supply. The ordinance gives the following four options:
 1. *A certification by a municipal, public utility or community water supply system, subject to the regulation by the Public Utility Commission of Oregon, that water will be provided to the parcel line of each and every parcel depicted in the final plat; or*
 2. *A bond, contract or other assurance by the subdivider or partitioner to the county that a domestic water supply system will be installed on behalf of the subdivider or partitioner to the parcel line of each and every parcel depicted on the final plat. The amount of any such bond, contract or other assurance by the subdivider or partitioner shall be determined by a registered professional engineer, subject to any change in the amount as determined necessary by the county; or*
 3. *A water well report filed with the State of Oregon Water Resources Department for each well provided within a subdivision or partition. The location of such wells and an appropriate disclosure shall be placed on the face of the final plat. If the subdivider or partitioner intends that domestic water will be provided to the proposed lot or lots by well(s) and no test wells have been drilled, the Director may require that test wells be drilled prior to final approval. The number and location of such wells shall be determined by the director and watermaster having jurisdiction; or*
 4. *In lieu of Subsections (1), (2), and (3) of this Section, when a municipal, public utility, community water supply or private well system is not available, then a statement must be placed on the final plat or map which states:*

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

The applicant has submitted the well reports from two wells that were drilled on the property last fall. The wells were drilled in anticipation of this subdivision being developed. One yields over 50 gallons/minute and the other yields 13 to 17.6 gallons/minute. The applicant has stated that she plans to establish a community water system. The present ordinance requires that a community water system have a conditional use approval. Due to the applicant's Measure 37

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

Page 8

approval, no local land use approval is required to establish the community water system. Any approval required would be from the Oregon Water Resources Department. It should also be noted that even if the applicant were to have the current ordinance applied to the use there is the above option #4 which allows the applicant to place a disclaimer on the face of the final plat which states that no water system is to be provided. The applicant will be required to comply with one of the options listed above.

11. Subsection 6.100 contains options and requirements for sewage disposal. The provision of adequate sewage disposal is a health and safety issue that is exempt from Measure 37 so it will be required on any approval. No public or city sewer services are available, so each lot will be required to be served by an individual on-site subsurface sewage disposal system. Site evaluations will be required for each lot. Because of the small lot size it may be difficult to site a septic system on each newly created parcel. Easements or larger lots may be required. If parcels can not be served by an on-site system then the subdivision will still be allowed but certain lots may not be able to be created. The staff recommends that a condition of approval be made to address this issue.
12. Section 6.120 contains requirements and standards for surveying subdivisions. Since all lots will be less than 10 acres in size, a survey complying with these standards will be required.

OTHER FACTORS

Measure 37 and the UGB. The Abrams property is on the edge of McMinnville's city limits and has been considered for inclusion in McMinnville's urban growth boundary (UGB). The applicant is proposing lots of 1 to 2 acres. If it is going to be developed to nearly an urban density, then serious consideration should be given to taking the property into the UGB. In the past the applicant has not opposed having some of her land taken into the UGB. If this property is not seriously considered for inclusion into the UGB and city limits of McMinnville, it may be a missed opportunity with serious long term implications for McMinnville. If the land is left in the county and 1 to 2 acre lots are created and developed with single-family dwellings, then the new residents typically resist being taken into the city limits. If development occurs before the land can be taken into the city limits, it can result in obstacles to redevelopment of the lots planned for urban density.

CONCLUSIONS FOR APPROVAL:

1. The applicant is requesting to develop a 50 lot subdivision on property with a combined area of 67 acres. The subdivision is to be done in two phases. Phase I includes lots 1-4. Phase II includes lots 5-50.

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

Page 9

2. The comprehensive plan designation and zoning are not going to be applied due to the approval of a claim under Measure 37 (2004).
3. With conditions the request can be made consistent with the standards and criteria of the Land Division Ordinance.

DECISION:

The Yamhill County Planning Director approves the request by Maralynn M. Abrams for a 50-lot subdivision on Tax Lots 4418-1000 and 1100, to be done in two Phases, with the following conditions of preliminary approval:

1. A final subdivision plat pursuant to the requirements of the *Yamhill County Land Division Ordinance* shall be prepared and submitted to the Planning Director. All existing and proposed easements shall be shown on the face of the plat. The Yamhill County Planning Docket Number "S-05-05" shall appear on the face of the plat. The subdivision lines shall substantially conform to that of the preliminary map. **(Phase I & II)**
2. For Phase I, the applicant shall dedicate the 60-foot right-of way from Hill Road South, along Lot 1 through to the eastern 30 feet of Lot #4. The applicant shall assign a 30-foot nonexclusive easement for ingress and egress from a publicly dedicated right-of-way to Lot 3. The location of said easement shall be approved by the Yamhill County Planning Director. **(Phase I)**
3. Urban standard frontage improvements shall be completed along Hill Road South for land adjacent to Lots 1 and 2. Said improvements shall be done to the City of McMinnville's Transportation Master Plan. **(Phase II)**
4. The applicant shall dedicate the roads as shown on the face of the preliminary plat.
5. The applicant shall provide a traffic impact study and engineered design of the two intersections with Hill Road South subject to the AASHTO intersection standards. **(Phase I & II)**
6. For the roads, or portions of roads, dedicated in Phases I and II, the applicant shall submit an engineered road design that includes a full plan and profile and construction cost estimate to the County Public Works Department. The improved road surfacing needs to be an all weather hard surfacing provided on the proposed road and cul-de-sac. The easement road shall satisfy the standards of 6.010 of the Yamhill County Zoning Ordinance. All road improvements shall be constructed to county road standards and inspected by the Public Works Department or a private engineer prior to final plat approval, or security shall be posted pursuant to Chapter 13

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

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- of the Land Division Ordinance. In the alternative, the roads may be built to the standards identified in the City of McMinnville's Transportation Master Plan. **(Phase I & II)**
7. The applicant shall receive approval from the local rural fire district for the proposed hammerhead turn-around. If the fire district does not approve the turn-around, the applicant shall dedicate and improve a cul-de-sac with a 50 foot radius or suitable alternative. **(Phase II)**
 8. The applicant shall submit a drainage plan showing that no natural drainage is disturbed by any development taking place on any of the proposed lots. The plan shall be prepared by a registered engineer. The drainage plan shall be submitted to and approved by the County Public Works Director prior to final approval. **(Phase I & II)**
 9. Prior to final subdivision plat approval, the applicant shall obtain approval for on-site subsurface sewage disposal for Lots 1 thru 4 in Phase I and Lots 5 thru 50 in Phase II pursuant to Section 6.100 of the *Land Division Ordinance*. All septic systems shall be located on the individual lots and maintain the minimum setback requirements of 10 feet from all new property lines. If the 10 foot minimum setbacks from the property lines cannot be maintained, a properly recorded easement will be required, pursuant to Section 6.100 of the *Land Division Ordinance*. **(Phase I & II)**
 10. The subdivision shall be shown to have adequate quality and quantity of water to support the proposed use. Prior to final plat approval, the applicant shall demonstrate conformance with standard 1, 2, 3 or 4 of Subsection 6.090 of the Land Division Ordinance. **(Phase I & II)**
 11. All proposed lots on the tax lot acquired by Maralynn M. Abrams in 1968 (Tax Lot 4418-1100) shall be shown to comply with Article 3, Agriculture zone provisions, of Ordinance 29, the 1968 Zoning Ordinance. No lots for commercial development are allowed on this portion of the property.
 12. Hill Road South shall intersect with NW 23rd Street at a right angle, to the extent practicable.
 13. The location of NW Cottonwood Drive, as it parallels the School District property's northern boundary, may be better situated 100 (or more) feet north of its present alignment to allow the platting of lots that would back up to the future school. This would place the timing of the street's construction within the control of the developer, and make the street's construction economically feasible. If it remains in its proposed location, the applicant shall be required to enter into agreements with the adjacent property owners (Tax Lot 1001 and The School District) to ensure the timely construction of this public street.

Suggestions:

STAFF REPORT

S-05-05, (Maralynn M. Abrams)

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The following are not conditions of approval because they are not directly related to issues of health and safety. They are considered by the Yamhill County Planning Staff as being worthy of consideration so these are requests and suggestions for the applicant to consider when completing this subdivision:

1. The City of McMinnville has requested a conceptual plan showing how the proposed north-south streets will extend into and serve future development within the adjacent parcel (Tax Lot 1001).
2. The City of McMinnville suggested that since the development is near farmland that lots should be tied to waivers of the right to complain about farm practices and/or strong CC&Rs stipulating that residents shall not complain about neighboring farm practices.

DATED AND SIGNED this 2nd day of March, 2006, at
McMinnville, Oregon.



Michael Brandt, Planning Director
Yamhill County Planning and Development

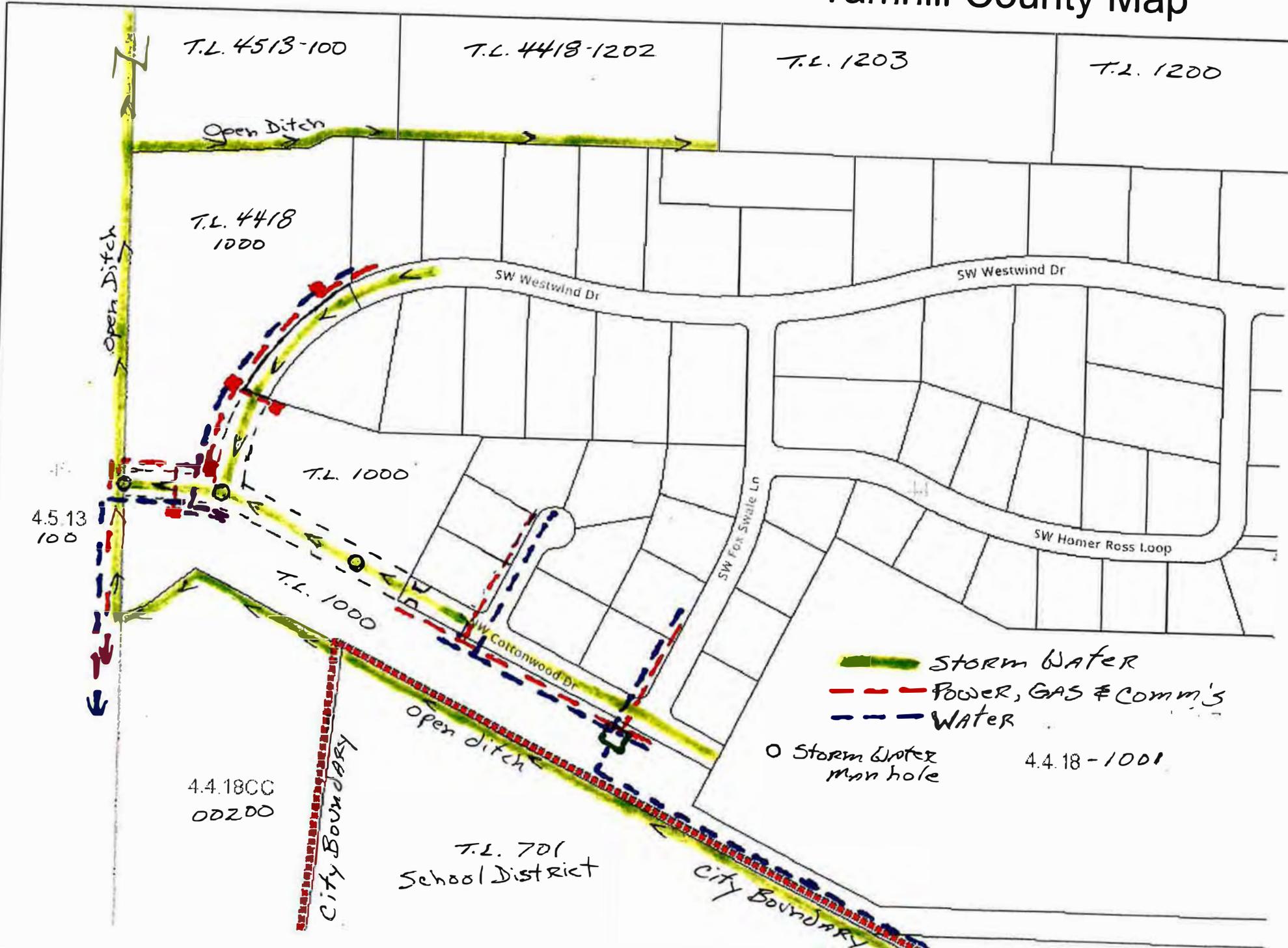
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F:\Share\SUS-05-05.SR.wpd

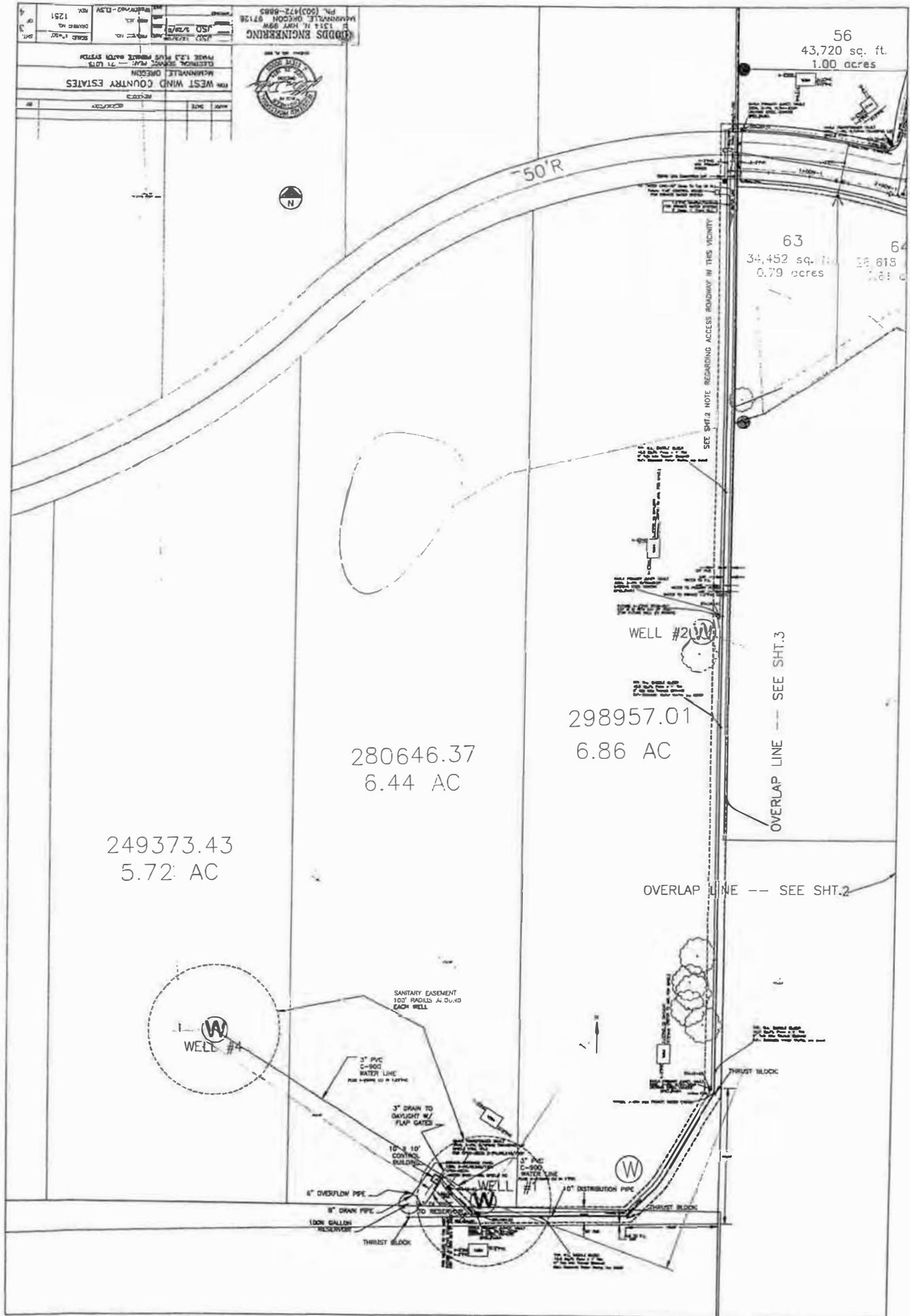
Exhibit 4

Existing Utilities

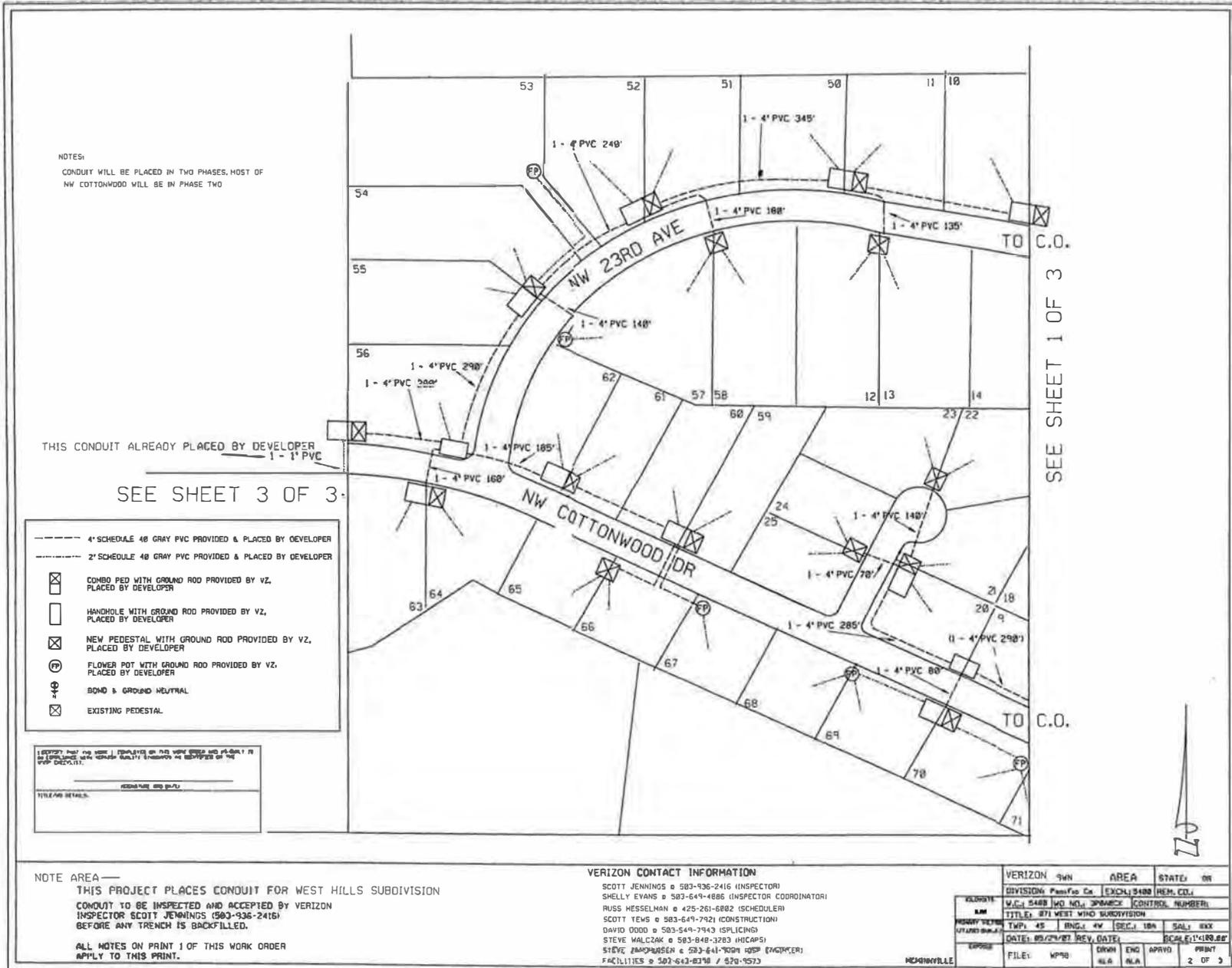
Yamhill County Map



MW#1 Power



Ziely FiberOptic & Comcast



NOTES:
CONDUIT WILL BE PLACED IN TWO PHASES. MOST OF
NW COTTONWOOD WILL BE IN PHASE TWO

THIS CONDUIT ALREADY PLACED BY DEVELOPER
1-1\"/>

SEE SHEET 3 OF 3

- 4\"/>
- 2\"/>
- COMBO PED WITH GROUND ROD PROVIDED BY VZ, PLACED BY DEVELOPER
- HANDHOLE WITH GROUND ROD PROVIDED BY VZ, PLACED BY DEVELOPER
- NEW PEDESTAL WITH GROUND ROD PROVIDED BY VZ, PLACED BY DEVELOPER
- FLOWER POT WITH GROUND ROD PROVIDED BY VZ, PLACED BY DEVELOPER
- BOND & GROUND NEUTRAL
- EXISTING PEDESTAL

DESIGNED BY: [Signature]
DATE: [Date]
SCALE: AS SHOWN

NOTE AREA—
THIS PROJECT PLACES CONDUIT FOR WEST HILLS SUBDIVISION
CONDUIT TO BE INSPECTED AND ACCEPTED BY VERIZON
INSPECTOR SCOTT JENNINGS (503-936-2416)
BEFORE ANY TRENCH IS BACKFILLED.
ALL NOTES ON PRINT 1 OF THIS WORK ORDER
APPLY TO THIS PRINT.

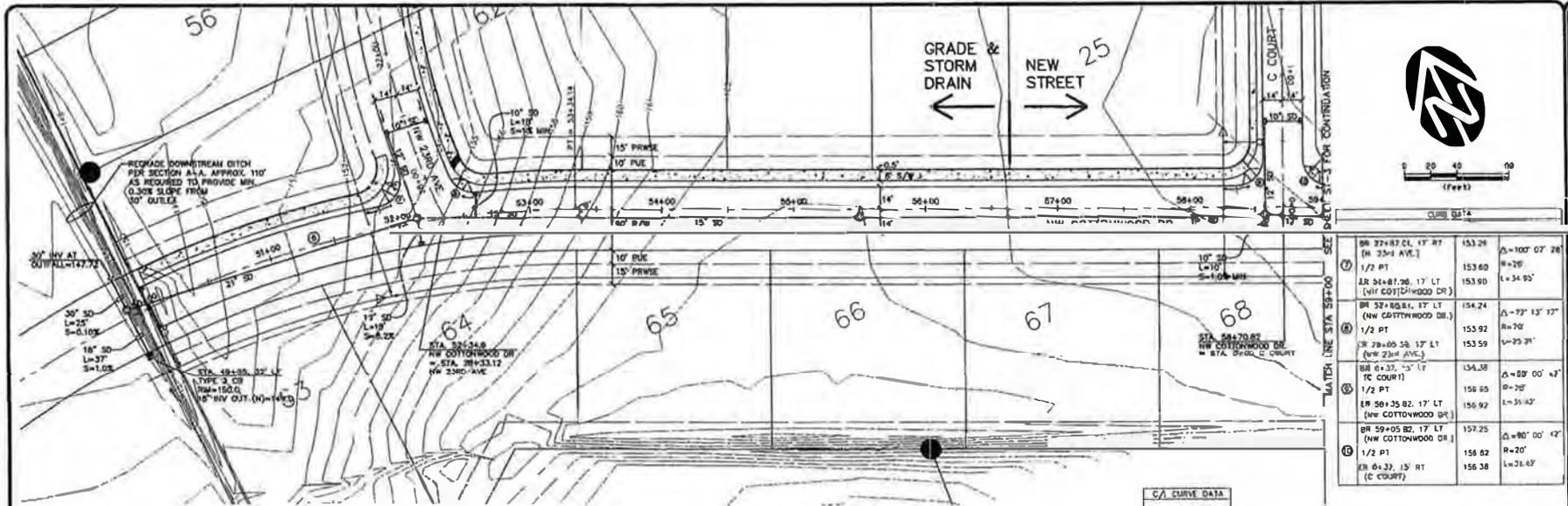
VERIZON CONTACT INFORMATION
SCOTT JENNINGS @ 503-936-2416 (INSPECTOR)
SHELLY EVANS @ 503-649-4886 (INSPECTOR COORDINATOR)
RUSS HESSELMAN @ 425-261-6882 (SCHEDULER)
SCOTT TEWS @ 503-649-7921 (CONSTRUCTION)
DAVID ODDO @ 503-549-7943 (SPlicing)
STEVE WALCZAK @ 503-948-3203 (HICAPS)
STEVE JAMORASEN @ 503-641-9001 (QSP ENGINEER)
FACILITIES @ 503-642-8338 / 570-9573

VERIZON SWN	AREA	STATE	OR
DIVISION: Pacific Co.	EXCH: 3488	HEM. CO.	
W.C. 5488	NO. 03	SPRINK	CONTROL NUMBER
TITLE: 871 WEST WIND SUBDIVISION			
DATE: 09/27/07	REV. DATE:	SCALE: 1\"/>	
FILE: WPS0	DRAW: ALA	ENG: ALA	APPRO: [Signature]
MEMPHYSVILLE			2 OF 3

SEE SHEET 1 OF 3

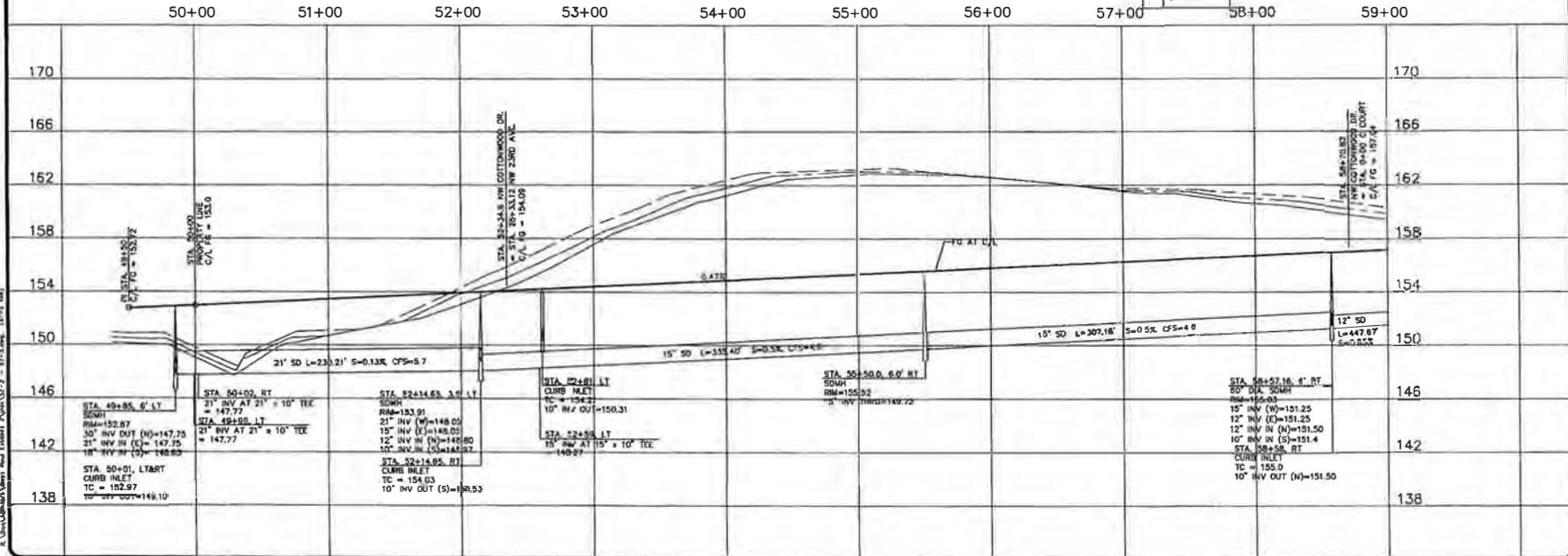
27

Storm Sewer Profile



C/A CURVE DATA	
NO.	CURVE
①	Δ=25° 31' 35"
②	R=750'
③	L=334.14'

