

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Comprehensive Plan Amendment from Agriculture/Forestry Large Holding to Very Low Density Residential District, and a Zoning Map Amendment from EF-80 to VLDR-1, with “Exceptions” 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; and Approving Planning Docket No. PAZ-01-24/S-03-24, Request for Approval of a Fourteen-lot Subdivision, for Tax Lot No. R4418 01000, Applicant John Abrahms, and Declaring an Emergency

ORDINANCE 943

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on December 18, 2025, Commissioners Kit Johnston, Mary Starrett, and David “Bubba” King being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, The Applicant, John Abrams, submitted an application for a Comprehensive Plan amendment from the Agriculture/Forestry Large Holding to Very Low Density Residential District, and a Zoning Map Amendment from EF-80 to VLDR-1, on Tax Lot No. R4418 01000, 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; and

WHEREAS, The Applicant is also requesting approval of a fourteen-lot subdivision on Tax Lot No. R4418 01000; 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; and

WHEREAS, The Planning Commission held a hearing on the application on July 10, 2025, and voted unanimously to approve the application; and

WHEREAS, The Applicant, being a member of the Planning Commission abstained from the decision; and

WHEREAS, On September 11, 2025, the Board held a duly-noticed public hearing on the application and, following deliberations, voted unanimously to approve the application, subject to certain conditions outlined herein; and now, therefore,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The findings attached as Exhibit “A” and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 2. The Comprehensive Plan Map and Zoning Map of Yamhill County are hereby amended to reflect a Plan Map designation of “Commercial” and a Zoning Map designation of “Neighborhood Commercial District” for Tax Lot No. R4418 01000, as identified on the attached Exhibit “B” map, incorporated herein by reference.

Section 3. The 14-lot subdivision request under Planning Docket No. PAZ-01-24/S-03-24 is hereby approved, subject to the following conditions:

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 “PAZ-01-24/S-03-24” shall appear on the face of the plat. The name of the subdivision, “West Wind Country Estates #2 Subdivision”, shall appear on the face of the plat. The subdivision lines shall substantially conform to those shown on the preliminary map.
2. Prior to final subdivision approval, a survey of all lots shall be completed by a registered land surveyor pursuant to the provisions of YCC 10.40.04.14.
3. Prior to final plat approval, 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.
4. Prior to final plat approval, the Applicant shall obtain approval for individual on-site subsurface sewage disposal for all parcels pursuant to YCC 10.40.04.12.
5. Prior to final plat approval, the easements providing access to all of the subdivision lots shall be constructed to county specifications and inspected by a private engineer, or a road construction agreement shall be completed and recorded. Furthermore, all driveways providing access to the proposed lots shall satisfy the McMinnville Fire Department access and other applicable fire safety standards.

6. Prior to final plat approval, a private access and utility easement maintenance agreement shall be recorded following review and approval by the Planning Director.

7. Prior to final plat approval, a road plan and profile drawings for all proposed easements shall be submitted to and approved by the Public Works Department.

8. Prior to final plat approval, the Applicant shall receive confirmation from the Planning Director and the Public Works Department that the requirements of YCC 7.30 have been satisfied.

9. 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 YCC 10.40.04.11. Either domestic water shall be provided to each lot by a community water system or an on-site well or wells, with the location of the well(s) indicated on the face of the plat, or the following disclosure shall be placed on the plat:

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

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

10. Pursuant to OAR 340-071-0220(1)(j), the new property line(s) shall be a minimum of 10 feet from any part of an existing drainfield or drainfield replacement area.

11. The Applicant shall have twelve (12) months within which to complete the requirements stated above and file the final subdivision plat. If not filed within this time period, the preliminary approval shall be rendered null and void.

Section 4. This Ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

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DATED this 18<sup>th</sup> day of December, 2025, at McMinnville, Oregon.



ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON

County Clerk

Chair

KIT JOHNSTON

By:

Deputy Carolina Rook

Commissioner

MARY STARRETT

FORM APPROVED BY:

Yamhill County Counsel

Commissioner

DAVID "BUBBA" KING

Approved by the Yamhill County Board of  
Commissioners on 12/18/2025  
via Board Order 25-413

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## EXHIBIT A: FINDINGS IN SUPPORT OF APPROVAL

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

**APPROVAL DATE:** December 12, 2025

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

**REQUEST:** Approval of a Comprehensive Plan amendment from the AFLH District to the VLDR District and a zone change from EF-80 to VLDR-1, with “Exceptions” 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 seven lots measuring 0.5-acres and seven lots measuring approximately 1.25-acres and an average lot size of 1.23-acres, to be created from Tax Lot 4418-01000, a 17.3-acre parcel.

**APPLICANT:** John Abrams

**OWNER:** Maralynn Abrams Trust

**TAX LOT:** R4418 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.

### FINDINGS OF FACT:

#### **A. Background Facts.**

1. *Parel 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 AFLH District, the EF-80 zone. Based on a cursory inspection of aerial imagery the lot appears to be a fallow field; however, as noted by the Applicant, this is a unique property in that the property has a significant amount of infrastructure installed on it concurrent to the adjacent rural residential subdivision (West Wind Country Estates) that is fully dependent on that

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infrastructure. The infrastructure (and the subdivision) were both developed under a single Measure 37 approval, performed and completed prior to November 06, 2007. The property has city storm sewer lines, gas lines, power lines, telecommunication lines, and community water lines that each cross through the property in various locations, as illustrated in Exhibit A-1, attached hereto and incorporated herein. The Applicant notes that the approved West Wind Country Estates subdivision approval conditions, engineered plans, traffic studies, excavation, infrastructure installation, subsequent approvals and fees, infrastructure expenditures, Final Plat approval and more, were all necessary tasks completed in good faith pursuant to the development rights granted under a Measure 37 approval (see Exhibit A-2).

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 waiver approval, 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 is 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 new subdivision lots would be served by the Fox Ridge Water Company.
6. *Sewage Disposal:* The proposed lots will be served by the development of individual, onsite septic systems.
7. *Previous Actions:* A lot line adjustment that transferred 2-acres from the subject lot to Tax Lot R4419 00900 to the subject lot was approved in 1999, Docket L-27-99. A lot line adjustment transferring 36.7-acres from the subject lot to Tax Lot R4418 01100 was approved in 2001, Docket L-25-01. A lot line adjustment transferring 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. See. Recorded Subdivision Plat, West Wind Country Estates — Phase II, recorded in Yamhill County Deed Records 200724085, 11-06-2007, attached hereto as Exhibit A-3.
8. *Explanation of Request:* The application states that the intended use of the property is the development of a subdivision of the 17.3-acre lot, which would result in fourteen (14) new lots being added to the West Wind Country Estates subdivision, a subdivision that was developed in 2005 under a vested Measure 37 approval (see Exhibit A-2). Currently, the subject parcel has a comprehensive plan designation of Agriculture/Forestry Large Holding District (AFLH) and is zoned for Exclusive Farm Use (EF-80), which would prohibit the development as proposed by the Applicant. For this reason, the Applicant is requesting a comprehensive plan amendment for the property from the AFLH designation to a VLDR

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District designation, and a zone change from EF-80 to rural residential development as permitted in the VLDR-1 zone.

The purpose of the Very Low-Density Residential (VLDR) District is as provided in YCZO 502.01, which states that 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.*” YCZO 502.02 provides a list of permitted uses in the VLDR zone, with (D) specifically allowing for the creation of a subdivision.

9. *Standard of Review:* The requested comprehensive plan amendment and zone change application must comply with the Yamhill County Comprehensive Plan, the Yamhill County Zoning Ordinance (YCZO), the Oregon Revised Statutes, and the Oregon Administrative Rules, each of which are addressed herein.
10. *Exhibits* (each attached hereto and incorporated herein):
  - A-1: Subject Parcel Existing Utility Locations
  - A-2: Measure 37 Approval
  - A-3: Recorded Subdivision Plat for West Wind Country Estates
  - A-4: Available Parcels Analysis
  - A-5: Public Comment re Pesticides
  - A-6: Public Hearing Meeting Minutes

### **B. Zone District Amendments.**

A zone district amendment must comply with the standards and criteria in YCZO Section 1208.02 under *Quasi-Judicial Zone District Boundary Changes*. The applicable provisions are addressed as follows.

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

Yamhill County Goals and Policies are found under its Comprehensive Plan, codified as YCZO. 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 County must decide whether it is more appropriate for the 17.3-acre subject parcel to be preserved for exclusive farm uses, or if it is better suited to providing residential lots and services as part of an existing subdivision.