NO.	DESCRIPTION	STATION	Δ	R	L
①	BR 27+87.01 17" RT (N 23+1 AVE.)	153.28	Δ=100° 07' 28"		
	1/2 PT	153.60	Δ=20'		
	BR 24+81.26 17" LT (N 23+1 AVE.)	153.90	L=34.95'		
	BR 23+88.81 17" LT (NW COTTONWOOD DR.)	154.24	Δ=72° 13' 13"		
	1/2 PT	155.92	R=70'		
	BR 28+05.58 17" LT (NW 2nd AVE.)	153.59	L=25.21'		
	BR 0+33.75 17" LT (C COURT)	134.38	Δ=89° 00' 43"		
	1/2 PT	156.95	Δ=20'		
	BR 50+35.82 17" LT (NW COTTONWOOD DR.)	156.92	L=31.82'		
	BR 59+05.82 17" LT (NW COTTONWOOD DR.)	157.25	Δ=90° 00' 42"		
	1/2 PT	156.82	R=20'		
	BR 0+33.75 15" RT (C COURT)	156.38	L=31.67'		



BY: []

DATE: []

SCALE: 1" = 40'

DATE: MAR 2011

WEST WIND COUNTRY ESTATES II

MARALYN ABRAMS

NW COTTONWOOD DRIVE

PLAN AND PROFILE

DRAWING ST-2 OF 26

JOB NUMBER 2518.2000.0

Roads & Storm Sewer & Water Service

DRAWINGS FOR:

WEST WIND COUNTRY ESTATES II

FOR:

MARALYNN ABRAMS
12477 BAKER CREEK ROAD
McMINNVILLE, OR 97128

WATER DISTRIBUTION SYSTEM CONSTRUCTION NOTES

1. ALL WATERLINE CONSTRUCTION SHALL CONFORM TO OREGON ADMINISTRATIVE RULES (OAR) SECTION 333, DIVISION 61- PUBLIC WATER SYSTEMS
 2. ALL DISTRIBUTION LINES, FIRE HYDRANTS AND WATER SERVICES SHALL BE PRESSURE TESTED TO A MINIMUM TEST PRESSURE OF 150 PSI.
 3. ALL DISTRIBUTION LINES, FIRE HYDRANTS AND WATER SERVICES SHALL BE CHLORINATED AND DISINFECTION TESTED AS PER OAR 333-01-0050 AND AWWA STANDARDS 651 THROUGH 654
 4. THIS WATER DISTRIBUTION SYSTEM DESIGN DOES NOT INCLUDE AN OPERATIONS AND MAINTENANCE PLAN. THIS DISTRIBUTION SYSTEM REQUIRES OPERATION AND MAINTENANCE BY A CERTIFIED WATER SYSTEM OPERATOR. THE DEVELOPER SHALL SUBMIT AN OPERATION AND MAINTENANCE PLAN FOR THE DISTRIBUTION SYSTEMS ALONG WITH THE WELL AND RESERVOIR SYSTEMS TO THE OREGON HEALTH DIVISION FOR REVIEW AND APPROVAL.
 5. THE WATER DISTRIBUTION SYSTEM SHALL NOT BE USED BY THE GENERAL PUBLIC UNTIL THE DEVELOPER HAS SATISFIED ALL CONSTRUCTION, OPERATION AND MAINTENANCE REQUIREMENTS FOR A PUBLIC WATER SYSTEM AS SPECIFIED IN OAR 333-01.
 6. ALL PRIVATE WATER SERVICES (SERVICE PIPING ON THE PRIVATE SIDE OF THE WATER METER) SHALL CONFORM TO THE OREGON STATE PLUMBING CODE.
 7. THE DEVELOPER'S DESIGNER FOR THE WATER RESERVOIR AND GROUNDWATER WELL SHALL ENSURE THAT A MINIMUM RESIDUAL PRESSURE OF 20 PSI IS MAINTAINED AT THE MOST REMOTE SECTIONS OF THE DISTRIBUTION SYSTEM AT ALL TIMES AND THAT MINIMUM CHLORINE RESIDUAL IS MAINTAINED BY THE RESERVOIR AND DISTRIBUTION SYSTEM AS REQUIRED PER OAR 333-01-0050
- B. FIRE HYDRANTS ARE REQUIRED BY THE McMINNVILLE FIRE DEPARTMENT AND THE DEVELOPER. IT SHOULD BE NOTED THAT THE RESERVOIR AND DISTRIBUTION SYSTEM CAN NOT DELIVER 1,000 GALLON PER MINUTE FIRE FLOW AS REQUIRED BY THE UNIFORM FIRE CODE (UFC) FOR RESIDENTIAL DEVELOPMENT AND THE DEVELOPER SHALL NOT REPRESENT TO FUTURE HOME BUYERS THAT THE HOMES ARE SERVED BY A FIRE SUPPRESSION SYSTEM THAT CONFORMS TO THE UFC.



VICINITY MAP
NTS

GENERAL LEGEND

ITEM	PROPOSED	EXISTING
SANITARY SEWER	— 24	— 24
STORM DRAIN	— 30	— 30
WATER	— W	— W
GAS	— C	— C
TELEPHONE	— T	— T
POWER	— P	— P
FENCE	— X — X	— X — X
BARRICADE	□	□
TELEPHONE MANHOLE	⊙	⊙
TELEPHONE PEDESTAL	⊙	⊙
SANITARY SEWER MANHOLE	⊙	⊙
STORM DRAIN MANHOLE	⊙	⊙
CATCH BASIN	■	■
FIRE HYDRANT AND VALVE	⊙	⊙
WATER METER	■	■
WATER VALVE	⊙	⊙
POWER POLE	○	○
POWER POLE W/ANCHOR	○	○
POLE W/ALUMINARE	○	○
LIGHT POLE	☆	☆
SIGN POST	⊥	⊥
MAILBOX	⊥	⊥
HEDGE OR BRUSH	~~~~~	~~~~~
TREES	🌳	🌳
STREET OR ALLEY RIGHT OF WAY		
PLATTED LOT LINE	—	—
OWNERSHIP LINE	—	—
EASEMENT OR TEMPORARY RIGHT OF WAY	—	—
PROJECT CENTERLINE AND STATIONING	—	—

SHEET INDEX

SHT NO	DESCRIPTION	SHT NO	DESCRIPTION	SHT NO	DESCRIPTION
	GENERAL		STREET & DRAINAGE		WATER
G-1	COVER SHEET	ST-1	TYPICAL STREET SECTIONS	W-1	OVERALL WATER PLAN
G-2A	NOTES	ST-2	NW COTTONWOOD DRIVE PLAN & PROFILE	W-2	WATER PLAN
G-2B	NOTES	ST-3	NW COTTONWOOD DRIVE PLAN & PROFILE	W-3	WATER PLAN
G-3	OVERALL SUBDIVISION PLAN	ST-4	B STREET PLAN & PROFILE	W-4	WATER DETAILS
G-4	SUBDIVISION PLAN	ST-5	C COURT PLAN & PROFILE	W-5	WATER DETAILS
G-5	GRADING AND GRASSHACE PLAN	ST-6	STREET DETAILS		
G-6	GRADING AND GRASSHACE PLAN	ST-7	STREET DETAILS		
G-7	EROSION CONTROL NOTES AND DETAILS		SIGNING, STRIPING AND SIDEWALK		
G-8	EROSION CONTROL PLAN	S-1	SIGNING AND STRIPING LEGEND		
G-9	GRAVEL CONSTRUCTION ENTRANCE PLAN	S-2	SIGNING, STRIPING AND SIDEWALK PLAN		
G-10	STORM BASIN MAP	S-3	SIGNING, STRIPING AND SIDEWALK PLAN		

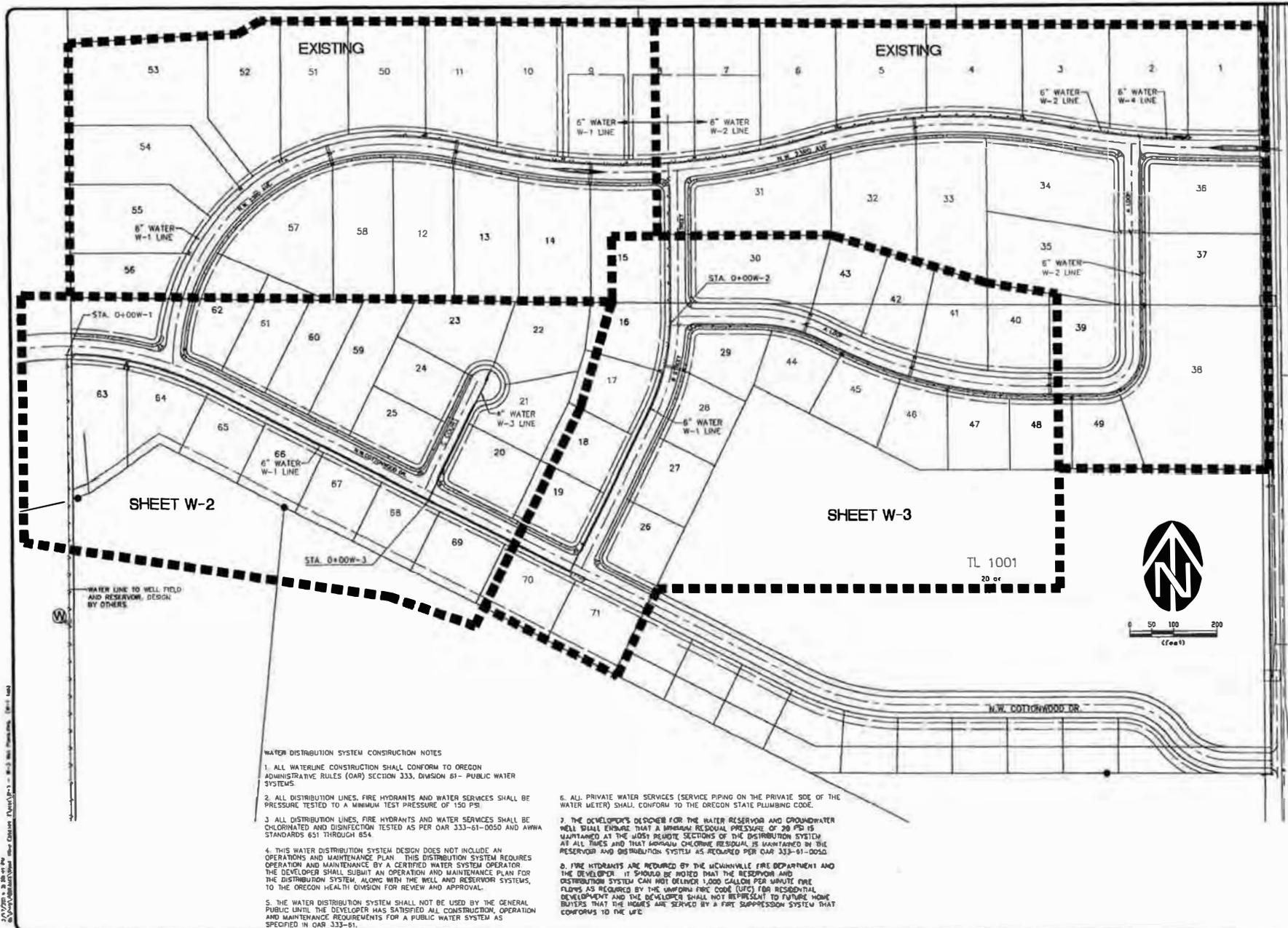
DATE: 03/11/14
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT: WEST WIND COUNTRY ESTATES II
SHEET: G-1 OF 26
JOB NUMBER: 2518.2000.0

MCMINNVILLE, OR
WEST WIND COUNTRY ESTATES II
DRAWING
G-1 OF 26
JOB NUMBER
2518.2000.0

TECHNICAL ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
1111 E. Pioneer Boulevard, S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-7111 Fax: (503) 585-7398
E-mail: westwind@techinc.com

COVER SHEET

MARCH 2014



WATER DISTRIBUTION SYSTEM CONSTRUCTION NOTES

1. ALL WATERLINE CONSTRUCTION SHALL CONFORM TO OREGON ADMINISTRATIVE RULES (OAR) SECTION 333, DIVISION 61 - PUBLIC WATER SYSTEMS.
2. ALL DISTRIBUTION LINES, FIRE HYDRANTS AND WATER SERVICES SHALL BE PRESSURE TESTED TO A MINIMUM TEST PRESSURE OF 150 PSI.
3. ALL DISTRIBUTION LINES, FIRE HYDRANTS AND WATER SERVICES SHALL BE CHLORINATED AND DISINFECTION TESTED AS PER OAR 333-61-0050 AND AWWA STANDARDS 651 THROUGH 654.
4. THIS WATER DISTRIBUTION SYSTEM DESIGN DOES NOT INCLUDE AN OPERATIONS AND MAINTENANCE PLAN. THIS DISTRIBUTION SYSTEM REQUIRES OPERATION AND MAINTENANCE BY A CERTIFIED WATER SYSTEM OPERATOR. THE DEVELOPER SHALL SUBMIT AN OPERATION AND MAINTENANCE PLAN FOR THE DISTRIBUTION SYSTEM, ALONG WITH THE WELL AND RESERVOIR SYSTEMS, TO THE OREGON HEALTH DIVISION FOR REVIEW AND APPROVAL.
5. THE WATER DISTRIBUTION SYSTEM SHALL NOT BE USED BY THE GENERAL PUBLIC UNTIL THE DEVELOPER HAS SATISFIED ALL CONSTRUCTION, OPERATION AND MAINTENANCE REQUIREMENTS FOR A PUBLIC WATER SYSTEM AS SPECIFIED IN OAR 333-61.

6. ALL PRIVATE WATER SERVICES (SERVICE PIPING ON THE PRIVATE SIDE OF THE WATER METER) SHALL CONFORM TO THE OREGON STATE PLUMBING CODE.
7. THE DEVELOPER'S DECISION FOR THE WATER RESERVOIR AND CROWD/WATER WELL SHALL ENSURE THAT A MINIMUM RESIDUAL PRESSURE OF 20 PSI IS MAINTAINED AT THE MOST REMOTE SECTIONS OF THE DISTRIBUTION SYSTEM AT ALL TIMES AND THAT SUFFICIENT CHLORINE RESIDUAL IS MAINTAINED BY THE RESERVOIR AND DISTRIBUTION SYSTEM AS REQUIRED PER OAR 333-61-0050.
8. FIRE HYDRANTS ARE REQUIRED BY THE McMinnville Fire Department and the developer. IT SHOULD BE NOTED THAT THE RESERVOIR AND DISTRIBUTION SYSTEM CAN NOT DELIVER 1,000 GALLON PER MINUTE FIRE FLOWS AS REQUIRED BY THE UNIFORM FIRE CODE (UFC) FOR RESIDENTIAL DEVELOPMENT AND THE DEVELOPER SHALL NOT REPRESENT TO FUTURE HOME BUYERS THAT THE HOMES ARE SERVED BY A FIRE SUPPRESSION SYSTEM THAT CONFORMS TO THE UFC.

WEST WIND COUNTRY ESTATES II OVERALL WATER PLAN	
DRAWING W-1 OF 26 JOB NUMBER 2518.2000.0	
DATE: 12/15/2023 TIME: 10:00 AM DRAWN BY: M. ABRAMS CHECKED BY: M. ABRAMS SCALE: AS SHOWN	REVISIONS: NO. DATE DESCRIPTION 1 12/15/23 ISSUED FOR PERMIT

2/1/2024 10:30 AM at Job
 C:\Users\mabrams\OneDrive\Documents\2518.2000.0\2518.2000.0.dwg
 User: Matthew J. Abrams

**YAMHILL
COUNTY
ADDRESSING
MAP
T4S-R4W
SECT. 18B**

Last Update:: Feb 13, 2024



1 inch = 300 feet

**USPS:
McMINNVILLE 97128**

	31	32	33	34	35	36	
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
	6	5	4	3	2	1	

Legend

Historic Landmark

Structures

Use

- Apartments
- Commercial
- Farm Buildings
- Hardship Dwelling
- Industrial
- Miscellaneous
- Mobile Home
- Multi-Family
- Residential
- Number
- CITY

Map Checked **4418B**



Exhibit 5

AGRICULTURE BUFFER-ZONE BUILDING SET-BACK REQUIREMENTS WEST WIND COUNTRY ESTATES PHASE II SUBDIVISION

Those parcels being annexed into West Wind Country Estates, described as Phase II and approved in Board Order # _____

Those parcels abutting Tax Lot 4513-100 shall be subject to a 75' (seventy-five foot) residential building set-back requirement on said parcel's west side common boundary with said Tax Lot 4513-100

Furthermore

Those parcels abutting Tax Lots 4418CC-200 & 4418-701 shall be subject to a 40' (forty-foot) residential building set-back requirement on said parcel's south side common boundary with said Tax Lots 4513-100 & 4418-701

Furthermore: So long as said Tax Lots 4513-100, 4418CC-200 & 4418-701 are zoned for and being used for agricultural (farm) purposes, those residential building set-backs described above shall "run with the land" and survive any ownership transfer, assignment or testate action.

Exhibit 6

RIGHT TO FARM NON-REMONSTRANCE AGREEMENT

Concerning those parcels being annexed into West Wind Country Estates, described as Phase II and approved in Board Order # _____

The undersigned purchaser(s) "Buyer" (owner) of the real property located in Yamhill County, Oregon, and commonly known as Tax Lot 4418XX-xxxxx, hereby agrees to not oppose, protest or seek to interrupt normal and accepted farm uses and practices on adjacent and nearby farm land. Buyer acknowledges that said normal and accepted farm practices may include, but are not limited to, specific periods of increased levels of: equipment activity; dust, pollen and other air-particulates; noise, light and odor emissions; access traffic and non-hazardous dirt tracking on access roads.

Furthermore, the "Buyer" expressly waives all present and future rights to oppose or remonstrate against any normal and accepted farming activities, and the effects thereof, as described above and further described in the "Oregon Right to Farm Act" and ORS 30.930 - 947, this agreement does not prevent "Buyer" from seeking recourse for damages resulting from negligent, hazardous, and /or malicious farming activities as defined in the "Oregon Right To Farm Act" and ORS 30.930 - 947, or property trespass.

The terms of this agreement shall "run with the land" and be binding upon the parties hereto and their heirs, successors, assigns and legal representatives.

Agreed to this _____ day of 202

Buyer

Buyer

EXHIBIT 7

Farm industry testimonials supporting 4418-1000 as impractical to farm

Exhibit 7

Concerning Yamhill County Tax Lot 4418-1000, three small parcels adjoining the west and southerly boundaries of the West Wind Country Estates subdivision as shown on the attached photo map.

Specifically, the practical realities of whether Kauer Family Farms would be willing and/or able to farm, for profit, the three parcels that make up Tax Lot 1000. Areas of concern are:

Proximity to high value homes and landscaping given the prevailing wind patterns of that particular area and the liability of drifting herbicides, fungicides, pesticides, dust and noise.

Existing buried utilities with surface features including: power transformer & vaults, water meter boxes, communication and Northwest Natural Gas risers, storm water manholes and road cuts with dedicated P.U.E. easements.

Lack of water right for irrigation.

Small size and irregular shape of the three parcels.

Resulting in the parcels being factually impracticable to farm with any expectation of profit.

Signed:

Date:

Handwritten signature and date. The signature is a stylized 'K' followed by a horizontal line. The date is '4/21/25'.

President Kauer Family Farms

EXHIBIT 8

DLCD organizational statements

This exhibit is attached the "Summary of Applications"



Yamhill County, Oregon

'In the heart of the Willamette Valley'

535 NE 5th Street
 McMinnville, OR 97128
 503-434-7521

Property Account Summary

4/23/2025



Click image above for more information

Account Number	145505	Property Address	2370 SW COTTONWOOD DR , MCMINNVILLE, OR 97128
----------------	--------	------------------	---

General Information

Alternate Property #	R4418 01000
Property Description	PARCEL 3 P2019-03
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	40.2
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY = \$18,145.72

Tax Rate

Description	Rate
Total Rate	12.5182

Property Characteristics

Neighborhood	Industrial Farm East
Land Class Category	400 Tract Residential Vacant
Account Acres	17.3000
Change Property Ratio	Tract Land

Parties

Role	Name
Owner	ABRAMS MARALYNN TRUST
Owner	ABRAMS MARALYNN TRUSTEE

Related Properties

No Related Properties Found

Property Values

OAR 660-014-0040

Establishment of New Urban Development on Undeveloped Rural Lands

(1)

As used in this rule, “undeveloped rural land” includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

(2)

A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3)

To approve an exception under section (2) of this rule, a county must also show:

(a)

That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

(b)

That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:

(A)

Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B)

Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

(c)

That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A)

Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; **and**

(B)

Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

(d)

That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; **and**

(e)

That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

Goal 2 OAR 660-015-0000(2)

PART II -- EXCEPTIONS A local government may adopt an exception to a goal when: (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (1) Reasons justify why the state policy embodied in the applicable goals should not apply; (2) Areas which do not require a new exception cannot reasonably accommodate the use; (3) The long-term environmental, economic, social and energy consequences resulting from the use of 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 areas requiring a goal exception other than the proposed site; and (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met. Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner. Upon review of a decision approving or denying an exception: (a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception; (b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and (c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met. Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception. PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

Exhibit 11



May 4, 2006



EXPIRES: 12/31/07
5/4/06

RECEIVED
MAY 8 2006
YAMHILL COUNTY PLANNING

John Abrams
12477 Baker Creek Road
McMinnville, OR 97128

RE: West Wind Country Homes Subdivision – Site Access Safety Report

Dear John:

This letter is written to provide a safety analysis of the three new street intersections on NW Hill Road that will be created upon development of the West Wind Country Homes Subdivision. This letter will report the total trip generation associated with the proposed site development plan, the future intersection turning movement volumes projected for these intersections, and any street improvements required to maintain safe operation at the access locations.

To estimate the number of trips that will be generated by the residential subdivision, trip rates from the manual *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used for the development are from land-use code 210, *Single-Family Detached Housing*. The trip generation rates are based on the number of units expected for the development.

It is estimated that a total of 63 trips will be generated during the morning peak hour, with 16 entering and 47 exiting the site. During the evening peak hour, it is expected that 85 trips will be generated, with 54 entering and 31 exiting the site. The expected daily traffic volume is 818 trips, with half entering and half exiting. A summary of the trip generation calculations is shown in the following table. Detailed trip generation calculations are attached to this letter.

TRIP GENERATION SUMMARY			
	Entering	Exiting	Total
	<u>Trips</u>	<u>Trips</u>	<u>Trips</u>
<u>77 Single-Family Dwellings</u>			
AM Peak Hour	16	47	63
PM Peak Hour	54	31	85
Weekday	409	409	818



John Abrams
May 4, 2006
Page 2 of 4

The location of the site and surrounding roadways are shown on the following aerial map.



Site trips from the residential development were assigned to the three access locations based on the proposed layout of the local streets and residential lots. A diagram showing the assignment of site trips to the site access intersections is shown in Figure 1 of the technical appendix.



John Abrams
May 4, 2006
Page 3 of 4

Background traffic volumes on NW Hill Road were determined based on data from the *Hill Road High School Plan Amendment, Zone Change, & Annexation Request Traffic Impact Study* dated April, 2005 by Lancaster Engineering. In order to determine whether safety improvements will be required in the future, traffic volumes for year 2025 traffic conditions with the addition of site trips from Hill Road High School were used in this analysis. These background traffic volumes are shown in Figure 2 of the technical appendix. The total traffic volumes including year 2025 background traffic and site trips from the West Wind Country Homes subdivision are shown in Figure 3 of the technical appendix.

Left-Turn Lane Warrant Analysis

Using the total year 2025 traffic volumes, an analysis was performed for the morning and evening peak hours to determine whether left-turn lanes would be required for operation and safety at the proposed site access locations. The analysis was based on the warrants adapted by the Oregon Department of Transportation from Highway Research Record No. 211.

NW Hill Road is currently a two-lane roadway with a posted speed of 45 mph in the vicinity of the proposed development. It is classified by the City of McMinnville as a Minor Arterial. Based on the left-turn lane warrant analysis, no left-turn lanes are required on NW Hill Road for safety or operation at the three site access roadways. The left-turn lane warrant analysis worksheets are included in the technical appendix.

Sight Distance

Required intersection sight distance was calculated from the equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2001 by the American Association of State Highway and Transportation Officials (AASHTO). The measurements are based on a driver's eye height of 3.5 feet and an object height of 3.5 feet above the road, with the driver's eye 15 feet behind the edge of the near side travel lane.

The proposed site accesses on Hill Road intersect within a posted speed zone of 45 mph. The minimum required intersections sight distance for this speed is 500 feet in either direction. Since Hill Road has relatively little vertical or horizontal curvature in the vicinity of the proposed site access locations, intersection sight distance is projected to be in excess of 500 feet in each direction at all three access locations. No specific sight distance mitigation meas-



John Abrams
May 4, 2006
Page 4 of 4

ures are recommended. Line of sight should be maintained during site development in order to ensure safe operation of the access intersections.

Access Spacing

The City of McMinnville currently has no explicit standard for minimum access spacing on Minor Arterial roadways. According to the 1999 Oregon Highway Plan, for district highways operating at 45 mph the minimum distance between access locations is 500 feet. Since Minor Arterial streets are intended to provide more access than state highway facilities, a reasonable minimum spacing standard would not be in excess of 500 feet.

The current site plan shows a minimum access spacing distance of approximately 505 feet along NW Hill Road between the northern and central site access roadways. This access spacing is expected to promote safe and efficient travel along the Minor Arterial, minimizing conflicts between through traffic and vehicles entering and exiting Hill Road from the new roadways. No modifications of access spacing or locations are recommended.

Summary

No significant impacts to public health and safety are anticipated in conjunction with the proposed residential subdivision. The site access intersections are expected to operate safely and efficiently upon build-out of the subdivision, and will continue to operate safely through the planning horizon year. No mitigations are recommended.

The conditions of approval provided by Yamhill County staff require that “The applicant shall provide a traffic impact study and engineered design of the two intersections with Hill Road South subject to the AASHTO intersection standards.” This letter report satisfies the requirement for a traffic impact study and affirms that AASHTO intersection standards can be met at the access locations. Civil design plans for the access intersections will be developed subsequently and must also be in conformance with AASHTO standards.

If you have any questions regarding this information, please don't hesitate to call.