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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, the County has determined that Section 11.05.02.01 of the Yamhill County Comprehensive Plan related to Agriculture Land is relevant to the request. The first “Goal Statement” under this section has a stated goal of: “*conserve[ing] 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.*” This first “Goal Statement” is followed by eleven stated policies, each providing specific guidance regarding certain types of development within designated Yamhill County farmland. The relevant policies for the request are as follows:

- (7) *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.*
- (8) *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.*

In addition to the County’s Agriculture Land goals, the County has determined that Section 11.05.01.02 related to Rural Area Development is also relevant to the request. The first “Goal Statement” under this section has a stated goal of: “*provid[ing] 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.*” This first “Goal Statement” is followed by a single policy delineating guidance as to which zones are most appropriate for rural residential development in the unincorporated areas of the county. Specifically, subsection (1) under this policy states that, “*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.*”

A comparison of these two “Goal Statements” indicates that rural residential development and agricultural or forest uses are not inherently disharmonious, but that they may occur on the same lot or within the same general area of the county in certain, limited circumstances.

Additional guidance is provided by the second “Goal Statement” provided under the County’s Rural Area Development goals, specifically as it relates to increased demand for rural residential housing. Specifically, the second “Goal Statement” has a stated goal of: “*accommodate[ing] 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, so long as that development exhibits

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“high amenity value” and the developments do not preempt farm uses or create an inordinate demand for the expansion of services.

Moreover, Section 11.05.01.02 of the Yamhill County Comprehensive Plan related to Housing specifically states under its first “Goal Statement” that the County has a stated goal of: “*assur[ing] the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost.*” The guidance thereunder incorporates specific policies that further encourage development of affordable residential housing:

- (3) *Yamhill County will provide opportunities for a variety of housing types indifferent residential environments, including single-family structures, conventional and modular type construction, and mobile homes to serve the housing needs of all components of the county population.*
- (4) *Yamhill County will encourage an adequate supply of new and rehabilitated housing units for rental or purchase by low- and moderate-income families and individuals through support of, and participation in, state and federal programs.*

As its residents are all-to-aware, there is a substantial and devastating shortage of affordable housing in Oregon, and Yamhill County is certainly not an exception. Local governments across this state have been directed by the legislature to develop housing production strategies to find any and all ways to build more affordable housing in our communities. Specifically, ORS 197A.025 identifies as a policy of this state that its Land Conservation and Development Commission and its Department of Land Conservation and Development are to be guided by the following principles:

- Housing that is safe, accessible and affordable in the community of their choice should be available to every Oregonian.
- Building enough equitable housing must be a top priority.
- The development and implementation of the housing production strategy should be the focal point by which the department collaborates with local governments to address and eliminate local barriers to housing production.
- Local governments, to the greatest extent possible, should take actions within their control to facilitate the production of housing to meet housing production targets under ORS 184.455.

Most significantly, the legislature directed all public bodies across this state to, “use its authority to remove barriers to, and to create pathways for, the development of needed housing” and to further “collaborate with the department and local governments to identify and implement strategies to support housing production where there is insufficient housing production and choice.”

Furthermore, an increased demand for very low-density rural residential development in the county may be exacerbated by local cities experiencing a myriad of legal challenges to urban growth boundary expansions over the course of years (and in certain instances, 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 obstacle to so many families having access to affordable housing options.

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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. While 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 County cannot overlook the significant and devastating housing need that currently exists in our communities.

- (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 (see Exhibit A-4). The Applicant notes in their application narrative that there are very few VLDR zoned lots in this study area, especially VLDR-1 zoned lots. The Applicant further 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 rural residential land between urban land and the large holding agriculture and forestry zones signifies a lack of any meaningful buffer between land developable to urban scales and uses and land with the potential for commercial scale resource use.

The Applicant asserts that the subject lot is designed and irrevocably committed to function as a transitional zone between urban uses and commercial agricultural uses and activities. More specifically, the subject lot experienced significant development following its creation through a land partition process that was permitted through an approved Measure 37 claim. Existing onsite development of the subject lot includes the installation of city stormwater sewer lines and manholes, underground potable water lines, fire hydrants, buried natural gas lines and risers, electrical lines and support infrastructure, buried telecommunication lines, as well as platted and roughed-in public roadways. Testimony from local farmers indicated that farming this lot was made impracticable due to the presence of these improvements which were put in place to serve either the residents within the McMinnville city limits or residents of the West Wind Country Estates subdivision (including the planned “Phase 2” development of the subject parcel), which was created through the same Measure 37 process that created the subject parcel. Specifically, existing utilities and easement prevent efficient preparation of the subject parcel for planting and harvesting crops, and more concerningly, the application of any necessary herbicides, fungicides, and insecticides is virtually impossible due to the irregular shape of the lot, the proximity to high-value residential dwellings and landscaping, and the crisscrossing of existing utilities lines and platted public roadways (see Exhibit A-1 and Exhibit A-5, respectively). Further, it is worth noting that planning commission member Mark Gaibler, and Board of Commissioner members Kit Johnson and David “Bubba” King are all farmers, and all three recognized the subject lot as both unsuitable for farming and effectively built-and-committed to residential use (see Exhibit A-6).

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Finally, the Applicant notes that there is very clear and significant demand for buildable VLDR-zoned lots in Yamhill County. The Applicant conducted several market analyses in April of 2025 and found that there were 17 buildable VLDR-zoned parcels available in the county, and four (4) of those lots having substantially similar characteristics with what is being proposed for the subject parcel (see Exhibit A-4). In fact, the Applicant found that only one (1) out of the 17 lots was located in the VLDR-1 zone, and it was sold shortly after being listed.

The Applicant has provided extensive evidence that there is a substantial desire for development of transitional lots along the periphery of McMinnville. Further, as mentioned above, there is an unequivocal demand for additional housing both throughout the county and across the state. The Applicant has effectively shown that there is a demonstrable need for buildable lots as proposed in the application.

- (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.*

The Applicant's request is for a Comprehensive Plan amendment for the subject parcel from the AFLH District to the VLDR District, a zone change of the subject parcel from EF-80 to VLDR-1, and the creation of a fourteen (14) lot subdivision, with an average lot size of 1.23-acres. 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 approval, with lots in this subdivision measuring approximately 1-acre in size. The subject parcel was identified on the survey plat for the West Wind Country Estates as "Phase 2" of the West Wind Country Estates subdivision. It is clear from the materials submitted by the Applicant that the subject lot was planned for development as rural residential lots, with various improvements previously installed to serve such a use.

Adjacent land south-southeast of the subject parcel is located within the McMinnville city limits and is undeveloped and owned by the McMinnville School District. Land to the southwest, west and north of the subject parcel are zoned EF-80, with a mix of passive forest and farm uses, including hazelnut orchards, hay fields, and fallow land. The proposed subdivision, if approved, would act as an extension to the existing West Wind Country Estates subdivision and would likely 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 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, and potable water service would be provided by the Fox Ridge Water Company. The Applicant further notes that there are existing utility easements, live utility services, and subsurface storm-sewer piping located on the subject parcel; accordingly, access to all necessary utilities and services would be available to residential lots created through the subdivision process. 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 (including the planned "Phase 2" development of the subject parcel), which was permitted through a Vested Measure 37 claim. The

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proposed development of the subdivision lots would be at a density and in a pattern that is substantially similar to West Wind Country Estates subdivision.

As identified above, there are numerous challenges to farming the subject parcel. Furthermore, the presence of subsurface and surface physical developments on the subject lot that were installed to provide utilities and services to the adjacent subdivision has irrevocably committed the lot to rural residential development. The proposed use is a suitable development considering the surrounding land uses.

- (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 above, 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 it was found that there were only a total of 17 such parcels available in Yamhill County, with four (4) of those lots having substantially similar characteristics with what is being proposed. As demonstrated in Exhibit A-4, the Applicant's market analysis demonstrating a lack of available land fully demonstrates compliance with this criterion.

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

The Applicant is requesting a Comprehensive Plan amendment from the AFLH District to the VLDR District, and a zone change from EF-80 to VLDR-1. 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 that otherwise generally points to the argument that the substantial infrastructural development of the subject parcel demonstrates that the lot is irrevocably built and committed to rural residential development.

An argument was presented during the hearing process suggesting that the proposed Comprehensive Plan Amendment, Zone Change, and Subdivision request for lots less than 2-acres in size outside of an Urban Growth Boundary does not satisfy the "Exceptions" criteria provided in OAR 660-004-0028(6)(c)(A)<sup>1</sup>. This section of the Administrative Rule points out that "...*Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area...*" It is true that the subject parcel and the lots comprising the West Wind Country Estates Subdivision were created under a Measure 37 development right

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<sup>1</sup> OAR 660-004-0028(6)(c)(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision. Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels

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wherein Statewide Planning Goals were waived. Additionally, the subject parcel was identified as “Phase 2” of the subdivision development plan that created West Wind Country Estates Subdivision and was intended to be an expansion of the West Wind Country Estates Subdivision under the development rights granted by an approved Measure 37 claim, as shown on the West Wind Country Estates Subdivision plat map recorded in Autumn of 2007 (see Exhibit A-2). However, OAR 660-004-0028(6)(c)(A) goes on to state that “... Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.” (underline added).

As mentioned above, the Applicant provided testimonials from farmers in the area attesting to the unsuitability of the subject parcel to farm use due to the presence of physical improvements and underground facilities that make farming impracticable. Exhibit A-1 provides an illustration of many of the physical improvements and underground facilities that have been developed on the subject parcel, including city stormwater sewer lines and manholes, underground water lines, natural gas lines and risers, electrical lines and supporting infrastructure, and telecommunication lines. As mentioned in the hearing, a site visit conducted by Commissioner Kit Johnston noted the extent to which the subject parcel had been developed noting, “*I walked the property, the first most obvious observation is that I didn’t need permission. There is literally public roads covering 75% of the development that you could drive down the public road and see exactly where these lots are going to be developed, you can see the water lines, you can see the vaults in the ground, you can see the cable, the storm water, you can see all of it from public streets, that’s how blatantly obvious this was set up to be developed, actually finished development. I did finish walking around the property, and the roads are rough cut in and I think it covers 3-4 of the lots that you can’t actually get to from the public road, one more larger lot and 2 or 3 smaller lots along the south side of the property. There were fire hydrants out there already in this undeveloped portion.*”<sup>2</sup> Further, Yamhill County Planning Commissioner Brett Veatchy affirmed in the initial public hearing that, “...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.” See Exhibit A-6.

The Applicant is confident, and the County agrees, that if a planner working anywhere in Oregon were to be plucked from their desk, blindfolded, and delivered to the subject lot, provided the chance to walk the lot in question, and inspect the surrounding area without being given access to zoning maps, and then asked what the subject lot was best suited for that the answer would resoundingly be for residential use. The only question would be whether that residential development was to occur at an urban or rural density and the scale of the development. It is unfortunate that there are no photographs of the property in the record to demonstrate the degree to which the subject parcel has been irrevocably committed to residential development, which was

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<sup>2</sup> See the 2:31:33 mark of the Board of Commissioners hearing YouTube video, link: <https://www.youtube.com/watch?v=dLRtLmGGTbo>.

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noted in the record by the County.<sup>3</sup> The degree to which the subject lot has been developed, including surface and subsurface improvements, along with expert testimony from farmers adequately supports the conclusion that the subject parcel has been irrevocably committed to non-resource use and is best suited to rural residential development.

Another matter raised by opponents indicated that 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.

The only comparable alternative areas would be those areas of the county that have also previously received a Measure 37 waiver and thereby experienced some degree of development. There is one such subdivision established through a Measure 37 waiver claim that has experienced a roughly comparable level of development in the county, including physical improvements such as roads and underground facilities, but that approval is purportedly still under litigation. For this reason, there are no known alternative areas located in the county that are comparable to the subject lot in terms of land use history and development potential.

### **C. YCZO Provisions and Analysis.**

Section 402 of the Yamhill County Zoning Ordinance (YCZO) identifies all permitted uses in the AFLH District, and Section 502 of the YCZO identifies all permitted uses in the VLDR District. The Applicant's proposed subdivision is prohibited in EF-80 zoning per 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 Yamhill County Code (YCC) 10.40, pursuant to subsection 502.02(D) of the YCZO. The County finds that the Applicant's proposed subdivision may be made consistent with YCC 10.40, subject to approval of the proposed comprehensive plan amendment, zone change, and adoption of certain "Exceptions" to the applicable Statewide Planning Goals.

#### 1. *YCC 10.40: Yamhill County Land Division Code.*

YCC 10.40, the Yamhill County Land Division Code, Section 6, contains general design standards for subdivisions. Applicable standards will be addressed in the following findings.

- A. YCC 10.40.04.01 General Requirements. YCC 10.40.04.01 requires subdivisions to conform to the requirements of the Comprehensive Plan, the YCZO, and any other applicable County Code or state law. As this pertains to the subject tract, the Applicant is seeking approval of a Comprehensive Plan amendment and a zone change from EF-80 to VLDR-1, in conjunction with a subdivision approval request, requiring "Exceptions" to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 12 (Transportation), and 14 (Urban Development on Undeveloped Rural Lands). Analysis

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<sup>3</sup> See 1:54:00 mark of the Board of Commissioners hearing YouTube video, link: <https://www.youtube.com/watch?v=dLRtLmGGTbo>.

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of the “Exceptions” to statewide planning goals are provided below under subsection (2).

B. YCC 10.40.04.02 Street Design.

- a. YCC 10.40.04.02(a) requires that road improvements be completed, or appropriate financial security be posted, as specified in YCC 10.40.09.02. 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. The County finds that, with conditions, the request satisfies this requirement.
- b. YCC 10.40.04.02(b) 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. The County finds that the request is consistent with this subsection.
- c. YCC 10.40.04.02(d) 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, a condition of approval for a shadow plat is warranted and will be required prior to final plat approval. The County finds that, with conditions, the request satisfies this requirement.
- d. YCC 10.40.04.02(g) and (h) outline 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 developing and improving upon the existing platted and roughed-in roadways. The roads serving the subdivision lots will have an improved surface measuring at least 20 feet in width. A condition of approval ensuring that the road will be engineered and built in a manner consistent with the county road standards is warranted and will be required prior to approval of the final subdivision plat/issuance of building permits, the request satisfies this requirement. The County finds that, with conditions, the request satisfies this requirement.
- e. YCC 10.40.04.02(i) identifies 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. A condition requiring all roadways and driveways be constructed to the minimum construction standards outlined in YCC 10.40.04.02(i) is warranted. Further, a condition of approval is also warranted requiring the

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driveways serving each lot to be built to local fire department standards. The County finds that, with conditions, the request satisfies this requirement.

C. YCC 10.40.04.05 Lots.

- a. YCC 10.40.04.05(a) 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. The County finds that the request is consistent with this subsection.
- b. YCC 10.40.04.05(f) requires lot drainage to be designed to the specifications adopted by the County's Board of Commissioners. The Applicant submitted road profile and design plans that were prepared in 2014 for the full development of the roadways platted and dedicated to public use in order to serve the West Wind Country Estates subdivision (including the planned "Phase 2" development of the subject parcel). A condition of approval requiring the submission of engineered road plan and profile drawings to the Public Works Department prior to the recording of the subdivision plat is warranted. Additionally, 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 is also warranted. Finally, a condition of approval requiring 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 is also warranted. The County finds that, with conditions, the request satisfies this requirement.

- D. YCC 10.40.04.09 Lands Subject to Hazardous Conditions. YCC 10.40.04.09 regulates lands subject to hazardous conditions related to flooding, inadequate drainage, steep slopes, rock formations, earthquake activity, landmass instability, pollutants, or other general factors or conditions that are likely to be harmful to the health and safety of future residents or the general public. The subject parcel is not in the Flood Hazard Overlay zone and is 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. The County finds that the request is consistent with this subsection.

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E. YCC 10.40.04.11 Water Supply. YCC 10.40.04.11 identifies the available options for water to be supplies to lots within a subdivision. Specifically, this section 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*
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. The subject parcel has preexisting, buried water lines and installed meter services that pass through it that were installed to serve the West Wind Country Estates subdivision to the east. It should also be noted that, under option #4, the Applicant may place a disclaimer on the face of the final plat which states that no water system is to be provided. The County finds that, with conditions, the request is consistent with this subsection.

F. YCC 10.40.04.12 Sewage Disposal Requirements. YCC 10.40.04.12 contains options and requirements for sewage disposal on the subject parcel. No public or city sewer services are available for the subject parcel, and the County therefore finds that a condition of approval is warranted requiring each lot to be served by an individual on-

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site subsurface sewage disposal system, in addition to a separate condition of approval requiring 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. The County finds that, with conditions, the request satisfies this requirement.

- G. YCC 10.40.04.14 Surveying Requirements and Standard. YCC 10.40.04.14 contains requirements and standards for surveying subdivisions. Because each of the proposed lots will be less than 10-acres in size, a condition of approval is warranted requiring the survey of all newly created lots prior to final plat approval. The County finds that, with conditions, the request satisfies this requirement.

### 2. *Exceptions to Statewide Planning Goals*

The Applicant is requesting a comprehensive plan amendment for the subject Tax Lot from the AFLH District to the VLDR 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 “Exceptions” to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 12 (Transportation), and 14 (Urban Development on Undeveloped Rural Lands). Oregon Revised Statutes (ORS) criteria, rules, and review processes for a Goal exception request are provided, in part under ORS 197.732(2) and in part under OAR 660-004-0010(2), which are addressed individually under each respective “Exception” subsection below.