Yours truly,

Michael Ard, PE
Transportation Engineer



TECHNICAL APPENDIX



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 77

AM PEAK HOUR

Trip Equation: $T = 0.70(X) + 9.43$

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	16	47	63

PM PEAK HOUR

Trip Equation: $\ln(T) = 0.90 \ln(X) + 0.53$

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	54	31	85

WEEKDAY

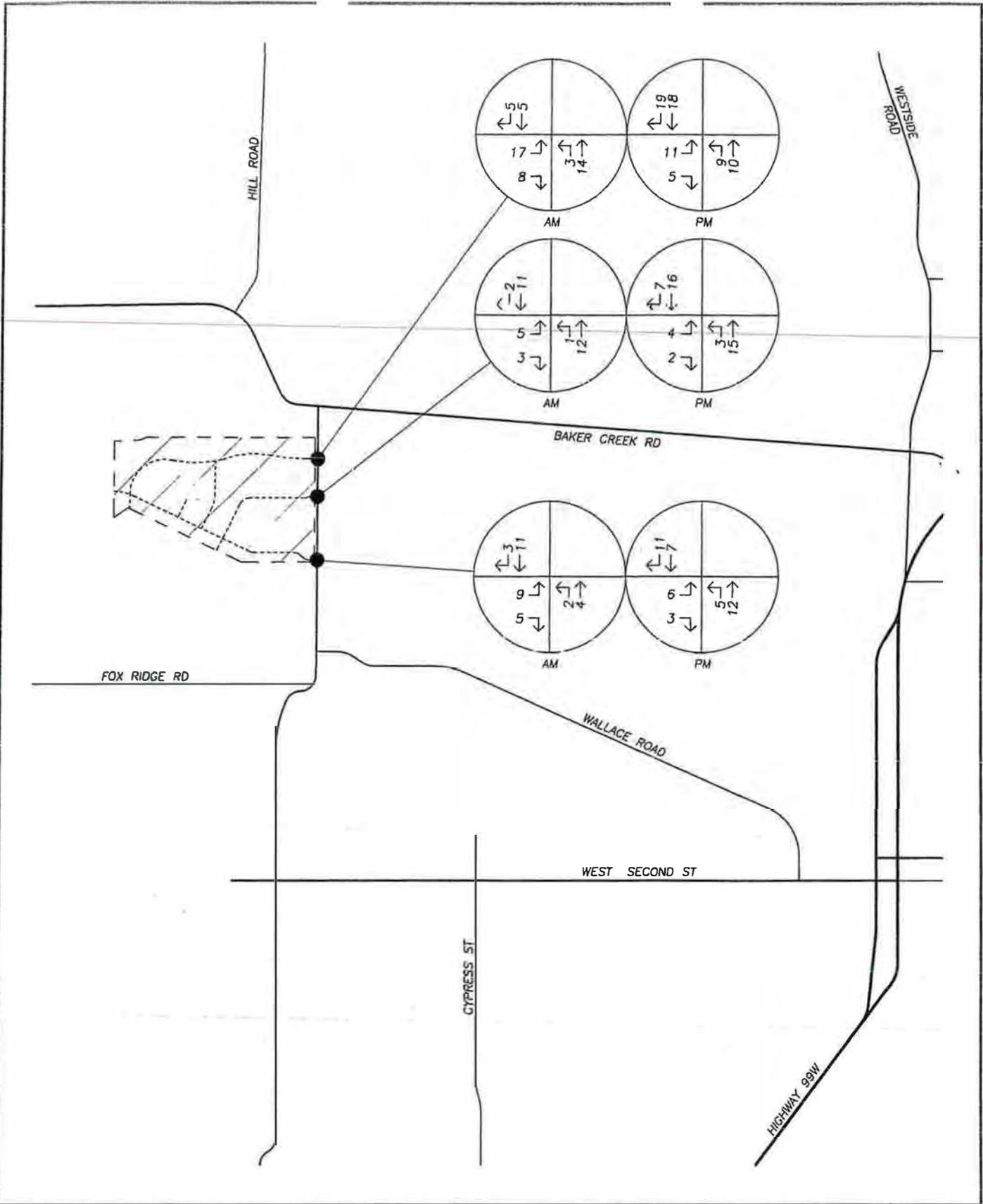
Trip Equation: $\ln(T) = 0.92 \ln(X) + 2.71$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	409	409	818

SATURDAY

Trip Equation: $\ln(T) = 0.94 \ln(X) + 2.63$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	412	412	824

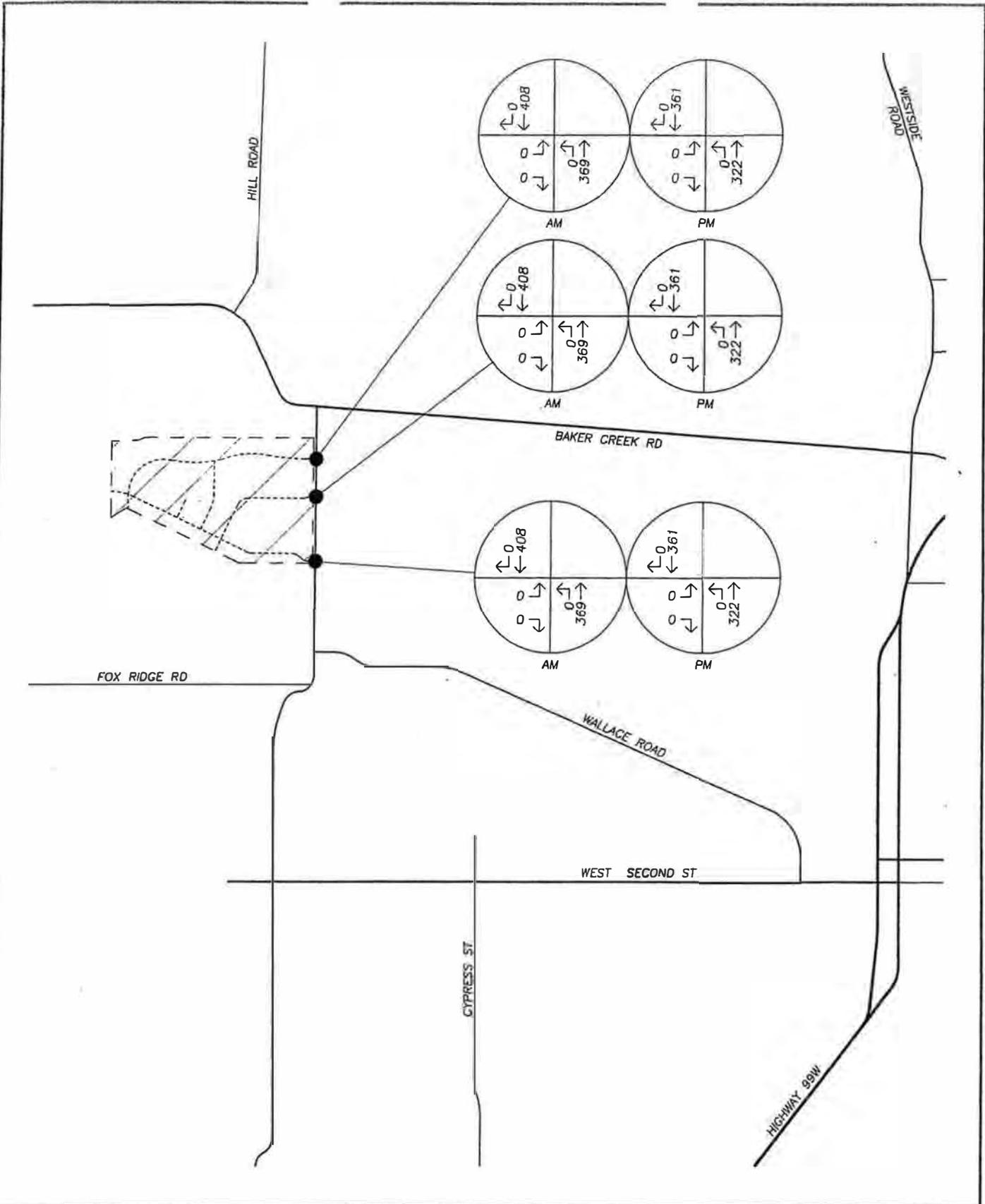


TRAFFIC VOLUMES
 SITE TRIPS
 AM & PM Peak Hours



FIGURE
 1

APPENDIX

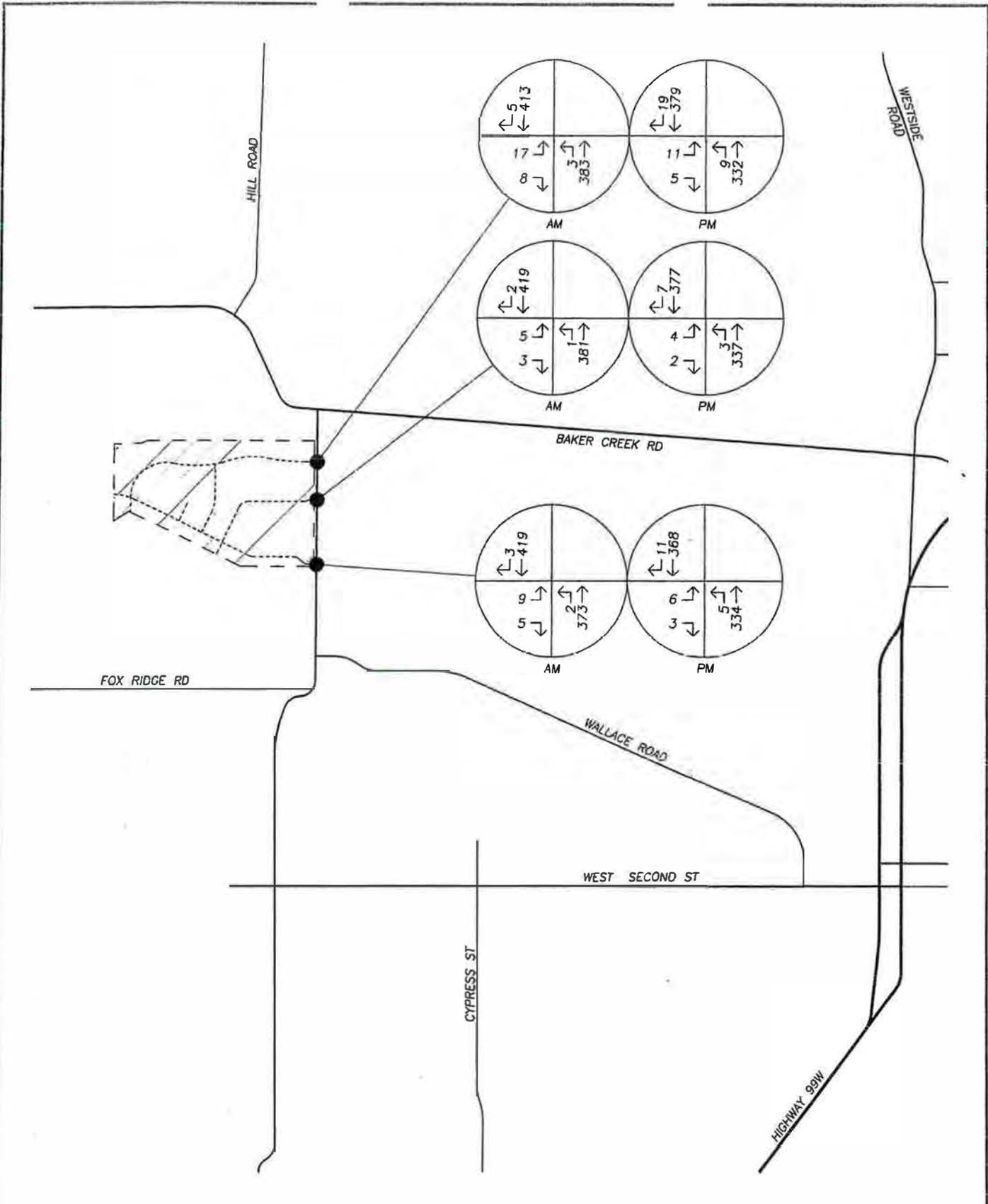


Le

TRAFFIC VOLUMES
 Year 2025 Background Traffic Conditions
 AM & PM Peak Hours



FIGURE
 2
 APPENDIX



TRAFFIC VOLUMES
 Year 2025 Background + Site Trips
 AM & PM Peak Hours



FIGURE 3
 APPENDIX

Order No.	1297D
County	YAMHILL
City	McMinnville
Date	November 13, 1997

SPEED ZONE ORDER BY DELEGATED AUTHORITY

Whereas, the Oregon Department of Transportation, Traffic Engineer, as requested by the City of McMinnville and Yamhill County pursuant to the provisions of ORS 810.180, has caused an engineering and traffic investigation to be made for the section(s) of state highway, county highway, city highway, or highway under the jurisdiction of a federal agency described below (highway means public way); and

Whereas, the data, facts, and information obtained in connection with said engineering and traffic investigation are on file in the office of the Traffic Management Section of the Oregon Department of Transportation in Salem, Oregon; and

Whereas, based upon said engineering and traffic investigation, the Traffic Engineer has found that the speed designated in ORS 811.105 or ORS 811.123 is greater than is reasonable under the conditions found to exist upon the section(s) of highway for which a lesser speed is herein designated or that the speed designated in said statute is less than is reasonable under the conditions found to exist upon the section(s) of highway for which a greater speed is herein designated; and

Whereas, the provisions of ORS 810.180 respecting notice and hearing have been complied with:

It is **Therefore Ordered** that the designated speed for the following section(s) of highway be as follows:

Name SW Hill Road

Highway Number _____ Route Number _____

LOCATION OF TERMINI

From	To	Designated Speed (Miles Per Hour)
Alexandria Street	0.26 mile south of Redmond Hill Road	35 mph <u>2/</u>
0.26 mile south of Redmond Hill Road	500 feet north of NW Wallace Road	35 mph <u>3/</u>
500 feet north of NW Wallace Road	250 feet south of Baker Creek Road	45 mph <u>3/</u>
250 feet south of Baker Creek Road	Baker Creek Road	45 mph <u>2/</u>

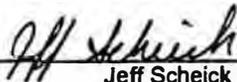
2/ Yamhill County
3/ City of McMinnville

Be it further ordered that the roadway authority or authorities responsible for the above section(s) of highway install appropriate signs giving notice of the designated speed(s) therefore as per ORS 810.180, Subsection 8(e).

Be it further ordered that signs installed pursuant to this order comply with the provisions of ORS 810.210 and 810.220.

Be it further ordered that any previous order made by the Department with respect to the designated speed for the above section(s) of highway which is in conflict with the provisions of this order is hereby rescinded.

Be it further ordered that the Traffic Engineer of the Oregon Department of Transportation is hereby delegated the authority to sign this order for and on behalf of the Department.



Jeff Scheick
Interim Traffic Engineer

LEFT-TURN LANE WARRANTS

VOLUME WARRANTS FOR LEFT-TURN REFUGES
ON TWO-LANE STREETS
AT UNSIGNALIZED INTERSECTIONS

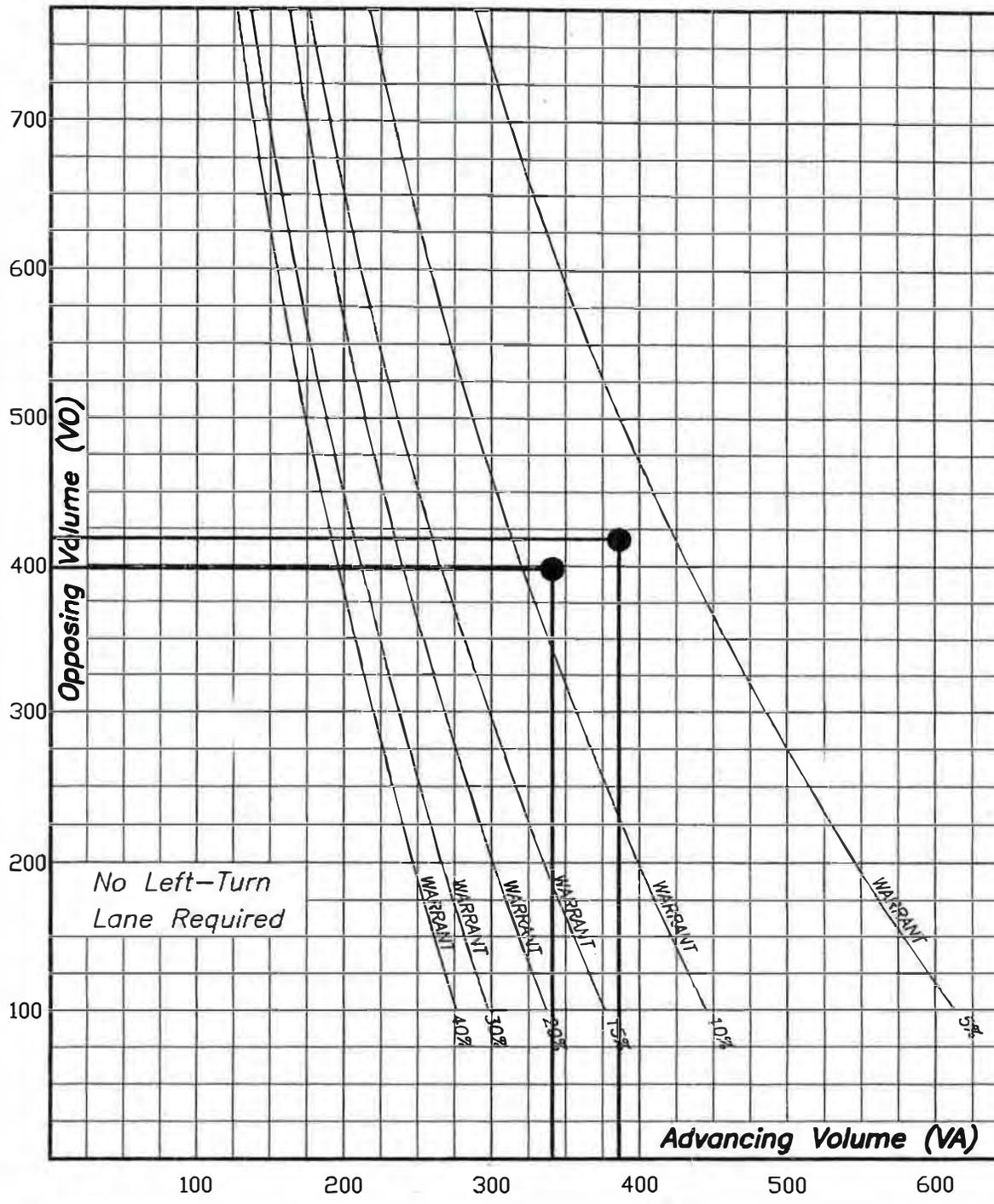
SPEED = 50 MPH

Warrants adapted by ODOT from
Highway Research Record No. 211

Intersection: NW HILL ROAD AT NORTH ACCESS

Scenario: YEAR 2025 TRAFFIC CONDITIONS

<u>AM</u>	<u>PEAK HOUR</u>	<u>PM</u>
<u>383</u>	<u>VPH THROUGH</u>	<u>332</u>
<u>3</u>	<u>VPH TURNING LEFT</u>	<u>9</u>
<u>0</u>	<u>VPH TURNING RIGHT</u>	<u>0</u>
<u>386</u>	<u>VA (VPH)</u>	<u>341</u>
<u>1%</u>	<u>% LEFT TURNS</u>	<u>3%</u>
<u>418</u>	<u>VO (VPH)</u>	<u>398</u>
<u>NO</u>	<u>REFUGE REQUIRED?</u>	<u>NO</u>



No Left-Turn
Lane Required

Advancing Volume (VA)

LEFT-TURN LANE WARRANTS

VOLUME WARRANTS FOR LEFT-TURN REFUGES
ON TWO-LANE STREETS
AT UNSIGNALIZED INTERSECTIONS

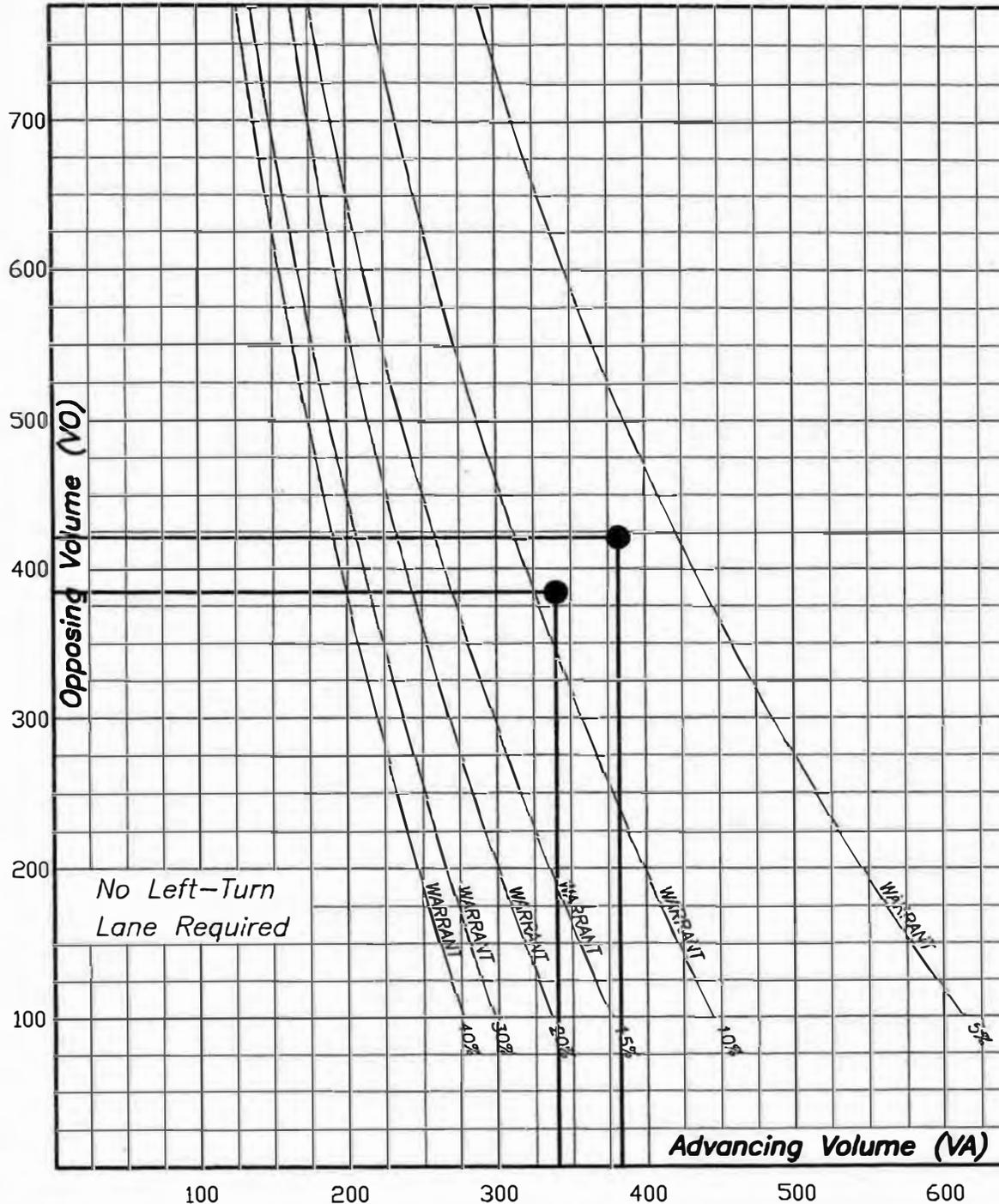
SPEED = 50 MPH

Warrants adapted by ODOT from
Highway Research Record No. 211

Intersection: NW HILL ROAD AT MIDDLE ACCESS

Scenario: YEAR 2025 TRAFFIC CONDITIONS

<u>AM</u>	<u>PEAK HOUR</u>	<u>PM</u>
<u>381</u>	<u>VPH THROUGH</u>	<u>337</u>
<u>1</u>	<u>VPH TURNING LEFT</u>	<u>3</u>
<u>0</u>	<u>VPH TURNING RIGHT</u>	<u>0</u>
<u>382</u>	<u>VA (VPH)</u>	<u>340</u>
<u>0%</u>	<u>% LEFT TURNS</u>	<u>1%</u>
<u>421</u>	<u>VO (VPH)</u>	<u>384</u>
<u>NO</u>	<u>REFUGE REQUIRED?</u>	<u>NO</u>



Advancing Volume (VA)

Opposing Volume (VO)

No Left-Turn
Lane Required

100 200 300 400 500 600 700 800 900

LEFT-TURN LANE WARRANTS

VOLUME WARRANTS FOR LEFT-TURN REFUGES
ON TWO-LANE STREETS
AT UNSIGNALIZED INTERSECTIONS

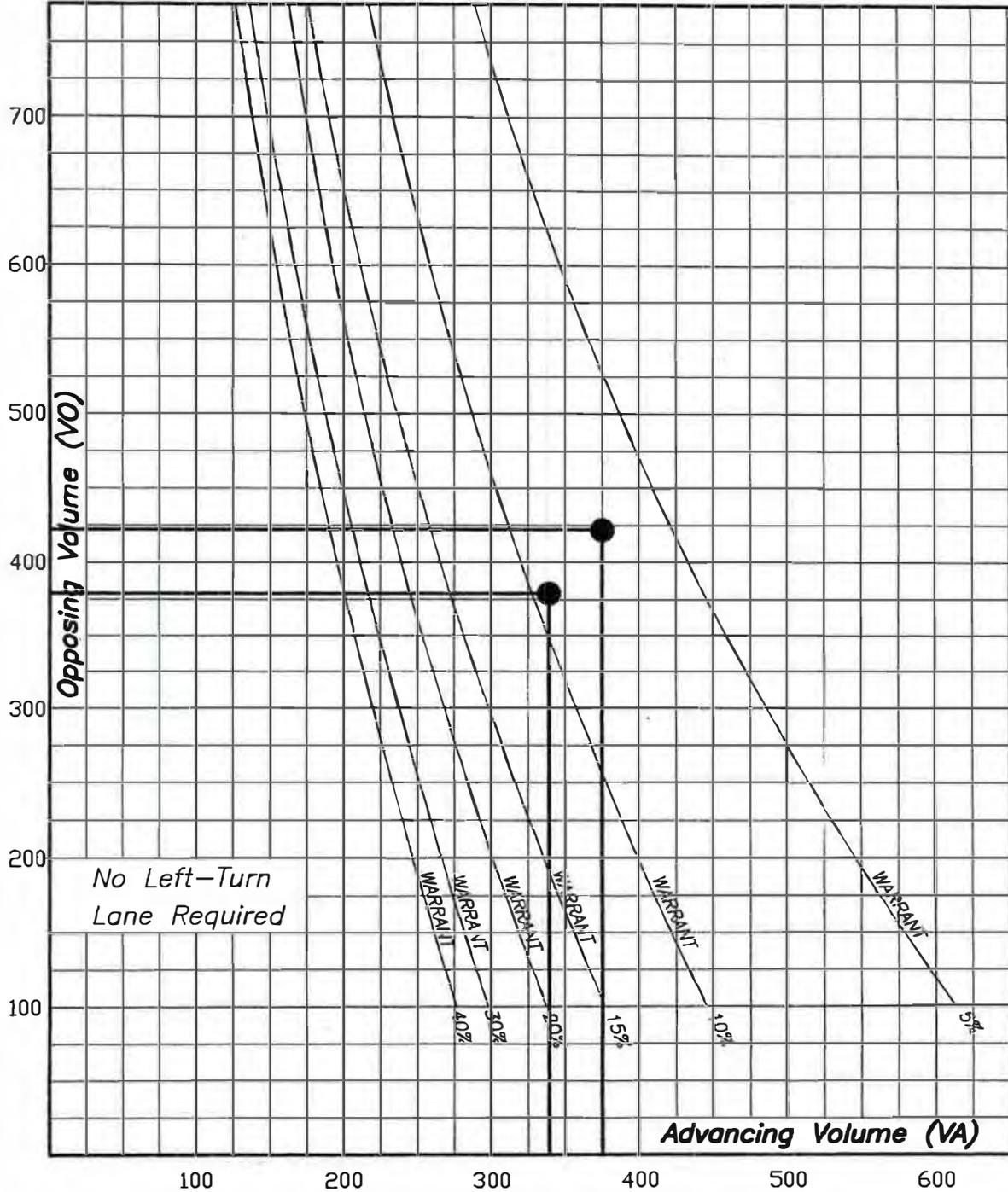
SPEED = 50 MPH

Warrants adapted by ODOT from
Highway Research Record No. 211

Intersection: NW HILL ROAD AT SOUTH ACCESS

Scenario: YEAR 2025 TRAFFIC CONDITIONS

AM	PEAK HOUR	PM
<u>373</u>	VPH THROUGH	<u>334</u>
<u>2</u>	VPH TURNING LEFT	<u>5</u>
<u>0</u>	VPH TURNING RIGHT	<u>0</u>
<u>375</u>	VA (VPH)	<u>339</u>
<u>1%</u>	% LEFT TURNS	<u>1%</u>
<u>422</u>	VO (VPH)	<u>379</u>
<u>NO</u>	REFUGE REQUIRED?	<u>NO</u>



Advancing Volume (VA)

Opposing Volume (VO)

No Left-Turn
Lane Required

Exhibit 12

Existing homes in West Wind Country Estates Sold 2021 - March 2025 Days on Market Analysis

Demonstrating the high demand for West Wind Country Estates housing type.