#### A. Exception to Statewide Planning Goal 3: Agriculture Land.

- *ORS 197.732(2)(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 existing 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 (including the planned “Phase 2” development of the subject parcel), which was permitted through a vested Measure 37 approval issued by the Circuit Court in 2008, Docket VEST-12-08, which allowed for the development of up to 50 residential lots with dwellings and commercial development on the remaining lots. The Applicant notes that there are numerous challenges to farming the subject parcel due to the placement of this underground infrastructure, including the inability to efficiently prepare the field for planting and harvesting crops, and more concerningly, the application of any necessary herbicides, fungicides and insecticides being difficult (if not outright dangerous) due to the proximity of the subject parcel to the adjacent residential subdivision. Additionally, the irregular shape of the lot and the crisscrossing of existing utilities lines and roughed-in platted roadways make farming of this lot impracticable (if not

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virtually impossible) according to expert testimony submitted into the record with no expert testimony refuting this claim.<sup>4</sup>

The Applicant submitted a statement from the president of a local family farming operation, attached hereto as Exhibit A-, which states that there are a number of obstacles that would make the profitable farming of the lot unsustainable due to the proximity of high value homes and the prevailing winds in the area which significantly increases the risk of drift from herbicides, pesticides, and fungicides. Additional barriers to farming the subject parcel include the presence of buried utility lines (water, electrical, telecommunications, stormwater) 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.

Substantial evidence both submitted in the record and presented at the public hearings fully demonstrate that the physical development of both underground and aboveground infrastructure on the subject parcel, which were built to provide utilities and services to the adjacent residential subdivision, has irrevocably committed the lot to residential development. The County finds that the subject parcel has been physically developed to the extent that it is no longer available for agriculture uses.

- *ORS 197.732(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 County finds that the subject lot is designed and irrevocably committed to function as a transitional zone between urban uses to the south (city limits of McMinnville), residential subdivision to the east (the West Wind Country Estates residential subdivision), and commercial agricultural uses and activities to the west and north, which is necessary due to 1) the proximity of a residential homes, making application

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<sup>4</sup> In *Schrepel v. Yamhill County LUBA No. 2020-066*, LUBA found that farmers were experts and that their expertise related to their farming practices was required for the county's decision. It is relevant and important to draw attention to the fact that planning commission member Mark Gaibler and Board of Commissioner members Kit Johnson and David "Bubba" King are farmers, and all three of these farming experts voted to recognize this property as both unsuitable for farming and as fully built and committed to residential use.

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of any necessary herbicides, fungicides, and insecticides particularly challenging to apply safely, and 2) the irregular shape of the lot, the existence of public utility easements, and the development of both aboveground and underground infrastructure being the most clear and significant factors that have irrevocably committed the lot to residential use. Specific examples of residential infrastructure installed on the property that were put in place to serve the adjacent urban and residential uses include: buried city stormwater sewer lines and manholes, underground potable water lines, fire hydrants, buried natural gas lines and risers, electrical lines and support infrastructure, buried telecommunication lines, as well as platted and roughed-in public roadways.

Substantial evidence both submitted in the record and presented at the public hearings fully demonstrate that existing adjacent uses to the subject parcel, and other relevant factors described above, make agriculture uses impractical on the property. The County finds that the subject parcel is irrevocably committed to residential development.

- *ORS 197.732(2)(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 adequate justification as to why the state policy embodied in Goal 3 should no longer apply to this lot.

Regarding criterion (B) above, the Applicant has provided adequate justification that 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. 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 (see Exhibit A-4). Furthermore, there is a significant and devastating housing need that currently exists in Yamhill County, and the Applicant is proposing to develop homes for the families in our communities, but is also mandated under ORS 197A.025 (“[the County] shall use its authority to remove barriers to, and to create pathways for, the development of needed housing...”) The Applicant – and state law – has provided adequate justification as to why areas that do not require a new exception cannot reasonably accommodate the proposed use.

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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. Exhibit A-5 provides expert testimony from local farmers which describes the significance of the obstacles to farming the subject lot. As described previously, there are significant and widespread surface and subsurface infrastructural developments spread across the subject lot that create irrevocable and substantial obstacles to farming the subject parcel. The subject lot already is crisscrossed by utility service lines and easements that have historically served the residential West Wind Country Estates subdivision lots, as illustrated by Exhibit A-1. Testimony from expert witnesses in conjunction with the evidence of the substantial degree to which the lot has been developed, with both surface and subsurface improvements, demonstrate that commercial farming of the lot is impractical due to a variety of factors including the proximity of the subject lot to the rural residential subdivision created through a vested Measure 37 development right (see Exhibit A-2) and the adjacent city zoned lots owned by the McMinnville school district. The expert testimony from local farmers indicate that not only does the infrastructure installed on the subject lot create significant challenges to effectively farm the lot, but that the safe and responsible application of herbicides, fungicides and insecticides is particularly challenging due to safety concerns from the proximity of the adjacent residential lots and the tract owned by the McMinnville School District. Additional challenges identified by the expert witness testimony include 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 that bisect the subject lot at various points. 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 has provided adequate justification as to why the requirements under subsections (C) and (D) have been met.

- *ORS 197.732(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*

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

- *ORS 197.732(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.*

The findings of fact adopted by the County herein state the reasons demonstrating that the standards of ORS 197.732(2) have been met to a degree that sufficiently supports the decision herein.

- *OAR 660-004-0010(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 County finds that the Applicant has submitted to adequate evidence to justify that the state policy related to Goal 3 should not apply, as further explained throughout these findings. Specifically, the Applicant’s justification for an exception to Goal 3 is that the land is built and committed to residential use. The subject parcel and the lots comprising the West Wind Country Estates Subdivision were created under a Measure 37 development right wherein Statewide Planning Goals were waived. Additionally, the subject parcel was created as “Phase 2” of the subdivision process that created West Wind Country Estates Subdivision and was a planned phase of expansion to the West Wind Country Estates Subdivision under the development rights granted by an approved Measure 37 claim, as shown on the West Wind Country Estates Subdivision plat map recorded in Autumn of 2007 (see Exhibit A-2). The Applicant provided expert testimony from local farmers that attests to the unsuitability of the subject parcel for farm use due to the presence of physical improvements and underground facilities that make farming impracticable, and Exhibit A-1 provides an illustration of many of the physical improvements and underground facilities that have been developed on the subject parcel and include such features as roughed-in public roadways, city stormwater sewer lines and manholes as well as underground water pipelines, natural gas lines and risers, electrical lines, fire hydrants, and buried telecommunication lines. The variety and density of the infrastructural improvements that are spread across the subject parcel have irrevocably committed the parcel to non-resource use, and the infrastructural improvements located onsite are best suited to residential development considering the infrastructure in place serves the adjacent rural residential subdivision and neighboring urban residential lots. The subject lot has been developed to such a degree that (in the words of the County’s expert planning staff), if a planner working anywhere in Oregon were to be plucked from their desk, delivered to the subject lot, provided the opportunity to walk the lot in question, and inspect the

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surrounding area without being given access to zoning maps, and then asked what the subject lot was best suited for that the answer would resoundingly be for residential use. The only question would be whether that residential development was to occur at an urban or rural density and scale of development. It is unfortunate that there are no photographs of the property in the record to demonstrate the degree to which the subject parcel has been irrevocably committed to residential development. The degree to which the subject lot has been developed, including surface and subsurface improvements, along with expert testimony from farmers adequately supports the conclusion that the subject parcel has been irrevocably committed to non-resource use and is best suited to rural residential development.

- *OAR 660-004-0010(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:*

*(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?*

*(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*

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*facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.*

Regarding the above criteria, the County adopts Applicant's Exhibit A (attached hereto as Exhibit A-4) 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. 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.

- *OAR 660-004-0010(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:*

*(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, the County has determined that the Applicant has provided substantial evidence explaining the various obstacles – if not outright barriers – to farming exist on the subject lot. As explained repeatedly herein, the subject lot is crisscrossed by utility service lines, easements, and platted public roadways that have historically served the adjacent residential West Wind Country Estates subdivision

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lots, as illustrated by Exhibit A-1. Expert witness testimony asserts that commercial farming of the lot is impracticable 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. The testimony from local farmers also notes that the lack of water rights for irrigation activities would create an obstacle to successfully implementing farm or forest uses on the subject parcel (see Exhibit A-5). The irregular shape of the lot when considered in conjunction with the abundance of buried and surface utility developments and improvements create an irrevocable obstacle that expert witnesses testified as leading the lot to no longer being suitable to farm use.

As discussed above, other alternative areas comparable to the subject parcel include other partially developed subdivisions within the county that received a Measure 37 waiver and experienced some degree of development. There is one such subdivision established through a Measure 37 waiver claim that has experienced a roughly comparable level of development in the county including physical improvements such as roads and underground facilities. Like the subject parcel, this subdivision is also platted and includes roughed-in roadways, small homes that were partially built, and residential septic systems that were installed. Where they substantially differ is the status of the vested rights of this partially developed Measure 37 subdivision which is still in litigation. For this reason, there are no known alternative areas located in the county that are comparable to the subject lot in terms of land use history and the degree to which a lot has experienced such significant irrevocable infrastructural development.