Eight homes sold, average days on market: **44 Days**.

If the home at 2075 SW Sailing Court, which stayed on market for 132 days testing the upper-limit of what a half-acre West Wind Home would sell for, is removed, the average days on market for the remaining seven homes is **32 Days**.

As listed within the analysis, three homes sold in **less than a week** after listing, two sold at full price and one sold at 1.2% over list price.

This data clearly shows that indisputable and extraordinary high demand exists for these types of home-sites

Please take note of the first entry, 2200 Homer Ross Loop, this 2187 sq. ft. home on a half-acre lot was built in 2009 during the housing recession that lasted through 2012. As shown on page three of the analysis, under "Sales History" the home sold 04-15-2010 for \$375,000; on 06-18-2018 sold again for \$529,900 a 41% increase in eight-years; on 10-23-2018 it re-sold for \$549,900 a 4.8% increase in value in just four-months; on 10-07-2024 it sold again for \$1,162,000 a staggering 111% increase in six-years. The value of this home and half-acre lot has increased 209.9% in 14-1/2 years. Because of this particular home's repeated sales history, it is the best example of how West Wind Country Estates home-sites and life-style are valued.

Additionally, please note, beyond the four year term of the following analysis, during the fifteen year life, that lots have been sale-able within West Wind Country Estates, that only five, one-acre finished home-sites, have re-sold and two of those sales were due to unfortunate health issues, demonstrating again, how highly valued those particular parcels are.

The properties within West Wind Country Estates and this application serve an important demographic and life-style by providing unique properties not easily found, particularly in the greater McMinnville area of Yamhill County. The VLDR one-acre zone should not be ignored in planning the vibrant, economically sound communities of Yamhill County.

2200 HOMER ROSS LOOP

2024



Yamhill County, Oregon

"In the heart of the Willamette Valley"

535 NE 5th Street
McMinnville, OR 97128
503-434-7521

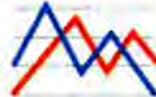
Property Account Summary

Listed 7-31-2024
Pending 8-21-2024
Sold 9-23-2024

3/18/2025

DAYS ON MARKET: 21

PDF



Click image above for more information

Account Number 541600 | Property Address 2200 SW HOMER ROSS LOOP, MCMINNVILLE, OR 97128

General Information

Alternate Property #	R4418B 01800
Property Description	Lot 48 in WEST WIND COUNTRY ESTATES
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	40.2
Remarks	

Tax Rate

Description	Rate
Total Rate	12.5182

Property Characteristics

Neighborhood	McMinnville West Wind
Land Class Category	401 Tract Residential Improved
Account Acres	0.5077
Square Feet	22114.0000
Change Property Ratio	Tract Land

Parties

Role	Name
Owner	[REDACTED] FAMILY LIVING TRUST
Owner	[REDACTED] TRUSTEE
Owner	[REDACTED] TRUSTEE

Related Properties

No Related Properties Found

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
2187	0 X 0	2009	5+	1	3	2	1

Property Values

Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
Assessed Value AVR	\$353,405	\$343,112	\$333,118	\$323,416	\$313,996
Exempt Value EAR					
Taxable Value TVR	\$353,405	\$343,112	\$333,118	\$323,416	\$313,996
Real Market Land MKLTL	\$255,625	\$251,897	\$260,097	\$226,098	\$203,966
Real Market Buildings MKITL	\$489,642	\$561,883	\$507,504	\$390,891	\$347,188
Real Market Total MKTTL	\$745,267	\$813,780	\$767,601	\$616,989	\$551,154
M5 Market Land MKLND	\$255,625	\$251,897	\$260,097	\$226,098	\$203,966
M5 Limit SAV M5SAV					
M5 Market Buildings MKIMP	\$489,642	\$561,883	\$507,504	\$390,891	\$347,188
M50 MAV MAVMK	\$353,405	\$343,112	\$333,118	\$323,416	\$313,996
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUUse Portion) SAVL					

Active Exemptions

No Exemptions Found

Tax Balance

[Installments Payable/Paid for Tax Year\(Enter 4-digit Year, then Click-Here\):](#) 2024

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/25/2024 11:37:00	1331109	\$4,423.99	\$4,423.99	\$4,423.99	\$0.00
11/01/2023 00:00:00	1250683	\$4,286.60	\$4,286.60	\$4,158.00	\$0.00
11/08/2022 00:00:00	1203142	\$3,844.15	\$3,844.15	\$3,728.83	\$0.00
11/09/2021 00:00:00	1168890	\$3,751.40	\$3,751.40	\$3,638.86	\$0.00
11/10/2020 00:00:00	1109972	\$3,647.47	\$3,647.47	\$3,538.05	\$0.00

Sales History

Sale Date	Entry Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
09/23/2024	10/07/2024	2024-08908	<u>\$1,162,000.00</u>	280244		S	No
12/09/2020	01/12/2021	2020-22316	\$0.00	265556		S	No
06/04/2020	06/22/2020	2020-08957	\$0.00	263086		S	No
12/09/2019	12/20/2019	2019-17877	\$0.00	261135		S	No
10/18/2018	10/23/2018	2018-14881	<u>\$549,900.00</u>	255373		S	No
05/21/2018	06/18/2018	2018-07173	<u>\$529,900.00</u>	253622		S	No
08/21/2012	08/21/2012	2012-11758	\$0.00	155876		S	No
04/15/2010	04/15/2010	2010-04863	<u>\$375,000.00</u>	147842		S	No
03/31/2009	03/31/2009	2009-04494	\$100,000.00	144140		S	No

Property Details

Client Full

Residential

3/24/2025
12:29PM

\$1,205,000 3 bd | 3 / 1 ba | 3150 sqft

Status: **Sold**

List Date: 7/20/2024

DOM: 4 Acres: 0.53

MLS#: 24110696

Year Built: 2018 / RESALE

2075 SW Fox Swale McMinnville, OR 97128

Unit #: Condo Loc:

XST/Dir: Hill Rd to West Wind to Fox Swale



Property Details:

Property Type: Detached

Area: 156

Style: 1 Story

Zoning:

County: Yamhill

Seller Disclosure: Disclosure

Nhood/Bldg: WEST WIND

Waterfront:

ESTATES

Lot Desc: Level

CC&Rs: Yes

Lot Size: 20,000 SqFt to .99

Legal: LOT 18 IN WEST

Acres

WIND COUNTRY ESTATES

Lot Dimensions:

Warranty:

View: Mountain(s), Territorial

55+ w/Affidavit Y/N: No

Body Water:

Open House:

Tax ID: 541678

Supplements: 1

Opportunity Zone:

Short Term Rental Allowed:

Floor #:

Upcoming Open House:

Lot/Land Lease/Rent Payment: /

Lot/Land Lease: No

Schools:

Elementary: Memorial

Middle: Duniway

High: McMinnville

Residence Information:

Upper SQFT: 350

SQFT Source: appraisal

Main SQFT: 2800

Total Up/Main: 3150

Lower SQFT: 0

Fireplaces: 2

Additional SQFT:

Garage: 3 / Attached,

Unreinforced Masonry

Oversized,

Building:

Foundation: Concrete

Perimeter

Levels: 2

Roof: Composition

Parking:

Basement: Crawl Space

Road Surface: Paved

Green Certification:

Energy Efficiency:

Exterior: Cultured Stone, Lap

Siding

RV Description:

Approximate Room Sizes and Descriptions:

Office: M Wood Floors
Living: M Fireplace, Great Room, Wood Floors
Kitchen: M Double Oven, Built-in Dishwasher, Eat Bar, Gas Appliances, Granite, Pantry
Dining: M Wood Floors
Library: M Built-in Features
Primary Bedroom: M Bathroom, Double Sinks, Walk in Closet, Wall to Wall Carpet
2nd Bedroom: M Bathroom, Wall to Wall Carpet
3rd Bedroom: M Bathroom, Wall to Wall Carpet
Baths - Full/Part Upper Level: 0/0 Main Level: 3/1 Lower Level: 0/0 Total Baths: 3/1

Features and Utilities:

Kitchen: Built-in Oven, Cooktop, Double Oven, Built-in Dishwasher, Disposal, Granite, Pantry, Plumbed For Ice Maker, Pot Filler, Stainless Steel Appliance(s)

Interior: Ceiling Fan(s), Central Vacuum, Soaking Tub, Sound System, Sprinkler, Vaulted Ceiling(s), Water Purifier, Wood Floors, Wall to Wall Carpet

Exterior: Covered Patio, Gas Hookup, Outdoor Fireplace, Sprinkler, Tool Shed

Accessibility: Main Floor Bedroom w/Bath

Security: Fire Sprinkler System

Internet:

Windows: Double Pane Windows

Cool: Heat Pump

Heat: Forced Air, Heat Pump

Fuel: Electricity, Gas

Water: Community

Sewer: Septic Tank

Hot Water: Gas

Financial:

Property Tax/Yr: \$6,311.88 / 2021 Rent, If Rented: Dues:

Short Sale: No Other Dues:

Bank Owned/Real Estate Owned: No

HOA: Yes

Association Amenities:

Terms Considered: Cash, Conventional, FHA

Assumable Interest Rate:

Assumable Remaining Months Ending:

Comparable Information:

Pending Date: 7/24/2024
Sold Date: 8/14/2024

Original Price: \$1,225,000
List Price: \$1,225,000

Sold Price: \$1,205,000
Sold Terms: Cash

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Photo Slide Show: [Virtual Tour #1](#)

Amazing custom, one level home on half acre in West Wind! Wonderful opportunity with a welcoming front porch, yard and easy access horse shoe driveway. Step in to an open concept, warm, loads of natural light and inviting space. The dining room sets the stage with lovely picture windows. The living room has high ceilings, beams, gas fireplace with wood mantle, shiplap with floating shelves, built-in bench seating, accent lighting for shelving and large picture windows with view to the back! The kitchen is a dream with so many special touches! Tucked in banquette nook, extra large island with seating, pendant lighting, loads of counter space, can and accent lighting, ceiling height cabinets with glass uppers & under counter lights, custom hood vent, granite counters with full chevron tile backsplash, gas range, stainless steel appliances, new refrigerator, fabulous walk in pantry and full desk with extra storage! There are a total of 5 bedrooms and 4 baths with primary suite on one side and other bedrooms on their own wing. The primary suite is the perfect size with windows and a door to the back. The attached bathroom suite has two walk in closets, tile floors, two separate sinks, vanity area, water closet, beautiful free standing tub and stunning zero entry glass/full tile shower, all a can't miss! There is a bedroom or office around the cor-

Client Full Residential 3/24/2025 10:47AM

\$1,260,000 5 bd | 4 / 0 ba | 3325 sqft

Status: **Sold**

List Date: 7/2/2024

DOM: 73

Acres: 0.5

MLS#: 24216844

Year Built: 2017 / RESALE

2000 SW FOX SWALE LN McMinnville, OR 97128

Unit #:

Condo Loc:

XST/Dir: Baker Creek, Hill Rd, West Wind, Fox Swale

Property Details:

Property Type: Detached

Area: 156

Style: 1 Story, Farmhouse

Zoning:

County: Yamhill

Seller Disclosure: Disclosure

Nhood/Bldg:

Waterfront:

CC&Rs: Yes

Lot Desc: Corner Lot, Level

Legal: LOT 26 IN WEST WIND

Lot Size: 20,000 SqFt to .99 Acres

COUNTRY ESTATES

Lot Dimensions:

Warranty:

View: Territorial

55+ w/Affidavit Y/N: No

Body Water:

Open House:

Tax ID: 541624

Opportunity Zone:

Short Term Rental Allowed:

Floor #:

Upcoming Open House:

Lot/Land Lease/Rent Payment: /

Lot/Land Lease: No

Schools:

Elementary: Memorial

Middle: Duniway

High: McMinnville

ner with full bath that has fun floor tile and full subway tile walk in shower. Great mudroom entry off of the garage with chevron floor tile, built-in storage and shiplap wall with hooks and room for everyone! Hallway has full bath with tub/shower, bedroom, large utility room with storage, folding area & utility sink. Bedroom suite with walk in closet and attached bathroom with hex tile floor and walk in shower. 5th large bedroom too! Oversize outdoor covered back patio with high ceilings, can lights, ceiling fan and room to spread out. Raised garden beds, large yard, oversized garage, a true dream!!

Residence Information:

Upper SQFT: 0
 Main SQFT: 3325
 Lower SQFT: 0
 Additional SQFT:
 Unreinforced Masonry Building:

SQFT Source: County
 Total Up/Main: 3325
 Fireplaces: 1
 Garage: 2 / Attached, Extra Deep,
 Foundation: Concrete Perimeter

Levels: 1
 Roof: Composition, Metal
 Parking: Driveway, On Street
 Basement: Crawl Space
 Road Surface: Paved

Green Certification:
 Energy Efficiency:
 Exterior: Board & Batten Siding, Lap Siding
 RV Description:

Approximate Room Sizes and Descriptions:

Bedroom 4:	M	Bathroom, Tile Floor, Walk-in Shower, Walk in Closet, Wall to Wall Carpet		
Living:	M	Built-in Features, Fireplace, Great Room, Wood Floors		
Kitchen:	M	Built-in Microwave, Built-in Features, Built-in Dishwasher, Eat Bar, Free-Standing Range, Free-Standing Refrigerator, Granite, Island, Pantry, Wood Floors		
Dining:	M	Wood Floors		
Bedroom 5:	M	Closet, Wall to Wall Carpet		
Primary Bedroom:	M	Bathroom, Double Sinks, Soaking Tub, Suite, Tile Floor, Walk-in Shower, Walk in Closet, Wall to Wall Carpet		
2nd Bedroom:	M	Bathroom, Closet, Tile Floor, Walk-in Shower, Wall to Wall Carpet		
3rd Bedroom:	M	Closet, Wall to Wall Carpet		
Utility Room:	M	Built-in Features, Sink, Tile Floor		
Baths - Full/Part	Upper Level: 0/0	Main Level: 4/0	Lower Level: 0/0	Total Baths: 4/0

Features and Utilities:

Kitchen: Built-in Microwave, Built-in Dishwasher, Free-Standing Range, Free-Standing Refrigerator, Free-Standing Gas Range, Granite, Island, Pantry, Plumbed For Ice Maker, Stainless Steel Appliance(s), Tile

Interior: Central Vacuum, Garage Door Opener, High Ceilings, Laundry, Soaking Tub, Tile Floor, Wood Floors, Wall to Wall Carpet

Exterior: Covered Patio, Garden, Porch, Raised Beds, Yard

Accessibility: One Level

Security:

Internet:

Windows:

Cool: Central Air, Heat Pump

Water: Community

Heat: Heat Pump

Sewer: Septic Tank

Fuel: Electricity, Gas

Hot Water: Gas

Financial:

Property Tax/Yr: \$6,723.21 / 2023

HOA: No

Association Amenities:

Terms Considered: Cash, Conventional

Assumable Interest Rate:

Assumable Remaining Months Ending:

Rent, If Rented:

Dues:

Short Sale: No

Other Dues:

Bank Owned/Real Estate Owned: No

Comparable Information:

Pending Date: 9/13/2024

Sold Date: 10/10/2024

Original Price: \$1,450,000

List Price: \$1,345,000

Sold Price: \$1,260,000

Sold Terms: Cash

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Client Full Residential 3/24/2025 12:29PM

\$1,199,000 5 bd | 2 / 1 ba | 3331 sqft

Status: **Sold**
 List Date: 9/6/2022
 DOM: 5 Acres: 0.5 MLS#: 22641282
 Year Built: 2017 / RESALE

2050 SW FOX SWALE LN McMinnville, OR 97128
 Unit #: Condo Loc:
 XST/Dir: 99W to NW Baker Creek Rd., 2nd turn @ round about, Hill Rd., R on Westwind Dr, Left Fox Swale

Property Details:

Property Type: Detached	Area: 156
Style: 1 Story, Contemporary	Zoning:
County: Yamhill	Seller Disclosure: Disclosure
Nhood/Bldg:	Waterfront:
CC&Rs: Yes	Lot Desc: Level
Legal: LOT 27 IN WEST WIND COUNTRY ESTATES	Lot Size: 20,000 SqFt to .99 Acres
Warranty:	Lot Dimensions:
55+ w/Affidavit Y/N: No	View: Territorial
Open House:	Body Water:
	Tax ID: 541621
	# Supplements: 1
	Opportunity Zone:
	Short Term Rental Allowed:
	Floor #:

Upcoming Open House:
 Lot/Land Lease/Rent Payment: /
 Lot/Land Lease:

Schools:

Elementary: Memorial
 Middle: Duniway
 High: McMinnville

: [Virtual Tour #2](#)

Custom home in the "Beverly Hills of McMinnville". Plenty of open space w/ 4 bedrooms, den, bonus/family room & large kitchen. Open & bright kitchen has white cabinets, granite, gas appliances & pantry. Inviting main suite w/large soaking tub, walk-in tile shower, dual vanities & more. Elegant dining room w/wainscoting & modern chandelier. Covered patio boasts gas fire pit perfect for outdoor entertaining. Fenced yard & 3 car garage. This home is for the picky buyer! Award winning floor plan.

Residence Information:

Upper SQFT: 0	SQFT Source: County
Main SQFT: 3331	Total Up/Main: 3331
Lower SQFT: 0	Fireplaces: 1
Additional SQFT:	Garage: 3/ Attached, ,
Unreinforced Masonry Building:	Foundation:

Levels: 1
 Roof: Composition
 Parking: Driveway
 Basement: Crawl Space
 Road Surface: Paved

Green Certification:
 Energy Efficiency:
 Exterior: Board & Batten Siding, Cultured Stone, Fiber Cement
 RV Description:

Approximate Room Sizes and Descriptions:

Bedroom 4:	M	13 X 11	Walk in Closet, Wall to Wall Carpet		
Living:	M	20 X 20	Built-in Features, Fireplace, High Ceilings		
Kitchen:	M	20 X 14	Gas Appliances, Granite, Hardwood Floors		
Dining:	M	12 X 12	Hardwood Floors, Wainscoting		
Family:	M	16 X 18	Wall to Wall Carpet		
Den:	M	12 X 12	French Doors, Walk in Closet, Wall to Wall Carpet		
Primary Bedroom:	M	17 X 15	Bathroom, French Doors, Walk in Closet		
2nd Bedroom:	M	14 X 12	Walk in Closet, Wall to Wall Carpet		
3rd Bedroom:	M	11 X 13	Walk in Closet, Wall to Wall Carpet		
Nook:	M	14 X 13	Hardwood Floors, Sliding Doors, Wainscoting		
Baths - Full/Part		Upper Level: 0/0	Main Level: 2/1	Lower Level: 0/0	Total Baths: 2/1

Features and Utilities:

Kitchen: Built-in Microwave, Built-in Dishwasher, Gas Appliances, Granite, Instant Hot Water, Island, Pantry, Range Hood, Stainless Steel Appliance(s)
Interior: Central Vacuum, Granite, Engineered Hardwood, High Ceilings, Laundry, Sprinkler, Tile Floor, Wainscoting, Water Softener, Wall to Wall Carpet
Exterior: Covered Patio, Fenced, Patio, Yard
Accessibility: One Level, Minimal Steps, Main Floor Bedroom w/Bath, Roll-in Shower, Walk-in Shower
Security:
Internet:
Windows: Double Pane Windows, Vinyl Frames, Wood Frames
Cool: Central Air
Water: Community, Shared Well
Heat: Forced Air
Sewer: Septic Tank
Fuel: Gas
Hot Water: Gas

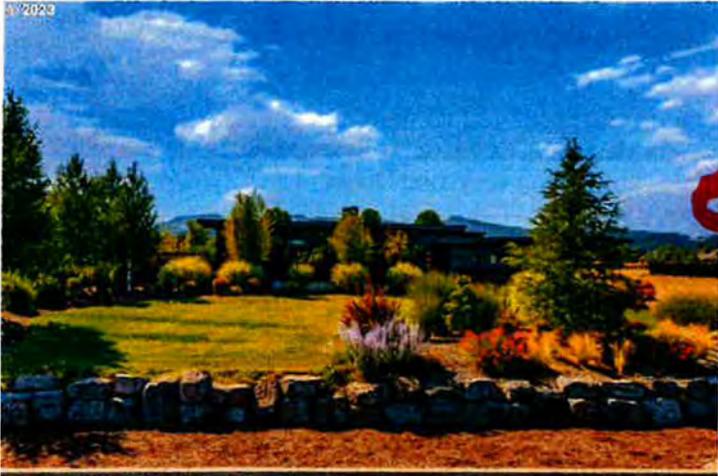
Financial:

Property Tax/Yr: \$5,758.58 / 2021
Rent, If Rented:
Dues:
HOA: Yes
Association Amenities:
Terms Considered: Cash, Conventional
Assumable Interest Rate:
Assumable Remaining Months Ending:
Short Sale: No
Other Dues:
Bank Owned/Real Estate Owned: No

Comparable Information:

Pending Date: 9/11/2022	Original Price: \$1,199,000	Sold Price: \$1,199,000
Sold Date: 10/27/2022	List Price: \$1,199,000	Sold Terms: Conventional

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Client Full Residential 3/24/2025 12:29PM

\$1,205,000 3 bd | 3 / 1 ba | 2446 sqft

Status: **Sold**
List Date: 8/10/2023
DOM: 132 Acres: 0.51 MLS#: 23022380
Year Built: 2017 / RESALE

2075 SW SAILING CT McMinnville, OR 97128
Unit #: Condo Loc:
XST/Dir: Baker Creek, Hill Rd, West Wind, Fox Swale,
Cottonwood, Sailing

Property Details:

Property Type: Detached Area: 156
Style: 1 Story, Contemporary Zoning:
County: Yamhill Seller Disclosure: Disclosure
Nhood/Bldg: Waterfront:
CC&Rs: Yes Lot Desc: Cul-de-sac, Level
Legal: TOWNSHIP 4S RANGE Lot Size: 20,000 SqFt to .99
4W SECTION 18 QTR B Acres
TAXLOT 05000 LOT 24
SUBDIVI Lot Dimensions:
Warranty: View: Mountain(s), Seasonal,
Territorial
Open House: 55+ w/Affidavit Y/N: No Body Water:
Tax ID: 541696
Opportunity Zone:
Short Term Rental Allowed:
Floor #:

Upcoming Open House:
Lot/Land Lease/Rent Payment: /
Lot/Land Lease:

Schools:

Elementary: Memorial
Middle: Duniway
High: McMinnville

: [Virtual Tour #1](#)

Stunning contemporary home serenely set on half an acre in the beautiful Willamette Valley. The home sits on a quiet cul-de-sac in West Wind Estates with approximately 2446 SF and an additional 950 SF garage. Built by Kris Stubberfield, of Stubberfield Custom Homes, in 2017, this home features open plan living with an expansive view of the coastal mountain range and lush hills and farmland. Attention to detail at every turn: six panel La Cantina sliding doors, 8" wide plank white oak floors, Jeld-Wen windows, top of the line kitchen appliances, deep exterior clear cedar soffits, 2"x 6" construction, 5/8" sheetrock with no baseboards nor window or door casings and curved entry wall are just a few details that make this custom home truly one of a kind. The luxurious, yet comfortable finishes are exceptional, as well. The spectacular view through to the coastal mountain range and farmland is serene and hard to come by so close to town. Live in the heart of Oregon Wine Country and be minutes away in any direction to world class wineries, Historic Downtown McMinnville and easy access to Portland, Salem and the Oregon Coast!

Residence Information:

Upper SQFT: 0
Main SQFT: 2446
Lower SQFT: 0
Additional SQFT:
Unreinforced Masonry
Building:

SQFT Source: County
Total Up/Main: 2446
Fireplaces: 1
Garage: 2 / Attached,
Oversized,
Foundation: Concrete
Perimeter

Levels: 1
Roof: Composition
Parking: Driveway
Basement: Crawl Space
Road Surface: Paved

Green Certification:
Energy Efficiency:
Exterior: Lap Siding
RV Description:

Approximate Room Sizes and Descriptions:

Laundry:	M	Free-Standing Refrigerator, Sink, Storage, Tile Floor		
Living:	M	Built-in Features, Ceiling Fan(s), Great Room, Living Room/Dining Room Combo, Sliding Doors, Wood Floors		
Kitchen:	M	Built-in Features, Built-in Dishwasher, Free-Standing Range, Free-Standing Refrigerator, Gas Appliances, High Ceilings, Island, Kitchen/Dining Room Combo, Nook, Quartz, Wood Floors		
Dining:	M	High Ceilings, Kitchen/Dining Room Combo, Living Room/Dining Room Combo, Wood Floors		
Primary Bedroom:	M	Bathroom, Built-in Features, Closet Organizer, Closet, High Ceilings, Quartz, Sliding Doors, Soaking Tub, Suite, Tile Floor, Wall to Wall Carpet		
2nd Bedroom:	M	Closet Organizer, Closet, Sliding Doors, Wall to Wall Carpet		
3rd Bedroom:	M	Bathroom, Built-in Features, Closet Organizer, High Ceilings, Quartz, Sliding Doors, Suite, Tile Floor, Walk-in Shower, Walk in Closet, Wall to Wall Carpet		
Baths - Full/Part	Upper Level: 0/0	Main Level: 3/1	Lower Level: 0/0	Total Baths: 3/1

Features and Utilities:

Kitchen: Built-in Dishwasher, Free-Standing Refrigerator, Free-Standing Gas Range, Island, Plumbed For Ice Maker, Quartz, Range Hood, Stainless Steel Appliance(s)
Interior: Ceiling Fan(s), Central Vacuum, Garage Door Opener, Heated Tile Floor, High Ceilings, Laundry, Quartz, Soaking Tub, Sound System, Sprinkler, Tile Floor, Vaulted Ceiling(s), Wood Floors, Wall to Wall Carpet
Exterior: Garden, Patio, Raised Beds, Sauna, Security Lights, Sprinkler, Water Feature, Yard
Accessibility: One Level, Accessible Entrance, Minimal Steps, Main Floor Bedroom w/Bath, Pathway, Utility Room On Main
Security:
Internet:
Windows: Double Pane Windows, Wood Frames
Cool: Heat Pump
Water: Community
Heat: Heat Pump
Sewer: Sand Filtered, Septic Tank
Fuel: Electricity, Gas
Hot Water: Electricity

Financial:

Property Tax/Yr: \$6,954.42 / **Rent, If Rented:** **Short Sale:** No **Bank Owned/Real Estate**
2023 **Dues:** **Other Dues:** **Owned:** No
HOA: No
Association Amenities:
Terms Considered: Cash, Conventional
Assumable Interest Rate:
Assumable Remaining Months Ending:

Comparable Information:

Pending Date: 12/20/2023 **Original Price:** \$1,649,900 **Sold Price:** \$1,205,000
Sold Date: 1/18/2024 **List Price:** \$1,290,000 **Sold Terms:** Cash

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Client Full Residential 3/24/2025 12:29PM

\$1,415,000 3 bd | 2 / 2 ba | 3560 sqft

Status: **Sold**
List Date: 10/20/2022
DOM: 49 Acres: 1.17 MLS#: 22261888
Year Built: 2014 / RESALE
2200 SW WEST WIND DR McMinnville, OR 97128
Unit #: Condo Loc:
XST/Dir: NW Hill to West Wind Drive.