- *OAR 660-004-0010(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:*

*(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 that was established through a Vested Measure 37 development right 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

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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 evidence in the record strongly supports that the rural residential use of the subject parcel will be much more compatible with other adjacent uses when compared to trying to implement farm or forest uses on the subject parcel. Testimony from expert witnesses asserts that the lot has been developed to a degree that would make resource use of the subject lot impracticable and potentially unsafe. The risk of drift from herbicides, pesticides, or fungicides to the adjacent rural residential subdivision and the adjacent city lots owned by the McMinnville School District create a significant barrier to farm or forest uses being successfully implemented. In addition to the risk from drift, there is a lack of water rights available to the lot for irrigation which would create a significant hurdle to successfully cultivating farm crops on the subject parcel. Similarly, placing livestock on the subject lot would create different challenges considering the lot is relatively small for pasturage, at just over 17-acres, and is bisected at various points by roughed-in roads, utility improvements, and the irregular shape of the lot would make fencing and providing adequate fodder to livestock a significant hurdle that would be less compatible than the allowing for the completion of the second phase of development as was planned by the Applicant.

The significant development of such utility improvements as public roadways make access to the proposed subdivision lots quite easy considering these roads were built to county road standards for safe ingress and egress. The presence of city stormwater sewer lines and manholes also ensure that runoff from impermeable surfaces can be safely and responsibly managed if the lot were to complete the rural residential subdivision as was planned when the West Wind Country Estates subdivision was initially platted. The community water system as well as underground water pipelines are in place to serve new homesites with drinking water. There are already buried natural gas lines and risers located on the subject lot to serve homesites with natural gas for heating and cooking needs. The record shows that electrical lines are also located on the subject lot which would make the expeditious electrification of residences a process that would have minimal detrimental impacts to surrounding lots. Regarding improvements often more associated with urban than rural residential developments in Yamhill County, there are already fire hydrants in place on the subject lot to help ensure that fire, life, and safety improvements are in place for the safe development of residences on the proposed subdivision. As discussed previously, there are also buried telecommunication lines located on the subject lot which would allow for new homesites to be quickly and easily connected to the internet which is such a crucial service to many of today's educational, medical, economic, and social services in the local and regional community. Adjacent to the subject lot is a tract of land owned by the McMinnville School District, so future residents of the subject subdivision lots will be able to walk their children to school with no need for commuting by car or bicycle. Phase #1 of the West Wind Country Estates Subdivision is bounded to the east by the City of McMinnville, and this area of the city is replete with a number of city amenities and services. These facts and the evidence in the

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record make it clear that the subject lot is far more compatible with the rural residential and urban uses and activities present on adjacent lots and the surrounding area more generally. The record is clear that the residential use of the subject lot is far more compatible with the adjacent uses when measured against the adverse impacts associated with the implementation of commercial resource uses onsite. In fact, expert witnesses submitted testimony affirming that they would be unwilling to attempt to farm the subject parcel for fear of the potential for adverse impacts to adjacent uses.

For these reasons, and for reasons otherwise described herein, the County finds that substantial and overwhelming evidence has been provided by the Applicant justifying an “Exception” to Goal 3, Agriculture Land.

### B. Exception to Statewide Planning Goal 4: Forest Land.

The County hereby adopts all applicable analysis provided for under its “Exception to Statewide Planning Goal 3: Agriculture Land” under this “Exception to Statewide Planning Goal 3: Forest Land” subsection. Additional analysis specific to Goal 4 is as follows.

- *ORS 197.732(2)(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 (including the planned “Phase 2” development of the subject parcel), which was permitted 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 outlined above are substantially 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.

- *ORS 197.732(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*

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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. The evidence and testimony supporting the conclusion that the lot has been irrevocably committed to rural residential use have been presented in great detail throughout these Findings so they will not be reiterated here for the sake of brevity and to reduce the redundancy of arguments and evidence that have been made throughout the Findings.

- *ORS 197.732(2)(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 above under the County's both its Zone Plan Amendment analysis and its "Exception" to Statewide Planning Goal 3: Agriculture Lands subsection.

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

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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, as described in Exhibit A-4. 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.

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. The County also adopts by reference Applicant's Exhibit 7 (attached hereto as Exhibit A-4), which describes obstacles to a resource use of the subject lot. There are numerous utility service lines and improvements installed underground and on the surface of the subject lot. Along with the developments built on the parcel there are utility easements bisecting the lot at various locations and from different angles that have irrevocably committed the lot to residential use rather than to resource use. These utility improvements serve the adjacent rural residential subdivision, identified as the West Wind Country Estates subdivision, as illustrated by Exhibit A-1. 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.

- *ORS 197.732(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;*

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*(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.

- *ORS 197.732(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.*

The findings of fact adopted by the County herein state the reasons demonstrating that the standards of ORS 197.732(2) have been met to a degree that sufficiently supports the decision herein.

- *OAR 660-004-0010(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 4 should not apply are described in greater detail under the "Exception to Goal 3" subsection. To summarize, the core of the Applicant's justification to exception to Goal 4 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. Evidence and testimony in the record support that the proposed residential use of the subject parcel as a subdivision is more compatible than attempts to implement farm or forest uses on the subject parcel.

- *OAR 660-004-0010(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:*

*(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*

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*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, the County adopts Applicant’s Exhibit A (attached hereto as Exhibit A-4) 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. 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.

- *OAR 660-004-0010(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:*
  - (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*

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*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, the County adopts by reference Applicant’s Exhibit 7 (attached hereto as Exhibit A-4), 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 Exhibit A-1. The Applicant has argued, and the County agrees, 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.

- *OAR 660-004-0010(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:*

*(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 the lot is more compatible to residential use than to commercial timber uses. There are potential deleterious environmental impacts to the surrounding city-

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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.

For these reasons, and for reasons otherwise described herein, the County finds that substantial and overwhelming evidence has been provided by the Applicant justifying an “Exception” to Goal 4, Forest Land.

### C. Exception to Goal 14: Urban Development on Undeveloped Rural Lands.

The Applicant is requesting a Goal 14 Exception to allow the creation of lots smaller than 2-acres in size outside of an Urban Growth Boundary. The County hereby adopts all applicable analysis provided for under its “Exception to Statewide Planning Goal 3: Agriculture Land” and its “Exception to Statewide Planning Goal 4: Forestry Land” subsections as additional supporting findings under this “Exception to Statewide Planning Goal 14: Urban Development on Undeveloped Rural Lands”. Statewide requirements specific to an “Exception” to Goal 14 are found under OAR 660-014-0030 and are addressed as follows.

- *OAR 660-014-0030(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.*

The Applicant has argued that the subject lot has seen the installation of buried utility lines (water, storm sewer, electricity, natural gas lines), surface improvements (roads, fire hydrants, natural gas risers), as well as the presence utility easements that 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 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 impracticable. 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.

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- *OAR 660-014-0030(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.*

Evidence and testimony in the record and presented throughout these Findings demonstrate that the subject parcel is irrevocably committed to urban levels of development due to the unusual shape of the lot that creates barriers to planting and harvesting of crops or managing livestock, the presence of surface and subsurface utility lines and utility easements that cross the lot which create additional barriers to implementing resource uses of the subject lot, and the proximity to a densely developed rural residential subdivision and a city-zoned school district owned lot, which expert testimony has attested to as a health and safety concern for applying herbicides, pesticides, or fungicides to protect crops or timber. This expert witness testimony, in conjunction with the Applicant's site plans and maps, sufficiently demonstrate that the subject lot is indeed irrevocably committed to urban levels of development

- *OAR 660-014-0030(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, and there are no commercial or industrial uses occurring in the surrounding area under the County's jurisdiction. 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, a property line that is shared with a lot owned by the McMinnville School District and that is otherwise 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.

- *OAR 660-014-0030(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*

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*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 approval. 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, and the County agrees, that the subject 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 has been made 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 contends that implementation of farm or forest uses would likely be more incompatible with the uses occurring in the surrounding area, and the County agrees. The Applicant has submitted evidence that suggests the cost to 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 analysis provided throughout these findings provide substantial evidence that farm or forest uses are not economical

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nor practical for the subject lot, nor are they safe to implement. Additionally, the Applicant has submitted substantial evidence to support the argument that residential use of the subject parcel is more compatible with the uses on adjacent and surrounding lots. Further, the subject lot has buried water lines and installed meter services, buried communication lines, buried power lines, buried storm sewer lines with manhole covers, buried natural gas lines and risers, roughed-in roads with fire hydrants installed, and buried telecommunication 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 AFLH 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.

- *OAR 660-014-0030(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 described repeatedly herein, 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.

For these reasons, and for reasons otherwise described herein, the County finds that substantial and overwhelming evidence has been provided by the Applicant justifying an “Exception” to Goal 14, Urban Development on Undeveloped Rural Lands.