Property Details:

Property Type: Detached Area: 156
Style: 1 Story, Ranch Zoning: res
County: Yamhill Seller Disclosure: Disclosure
Nhood/Bldg: WESTWIND Waterfront:
COUNTRY ESTATES Lot Desc: Corner Lot, Level
CC&Rs: Yes Lot Size: 1 to 2.99 Acres
Legal: LOT 34 IN WEST Lot Dimensions: 303.78X165
WIND COUNTRY ESTATES APX
Warranty: View: Territorial
55+ w/Affidavit Y/N: No Body Water:
Open House: Tax ID: 541648
Supplements: 2
Opportunity Zone:
Short Term Rental Allowed:
Floor #:

Upcoming Open House:
Lot/Land Lease/Rent Payment: /
Lot/Land Lease:

Schools:

Elementary: Memorial
Middle: Duniway
High: McMinnville



: [Virtual Tour #1](#)

: [Virtual Tour #2](#)

Stunning & stately one level home on 1.17 manicured acres! From the dramatic great room anchored by a see-thru fire-place to the gourmet chefs kitchen, a well appointed primary suite with its private deck to the grand outdoor entertaining spaces, this home will delight the most discerning. Loaded with luxury & smart features that are too many to describe here. The outbuilding has a lrg RV gar, shop, a wine rm & a bonus rm with 1/2 ba. for an ideal office, studio etc. Ask for features list.

Residence Information:

Upper SQFT: 0
Main SQFT: 3560
Lower SQFT: 0
Additional SQFT:
Unreinforced Masonry
Building:

SQFT Source: Trio
Total Up/Main: 3560
Fireplaces: 3
Garage: 3 / Attached,
Oversized,
Foundation: Concrete
Perimeter

Levels: 1
Roof: Composition
Parking: Driveway, RV
Access/Parking
Basement: Crawl Space
Road Surface: Paved

Green Certification:
Energy Efficiency:
Exterior: Fiber Cement, Man
Made
RV Description: RV Hookup,
RV Parking, RV/Boat Storage

Approximate Room Sizes and Descriptions:

Office:	M	13 X 11	Built-in Features, Bookcases, Wall to Wall Carpet		
Living:	M	20 X 16	Central Vacuum, Fireplace, Formal, Hardwood Floors, Patio, Vaulted Ceiling(s)		
Kitchen:	M	18 X 16	Eat Bar, Gourmet Kitchen, Granite, Great Room, Hardwood Floors, Island		
Dining:	M	16 X 13	Fireplace, Formal, Great Room, Hardwood Floors, Patio, Vaulted Ceiling(s)		
Bonus Room:	M	16 X 15	Ceiling Fan(s), Hardwood Floors, Sink		
Primary Bedroom:	M	17 X 17	Bathroom, Fireplace, Patio, Suite, Walk-in Shower, Walk in Closet		
2nd Bedroom:	M	11 X 11	Ceiling Fan(s), Closet, High Cellings, Shared Bath, Walk-in Shower, Wall to Wall Carpet		
3rd Bedroom:	M	11 X 10	Ceiling Fan(s), Closet, High Ceilings, Shared Bath, Walk-in Shower, Wall to Wall Carpet		
Media Room:	M	15 X 13	Beamed Ceilings, Built-in Features, Home Theater, Sound System, Wall to Wall Carpet		
Baths - Full/Part		Upper Level: 0/0	Main Level: 2/2	Lower Level: 0/0	Total Baths: 2/2

Features and Utilities:

Kitchen: Built-in Microwave, Built-in Oven, Built-in Range, Built-in Refrigerator, Convection Oven, Built-in Dishwasher, Disposal, Gas Appliances, Island, Range Hood, Stainless Steel Appliance(s), Wine Cooler

Interior: Central Vacuum, Garage Door Opener, Granite, Hardwood Floors, Home Theater, Laundry, Sound System, Sprinkler, Washer/Dryer

Exterior: Covered Patio, Fenced, Gas Hookup, Outdoor Fireplace, Outbuilding, Patio, RV Hookup, RV Parking, RV/Boat Storage, Sprinkler, Workshop, Water Feature

Accessibility: One Level, Accessible Entrance, Accessible Full Bath, Accessible Approach with Ramp, Garage on Main, Main Floor Bedroom w/Bath, Utility Room On Main, Walk-in Shower

Security: Security Lights, Security System Owned

Internet:

Windows: Vinyl Frames

Cool: Central Air

Water: Community

Heat: Forced Air, Zoned

Sewer: Septic Tank

Fuel: Gas

Hot Water: ENERGY STAR Qualified Equipment, Gas

Financial:

Property Tax/Yr: \$9,757.47 / 2021

Rent, If Rented:
Dues:

Short Sale: No
Other Dues:

Bank Owned/Real Estate Owned: No

HOA: No

Association Amenities:

Terms Considered: Cash, Conventional, FHA, VA Loan

Assumable Interest Rate:

Assumable Remaining Months Ending:

Comparable Information:

Pending Date: 12/8/2022

Sold Date: 1/4/2023

Original Price: \$1,525,000

List Price: \$1,525,000

Sold Price: \$1,415,000

Sold Terms: Cash

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Client Full

Residential

3/24/2025
12:29PM

\$909,500 3 bd | 2 / 1 ba | 2963 sqft

Status: **Sold**

List Date: 7/21/2021

DOM: 6 Acres: 0.51

MLS#: 21188020

Year Built: 2014 / RESALE

2180 SW HOMER ROSS

LOOP McMinnville, OR 97128

Unit #: Condo Loc:

XST/Dir: 99W to Baker Creek Rd > NW Hill Rd, Right on NW Wind Dr, Left on NW Homer Ross Loop, No sign

Property Details:

Property Type: Detached	Area: 156
Style: Craftsman, Traditional	Zoning: EF80
County: Yamhill	Seller Disclosure: Disclosure
Nhood/Bldg: McMinnville	Waterfront:
West Wind	Lot Desc: Level, Pond
CC&Rs: Yes	Lot Size: 20,000 SqFt to .99
Legal: TOWNSHIP 4S RANGE	Acres
4W SECTION 18 QTR B	Lot Dimensions:
TAXLOT 01700 LOT 49	View: Territorial, Valley
SUBDIVI	Body Water:
Warranty:	Tax ID: 541597
55+ w/Affidavit Y/N: No	Opportunity Zone:
Open House:	Short Term Rental Allowed:
	Floor #:

Upcoming Open House:
Lot/Land Lease/Rent Payment: /
Lot/Land Lease:

Schools:

Elementary: Memorial
Middle: Patton
High: McMinnville

: [Virtual Tour #1](#)

: [Virtual Tour #2](#)

Come home to luxury & comfort! Single level living boasting an open floorplan & several spaces for entertaining both indoors & out. High ceilings & upgraded finishes throughout. Chef's kitchen w/expansive island, SS appliances, 2 dishwashers. Oversized primary suite w/private bath featuring tiled walk-in shower, 2 vanities & 2 walk-in closets. 1/2 acre lush landscaped grounds w/several seating/lounge areas, gardens & 4 water features. Prime location close to the golf course, hiking & wineries.

Residence Information:

Upper SQFT: 0	SQFT Source: Trio
Main SQFT: 2963	Total Up/Main: 2963
Lower SQFT: 0	Fireplaces:
Additional SQFT:	Garage: 3 / Attached, ,
Unreinforced Masonry Building:	Foundation:

Levels: 1
Roof: Composition
Parking: Driveway
Basement: Crawl Space
Road Surface: Paved

Green Certification:
Energy Efficiency:
Exterior: Fiber Cement
RV Description:

Approximate Room Sizes and Descriptions:

Office:	M	15 X 11	French Doors, Tile Floor		
Living:	M	28 X 21	Great Room, High Ceilings, Patio, Sliding Doors, Tile Floor		
Kitchen:	M	15 X 11	Built-in Microwave, Butler's Pantry, Free-Standing Range, Gas Appliances, Granite, Island		
Dining:	M	13 X 11	Formal, Tile Floor		
Nook:	M	16 X 12	Exterior Entry, Kitchen/Dining Room Combo, Patio, Tile Floor		
Primary Bedroom:	M	23 X 17	Ceiling Fan(s), Double Closet, Suite, Tile Floor, Walk-in Shower, Walk in Closet		
2nd Bedroom:	M	13 X 11	Ceiling Fan(s), Closet, Wall to Wall Carpet		
3rd Bedroom:	M	18 X 15	Ceiling Fan(s), Sliding Doors, Wall to Wall Carpet		
Laundry:	M	14 X 6	Sink, Storage, Tile Floor		
Baths - Full/Part		Upper Level: 0/0	Main Level: 2/1	Lower Level: 0/0	Total Baths: 2/1

Features and Utilities:

Kitchen: Built-in Microwave, Butler's Pantry, Built-in Dishwasher, Disposal, Free-Standing Gas Range, Gas Appliances, Granite, Island, Pantry, Range Hood, Stainless Steel Appliance(s), Wine Cooler

Interior: Ceiling Fan(s), Central Vacuum, Garage Door Opener, Granite, High Ceilings, High Speed Internet, Laundry, Sprinkler, Tile Floor, Wall to Wall Carpet

Exterior: Covered Patio, Fenced, Free-Standing Hot Tub, Garden, Patio, Porch, Sprinkler, Tool Shed, Water Feature, Yard

Accessibility: One Level, Garage on Main, Minimal Steps, Main Floor Bedroom w/Bath, Walk-in Shower

Security:

Internet: Cable

Windows: Double Pane Windows, Vinyl Frames

Cool: Central Air

Heat: Forced Air, Zoned

Fuel: Gas

Water: Community

Sewer: Septic Tank

Hot Water: Gas, Tankless

Financial:

Property Tax/Yr: \$4,447.10 / 2020

Rent, If Rented:
Dues:

Short Sale: No
Other Dues:

Bank Owned/Real Estate
Owned: No

HOA: No

Association Amenities:

Terms Considered: Cash, Conventional

Assumable Interest Rate:

Assumable Remaining Months Ending:

Comparable Information:

Pending Date: 7/27/2021

Sold Date: 9/16/2021

Original Price: \$899,000

List Price: \$899,000

Sold Price: \$909,500

Sold Terms: Conventional

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Client Full Residential 3/24/2025 12:29PM

\$1,150,000 5 bd | 4 / 1 ba | 4800 sqft

Status: **Sold**
 List Date: 2/9/2021
 DOM: 28 Acres: 0.61 MLS#: 21543231
 Year Built: 2016 / RESALE
2000 SW SAILING CT McMinnville, OR 97128
 Unit #: Condo Loc:
 XST/Dir: Cottonwood dr

Property Details:

Property Type: Detached	Area: 156
Style: 2 Story, Farmhouse	Zoning: EFU
County: Yamhill	Seller Disclosure: Disclosure
Nhood/Bldg:	Waterfront:
CC&Rs: Yes	Lot Desc: Corner Lot
Legal: LOT 20 IN WEST WIND COUNTRY ESTATES	Lot Size: 20,000 SqFt to .99 Acres
Warranty:	Lot Dimensions:
55+ w/Affidavit Y/N: No	View: Territorial
Open House:	Body Water:
	Tax ID: 541684
	Opportunity Zone:
	Short Term Rental Allowed:
	Floor #:

Upcoming Open House:
 Lot/Land Lease/Rent Payment: /
 Lot/Land Lease:

Schools:

Elementary: Memorial
 Middle: Duniway
 High: McMinnville

- : [Virtual Tour #1](#)
- : [Virtual Tour #2](#)

Dual living w/2 kitchens & 2 laundry rooms. Farmhouse style home in West Wind Country Estates. Cathedral ceilings in the LR room & upper master finished in knotty pine. Light & bright kitchen w/island & built in hutch buffet. Engineered hardwoods in living area. LR w/gas FP. Upper master w/ tile shower. 2nd master suite down. Spacious ???in law??? suite w/full kitchen & separate entry. Hydronic floor heating & mini split ductless A/C. Huge bonus room & several den/office spaces. Lots of storage

Residence Information:

Upper SQFT: 2079	SQFT Source: county	Levels: 2	Green Certification:
Main SQFT: 2721	Total Up/Main: 4800	Roof: Composition	Energy Efficiency:
Lower SQFT: 0	Fireplaces: 1	Parking: Driveway	Exterior: Fiber Cement
Additional SQFT:	Garage: 3 / Attached, ,	Basement: None	RV Description:
Unreinforced Masonry Building:	Foundation:	Road Surface: Paved	

Approximate Room Sizes and Descriptions:

Primary Bedroom: M
 Baths - Full/Part Upper Level: 2/0 Main Level: 2/1 Lower Level: 0/0 Total Baths: 4/1

Features and Utilities:

Kitchen: Built-in Oven, Built-in Range, Built-in Dishwasher, Disposal, Granite, Quartz

Interior: Granite, Hardwood Floors, Heated Tile Floor

Exterior: Covered Deck, Covered Patio

Accessibility: Main Floor Bedroom w/Bath

Security: Fire Sprinkler System

Internet:

Windows:

Cool: Other

Water: Community

Heat: Ductless, Wood Stove, Other

Sewer: Other

Fuel: Gas

Hot Water: Recirculating

Financial:

Property Tax/Yr: \$5,541.79 / **Rent, If Rented:**
2019 **Dues:**

Short Sale: No
Other Dues:

Bank Owned/Real Estate
Owned: No

HOA: No

Association Amenities:

Terms Considered: Cash, Conventional

Assumable Interest Rate:

Assumable Remaining Months Ending:

Comparable Information:

Pending Date: 3/9/2021

Sold Date: 4/15/2021

Original Price: \$1,150,000

List Price: \$1,150,000

Sold Price: \$1,150,000

Sold Terms: Conventional

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Miscellaneous supporting maps

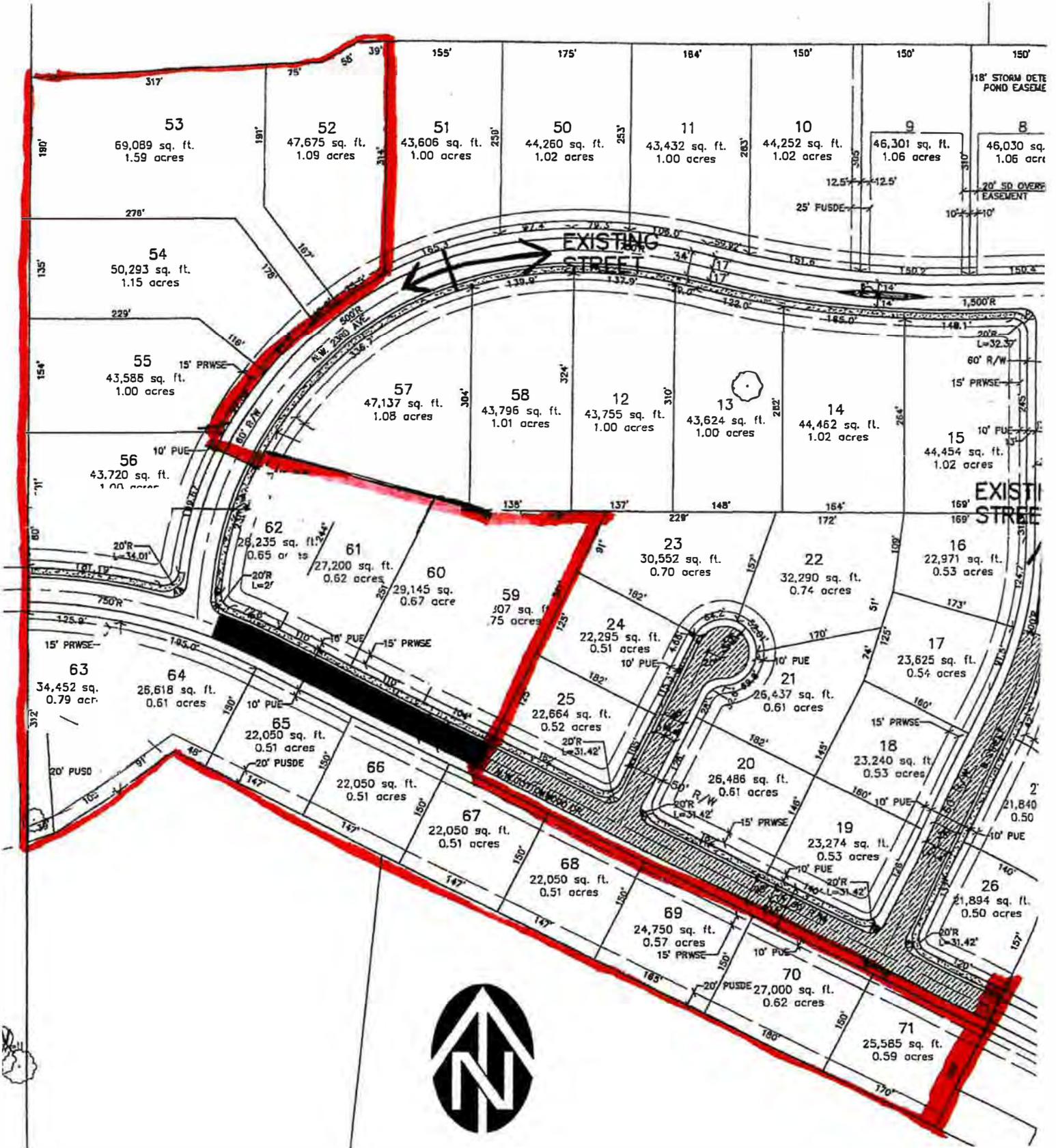
Proposed Subdivision Lots, Total of 14 Lots, acre size shown is approximate

Seven (7) half-acre lots, lots 65 - 71 as shown per map

Four (4) 1.5 acre lots, reconfigured lots 52 - 56 per map, w/ 100' west-side building setback

Two (2) 1.25 acre lots, reconfigured lots 59 - 62 per map

One (1) one-acre lot, reconfigured lots 63 & 64 per map, w/ 40' south-side building setback



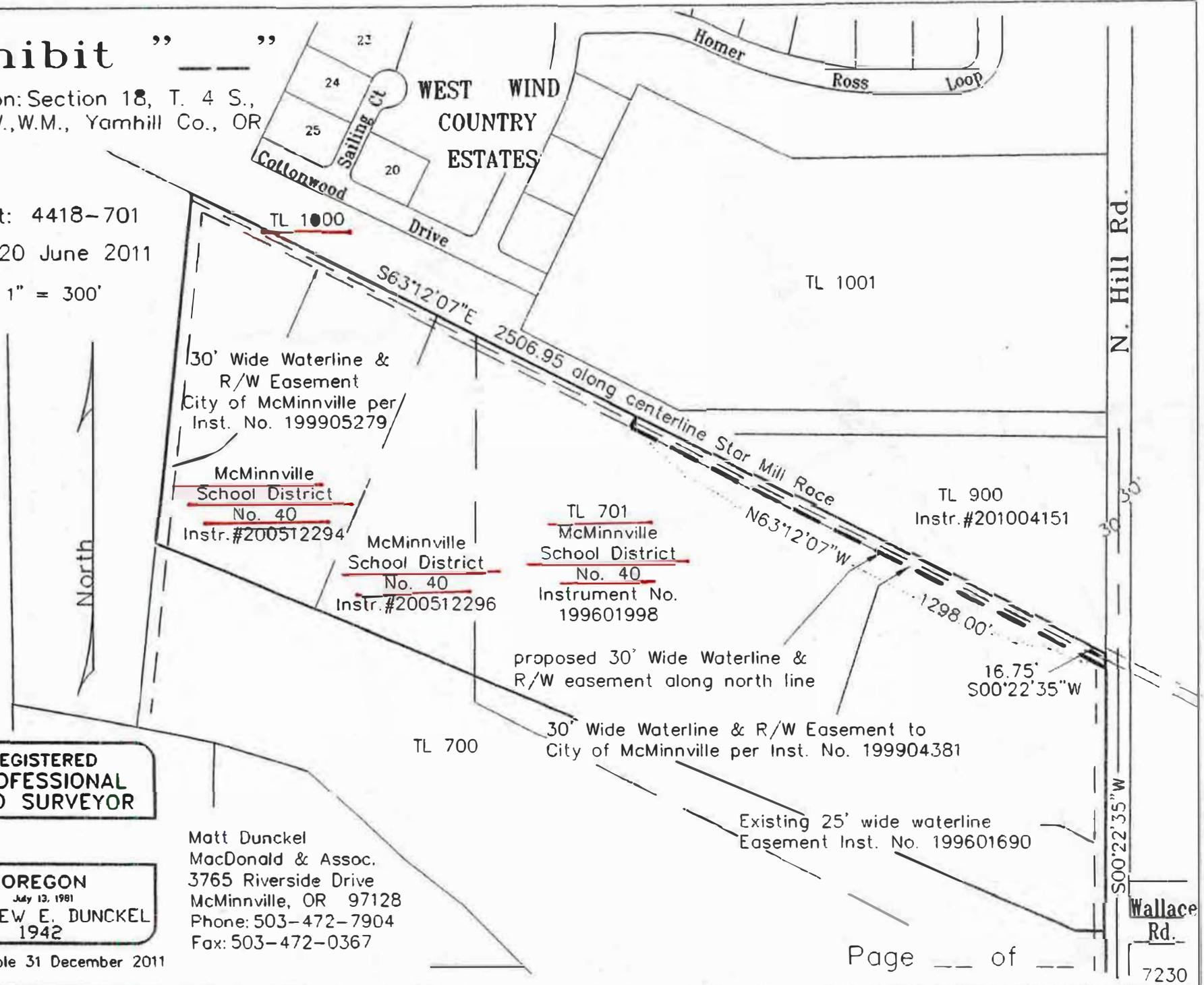
Exhibit

Location: Section 18, T. 4 S.,
R. 4 W., W.M., Yamhill Co., OR

Tax Lot: 4418-701

Date: 20 June 2011

Scale: 1" = 300'



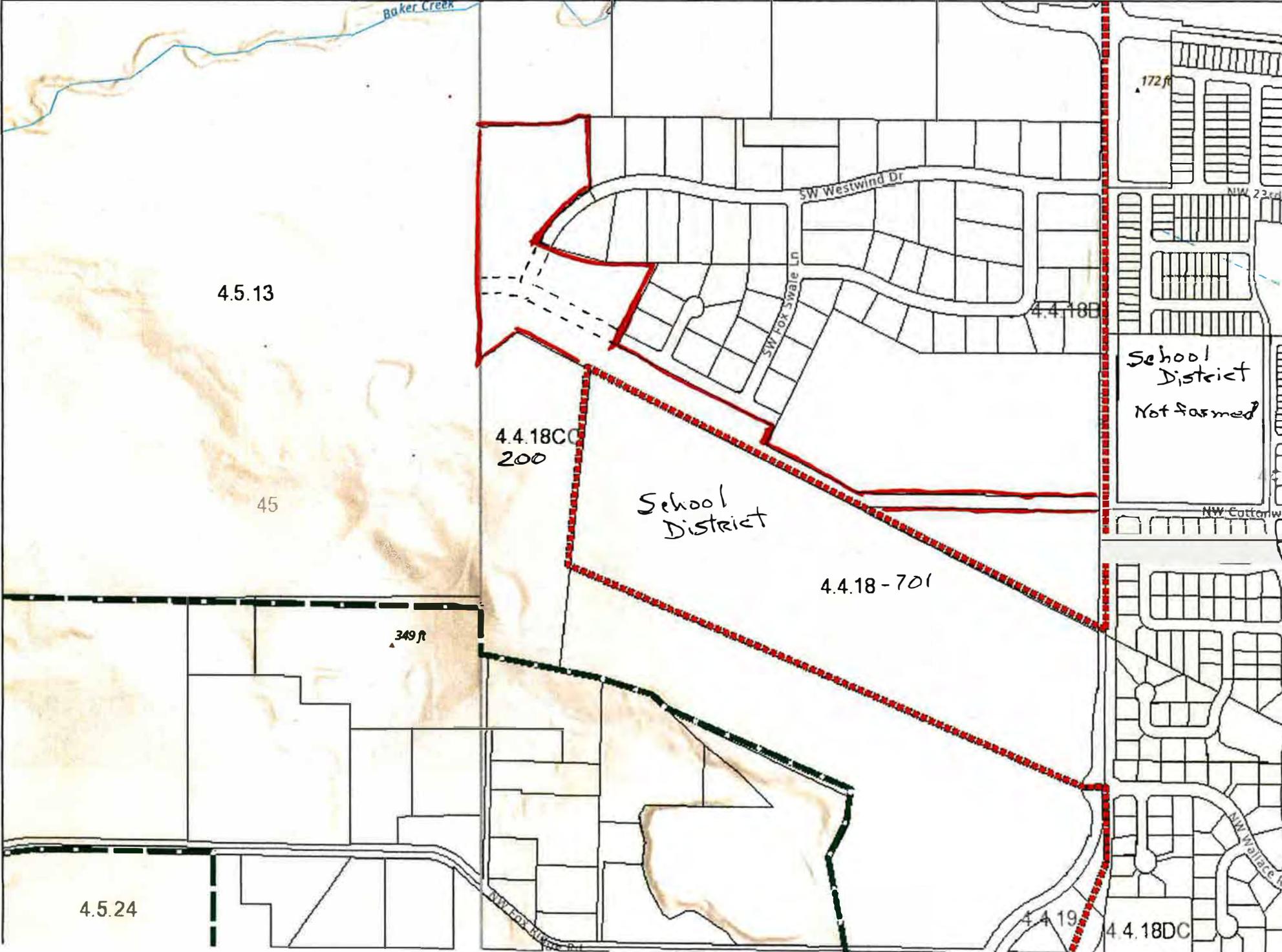
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
July 13, 1981
MATTHEW E. DUNCKEL
1942

Matt Dunckel
MacDonald & Assoc.
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
Fax: 503-472-0367

Renewable 31 December 2011

Yamhill County Map



Letter ANSI A Landscape

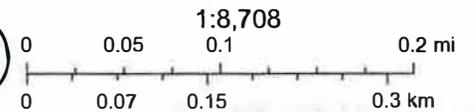


4/18/2025

USGSHydroCached

- Red: Band_1
- Green: Band_2
- Blue: Band_3

*Light blue dashed - Open ditch
Storm water ways*



USGS The National Map: National Hydrography Dataset. Data refreshed February, 2025., Source: Esri, Maxar, Earthstar Geographics, and the GIS

III. Very Low Density Residential Zoning Ordinance

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

502. VERY LOW DENSITY RESIDENTIAL DISTRICTS (VLDR-5, VLDR-2 ½, VLDR-1)

[Last Amended 5/24/12; Ord. 872]

502.01 Purpose.

The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan. The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection. Ultimate density limitations in VLDR Districts shall be determined in part by prevailing lot sizes, and limitations of domestic water sources or soil conditions for subsurface sewage disposal. Opportunities for small-scale or intensive farm and forestry activities compatible with rural residential uses shall be encouraged in the VLDR Districts. In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40 or -80, AF-20, -40 or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.

[Amended 12/05/02; Ord. 720]

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

- A. Farm uses. The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J). [Amended 3/19/98, Ord. 643; 7/9/98, Ord 648]
- B. Propagation and harvesting of Christmas trees;
- C. Principal Dwelling;
- D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- E. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;
- F. Accessory uses;
- G. 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;
- H. 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;
- I. Signs, pursuant to the sign provisions set forth in Section 1006;

J. Residential home or a registered or certified family child care home; and [Amended 5/24/12; Ord. 872]

K. Propagation and harvesting of forest products; [Added 12/05/02; Ord. 720]

502.03 Conditional Uses.

In the VLDR Districts, 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. 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. [Amended 07/29/04; Ord. 743]
- B. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004.
- C. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10;

- D. Kindergarten in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008; [Amended 5/24/12; Ord. 872]
- E. Community or municipal water-supply system, except within acknowledged service boundaries;
- F. Community or municipal sanitary-sewer system;
- G. Utility facility, subject to Section 1101 for site design review;
- H. Public or private school, including all buildings essential to the operation of a school, subject to Section 1101, Site Design Review; and [Amended 8/13/98, Ord. 657]
- I. Church, subject to Section 1101, Site Design Review. [Amended 8/13/98, Ord. 657]
- J. 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. [Added 12/05/02; Ord. 720]
- K. Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves. [Added 05/25/04; Ord. 741]
- L. Community Centers. [Added 09/02/04; Ord. 746]
- M. Residential facility as defined in ORS 197.660. [Added 09/02/04; Ord. 746]

502.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the VLDR Districts.

502.05 Nonconforming Uses.

Nonconforming uses found in the VLDR Districts are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

502.06 Standards and Limitations.

In the VLDR Districts, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. Permitted Uses.
 - (a) The maximum overall dwelling density for any new development shall not exceed:
 - i. one (1) dwelling per five (5) acres in the VLDR-5 District;
 - ii. one (1) dwelling per two and one-half (2 ½) acres in the VLDR-2 ½ District; and

- iii. one (1) dwelling per acre in the VLDR-1 District.
- (b) Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development and except as follows:
 - i. one (1) duplex may be allowed on any ten (10) acre parcel in the VLDR-5 District.
 - ii. one (1) duplex may be allowed on any five (5) acre parcel in the VLDR-2 ½ District; and
 - iii. one (1) duplex may be allowed on any two (2) acre parcel in the VLDR-1 District.
- (c) For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable VLDR District is not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by subsection 502.06(B). In the case of parcel-size averaging, the landowner shall record an affidavit with the county clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall residential density, etc.

2. Conditional Uses.

Not more than one (1) secondary dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. VLDR-5 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be five (5) acres, except as follows:
 - i. In the case of parcel-size averaging, the minimum parcel size shall be two and one-half (2 ½) acres;
 - ii. In the case of a duplex, the minimum parcel size shall be (10) acres; and
 - iii. In the case of a duplex or multi-family planned unit development, the minimum parcel size shall be twenty (20) acres.
- (b) 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. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. VLDR-2 ½.
- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be two and one-half (2 ½) acres, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be one (1) acre; and
 - ii. in the case of a duplex, the minimum parcel shall be five (5) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be ten (10) acres.
 - (b) 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. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
 - (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. VLDR-1.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be one (1) acre, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be 20,000 square feet; and
 - ii. in the case of a duplex, the minimum parcel size shall be two (2) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be five (5) acres.
- (b) 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. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The following setback requirements apply to all VLDR Districts unless varied or waived by a planned unit development, subject to Section 903:

1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - (a) 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.
 - (b) The minimum setback for all yards for signs shall be five (5) feet; and
 - (c) No structure housing livestock shall be located within fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be fifteen (15) feet, except as provided in this subsection.
3. 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.
4. 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.
5. 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 502.06(F).

[Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

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.

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 planting exceeding thirty (30) inches in 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 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.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
[Amended 4/9/97; Ord. 624]
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any parcel of less than ten (10) acres the maximum building height shall be thirty-five (35) feet; and
[Amended 4/9/97; Ord. 624]
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.

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 and until the necessary permits have been obtained.

[Amended 7/9/98, Ord. 648]

I. Off-Street Parking.

1. In the VLDR Districts, 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 VLDR Districts, including multi-family dwellings, shall be determined by the Director subject to the provisions of Section 1007.

J. Livestock.

The keeping of livestock shall be allowed subject to the following restrictions:

1. On any parcel of one-half (½) acre or less, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted;
2. On any parcel of less than ten (10) acres, the total number of animal units shall not exceed one (1) for each one (1) acre of parcel area. Animal units shall be counted as follows: horse 1.0, cow over 18 months old 1.0, calf 0.6, cow and calf pair 1.35, sheep 0.2, pig 0.5 and goat 0.2.
[Amended 12/05/02; Ord. 720]
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (½) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and

5. All animal food shall be stored in metal or other rodent-proof receptacles.

F:\Share\ZO\502_872.docx

IV. Planning Commission Minutes for July 10, 2025

YAMHILL COUNTY PLANNING COMMISSION

Thursday, July 10, 2025 - 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE Fifth Street
McMinnville, Oregon 97128

Roll Call: in person: John Abrams, Mark Gaibler, Paulette Alexandria, Matt Dunckel, Christy Cooke; Craig Brown, Brett Veatch, Alan Halstead **Via Zoom** Steve Belt **Absent:** none **Staff:** Ken Friday, Stephanie Curran, Lance Woods, Jodi Gollehon

Vice Chair Gaibler opened the public hearing.

Approval of minutes from June 5, 2025, hearing.

Alan Halsted motioned to approve, Paulette seconded, motion passed 8-0.

DOCKET NO.: PAZ-01-24/S-03-24
REQUEST: Approval of a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential with an Exception to Statewide Planning Goal 2 (Exception Process), Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), and Goal 14 (Urban Development on Undeveloped Rural Lands), and the Transportation Planning Rule. A fourteen (14) lot subdivision is also being requested with an average lot size of 1.23-acres, and seven lots measuring 0.5-acres and seven lots measuring approximately 1.25-acres being created from Tax Lot 4418-01000, a 17.3-acre parcel.
APPLICANT: John Abrams
OWNER: Maralynn Abrams Trust
TAX LOT: 4418-01000
CRITERIA: Sections 402, 502, 502.06, and 1208.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may be applicable. OAR 660-12-0060, the Transportation Planning Rule. OAR 660-004, Goal 2 Exception criteria. OAR 660-014, Goal 14 Exception criteria.

Abstentions and objections:

Brett has represented Abrams in their sale of Westwind Estates. I have not spoken to him about selling any lots that might be created in the future, I don't believe this will affect my decision in any way.

Matt: I know John from the Planning Commission, it won't affect my decision.

Alan, I've known John through the Planning Commission, but I can be fair and partial.

Ken Friday read the raise it or waive it statement.

Lance Woods read the staff report.

Proponent:

John Abrams, 12475 Baker Creek RD, McMinnville, OR: I'm essentially just going to let the application speak for itself. The VLDR zones is something the state frowns upon, I think it needs to be brought back. It is a transition between farmland and residential. This tract is surrounded by natural barriers, 3 wetland ditches and a storm water drainage system, and to the east is Westwind estates which I would like to incorporate these new parcels into. There is talk about the new parcel sizes being minimum of 2.5 acres or 10 acres. But this was vesting by Measure 37 in 2007. This lot has all of the infrastructure there, roadcuts, storm/sewer lines, water, sewer, high fiber cable, etc. After Measure 39 I had to decide whether to vest Tax Lot 1000. On that plat, this lot is labeled as phase two. I vested what is now Westwind Estates and now am dealing with this remaining parcel. My goal is to finish phase two of the Westwind Estate as platted in 2007.

Matt: are you paying farm deferral taxes?

John: it has been off deferral for some time.

Paulette: where is the school property?

Across the street

Opponent:

Rob Halyburton, PO Box 1083, McMinnville, OR: I don't feel the written record demonstrates that it meets the exception to statewide Planning Goals 3 and 4, specifically that the land is "irrevocably committed" to uses not permitted by those goals.

Matt: Are you saying that something that is in a plat, has all of the utilities and in a plat is not committed?

Ron: I think the application does not demonstrate it.

Matt: What more would you have to do?

Rob: Give some type of explanation in the application.

Christie: Are you saying his paperwork is not demonstrating it is irrevocable? What would you suggest to the applicant?

Ron: To explain why those facts comply with the administrative rule.

Matt: Isn't the fact that the utilities are there justification?

Ron: We still don't know where those are, are they toward the road, or in the middle of the property?

Marcus Fowler, 2415 SW Westwind, lot 50 in Westwind Estates: I think for you all to make a good decision, you folks need go out and walk the property. I have a power point on my phone. I think the maps should be a CAD map; my acreage came out a little different than John's. They are about 95 percent the same.

Paulette: Are you a cartographer?

Marcus: No, but I do a lot of presentations.

Paulette: A lot of us drive by and are familiar to the area.

Public Agency Reports:

DLCD: Does not think applicant has met goals

Sanitarian: Must meet septic requirements and setbacks

Rebuttal:

John Abrams: I fundamentally disagree with everything Mr. Hallyburton said. The criteria have been addressed, maybe not with polish, but it has been addressed. I feel confident as the application sits.

Brett: You've been going through this for a couple of years, so you are familiar with land. What is the explanation of why it is not farmable?

John: There are maybe two parcels about 1.7 acres and 5 acres that can be farmed, right next to high value homes, because they do not have utilities right up to them. The farm next door to this subdivision said they do not want to grow hazelnuts next to the Westwind Estates due to spray drift. I also submitted a letter from Vallet Spray that they will not spray there either.

Brett: Will the farm next to this estate have any problems farming next to the new subdivision?

John: There are buffers around the farm, so farm usage should not be affected. Also, the utilities were not put in as place holders. The power and water system are 1800 feet away from the subdivision had to go through tax lot 1000 for the Westwind Estates.

Paulette: So, this an adequate water supply for the new subdivision?

Craig: Has this land had crops on it in the last 5 years?

John: No

Staff Recommendation: Staff felt it met all criteria and recommends with conditions.

Alan: And this just refers to the subdivision?

Lance: Yes, the Planning Commission could put a limited overlay on it.

Deliberation:

Matt: I agree with planning.

Craig: I would agree to move forward w/ staff recommendation and applicant's request

Steve: Understating the original plat has phase 1 and 2 and all the utilities are in place, I agree with staff

Alan: With utilities already there, and size and shape of the lot it is irrevocable committed. I agree with staff.

Mark: I agree with Alan and staff.

Brett: I would concur, if ever there was a case of irrevocably committed, this is it. It is close to residential development and far enough away from other farms by physical barriers. It seems much better to the public as residential than to farming. I don't think it would be commercially viable to farm.

Paulette: I agree with staff. If this was 2006 or 2007 and it was sitting by itself alone, we might have been able to make another case. I agree with staff.

Christy: I think this subdivision is needed, I concur with staff.

Motion: Matt motioned for approval with all conditions, Alan seconded. Motion approved unanimously

Other Business

Alan announced he is retiring, and Matt's term is expiring, and he is not re-applying.

Meeting Adjourned 7:58

V. Comments Submitted During & After Planning
Commission Hearing

RECEIVED

JUL 10 2025

YAMHILL COUNTY
RECORDING DEPARTMENT

Concerning Yamhill County Tax Lot 4418-1000, three small parcels adjoining the west and southerly boundaries of the West Wind Country Estates subdivision as shown on the attached photo map.

Specifically, the practical realities of whether Valley Ag Service would be willing and/or able to apply necessary herbicides, fungicides, pesticides and fertilizers normally used in farming practices to the three parcels that make up Tax Lot 1000, given the prevailing wind patterns of that particular area and the proximity to high value homes and landscaping.

An additional compromising factor is the small size and irregular shape of the three parcels.

Signed:



Date: 5-7-25

RECEIVED

JUL 10 2025

WASHILL COUNTY
PLANNING DEPARTMENT

Addendum to Valley Ag "Service Disclaimer", Valley Agronomics, Whiteson Facility, regarding Tax Lot 4418-1000

The (informational only) service disclaimer attached, left room for a brief statement confirming whether Valley Ag, would be willing, or not, to perform general agricultural herbicide/pesticide and/or fungicide applications to the parcels described and shown on the attached map. Unfortunately, that necessary statement was inadvertently left off. This addendum clarifies that, at this time, Valley Ag is **unable**, given the circumstances of adjoining development, specifically potential human and landscaping exposure, to apply most normal such agricultural chemical substances to the parcels making up Tax Lot 4418-1000.

The above statement is not a part of any dispute or litigation matter, its sole purpose is as a general statement describing current and potential difficulties in persuing certain normal commercial farming activities on the specific parcels described above.

Letter ANSI A Landscape



4/18/2025

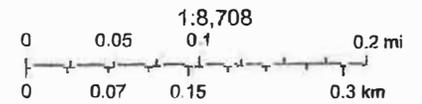
Layers

- Red: Band_1
- Green: Band_2
- Blue: Band_3



TAX LOT 4418-1000

--- Existing Road Cuts, P.U.E. EASEMENTS
& UNDERGROUND UTILITIES



USDA, USGS The National Map: Orthoimagery. Data refreshed June, 2024

Lance Woods

From: John Abrams <johnabrams1@frontier.com>
Sent: Thursday, July 10, 2025 10:43 AM
To: Lance Woods; Stephanie Curran
Subject: Paz -01-24_S-03-24
Attachments: Valley Ag service restriction.pdf

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

Please find attached an additional document to add to the application.
Regarding a local agricultural service business's admission, they will not apply agricultural chemical materials to Tax Lot 1000 because of its proximity to residential activity.
Please include with the existing "Exhibit 7"

Thank you,
John Abrams

OAR 660-014-0030

Rural Lands Irrevocably Committed to Urban Levels of Development

(1)

A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020 (Goal 2, Part II(c), Exception Requirements)(2) need not be addressed.

(2)

A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.

(3)

A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:

(a)

Size and extent of commercial and industrial uses;

(b)

Location, number and density of residential dwellings;

(c)

Location of urban levels of facilities and services; including at least public water and sewer facilities; **and**

(d)

Parcel sizes and ownership patterns.

(4)

A conclusion that rural land is **irrevocably** committed to urban development shall be based on all of the factors listed in section (3) **of this** rule. The conclusion shall be supported by a statement of reasons explaining **why the** facts found support the conclusion that the land in question is committed to urban uses **and** urban level development rather than a rural level of development.

(5)

More detailed findings and reasons **must** be provided to demonstrate that land is committed to urban development than would be **required** if the land is currently built upon at urban densities.

Source: Rule 660-014-0030 — Rural Lands Irrevocably Committed to Urban Levels of Development, <https://secure.sos.state.or.us/oard/view.action?ruleNumber=660-014-0030> (accessed May 26, 2025).

Applicant's address to OAR 660-014-0030(3)a-d criteria:

(3)(a) There are no commercial or industrial uses established Tax Lot 4418-1000

(3)(b) There are no established residential dwellings currently on Tax Lot 4418-1000

(3)(c) As shown throughout the application there are extensive established urban utilities, both buried and above surface, including Power, water, gas, communications, storm sewer and roads, including a mandated rocky emergency (ingress & egress) access road. The proposed lots are sized to facilitate individual on-site sanitary-sewer systems similar to those found within the adjacent residential subdivision.

(3)(d) The existing services described in (3)(c) above, trisect Tax Lot 4418-1000 into three relatively small and irregular shaped parcels. Additionally, the emergency access comprises a strip of land sixty-feet wide and approximately 1,750 feet long that further compromises the small and irregular shaped parcels for resource use.

OAR 660-014-0040

Establishment of New Urban Development on Undeveloped Rural Lands

(1)

As used in this rule, “undeveloped rural land” includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

(2)

A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3)

To approve an exception under section (2) of this rule, a county must also show:

(a)

That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

(b)

That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:

(A)

Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B)

Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

(c)

That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A)

Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; **and**

(B)

Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

(d)

That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; **and**

(e)

That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

(4)

Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in exception areas that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 (Industrial development on industrial lands outside urban growth boundaries) and 197.714 (Cooperation of county and city concerning industrial development).

Source: Rule 660-014-0040 — Establishment of New Urban Development on Undeveloped Rural Lands, <https://secure.sos.state.or.us/oard/view.action?ruleNumber=660-014-0040> (accessed May 26, 2025).

Regarding Goals 2,3 & 14 and OAR 660-004 and OAR 660-014 and additional unspecified, relative, state criteria:

This application is replete with Irrevocably Committed findings and facts, they may not be perfectly indexed and referenced to every state policy and subsection layered into this type of land-use action but the facts and findings speak for themselves. Whether one understands, or not, that all the development of Tax Lot 1000 and West Wind Country Estates referenced within the application was legally performed under current (at that time) law that legally rolled back the vast majority of Oregon Land-Use restrictions, including the Goals and relevant OAR's and ORS's. All one really needs to acknowledge is that prior to the passage of Measure 49, Tax Lot 4418-1000 was developed for urban-type residential development as shown on the recorded West Wind Country Estates plat and engineered site and utility plans and more found within the application.

That being said, the Committed Exception process really coalesces around nine basic criteria:

- 1) Adjacent uses.
- 2) Public facilities and services available.
- 3) Parcel size and ownership patterns.
- 4) Neighborhood and regional characteristics.
- 5) Natural boundaries.
- 6) Why the proposed use should be provided for.
- 7) What alternative locations within the area could be used for the proposed use.
- 8) What are the long term environmental, economic, social and energy consequences to the locality, the region, or the state from not applying the Goal or permitting the proposed use.
- 9) How the proposed use will be compatible with other adjacent uses.

Again, this application, as submitted, address these criteria.

RECEIVED

AUG 19 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

PAZ-01-24 & S-03-24 Abrams

The following narrative and attachments, on the validity of Measure 37 development, specifically subdivisions legally platted and received for recording, before Measure 49 was enacted, is a very brief analysis of the legal verification's won by the Measure after it became State law. These "verification's" codified Measure 37's legal standing, and by all rights, should have assured any Measure 37 claimant's rights to use, including developing residential subdivisions, her land as she legally could have at the time she acquired the land.

I apologize if my attempt at brevity makes the narrative seem a bit disjointed, but It seemed a brief recital of events was appropriate. Additionally, I assume a cursory knowledge of Measure 37 events. Again, the purpose of this submittal is to help repel, the now twenty year old State deception that somehow, anything accomplished via Measure 37 is somehow quasi-legal, at best. The fact remains that Measure 37 was possibly the most legal type of Oregon land-use law, as it was a citizen created voter initiative, not only that, but it subsequently prevailed against legal challenge, as described below.

If Oregon citizens could not, by March 2006, move ahead with their specific Measure 37 projects without fear of retroactive attack – what voter initiated referendum ever will be able to be relied on as established law and all the protections that status (should) provides?

Our State Constitution is in serious trouble if only voter initiated referendums that align with the power occupying the capitol building are allowed to be relied on as valid law.

“Good Faith” and legality of Measure 37 development:

Measure 37 was passed on November 02, 2004, with a 61% voter approval, on the heels of a similar approved voter initiative, Measure 7, which passed in November of 2000, by a 53% voter majority. On January 05, 2005 suit was filed in Marion County challenging the validity of Measure 37 arguing it to be unconstitutional, *MacPherson v. DAS*, ultimately, Measure 37 prevailed as valid/Constitutional Law at the Oregon Supreme on February 21, 2006 (CC No. 05C10444; SC S52875).

Concurrent with the above court challenge, the State of Oregon proceeded with two avenues of action:

First, Constitutionally, the State was compelled to implement the “the will of the voters” and began processing Measure 37 Claims.

Second, the State immediately began an unprecedented effort to nullify the will of the voters, and particularly Measure 37.

The Measure 37 Claim that ultimately facilitated the West Wind Country Estates development that this current application is “Phase II” of, was timely filed and appropriately granted an affirming State Final Order on June 03, 2005 including the signed statement (attached) from then DLCD Director Lane Shetterly declaring: ***“No further action will be taken on this matter.”*** (emphasis added).

West Wind Country Estates, including Phase II (the subject of this application) was unequivocally applied for, approved, built, platted and recorded in the Yamhill County Deed Records all within a legal, citizen initiated and otherwise appropriate process that “suspended” the applicable Goals – the goals still existed, they just did not restrict, or apply to, this specific project. As such, any efforts to declare that current state law prohibits “irrevocably committed” justification & criteria to “development made pursuant to the applicable goals” is not a valid prohibition of this application.

The second “action”, described above and pursued by the State of Oregon (“unprecedented effort to nullify ... Measure 37”) resulted in the passage of Measure 49, which greatly and unjustifiably complicated developments legally built and being built within the Measure 37 process. Interestingly, before Measure 49 was implemented, A federal District Judge, Owen Panner, issued a ruling (articles attached), specific to Jackson County, that essentially declared that Measure 49 could not have any impact on existing Measure 37 claims – The State of Oregon chose to ignore this ruling. Subsequently, while the State was rewriting and torturing existing state land use law, including anti-Measure 37 interpretations of applicable “Goal Post Rules” such as ORS 215.427 and 227.178 & 227.173, that prohibited retroactive attack of a platted subdivision, in an effort to destroy all things Measure 37, the first phase of West Wind Country Estates prevailed in a Circuit Court vesting case. The ever moving, reinterpreting and modifying of traditional subdivision development rules and process parameters made pursuing a vesting determination in 2008 on Phase II (this application) very dubious at best.

However, now it is time to finish West Wind Country Estates as it was always meant and legally platted to be and to put to use a “wasteland” that the inexplicable State phobias of anything associated with Measure 37 have created.

Applicant,

John Abrams

Exhibit 2



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

June 3, 2005



Maralynn Abrams
12477 Southwest Baker Creek Road
McMinnville, Oregon 97128

Re: Ballot Measure 37 Claim Number M118918

Claimant: Maralynn Abrams

Dear Ms. Abrams:

Enclosed, in regard to the above-referenced claim for compensation under Ballot Measure 37 (Chapter 1, Oregon Laws 2005), are the Final Staff Report and Recommendations of the Department of Land Conservation and Development and the Final Order.

This Final Staff Report and Recommendations and the Final Order constitute the final decision on this claim. No further action will be taken on this matter.

Thank you for your courtesies.

Yours very truly,

A handwritten signature in black ink, appearing to read "Lane Shetterly".

LANE SHETTERLY
Director

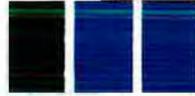
Enclosure

The following taken from: Jurist News

Property compensation law ruling [OR SC] - JURIST - News

Property compensation law ruling [OR SC]

February 21, 2006 10:04:00 pm



MacPherson v. Department of Administrative Services, Supreme Court of Oregon, February 21, 2006 [ruling requiring the state government to either provide compensation to landowners for reductions of property value caused by certain land use regulations or not to apply such regulations]. Excerpt.

Whether Measure 37 as a policy choice is wise or foolish, farsighted or blind, is beyond this court's purview. Our only function in any case involving a constitutional challenge to an initiative measure is to ensure that the measure does not contravene any pertinent, applicable constitutional provisions. Here, we conclude that no such provisions have been contravened.

Read the full **text of the opinion**. Reported in JURIST's Paper Chase **here**.

Federal Judge Restores Measure 37 Claims

 oregongcatalyst.com/1864-federal-judge-restores-measure-37-claims.html

In the news

November 14, 2008

From Oregonians In Action,

As some of you already know, U.S. District Judge Owen Panner ruled yesterday that Jackson County's approval of Measure 37 waivers created a contract between the property owner making the Measure 37 claim and the County, and that the passage of Measure 49 breached (violated) that contract.

Judge Panner also held that Jackson County's decision to approve a Measure 37 waiver was a quasi-judicial decision, and the passage of Measure 49 could not interfere with that decision. To do so, according to Judge Panner, would violate the separation of powers between the judicial and legislative branches.

Although Jackson County was the only defendant in this lawsuit and thus technically is the only party bound by Judge Panner's decision, the ruling, if upheld, should apply equally to the state and every other local jurisdiction in Oregon. This will likely require a subsequent lawsuit against the State of Oregon.

We are currently preparing a memorandum addressing the legal issues that Judge Panner's ruling raises, and how we believe it applies to each of you with M37 claims. As soon as that memorandum is completed, we will forward it to each of you, and put it on our website.

In the meantime, congratulations to Bob Robertson and Jack Swift, the lawyers who argued and won the case. This was a great victory that could have very significant ramifications for Measure 37 claimants.

Dave Hunnicutt
President
Oregonians In Action

Oregon News

Judge's land use decision has Measure 37 claimants lining up

Published: Nov. 13, 2008, 9:39 p.m.

By

Len Reed | lreed@oregonian.com

Medford attorney Bob Robertson and other property rights lawyers are savoring a rare win: a federal court ruling that potentially could reset a land-use battlefield that was just settling down after four years of combative ballot measures and bitter lawsuits.

U.S. District Court Judge Owen Panner ruled Wednesday that development rights granted by Jackson County under 2004's Measure 37 are a binding, constitutionally-protected contract. Measure 49, approved in 2007 and intended to limit development under the earlier measure, can't be used to invalidate the contract, Panner decided.

Although limited to Jackson County, the decision could have consequence statewide.

The Jackson County plaintiffs had sought to build homes, and in one case a gas station and motel, on what is now zoned as farm or forest land. They would be allowed to proceed if the judge's ruling is not overturned or revised, and property owners in other counties might press the same point.

Portland attorney William Cox said he's already making the same contract law argument in 12 Measure 37 cases pending in state courts in Washington, Columbia and Coos counties.

"It just gives us a leg up," he said of Panner's ruling. "As far as whether a local judge will

follow it, I don't know. My fear is that for some reason the state of Oregon judges won't give credence to that decision. They don't have to follow it, but it would be hard for them not to."

Portland attorney Jill Gelineau agreed Panner's decision doesn't set a formal precedent, but a thoughtful opinion from a respected federal judge is "pretty persuasive," she said.

"Those of us who defend private property are used to getting bad news out of the courts, (but) this was a nice one," Gelineau said.

She cautioned that the decision may apply only to the subset of Measure 37 claimants who received final county development waivers, however. Many cases did not advance to that stage because counties stopped processing claims as legislators debated a remedy to extensive development claims and the vote on Measure 49 approached.

Measure 37 gave property owners the right to develop their land in a way that was allowed when they bought it. In many cases, rural property was zoned for residential use or had no zoning at all before statewide land-use laws preserving farm and forest land went into effect in the 1970s and 1980s. About 6,500 property owners filed Measure 37 claims and received waivers from land-use rules imposed after they had bought their land.

But many claimants sought permission -- at least on paper -- to build extensive subdivisions in rural areas. That caused a backlash in the form of 2007's Measure 49. Its approval gave claimants the option to build one to three homes under an "express" process, four to 10 houses under a complicated appraisal process, or to finish even bigger developments begun under Measure 37 if they could prove they had a "vested right" to continue.

But property rights attorneys have consistently argued that Measure 49 "pulled the rug out from under" the original Measure 37 claimants. Robertson, the Medford lawyer who took the case to federal court, said Property owners who accepted one of the development options under Measure 49 have "given up their rights for an empty sack."

His novel argument -- that county-approved Measure 37 waivers amounted to a binding

contract -- struck a chord with Judge Panner, who was appointed to the federal bench by President Jimmy Carter in 1980.

Panner said the Jackson County property owners prevailed on two legal fronts. First, he said Measure 49 violated the contractual rights represented by the Measure 37 waivers. He did not rule that Measure 49 was unconstitutional, only that Jackson County could not use it as "an excuse to avoid its obligations under plaintiffs' Measure 37 waivers."

Secondly, Panner said Jackson County's decision to grant Measure 37 waivers was a "quasi-judicial" action that cannot be overruled by a legislative act such as Measure 49. "Our system of separation of powers does not allow legislation to set aside a judicial decision," Panner wrote.

Robertson, 69, was joined in the case by retired southern Oregon attorneys Jack Swift, who reactivated his license for the trial; and David Smith, who did much of the research.

"The three of us volunteered our time," Robertson said. "We're all in our late 60s, and we got together and said people are getting screwed on this."

They formed a non-profit, Citizens for Constitutional Fairness, that took the case on behalf of 25 property owners. All had been granted Measure 37 development waivers by Jackson County, only to see them replaced by the three options allowed under Measure 49.