### D. Exception to Statewide Planning Goal 12: Transportation Planning Rule.

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The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed prior to approval of the request. OAR 660-12-0060 contains the specific provisions that must be met, which are identified and addressed as follows.

*(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.*

Regarding the criterion required under 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 (Applicant’s 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

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*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 by stating that, "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, (Applicant's Exhibit 4). Tax Lot 1000 is not just adjacent to (legally) developed land, it is (legally) developed land, irrevocably developed and committed land."

The County has determined that proposed development would not significantly affect an existing or planned transportation facility. The justification to support this determination have been outlined in detail throughout these findings, but can be summarized as follows: the subject parcel was created as "Phase 2" of the subdivision process that created West Wind Country Estates Subdivision. The subject parcel was initially planned for development as a phase of expansion to the West Wind Country Estates Subdivision under the development rights granted by an approved Measure 37 claim, as shown on the West Wind Country Estates Subdivision plat map recorded in Autumn of 2007. The subject parcel is irrevocably built and committed to support the urban and rural residential uses occurring in the surrounding area and on adjacent lots. Some of the more notable and significant physical improvements and underground facilities that have been developed on the subject parcel include roughed-in and platted public roads with fire hydrants, city stormwater sewer lines and manhole access covers, underground water lines, natural gas lines and risers, electrical lines and support infrastructure, as well as telecommunication lines.

### **D. Conclusion.**

The County finds that, with conditions, the request complies with the Yamhill County Comprehensive Plan, the Yamhill County Zoning Ordinance (YCZO), the Oregon Revised Statutes, and the Oregon Administrative Rules, each of which have been fully addressed herein. Evidence presented by the Applicant and during the public hearings fully demonstrate that the physical development of both underground and aboveground infrastructure on the subject parcel, which were built to provide utilities and services to the adjacent residential subdivision, has irrevocably committed the lot to residential development. In addition to the irrevocably established infrastructural improvements in place on the subject parcel, testimony from expert witnesses

## EXHIBIT A: FINDINGS IN SUPPORT OF APPROVAL

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asserts that the lot has been developed to a degree that would make resource use of the subject lot impracticable and potentially unsafe. The risk of drift from herbicides, pesticides, or fungicides to the adjacent rural residential subdivision and the adjacent city lots owned by the McMinnville School District create a significant barrier to farm or forest uses being successfully implemented. In addition to the risk from drift, there is a lack of water rights available to the lot for irrigation which would create a significant hurdle to successfully cultivating farm crops on the subject parcel. Similarly, placing livestock on the subject lot would create different challenges considering the lot is relatively small for pasturage, at just over 17-acres, and is bisected at various points by roughed-in roads, utility improvements, and the irregular shape of the lot would make fencing and providing adequate fodder to livestock a significant hurdle that would be less compatible than just leaving the field fallow as it has been for years.

The evidence in the record further supports that the rural residential use of the subject parcel is substantially more compatible with the uses occurring in the surrounding area as compared to any attempt to implement farm or forest uses. The risk of drift from herbicides, pesticides, or fungicides to the adjacent rural residential subdivision and the adjacent city lots owned by the McMinnville School District create a significant barrier to farm or forest uses being successfully implemented according to expert witness testimony. In addition to the risk from drift, there is a lack of water rights available to the lot for irrigation which would create a challenge to cultivating farm crops onsite. Similarly, placing livestock on the subject lot would create a variety of additional challenges considering the lot is relatively small for pasturage, at just over 17-acres, and is bisected at various points by roughed-in roads, utility improvements, and the irregular shape of the lot would make fencing and providing adequate fodder to livestock a significant hurdle.

Finally, the request allows the County to further the State's housing goals established by the legislature and codified under ORS 197A.025, which directed all local governments to develop find any and all ways to build more affordable housing in our communities. Further, the request allows the County to meet its own Comprehensive Plan goal of providing housing needs for all its citizens, an important goal that cannot be understated given the current housing crisis affecting not only Yamhill County, but the state as a whole.

### CONDITIONS OF 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 "PAZ-01-24/S-03-24" shall appear on the face of the plat. The name of the subdivision, "West Wind Country Estates #2 Subdivision", shall appear on the face of the plat. The subdivision lines shall substantially conform to those shown on the preliminary map.
2. Prior to final subdivision approval, a survey of all lots shall be completed by a registered land surveyor pursuant to the provisions of YCC 10.40.04.14.
3. Prior to final plat approval, the Applicant shall submit a drainage plan showing that no natural drainage is disturbed by any development taking place on any of the proposed

## EXHIBIT A: FINDINGS IN SUPPORT OF APPROVAL

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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.

4. Prior to final plat approval, the Applicant shall obtain approval for individual on-site subsurface sewage disposal for all parcels pursuant to YCC 10.40.04.12.
5. Prior to final plat approval, the easements providing access to all of the subdivision lots shall be constructed to county specifications and inspected by a private engineer, or a road construction agreement shall be completed and recorded. Furthermore, all driveways providing access to the proposed lots shall satisfy the McMinnville Fire Department access and other applicable fire safety standards.
6. Prior to final plat approval, a private access and utility easement maintenance agreement shall be recorded following review and approval by the Planning Director.
7. Prior to final plat approval, a road plan and profile drawings for all proposed easements shall be submitted to and approved by the Public Works Department.
8. Prior to final plat approval, the Applicant shall receive confirmation from the Planning Director and the Public Works Department that the requirements of YCC 7.30 have been satisfied.
9. 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 YCC 10.40.04.11. Either domestic water shall be provided to each lot by a community water system or an on-site well or wells, with the location of the well(s) indicated on the face of the plat, or the following disclosure shall be placed on the plat:

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

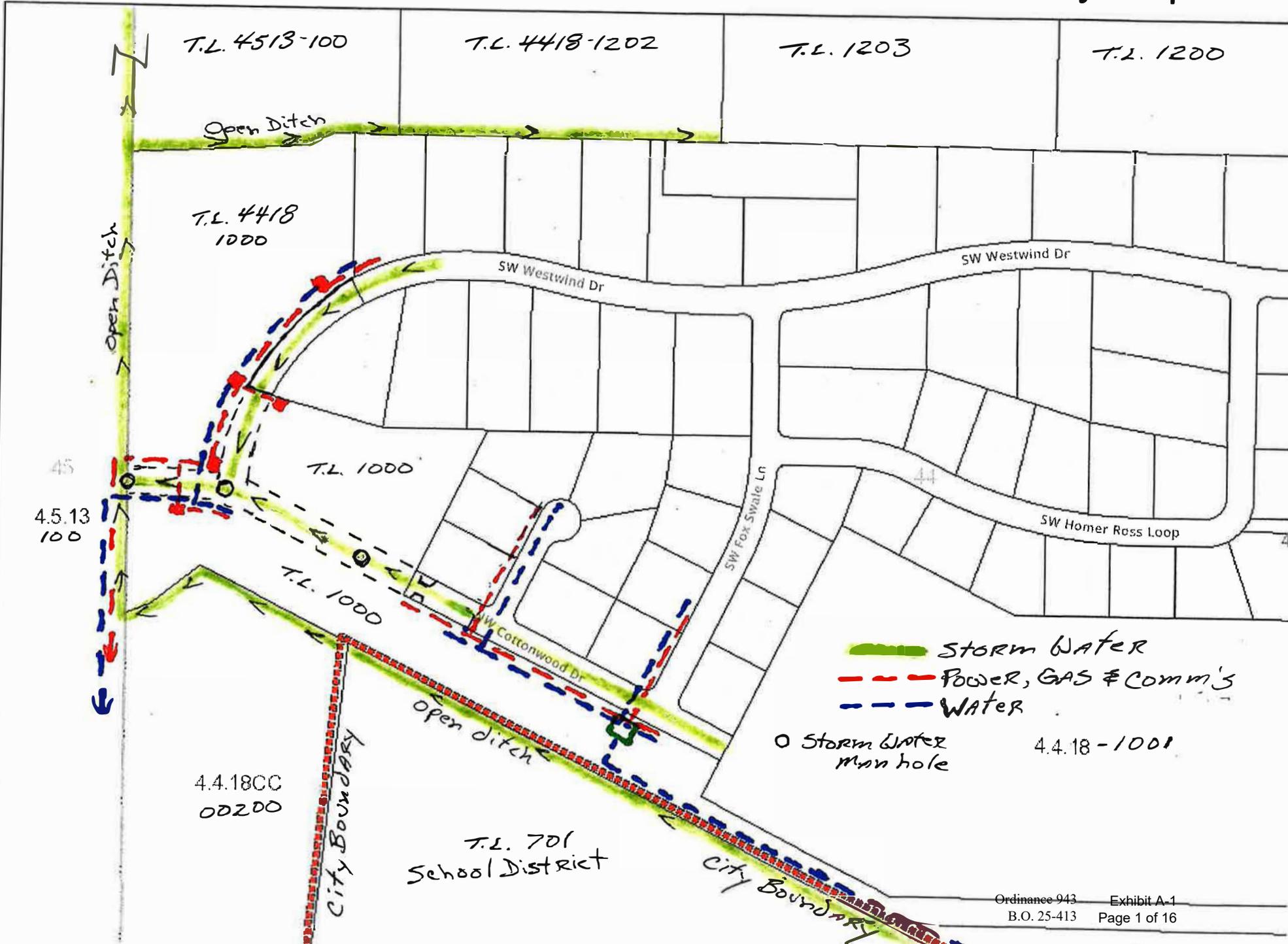
Each lot not provided with a well or community service shall be so identified.