The veteran lawyers were assisted by Bill Bernard, a visually-impaired federal litigator from Utah who has a long interest in Oregon land-use law.

"Here we are, three old farts and one blind lawyer, and we've got the biggest constitutional law case in the state of Oregon," Robertson said with a laugh.

"I'd have to say it's the most fulfilling thing I've done in 42 years of law practice," he said.

"Time will tell, but I think anybody who has a waiver from a county, much the same as in

Jackson County, I think all those people would be protected by this ruling," Robertson said.

Other attorneys disagree with Panner's ruling. Edward Sullivan of Portland, considered one of Oregon's leading land-use experts, said the ruling doesn't apply to action taken by the state on Measure 37 claims.

Meanwhile, Jackson County Commissioner Dennis C.W. Smith said the ruling didn't specify how the county should remedy the situation, but direction should be coming from the judge soon. The county hasn't decided whether it will appeal the decision to the next step up the legal ladder: the 9th U.S. Circuit Court of Appeals.

"The state court says do it one way, the federal court says do it another -- I feel like a Yo-yo," Smith said. "Nothing in relation to land use catches me by surprise."

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Applicant,

John Abrams

VI. Public Notice

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET | McMinnville, Oregon 97128-4523

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

PUBLIC HEARING

July 10, 2025, 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE 5th Street

McMinnville, Oregon

Attend via Zoom: <https://us06web.zoom.us/j/88028829711> Passcode: 12345

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing either in person or via Zoom. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. All issues and concerns should be raised for consideration by the Planning Commission prior to the close of the hearing because any appeal may be limited to the record of the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Planning Department if you will need any special accommodations to attend or participate in the meeting. For further information, contact Lance Woods (woods1@yamhillcounty.gov) at the Yamhill County Department of Planning and Development, 400 N.E. Baker Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: PAZ-01-24/S-03-24

REQUEST: Approval of a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential with an Exception to Statewide Planning Goal 2 (Exception Process) and Goal 14 (Urban Development on Undeveloped Rural Lands) A fourteen (14) lot subdivision is also being requested with an average lot size of 1.23-acres, and seven lots measuring 0.5-acres and seven lots measuring approximately 1.25-acres being created from Tax Lot 4418-01000, a 17.3-acre parcel.

APPLICANT: John Abrams

OWNER: Maralynn Abrams Trust

TAX LOT: 4418-01000

LOCATION: The lot directly west and south of 2540 SW West Wind Drive, McMinnville

CRITERIA: Sections 402, 502, 502.06, and 1208.02 of the *Yamhill County Zoning Ordinance* and the *Yamhill County Land Division Ordinance*. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning

Rule. OAR 660-004, Goal 2 Exception criteria. OAR 660-014, Goal 14
Exception criteria.

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

The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.02 of the Yamhill County Zoning Ordinance, as follows:

1208.02 Review Criteria

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:

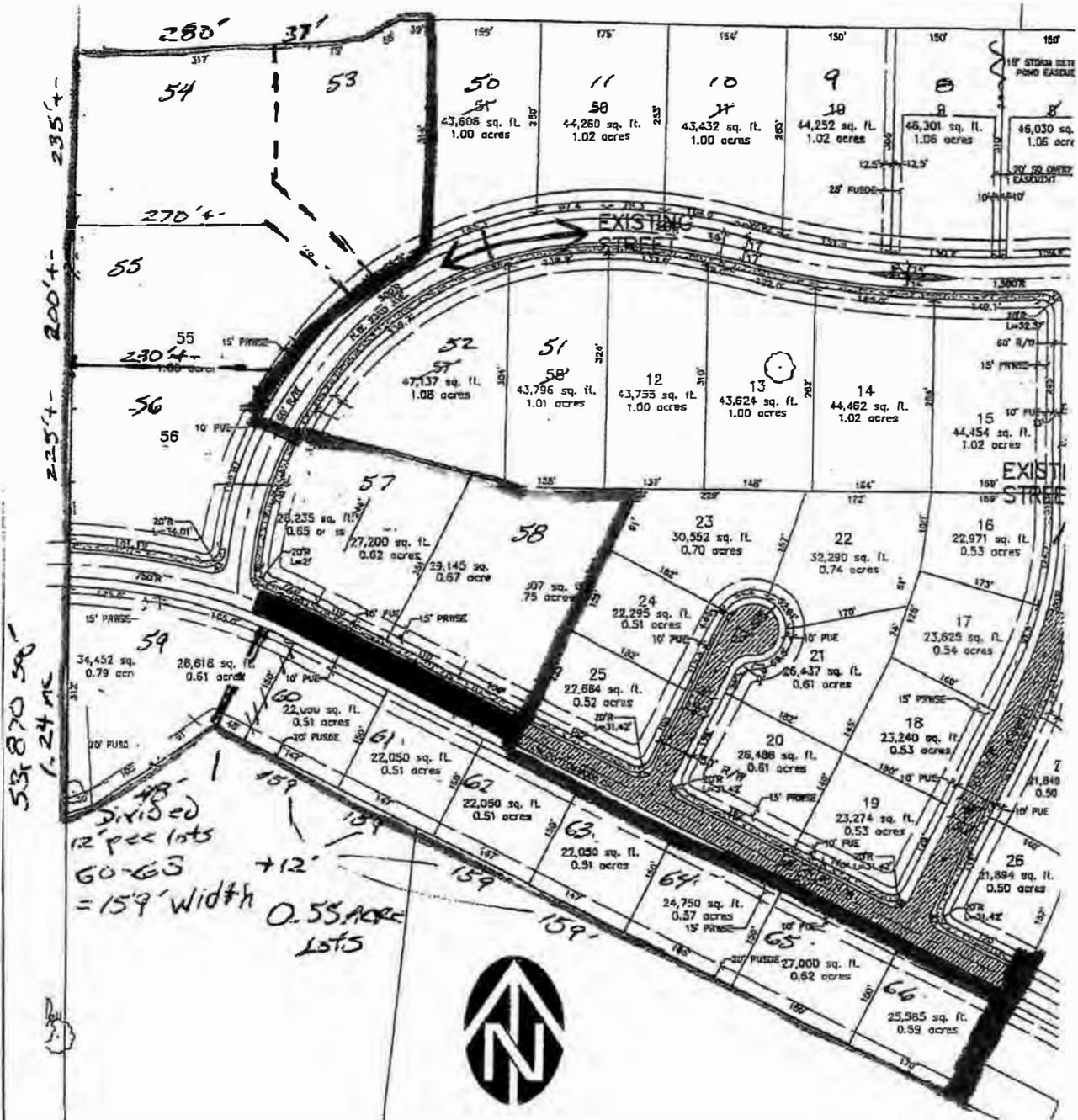
- A. That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
- B. That there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
- C. That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
- D. That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- E. That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

Proposed Subdivision Lots, Total of 14 Lots, acre size shown is approximate

Seven (7) half-acre + lots, lots 60 - 66 as shown per map

Five (5) 1.25+ acre lots, lots 53, 54, 55, 56 & 59 per map, w/ 75' west-side building setback

Two (2) 1.25+ acre lots, 57 & 58 per map



Procedures Regarding Hearings by the Planning Commission Acting on Quasi-judicial Actions in Yamhill County

The Nature and Conduct of Public Hearings

1. Parties to quasi-judicial proceedings are entitled to an opportunity to appear, either in person or through a representative, to present and rebut testimony and evidence before an impartial authority, to record the proceedings, and to receive a written notice of the decision, based on the record made at the hearing.
2. The following persons qualify as parties:
 - (a) the applicant;
 - (b) all persons that are entitled by ordinance to receive a notice of the hearing; and
 - (c) other persons who demonstrate that the action affects a substantial right of those persons.
3. No person shall testify without
 - (a) receiving recognition from the Planning Commission chairperson;
 - (b) stating his or her full name and address, and
 - (c) if requested, stating the basis on which he or she is entitled to status as a party. A challenge to this status may be made by the Planning Commission or another party. A ruling shall be made by the Planning Commission regarding the person's right to testify.
4. No person shall be disorderly, abusive, or disruptive or the orderly conduct of the meeting. Audience demonstrations, applause, and display signs shall not be permitted. The chairperson of the Commission shall have the authority to inform, reprimand, or remove any person or persons for violation of the rules of conduct.

Order of Procedure

Rules of Evidence

1. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
2. Testimony and evidence must be directed toward the criteria applicable to the subject hearing.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes appeal based on that issue beyond the local level.

Hearing Procedure

In the conduct of a hearing, the Planning Commission shall have the authority to:

1. Determine who qualifies as a party;
2. Regulate the course, sequence, and decorum of the hearing;
3. Dispose of procedural requirements or similar matters;
4. Rule on offers of proof and relevancy of evidence and testimony;
5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations and rebuttal testimony;
6. Grant, deny, or approve with conditions the matter being heard.

Burden of Proof

The burden of proof is placed upon the applicant. Such proof shall show that the request complies with all applicable standards and criteria of the Comprehensive Plan and Zoning Ordinance.

1. Announce the nature and purpose of the hearing.
2. Ask for disclosure of any potential conflicts of interest or ex parte contact by those on the Commission.
3. Ask parties of the hearing if there is a challenge to the ability of any member of the Commission to make an unbiased decision on the case.
4. State that testimony and evidence must be directed toward the relevant criteria or other criteria in the plan or ordinance which a person believes to apply to the decision.
5. State that failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes appeal beyond the local level.
6. Request the Planning Director or his designee to present a summary of staff findings and the criteria applicable to the request.
7. Allow the applicant to be heard first, testifying on his own behalf or by a representative.
8. Allow parties or witnesses in favor of the proposal to be heard.
9. Allow parties or witnesses opposed to the proposal to be heard.
10. Ask for comments submitted by governmental agencies.
11. Allow rebuttal testimony.
12. Ask for the staff recommendation.

13. Prior to the conclusion of the initial hearing, any party may request an opportunity to present additional testimony or evidence regarding the application. The Commission shall grant such a request by continuing the public hearing or leaving the record open for additional written evidence or testimony.
14. Upon conclusion of the initial hearing, if there is no request to present additional testimony or evidence, the Commission shall decide whether to close the hearing and render a decision or continue the hearing to a later date. The Commission may request proposed findings and conclusions from any party to the hearing.

Appeal of Commission Decisions

1. A decision of the Planning Commission may be appealed to the Board of County Commissioners for review. A petition for review must be submitted to the Planning Department within fifteen (15) days of the date of decision. The date of decision is the date the notice of decision is mailed, not the date of the hearing.
2. Only parties to the subject action may appeal the Commission's decision.

Accommodation of Physical Impairments

Please notify the Planning Department of any special physical or language needs as far in advance of the hearing as possible. The courthouse is handicapped accessible.
TDD 503-434-7519.

R4418DB06200
TERRAMARK PROPERTIES LLC
PO BOX 694
MCMINNVILLE, OR 97128

R4418B00200
TONE ROBERT P TRUSTEE TONE MARIE V
TRUSTEE
TONE JOINT TRUST
2475 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B04900
VAN HOY TRUST VANHOY JEFFREY D TRUSTEE
VANHOY DIANE K TRUSTEE
5839 NW NECANICUM WAY
PORTLAND, OR 97229

R4418AC11400
VELES REYES IGNACIO VELES MARAVILLA
IBETH
2089 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B03900
VISSER ROBERT & SHARON LIVING TRUST
VISSER ROBERT TRUSTEE
VISSER SHARON TRUSTEE
2440 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B01605
WALSH JOHN WALSH TESHA
1924 NE 37TH AVE
PORTLAND, OR 97212

R4418B02200
WYSE NEAL WYSE BARBARA
2300 SW HOMER ROSS LOOP
MCMINNVILLE, OR 97128

R4418B02000
XIF TIANRAN MO GUIFANG
MO MO
2250 SW HOMER ROSS LOOP
MCMINNVILLE, OR 97128

R4418DB05100
ZAKAIB JANE M
1623 NW ADISYN LN
MCMINNVILLE, OR 97128

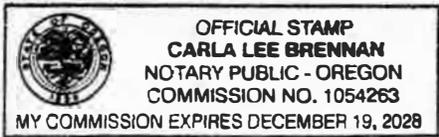
R4418B03800
ZUMWALT JEFFREY A TRUSTEE ZUMWALT
LORI L TRUSTEE
ZUMWALT JEFFREY & LORI LIVING TRUST
2470 SW WEST WIND DR
MCMINNVILLE, OR 97128

APPLICANT: John Abrams

I, Stephanie Curran, on the 20th day of June, 2025
sent the attached public notice of Docket No. PAE-01-24/S-03-24 to the property owners identified by the PIN
numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 23rd day of June, 2025
by Stephanie Curran



Carla Brennan
Notary Public For Oregon
My Commission Expires 12-19-2028

R441801000
ABRAMS MARALYNN TRUST ABRAMS
MARALYNN TRUSTEE
12477 BAKER CREEK RD
MCMINNVILLE, OR 97128

R4418B00600
ABRAMS MARALYNN TRUST ABRAMS
MARALYNN TRUSTEE
12477 BAKER CREEK RD
MCMINNVILLE, OR 97128

R4418B01604
ABRAMS MARALYNN TRUST ABRAMS
MARALYNN TRUSTEE
12477 BAKER CREEK RD
MCMINNVILLE, OR 97128

R451300100
ABRAMS MARALYNN TRUST ABRAMS
MARALYNN TRUSTEE
12477 BAKER CREEK RD
MCMINNVILLE, OR 97128

R451300100
ABRAMS MARALYNN TRUST ABRAMS
MARALYNN TRUSTEE
12477 BAKER CREEK RD
MCMINNVILLE, OR 97128

R441801001
ALMEVID LLC
1780 NW TROON CT
MCMINNVILLE, OR 97128

R4418B02800
AMERSON ALAN A AMERSON GINA K
2270 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B01800
ANDERSON SANDRA K TRUSTEE ANDERSON
FAMILY LIVING TRUST
ANDERSON LAURENCE V TRUSTEE
3401 E CAMINO A LOS VIENTOS
TUCSON, AZ 85718

R4418AC11500
ANDRE BRENNAN ANDRE TANYA
2093 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB05400
ARREOLA JEFFREY ARREOLA NATALIE
1988 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DC09000
AYALA RAYMOND F & AYALA CYNTHIA K
1519 NW ADISYN LN
MCMINNVILLE, OR 97128

R4418DB02500
BABCOCK LIVING TRUST BABCOCK DOUGLAS
E TRUSTEE
BABCOCK CATHERINE A TRUSTEE
1945 NW PENNY LN
MCMINNVILLE, OR 97128

R4418DB03900
BAKER STEPHEN & KATHERINE LIVING TRUST
BAKER STEPHEN H TRUSTEE
BAKER KATHERINE G TRUSTEE
216 ADAMS AVE
SILVERTON, OR 97381

R4418B04400
BECK DAVID & JEANNE REVOCABLE TRUST
BECK DAVID P TRUSTEE
BECK JEANNE C TRUSTEE
2075 SW SWALE LN
MCMINNVILLE, OR 97128

R4418DB05800
BENSON KYLA J
1701 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB03400
BERG LAUREN BERG ERICH
1984 NW PENNY LN
MCMINNVILLE, OR 97128

R4418B04500
BEST ALLISON D TRUSTEE BEST ALLISON
LIVING TRUST
TAFT VINCENT
2025 SW FOX SWALE DR
MCMINNVILLE, OR 97128

R4418DB05300
BESTUL ZARINA M BESTUL BLAKE D
1966 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB02200
BOGH PATRICIA
1997 NW PENNY LN
MCMINNVILLE, OR 97128

R4418B04300
BROWN MICHAEL BROWN DIANE H
2125 SW FOX SWALE LN
MCMINNVILLE, OR 97128

R4418DB02000
BUNN-WILSON CASEY WILSON MITCHEL
2014 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418B04700
CANALES THOMAS W CO-TRUSTEE CANALES
RITA A CO-TRUSTEE
CANALES THOMAS & RITA FAMILY TRUST
2050 SW SAILING CT
MCMINNVILLE, OR 97128

R4418B00400
CANTWELL JOHN M TRUSTEE CANTWELL
KATHRYN R TRUSTEE
CANTWELL JOHN M REVOCABLE TRUST
2425 SW WEST WIND DR
MCMINNVILLE, OR 97128

R441800900
CAROTHERS EDWARD CAROTHERS APRIL
1765 HILL RD SOUTH
MCMINNVILLE, OR 97128

R4418DB01800
CHITWOOD DAVID G CHITWOOD KATHLEEN M
1972 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418AC11000
CLEARY AMANDA ANGEL TRACY
1996 NW 21ST ST
MCMINNVILLE, OR 97128

R4418B01700
CORDIE ANTON S CORDIE HEATHER H
2180 SW HOMER ROSS LOOP
MCMINNVILLE, OR 97128

R4418DB02700
COTTONWOOD I LLC
PO BOX 570
MCMINNVILLE, OR 97128

R4418DB02800
COTTONWOOD 27 LLC
PO BOX 570
MCMINNVILLE, OR 97128

R4418DB06300
CRUICKSHANK JEFFREY W COLLINS EMILY M
11400 SE STOCKHOFF RD
DAYTON, OR 97114

R4418B01900
DAOUST-STEWART BONNIE A
2220 SW HOMER ROSS LOOP
MCMINNVILLE, OR 97128

R4418DC08900
DEYOUNG CARISSA L DEYOUNG CHAD J
1509 NW ADISYN LN
MCMINNVILLE, OR 97128

R4418B02300
DIEHL ROGER E & DENISE A TRUSTEES FOR
DIEHL FAMILY TRUST
2350 SW HOMER ROSS LP
MCMINNVILLE, OR 97128

R4418B05200
DOTY LAWRENCE G REVOC LIVING TRUST
DOTY DEVRI D REVOC LIVING TRUST
DOTY LAWRENCE G TRUSTEE
1707 NW DOTY LN
MCMINNVILLE, OR 97128

R4418AC11200
DRAKE LGI LLC
901 BRUTSCHER ST #D STE 155
NEWBERG, OR 97132

R441801202
DRAPER KEENAN M DRAPER FARMS LLC
11105 BAKER CREEK RD
MCMINNVILLE, OR 97128

R441801703
DRAPER KEENAN M DRAPER FARMS LLC
11105 BAKER CREEK RD
MCMINNVILLE, OR 97128

R4418DB04000
EWALD BRADLEY H EWALD CLAUJIA B
1969 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB03200
FIRMAGE RICHARD MILES MARY T
1954 NW PENNY LN
MCMINNVILLE, OR 97128

R441800700
FOX RIDGE DEVELOPERS LLC
1688 NW EMERSON CT
MCMINNVILLE, OR 97128

R4418DB03800
GILLIS VINCENT L & NADINE L TRUSTEES FOR
GILLIS VINCENT & NADINE FAMILY TRUST
1981 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB05600
GRAHAM MICHELLE A GRAHAM WILLIAM P
2024 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB03300
GRAVEN GREGORY GRAVEN GEORGIA
1976 NW PENNY LN
MCMINNVILLE, OR 97128

R4418DB02900
GREENWAY RACHEL A NORMAN GREENWAY
MATTHEW W
NORMAN DAVID K
1978 NW PENNY LN
MCMINNVILLE, OR 97128

R4418CC00200
HEGNA GAILEN L & PEGGY K TRUSTEES FOR
HEGNA FAMILY TRUST
11800 SW FOX RIDGE RD
MCMINNVILLE, OR 97128

R4418DB02600
HENRY JEFFREY W HENRY CELESTE A
1933 NW PENNY LN
MCMINNVILLE, OR 97128

R4418DB02100
HERNANDEZ MARILU TRUSTEE FOR
HERNANDEZ MARILU 2012 TRUST
1768 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B02400
HOLMGREEN KURTIS R TRUSTEE HOLMGREEN
CATHERINE J TRUSTEE
HOLMGREEN KURTIS & CATHERINE FAM
TRUST
2100 NW FOX SWALE LN
MCMINNVILLE, OR 97128

R4418DB03700
HUDSON CHAD C HUDSON MELISSA D
1993 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB04100
HUEY GREGORY L HUEY SUSAN M
1947 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B05000
INGRAM FAMILY 2017 TRUST INGRAM
MICHAEL J TRUSTEE
INGRAM LORIE AM TRUSTEE
2075 SW SAILING CT
MCMINNVILLE, OR 97128

R4418DB01500
JACKSON CHARLOTTE J
1942 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418DB04200
JONES EDWARD & JANICE REVOC LIVING
TRUST JONES EDWARD E TRUSTEE
JONES JANICE C TRUSTEE
1931 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418DB02400
JOUBERT JEREMIA & BEVERLY LIVING TRUST
JOUBERT JEREMIA TRUSTEE
JOUBERT BEVERLY J TRUSTEE
1967 NW PENNY LN
MCMINNVILLE, OR 97128

R4418B04800
KAELIN JAMES A & KAELIN AMY M
14845 SW MURRAY SCHOLLS DR STE 110
PMB 226
BEAVERTON, OR 97007

R4418DB03500
KAM WENDY M
PO BOX 93
MCMINNVILLE, OR 97128

R4418DC08800
KIGER DYLAN S KIGER DORMILEE M
1500 NW ADISYN LN
MCMINNVILLE, OR 97128

R4418B00500
KUHN FAMILY TRUST KUHN DAVID A CO-
TRUSTEE
KUHN KRISTINE R CO-TRUSTEE
PO BOX 594
MCMINNVILLE, OR 97128

R4418DB05700
LADD DICKEY R JR LADD THU-SUONG THI
2036 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B04600
LUCAS RONY G LUCAS SANDRA R
2000 SW SAILING CT
MCMINNVILLE, OR 97128

R4418B02100
MARTINEZ JOSE L MARTINEZ BERTHA A
2340 NW GRENFELL LOOP
MCMINNVILLE, OR 97128

R4418DB03000
MCGANTY PATRICK L LUX DONNA R
1930 NW PENNY LN
MCMINNVILLE, OR 97128

R441800300
MCMINNVILLE SCHOOL DISTRICT NO 40
1500 NE BAKER ST
MCMINNVILLE, OR 97128

R441800701
MCMINNVILLE SCHOOL DISTRICT NO 40
800 NE LAFAYETTE AVE
MCMINNVILLE, OR 97128

R4418B00700
MELLBYE LEANNE
2345 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418DB05200
MENTZER SETH A MENTZER TRISTA A
1639 NW ADISYN LN
MCMINNVILLE, OR 97128

R4418AC11100
MORA MARTHA TRUSTEE ALONZO-MORA
FAMILY TRUST
1998 NW 21ST ST
MCMINNVILLE, OR 97128

R4418AC11300
MOSLEY LANCE E MOSLEY JENNA
2008 NW 21ST ST
MCMINNVILLE, OR 97128

R4418B04200
MUMFORD MICHAEL E TRUSTEE JIMMIL
TRUST
2175 SW FOX SWALE LN
MCMINNVILLE, OR 97128

R4418DB01900
MUNOZ SHANE C
1996 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418DB03600
NICHOL BRENT J NICHOL CHELSEY DB
2019 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B02700
OLEARY PATRICIA A
2220 NE NUT TREE LN
MCMINNVILLE, OR 97128

R4418B03700
OLEARY PATRICIA A
2220 NW NUT TREE LN
MCMINNVILLE, OR 97128

R4418DB02300
OTTOBONI GARALD L OTTOBONI JULIA A
1979 NW PENNY LN
MCMINNVILLE, OR 97128

R4418DB05500
PEHRSON THOMAS K PEHRSON BARBARA E
2016 NW WOODLAND DR
MCMINNVILLE, OR 97128

R4418B00100
PFAHLER MARKUS PFAHLER EILEEN P
2515 NW WEST WIND DR
MCMINNVILLE, OR 97128

R4418DB01600
REIMER RAYMOND REIMER KRISTI
1956 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418DB03100
RYAN RICHARD RYAN SUSAN
1948 NW PENNY LN
MCMINNVILLE, OR 97128

R4418DB01700
SARTOR JEAN G
1964 NW COTTONWOOD DR
MCMINNVILLE, OR 97128

R4418B04000
SEIFERT JOSEPH C SEIFERT COURTNEY E
2410 NW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B05100
SMITH AMBER N TRUSTEE SMITH JESSE M
TRUSTEE
SMITH AMBER N FAMILY TRUST
2025 SW SAILING CT
MCMINNVILLE, OR 97128

R4418B02600 SOODIK/WASSERMAN FAMILY
TRUST WASSERMAN STEPHAN H CO-TRUSTEE
SOODIK LYNN CO-TRUSTEE
409 LINCOLN BLVD
SANTA MONICA, CA 90402

R4418B00300
STALRIT JAY S CO-TRUSTEE OMELIA BARBARA
D CO-TRUSTEE
STALRIT-OMELIA FAMILY TRUST
2455 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B05300
STINSON FAMILY TRUST STINSON CATHY L
TRUSTEE
STINSON L PATRICK TRUSTEE
2540 SW WEST WIND DR
MCMINNVILLE, OR 97128

R4418B02500
STOLLER FAMILY TRUST STOLLER TYLER A
CO-TRUSTEE
STOLLER REBECCA K CO-TRUSTEE
2050 SW FOX SWALE LN
MCMINNVILLE, OR 97128

R4418B04100
STOLLER FAMILY TRUST STOLLER TYLER A
CO-TRUSTEE
STOLLER REBECCA K CO-TRUSTEE
2050 SW FOX SWALE LN
MCMINNVILLE, OR 97128

R4418DB01400
TERRAMARK PROPERTIES LLC
PO BOX 694
MCMINNVILLE, OR 97128

R4418DB05900
TERRAMARK PROPERTIES LLC
PO BOX 694
MCMINNVILLE, OR 97128

R4418DB06000
TERRAMARK PROPERTIES LLC
PO BOX 694
MCMINNVILLE, OR 97128

R4418DB06100
TERRAMARK PROPERTIES LLC
PO BOX 694
MCMINNVILLE, OR 97128

VII. Public Agency Reports

4418 01000

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

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

June 20, 2025

- | | | |
|-----|--|---------------------------------------|
| To: | <input type="checkbox"/> Public Works | <input type="checkbox"/> SWCD |
| | <input type="checkbox"/> McMinnville Rural Fire District | <input type="checkbox"/> DLCD |
| | <input type="checkbox"/> Public Works | <input type="checkbox"/> Water Master |
| | <input type="checkbox"/> City of McMinnville | <input type="checkbox"/> Sanitarian |

Re: **Docket PAZ-01-24/S-03-24**, John Abrams, Tax Lot # 4418-01000

The referenced docket is currently under consideration by Yamhill County. A request for approval of a Comprehensive Plan amendment from the Exclusive Farm Use District to the Very Low Density Residential District and a zone change from EF-80, Exclusive Farm Use to VLDR-1, Very Low Density Residential with an Exception to Statewide Planning Goal 2 (Exception Process) and Goal 14 (Urban Development on Undeveloped Rural Lands, and the Transportation Planning Rule. A fourteen (14) lot subdivision is also being requested with an average lot size of 1.23-acres, and seven lots measuring 0.5-acres and seven lots measuring approximately 1.25-acres being created from Tax Lot 4418-01000, a 17.3-acre parcel located directly west and south of 2540 SW West Wind Drive, McMinnville.

Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: **July 19, 2025.**

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

PLEASE NOTE

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

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

ALL LOTS MUST MEET MINIMUM REQUIREMENTS FOR DEVELOPMENT USING ON-SITE SEWAGE MANAGEMENT SYSTEMS

Signed  Title PLNS Date 6/26/2025



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

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JUL 03 2025

YAMHILL COUNTY
PLANNING DEPARTMENT



July 3, 2025

Ken Friday, Manager and Planning Director
Lance Woods, Senior Planner
Yamhill County
400 NE Baker Street, McMinnville,
OR 97128, USA

By Email: woods1@yamhillcounty.gov; fridayk@yamhillcounty.gov

Subject: Comments on PAPA DLCD File No. 002-25, Yamhill County Local File PAZ-01-24, for a Zone Change/Comprehensive Plan Amendment on a 17.3 acre-property located on tax lot 4418-1000.

Dear Mr. Woods,

Thank you for the opportunity to comment on the above referenced application. We have reviewed the materials submitted and would like to submit the following comments for the record:

We understand the application is requesting an exception to Statewide Planning Goal 3 for a Comprehensive Plan land use designation change from Agriculture/Forestry Large Holding (AFLH) to Very Low Density Residential (VLDR), and a zone change request from EF-80 to VLDR-1. We also understand that the request includes an "irrevocably committed," exception to statewide planning Goal 3.

GOAL EXCEPTION FINDINGS

Irrevocably committed exceptions to Goal 3 require a demonstration that farm uses, as defined in ORS 215.203, the propagation and harvesting of a forest product as specified in OAR 660-033-0120, and forest operations as specified in OAR 660-006-0025(2)(a), are made impracticable because of existing adjacent uses and development. OAR 660-004-0028(6)(c)(A) states that "parcels and uses approved pursuant to the applicable goals shall not be used to justify a committed exception". While the residential development in question was approved pursuant to a waiver, the criteria in OAR 660-004-0028 must still be found to be met based on evidence that the development has made farm and forest operations impracticable on the subject property. The mere presence of residential uses on properties adjacent to a proposed exception area, regardless of how the uses were approved, does not demonstrate that the subject property is irrevocably committed to nonfarm uses. In considering residential uses on adjacent properties, the findings must identify the conflicts or other impacts between the residential uses and development in the surrounding area and the subject property that make farm and forest use of the subject property impracticable. The application includes statements that there are difficulties farming the

properties due to their irregular shape and small size, hazards from existing utilities, the presence of adjacent residences (given prevailing wind patterns, the lack of water rights for irrigation, which cumulatively results in the parcels being factually impracticable to farm with any expectation of profit. Record at 44, 49, and 94.

Specifically, in adopting an irrevocably committed exception where the proposed exception area has a history of farm use, an adequate demonstration of impracticability must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable (Jackson County Citizens League v. Jackson County, 38 Or LUBA 357 (2000)). Externalities from farm or forest operations such as dust, spray, smoke and noise are inherent aspects of rural life in agricultural or forest zones, and absent evidence that such externalities have or are likely to cause actual conflicts with resource operations, evidence of the possibility of such conflicts with rural residential uses is insufficient to demonstrate that resource uses are impracticable. (Friends of Douglas County v. Douglas County, 46 Or LUBA 757 (2004)).

Finally, OAR 660-004-0040 provides additional guidance for planning and zoning rural residential exception areas. This rule clearly identifies, among other things, that:

“(i) For rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."¹

Any new proposal to establish a new rural residential area is subject to the above requirements. We understand the subject proposal to be requesting application of a very low density residential zoning district with a range of lot sizes between a half acre and 1 acre. If an exception to Goal 3 is justified, and we do not believe it is based on the submitted application, the applicant must also justify an exception to Goal 14 to apply a zoning district that would allow the creation of new lots or parcels less than 10-acres in size.

MEASURE 37 CLAIM REFERENCE

The application states that the subject tax lot (44W18 01000) is “*not just adjacent to (legally) developed land, it is (legally) developed land, irrevocably developed and committed land.*” Record at 49. Additionally, the application states that the tax lot is adjacent to and part of the Measure 37 land that was legally built on prior to 2007. The application makes no claim that the subject property is part of an approved vested rights determination. Based on county tax maps, it

¹ Please see OAR 660-004-0040(8)(i).

appears that the applicant's project in 2007 was a 50-lot subdivision, platted as West Wind Country Estates. Tax lot 44W018 1000 (in its current configuration) does not appear to be part of the previous 2008 vesting determination for the 50 lots, which are now in various stages of development. The Oregon Supreme Court determined that the passage of Measure 49 invalidated Measure 37 claims and thus deprived the owners of any property right that would be recognized by a court, except in the limited situation where the owner had a common law vested right.² The Department of Land Conservation and Development (DLCD) does not believe the waiver vested rights determination and home site authorizations granted under Measure 37 (Claim number 118918) can be used as justification for any goal exception.

Please enter this letter into the official record of proceedings for the land use application known as PAPA DLCD File No. 002-25, Yamhill County Local File PAZ-01-24.

Respectfully,



Gordon Howard
Community Services Division Manager

² (*Corey v. Dep't Land Conservation & Dev. (Corey II)*, 184 P.3d 1109, 1113–14 (Or. 2008)).

VIII. Comments Received

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JUL 07 2025

YAMHILL COUNTY
PLANNING DEPARTMENT



P.O. Box 1083
McMinnville, Oregon 97128

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County

July 7, 2025

Yamhill County Planning Commission
Yamhill County Department of Planning and Development
400 NE Baker Street
McMinnville, OR 97128

RE: PAZ-01-24 / S-03-24 for Tax Lot 4418-1000

Thank you for the opportunity to participate in the proceedings on this application requesting approval of a plan amendment, a zone change, and a subdivision. Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that will maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents.

FYC has reviewed the application and staff report, and is concerned that the proposed land use action does not comply with relevant statutes and rules, as explained below.

Exception to Statewide Planning Goals 3 and 4

The proposed re-designation of the subject property on the Yamhill County Comprehensive Plan map from its existing Exclusive Farm Use designation to Very Low Density Residential requires exceptions to Goal 3 (“Agricultural Lands”) and Goal 4 (Forest Land”) under Oregon Revised Statutes (ORS) 197.732 and Oregon Administrative Rules (OAR) chapter 660, division 4.

“Irrevocably Committed” Exception. The application relies on a justification for the exception that the property is “irrevocably committed” to uses not permitted by Goals 3 and 4. The relevant rule, OAR 660-004-0028, includes substantive criteria requiring consideration of land use, development, and parcelization in the vicinity of the request. The application states:

The subject tract is divided into three relatively small, irregular shaped parcels by existing roads and road excavation (cuts) and installed utility

services along with Public Utility Easements (PUE), see (Exhibit 4). The subject tract is also adjacent to existing urban-type rural residential housing with extensive landscaping improvements, all being on the leeward (down-wind) side of the subject tract. The subject tract is also adjacent to a parcel within the City of McMinnville's boundary and owned by the McMinnville School District No. 40, said parcel is reserved to accommodate the community's next high school. (PDF p. 83)

The rule (OAR 660-04-0028(2)) requires that the justification for an exception address:

- (a) The characteristics of the exception area;
- (b) The characteristics of the adjacent lands;
- (c) The relationship between the exception area and the lands adjacent to it; and
- (d) The other relevant factors set forth in OAR 660-004-0028(6).

There are additional requirements in section (4) and (6) of the rule. The application addresses only subsection (2)(a). Consequently, the application does not demonstrate that the requirements of OAR 660-004-0028(2), (4), and (6) are satisfied. The staff report recognizes these deficiencies on pp. 13, 14, 20 and 21. The application cannot be approved as submitted.

In any case, the subject property is not irrevocably committed to non-farm uses. The air photo of the area on the following page (from Google Earth with an imagery date of 6/18/24) clearly shows that the land is adjacent to other farmland and, even if not planted in a commercial crop at that time, it is cultivated and could be put to productive use. The applicant has not demonstrated that the land could not be farmed on its own or in conjunction with other farm units.

“Reasons” Exception. The application makes one statement that the proposal includes an exception to Goals 3 and 4 under OAR 660-004-0020 and -0022 for a “reasons” exception.¹ The application makes no mention of the applicable criteria. The staff report attempts to connect statements in the application with the rule criteria, but there is too little information to demonstrate compliance with the rules.²

¹ “For the above reasons, Tax Lot 4418-1000 should be determined ‘Irrevocably Committed’ to residential development and valid ‘Reasons Exception Land’. (PDF p. 83)

² “...the Applicant’s analysis does not provide a detailed evaluation of the long term evaluation of the economic, social and energy consequences resulting from the implementation of the proposed subdivision and whether the



One rule provision that the staff report does not address is OAR 660-004-0022(2), which provides specific guidance regarding “reasons” exceptions for residential development. The rule states:

Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing except as provided for in this section of this rule, assumed continuation of past urban and rural

potential identifiable adverse impacts from the proposed subdivision are not significantly more adverse than would typically result from the same proposal being located in areas also requiring a goal exception.” (Staff report, p. 21)

“The narrative did not evaluate other relevant factors identified in this review criterion including, but not limited to, the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. (Staff report, p. 25)

“The exception request did not describe the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts.” (Staff report, p. 25)

population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned that require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

The proposal is largely based on market demand for housing, which is expressly prohibited as a justification unless it is “based on the economic analysis in the plan.” There is no indication that the Yamhill County Comprehensive Plan includes such an analysis or that the proposal complies with it if it does exist. The proposal does not comply with this rule and cannot be approved.

Statewide Planning Goal 14

The application proposes a subdivision of lots as small as 0.5 acres and averaging 0.75 acres (supplemental subdivision application, page 1). The county is prohibited from applying a zone to the property that would permit this level of development by rules implementing Statewide Planning Goal 14 (“Urbanization”).

OAR 660-004-0040(8)(i) states:

(i) For rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, “Planning and Zoning for Exception Areas.”

The proposal is for a “rural residential area designated after October 4, 2000” and the only options provided for zoning of such an area are (1) a minimum lot size of 10 or more acres without an exception to Goal 14, or (2) an exception to Goal 14 and minimum lot size of two to 10 acres. A zone that would allow lots smaller than two acres in an area newly designated for rural residential use is prohibited by this rule.

In Exhibit 10, the application quotes the administrative rule that provides the review criteria for a Goal 14 exception (OAR 660-014-0040), but nowhere do the materials explain why the proposal complies with those criteria. There is a paragraph on PDF page 84 of the planning commission materials that addresses one subsection of the rule, but none of the other criteria are considered. Even if the applicant were satisfied with two-acre lots, a factual base and substantial evidence showing compliance with the Goal 14 exception criteria in OAR 660-014-0040 has not been provided.

And such compliance cannot be demonstrated. For example, OAR 660-014-0040(3)(a) provides:

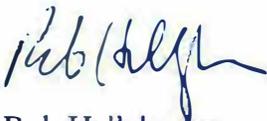
That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities(.)

The city of McMinnville has hundreds of acres of vacant land inside its urban growth boundary (UGB) and is currently engaged in consideration of measures that would increase the capacity of that land to accommodate urban development. The applicant would need to show why the residential units in the proposed subdivision could not be accommodated within the McMinnville UGB (or some other UGB in the county). The size of the proposed lots is irrelevant; the appropriate inquiry is whether the number of proposed dwellings can be accommodated within a UGB. This rule sets a very high threshold and the proposal does not clear it.

Conclusion

The application does not, and cannot, justify that the subject property complies with the administrative rule requirements for exceptions to Statewide Planning Goals 3, 4 or 14. We urge the planning commission to recommend denial of the request.

Yours truly,



Rob Hallyburton
Vice president

cc: DLCD: Ahrens, Foote, Jinings



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JUL 09 2025

YAMHILL COUNTY
PLANNING DEPARTMENT

1000 Friends of Oregon
340 SE 6th Ave, Portland, OR 97214
www.friends.org
503-497-1000

July 9, 2025

VIA email to planning@yamhillcounty.gov

Shawn Freilinger, Chair
Yamhill County Planning Commission
Yamhill County Department of Planning and Development
525 NE 4th St
McMinnville, OR 97128

Re: Yamhill County Land Use Application #PAZ-01-24/S-03-24: Plan Amendment/Zone Change and Subdivision Application

Chair Freilinger and Planning Commission Members,

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms, forests and natural areas, and provide transportation and housing choices. Thank you for the opportunity to comment.

The applicant requests approval of a comprehensive plan amendment and zone change to develop a 14-lot subdivision on a 17.3-acre parcel of agricultural land currently zoned for exclusive farm use with an 80-acre minimum parcel size. *See* Yamhill County Department of Planning and Development Staff Report, PAZ-01-24/S-03-24, July 3, 2025 (“Staff Report”), 1. The proposed change in land use requires an exception to each of the applicable Statewide Planning Goals, including Goal 3 (Agricultural Lands) and Goal 14 (Urbanization) under Statewide Planning Goal 2, ORS 197.732, OAR 660-004-0018(2)(b), OAR 660-004-0022 and OAR 660-004-0028. *Id.*

For the reasons that follow, the application fails to meet Goal 2’s requirements to justify an exception to Goal 3 ORS 197.732, OAR 660-004-0018, OAR 660-004-0022, and OAR 660-004-0028. The application also fails to comply with Goal 14 as interpreted and applied by the Oregon Supreme Court in *1000 Friends of Oregon v. LCDC*, 301 Or 447, 724 P2d 268 (1986) (*Curry County*) and OAR 660-004-0040, and the applicant has not justified an exception to the Goal.

The application also fails to comply with Yamhill County Zoning Ordinance (YCZO) Section 1204,¹ along with YCZO Section 1208, which govern quasi-judicial zone changes. Further, the application does not meet the requirements of Goal 12, because it does demonstrate compliance with the Transportation Planning Rule, OAR 660-012-0060. Finally, the application

¹ “Goal Two of the Statewide Planning Goals, ORS 197.732, and Oregon Administrative Rules, Chapter 660, Division 4, specify the requirements for approval of an exception to a statewide planning goal.”

fails to meet the goals and policies of Yamhill County Comprehensive Plan Section 11.05.02.01 (Agricultural Lands). For these reasons, the application should be denied.

I. The applicant has not justified an exception to Statewide Planning Goal 3.²

A. The subject property is not irrevocably committed to uses not allowed by Goal 3 under ORS 197.732 (2)(b) and OAR 660-004-0028.

The applicant seeks to justify an exception to Goal 3 under OAR 660-004-0028 and ORS 197.732(2)(b) by arguing the subject property is irrevocably committed to uses not allowed by the Goal. ORS 197.732(2)(b) authorizes a “committed” exception where:

“The land subject to the exception is irrevocably committed as described by LCDC rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.”

ORS 197.732(2)(b). Under the referenced LCDC rule, whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. OAR 660-004-0028(2). For exceptions to Goal 3, local governments must find that farm uses, as defined in ORS 215.203, propagation or harvesting of a forest product as specified in OAR 660-033-0120 and forest operations or forest practices as specified in OAR 660-006-0025(2)(a), are impracticable due to adjacent uses and development. OAR 660-004-0028(3)(a). The application fails to justify a Goal 3 exception as land irrevocably committed to other uses for the following reasons.

First, the mere presence of the residential uses on properties adjacent to the proposed exception area alone does not demonstrate that the subject property is irrevocably committed to non-farm uses. *Wodarczak v. Yamhill County*, 34 Or LUBA 453 (1998).³ In this case, the aerial images show that residential development borders only the east side of the property. As the Staff Report explains:

² The applicant has also failed to justify an exception under ORS 197.732(2)(a) and OAR 660-004-0025 (Exception Requirements for Lands Physically Developed to Other Uses), though it argues that the physical development of the subject lot to provide utilities and services to the adjacent subdivision has irrevocably committed the lot to residential development. Staff Report at 7. To justify a “built” exception under OAR 660-004-0025, the applicant must demonstrate that all uses allowed by the applicable goal are impracticable. *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995). The applicant has failed to show that the utilities and services on the subject property render all uses by Goal 3 impracticable.

³ To justify a “committed” exception to Goal 3, the applicant must demonstrate that conflicts or other impacts between the residential uses and the subject property make farm use of the subject property impracticable. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000); *Wetherell v. Douglas County*, 51 Or LUBA 730 (2006); *DLCD v. Coos County*, 39 Or LUBA 432 (2001) (mere existence of residential uses near a proposed exception area does not demonstrate the property is committed to non-resource use, especially when most of the nearby properties with residential uses also include resource uses.).

“The subject lot is bounded to the east by the West Wind Country Estates subdivision [...] and to the southwest, west, and north of the subject parcel is located in the EF-80 zone and is a mix of passive forest and farm uses, with hazelnut orchards as well as fallow and hay fields found in the surrounding areas. Land to the north and west of the subject parcel appears to be dedicated to commercial farming operations.”

Staff Report at 2. Google earth images show that the subject property borders farmland to the southwest, west, and north. There is nothing in these images or the record to indicate why this property could not be farmed on its own or in conjunction with the surrounding farm units.

Second, the applicant fails to demonstrate that farm use as defined in ORS 215.203(2)(a), is impracticable on the subject property. The applicant argues:

“There is significant difficulty farming the parcels, including efficiently preparing and harvesting the ground and more particularly the application of necessary, normal practice, herbicides, fungicides and insecticides, because of the irregular shapes and hazards resulting from the criss-cross of existing utilities and roads along with the libelous proximity to extensive high value residential landscaping and residences and given the prevailing wind patterns.”

Application at 44. An argument that existing development makes farm practices challenging on a given property does not show that the adjacent residential development and residential uses has made farm and forest operations *impracticable* on the subject property. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000).⁴

To show that land with a history of farm use is now irrevocably committed to nonfarm use, the applicant must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable. *Id.* at 8-9. Externalities from farm or forest operations such as dust, spray, smoke and noise are inherent aspects of rural life in agricultural or forest zones. Absent evidence that such externalities have or are likely to cause actual conflicts with resource operations, the possibility of such conflicts with rural residential uses is insufficient to demonstrate that resource use is impracticable. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004). Even the risk of liability for negligent application of fertilizers that might contaminate the drinking water on adjacent lands is not a sufficient basis to conclude that farm use is impracticable on the subject property. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

Applicant argues that there are significant difficulties in farming the parcel, but has not provided sufficient evidence to demonstrate that these challenges render farm use of the property

⁴ See also *Johnson v. Lane County*, 31 Or LUBA 454 (1996) (findings adopted by the county approving a committed exception to Goals 3 and 4 are inadequate where they contain no discussion or explanation of how the existing uses on adjacent parcels make resource use on the subject property impracticable); *Brown v. Jefferson County*, 33 Or LUBA 418 (1997) (findings do not demonstrate that the subject property is irrevocably committed to non-resource uses where they describe the characteristics of the subject property, but do not explain what impact those characteristics have on the practicability of uses on the property); *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 at 17 (1994) (“The impracticability standard for committed exceptions is a demanding standard”).

impracticable. It is important to note that Oregon pesticide regulations administered by the Oregon Department of Agriculture (ODA) preclude the drift of any kind of pesticides (herbicides, fungicides and insecticides) from a property where pesticide application is taking place onto to any off-site locales.

The applicant has not demonstrated that existing development makes either farm use under ORS 215.203, or the other uses listed in OAR 660-004-0028(3), impracticable on the subject property. The application therefore fails to demonstrate that the land is irrevocably committed to uses not allowed by Goal 3, and cannot justify an exception to Goal 3.

B. The application provides no evidence that the development will not impact adjacent farm and forest uses, as required under ORS 197.732(2), (4) and OAR 660-004-0028(6).

ORS 197.732(2)(c) outlines various exception requirements of Goal 2, Part II(c)(D), including:

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

While some of the adjacent land is in residential use, the majority of the perimeter and the adjacent properties are EFU zoned. As can be seen in aerial photos provided in the record, *see* Application No. PAZ-01-24, Exhibit 11, Letter ANSI A Landscape Photo (April 18, 2025), a mix of ongoing farm and forest uses, including perennial orchards, involve intensive farming practices. The application does not provide any evidence to demonstrate how the proposed subdivision is compatible with adjacent farm uses, or provide any explanation as to how the subdivision will be designated to reduce adverse impacts. The Staff report notes this deficiency, stating that the applicant provides no evidence whether the proposed (14)-lot subdivision is compatible with adjacent farm uses or will be designed to reduce adverse impacts of adjacent uses. Staff Report at 20, 27. As the application does not provide such evidence that the proposed use is compatible with adjacent uses or will be designed to reduce adverse impacts, the application violates ORS 197.732(2)(c)(D) and should therefore be denied.

C. The application has not met the criteria to justify a “Reasons” exception pursuant to OAR 660-004-0020 and -0022.

The application provides one brief statement that the proposal includes an exception to Goal 3 and Goal 4 under OAR 660-004-0020 and OAR 660-004-0022 as a “reasons” exception.⁵ When taking an exception under OAR 660-004-0022, reasons must justify why the state policy embodied in the applicable goals should not apply. OAR 660-004-0020, OAR 660-004-0022(1). Such reasons include a “demonstrated need for the proposed use or activity [...] and either: (a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource; or (b)

⁵ “For the above reasons, Tax Lot 4418-1000 should be determined “Irrevocably Committed” to residential development and valid ‘Reasons Exception Land.’” Application at 47.

The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site. OAR 660-004-0022(1)(a), (b). The applicant has not provided reasons that would justify why state policy in Goals 3, 12, or 14 should not apply to the subject property, nor demonstrated a locational need on or near the proposed exception site.⁶ Accordingly, the application does not meet the necessary criteria for a “Reasons” exception. OAR 660-004-0022.

D. The applicant cannot rely on land uses authorized in the zone to justify an exception.

The use of lots, parcels, and development otherwise authorized by applicable goals cannot be used to justify an exception.⁷ Specifically, *resource and non-resource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception* [emphasis supplied, see OAR 660-004-0028(6)(c)(A)].⁸

The parcels and development provided as reason to justify the proposed exception appear to have been approved after the adoption of applicable state laws and the acknowledgement of the County Comprehensive Plan and implementing land codes. The application cannot use this development to justify the proposed exception and should not be approved.

II. The application for a zoning designation that allows new lots and parcels smaller than 10 acres does not comply with Goal 14 and cannot meet the requirements for a Goal 14 exception.

The applicant seeks permission to develop fourteen (14)-lot subdivision on a 17.3-acre tract of land. The proposed subdivision would have an average lot size of 1.23-acres, with seven 0.5-

⁶ Yamhill County staff note these insufficiencies in the staff report:

“Applicant’s analysis does not provide a detailed evaluation of the long term evaluation of the economic, social and energy consequences resulting from the implementation of the proposed subdivision and whether the potential identifiable adverse impacts from the proposed subdivision are not significantly more adverse than would typically result from the same proposal being located in areas also requiring a goal exception.” Staff Report at 21.

“The narrative did not evaluate other relevant factors identified in this review criterion including, but not limited to, the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base.” Staff report at 25.

“The exception request did not describe the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts.” Staff report at 25.

⁷ Under OAR 660-004-0028(6)(c)(A), conflicts with rural residential development in exception areas created pursuant to applicable goals cannot be used to justify a committed exception on the subject property. A finding that a majority of nearby parcels were created before the statewide planning goals is insufficient to demonstrate compliance with this requirement. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999)

⁸ *Id.*

acre lots and seven 1.25-acre lots. Staff Report at 1. The proposal does not comply with Goal 14 requirements for rural residential exception areas as established in *Curry County* and implemented in OAR 660-004-0040(8)(i) provides:

“For rural residential areas designated after October 4, 2000, the affected county shall either:

- ~~A. Require that any new lot or parcel have an area of at least ten acres, or~~
- B. Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

OAR 660-004-0040(8)(i). The rule does not allow the creation of new lots and parcels less than 2 acres outside of urban growth boundaries. The applicant’s proposal for zoning that allows new lots and parcels of 1.25 and .5 acres is therefore not allowed.⁹

III. The applicant has not adequately demonstrated that the use complies with the Goal 12 Transportation Planning Rule.

The approval of this application will finish segments of an existing platted road system on the subject tract, that currently serves the existing West Wind County Estates subdivision. Application at 48. As the applicant requests an amendment to a comprehensive plan along with a (14)-lot subdivision that implicates increased transportation needs in the area, they must ensure that the redesignation complies with the Transportation Planning Rule. The Transportation Planning Rule is found in OAR Chapter 660 Division 12. OAR 660-012-0060 (Plan and Land Use Regulation Amendments) subsections (1) and (2) provide that amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.¹⁰ To comply with the Transportation Planning Rule, the applicant must demonstrate that the proposed re-zoning will not significantly affect the transportation facility consider the existing function, capacity and

⁹ Additionally, Yamhill County Comprehensive Plan Section 11.05.02.01(b)(i)(11) states: “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.”

¹⁰ Examples of Transportation System Management Measures include techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. This may include: traffic signal improvements, traffic control devices (installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicles (HOV) lanes. OAR 660-012-0005(47)(Definitions).

performance standards of the road and demonstrate that the resulting re-zoning will not significantly affect the transportation facility.¹¹

IV. The proposal is inconsistent with Yamhill County Comprehensive Plan goals and policies relating to agricultural lands and rural area development.

Section 11.05.02.01 of the Comprehensive Plan establishes goals and policies for protecting and conserving agricultural lands. For example, Section 11.05.02.01(b)(i)(1) states that Yamhill County will provide for the preservation of farmlands 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. Additionally, Section 11.05.02.01(b)(i)(8) states that “[n]o 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 land is unsuitable for farming or forestry* [...]”. Applicant relies significant on the argument that the subject property is unsuitable for farming, Application at 44, Staff Report at 4—7. Additionally, applicant has not demonstrated that the rural residential development will not substantially conflict with or impair farm use. Accordingly, the application does not comply with the Goals and Policies of the Comprehensive Plan.

V. The applicant has not adequately demonstrated that the zoning change request satisfies Yamhill County Zoning Ordinance (YCZO) Section 1208.

The application’s stated intended use of the property is for a residential subdivision. See Application for (14)-lot subdivision, No. 5-03-24 at 1. As the current EFU zone designation of the subject property would not permit the proposed subdivision, the applicant is proposing a zone change to the Very Low Density Residential (VLDR) for rural residential development. Quasi-judicial zone district boundary changes are governed under YCZO Section 1208. Under YCZO Section 1208.02, to authorize a quasi-judicial change to a zoning map an applicant must demonstrate compliance with the following criteria:

- (A) The proposed change is consistent with the goals, polices and any other applicable provisions of the Comprehensive Plan;
- (B) There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone;
- (C) The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of

¹¹ In order to determine whether a redesignation “significantly affects” a transportation facility within the meaning of OAR 660-012-0060(1) a local government should compare the most traffic-generative use reasonably allowed in the current zone with the most traffic-generative use reasonably allowed in the new zone. *Ooten v. Clackamas County*, 70 Or LUBA 338 (2014).

- utilities and services likely to be needed by the anticipated uses in the proposed district;
- (D) Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.
- (E) The amendment is consistent with the current Oregon Administrative Rules (OAR's) for exceptions, if applicable.

The applicant has not adequately demonstrated that the request satisfies subsections 1208.02 (B) and (D) because nowhere in its application does applicant show that there is a need for those uses allowed in the requested zone and that other land within the County is either unavailable or not as well-suited for the use. Further, as demonstrated in this letter, applicant has not adequately demonstrated that the proposed amendment is consistent with the goals and policies of Yamhill County's Comprehensive Plan, per subsection (A), or Oregon Administrative Rules governing exceptions in OAR Chapter 660 division 4 ("Interpretation of Goal 2 Exception Process"), per subsection (E). Accordingly, the application fails to comply with subsections (A), (B), (D), and (E) of YCZO Section 1208 and should therefore be denied.

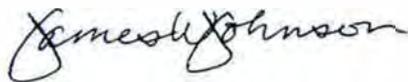
VI. Conclusion

For the aforementioned reasons, Application #PAZ-01-24 fails to comply with Statewide Planning Goals 2 (Land Use), 3 (Agricultural Land), 12 (Transportation), and 14 (Urbanization) as well as YZCO Sections 1204 and 1208 and Yamhill County Comprehensive Plan Section 11.05.02.01.1000 Friends therefore requests that the Planning Commission deny the application. Thank you for the opportunity to comment.

Respectfully submitted,



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