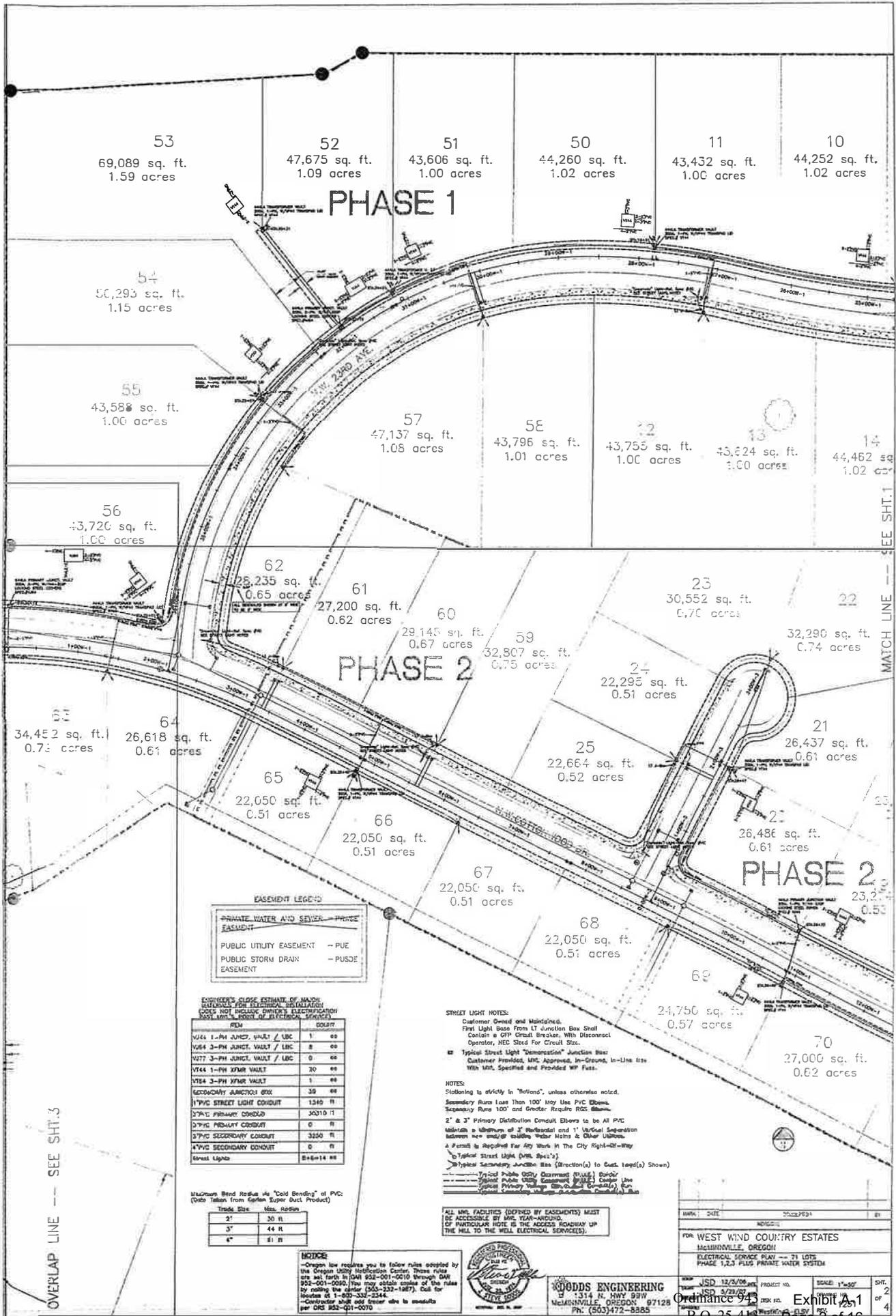
10. Pursuant to OAR 340-071-0220(1)(j), the new property line(s) shall be a minimum of 10 feet from any part of an existing drainfield or drainfield replacement area.
11. The Applicant shall have twelve (12) months within which to complete the requirements stated above and file the final subdivision plat. If not filed within this time period, the preliminary approval shall be rendered null and void.

# Exhibit 4

## Existing Utilities

## Yamhill County Map





MWA Power

**PHASE 1**

**PHASE 2**

**PHASE 2**

**EASEMENT LEGEND**

PRIVATE WATER AND SEWER EASEMENT	- PWE
PUBLIC UTILITY EASEMENT	- PUE
PUBLIC STORM DRAIN EASEMENT	- PUSE

**ENGINEER'S QUOTE ESTIMATE OF MAJOR MATERIALS FOR ELECTRICAL INSTALLATION (DOES NOT INCLUDE OWNER'S ELECTRIFICATION COSTS AND COST OF ELECTRICAL SERVICES)**

ITEM	QUANTITY
V164 1-PM JUNCT. VAULT / LBC	1 00
V164 3-PM JUNCT. VAULT / LBC	8 00
V177 3-PM JUNCT. VAULT / LBC	0 00
V164 1-PM JUNCT. VAULT	30 00
V164 3-PM JUNCT. VAULT	1 00
SECONDARY JUNCTION BOX	39 00
1" PVC STREET LIGHT CONDUIT	1340 FT
1" PVC PRIMARY CONDUIT	20310 FT
1" PVC MEDIUM CONDUIT	0 FT
1" PVC SECONDARY CONDUIT	3150 FT
1" PVC SECONDARY CONDUIT	0 FT
Street Lights	84614 00

**Maximum Bend Radius as "Cold Bending" of PVC (Data Taken from Galvan Extr. Duct Product)**

Trade Size	Max. Radius
2"	30 FT
3"	46 FT
4"	61 FT

**STREET LIGHT NOTES:**  
 Customer Owned and Maintained.  
 First Light Pole from LT Junction Box Shall Contain a GFC Circuit Breaker With Disconnect Operator, NEC Sized For Circuit Size.  
 Typical Street Light "Demonstration" Junction Box: Customer Provided, NEC Approved, In-Grass, In-Line With W.M., Specified and Provided WP Fuses.

**NOTES:**  
 Stationing to utility in "feet", unless otherwise noted.  
 Secondary Runs Less Than 100' May Use PVC Elbows, Secondary Runs 100' and Greater Require RGS Elbows.  
 2" & 3" Primary Distribution Conduit Elbows to be All PVC with a Minimum of 3" Horizontal and 1" Vertical Separation between each angle/curving under Mains & Other Utilities.  
 A Permit is Required For Any Work in the City Right-Of-Way.  
 Typical Street Light (M.W. Spec's)  
 Typical Secondary Junction Box (Direction(s) to Cust. Log(s) Shown)  
 Typical Public Utility easement (M.W. Spec's) (M.W. Spec's)  
 Typical Primary Voltage (M.W. Spec's) (M.W. Spec's) Run  
 Typical Secondary Voltage (M.W. Spec's) (M.W. Spec's) Run

ALL M.W. FACILITIES (DEFINED BY EASEMENTS) MUST BE ACCESSIBLE BY M.W. YEAR-AROUND. OF PARTICULAR NOTE IS THE ACCESS ROADWAY UP THE HILL TO THE M.W. ELECTRICAL SERVICES.

**NOTICE**  
 Oregon law requires you to follow rules adopted by the Oregon Utility Installation Center. These rules are set forth in OAR 852-001-0010 through OAR 852-001-0050. You may obtain copies of the rules by mailing the order (503-333-1987). Call for hours of 1-800-332-2544.  
 Contractor shall add tracer wire to conduits per OAR 852-001-0070.



**WOODS ENGINEERING**  
 1314 N. HWY 99W  
 McMinnville, Oregon 97128  
 Ph: (503) 472-8885

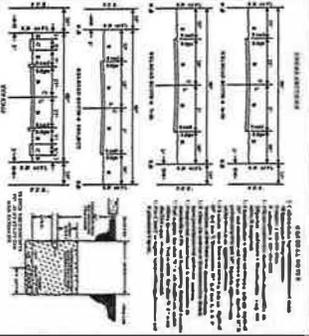
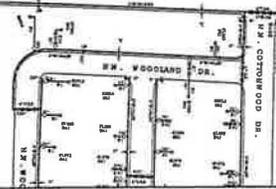
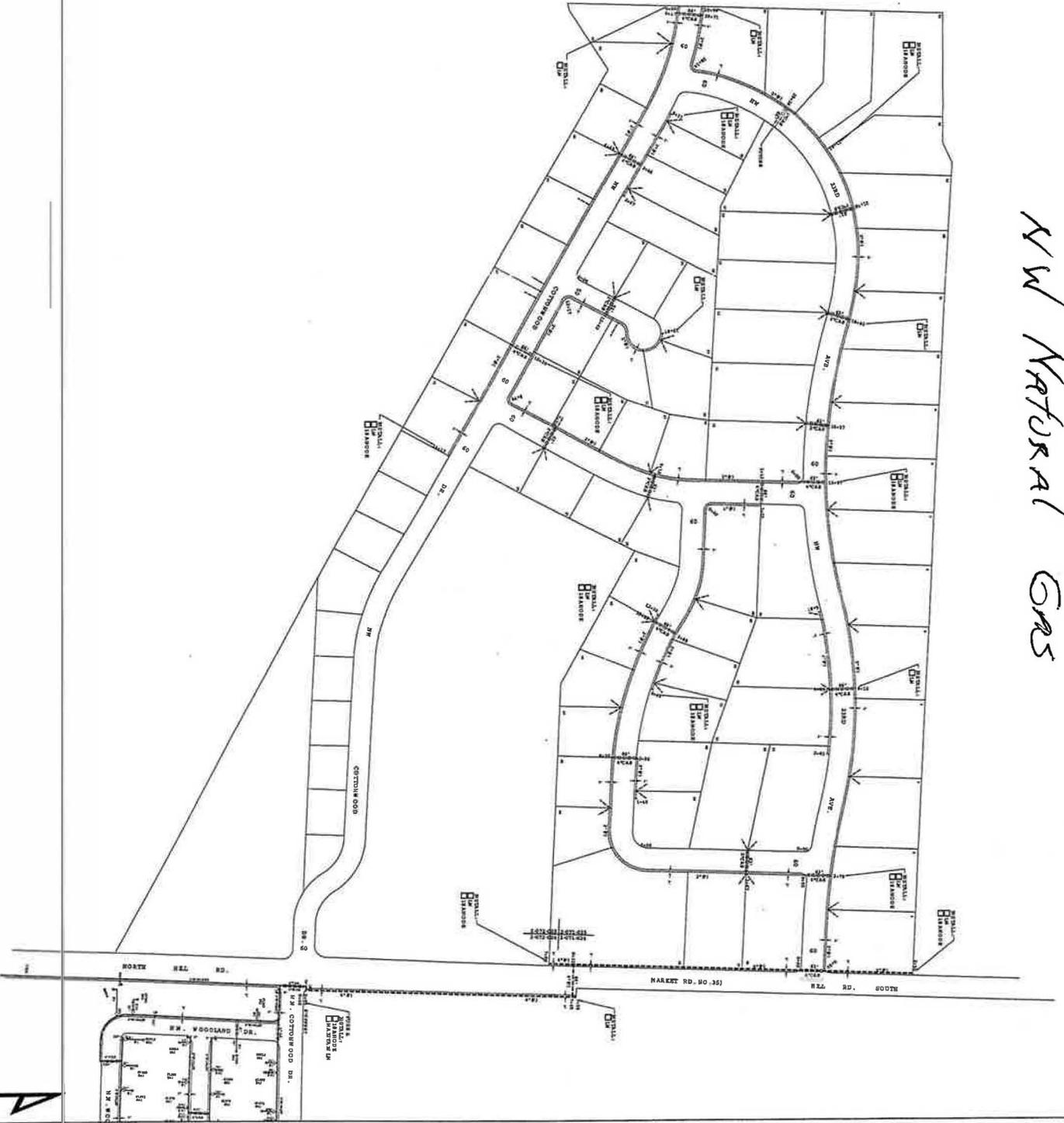
DATE	02/28/2011	BY	
FOR WEST WIND COUNTRY ESTATES McMinnville, Oregon ELECTRICAL SERVICE PLAN -- 21 LOTS PHASE 1, 2, 3 FULL PRIVATE WATER SYSTEM			
DATE	JSD 12/2/09	PROJECT NO.	
DATE	JSD 2/28/11	JOB NO.	
DATE		SCALE	1"=50'
DATE		DATE	
DATE		DATE	

OVERLAP LINE -- SEE SHT. 3

MATCH LINE -- SEE SHT. 1



NW Natural Gas



NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY PLAN	10/15/08	J. D. [Name]	[Name]
2	FINAL PLAN	10/15/08	J. D. [Name]	[Name]
3	AS-BUILT PLAN	10/15/08	J. D. [Name]	[Name]

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY PLAN	10/15/08	J. D. [Name]	[Name]
2	FINAL PLAN	10/15/08	J. D. [Name]	[Name]
3	AS-BUILT PLAN	10/15/08	J. D. [Name]	[Name]

**NW Natural** Engineering Department

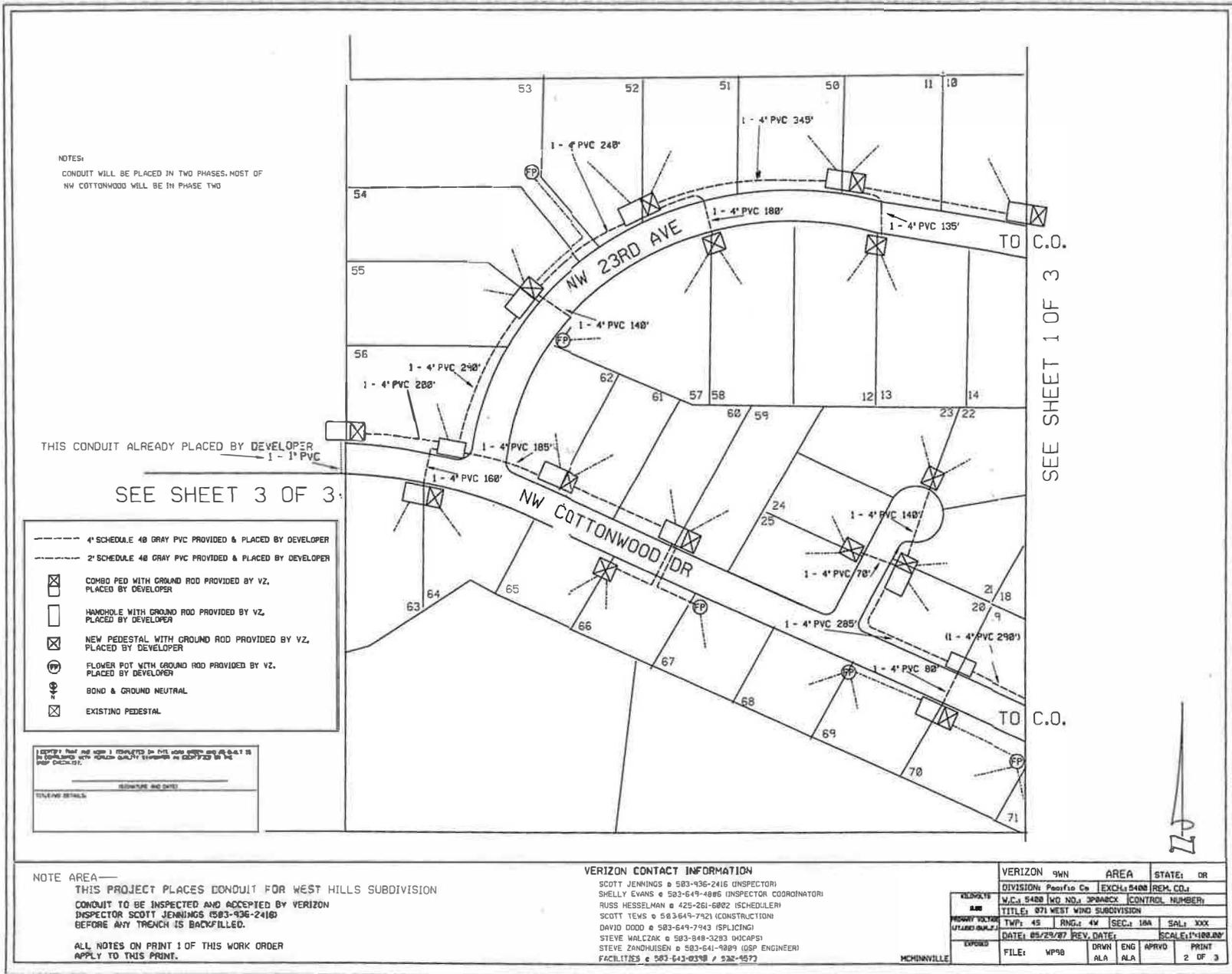
1000 [Address]

Phone: [Number]

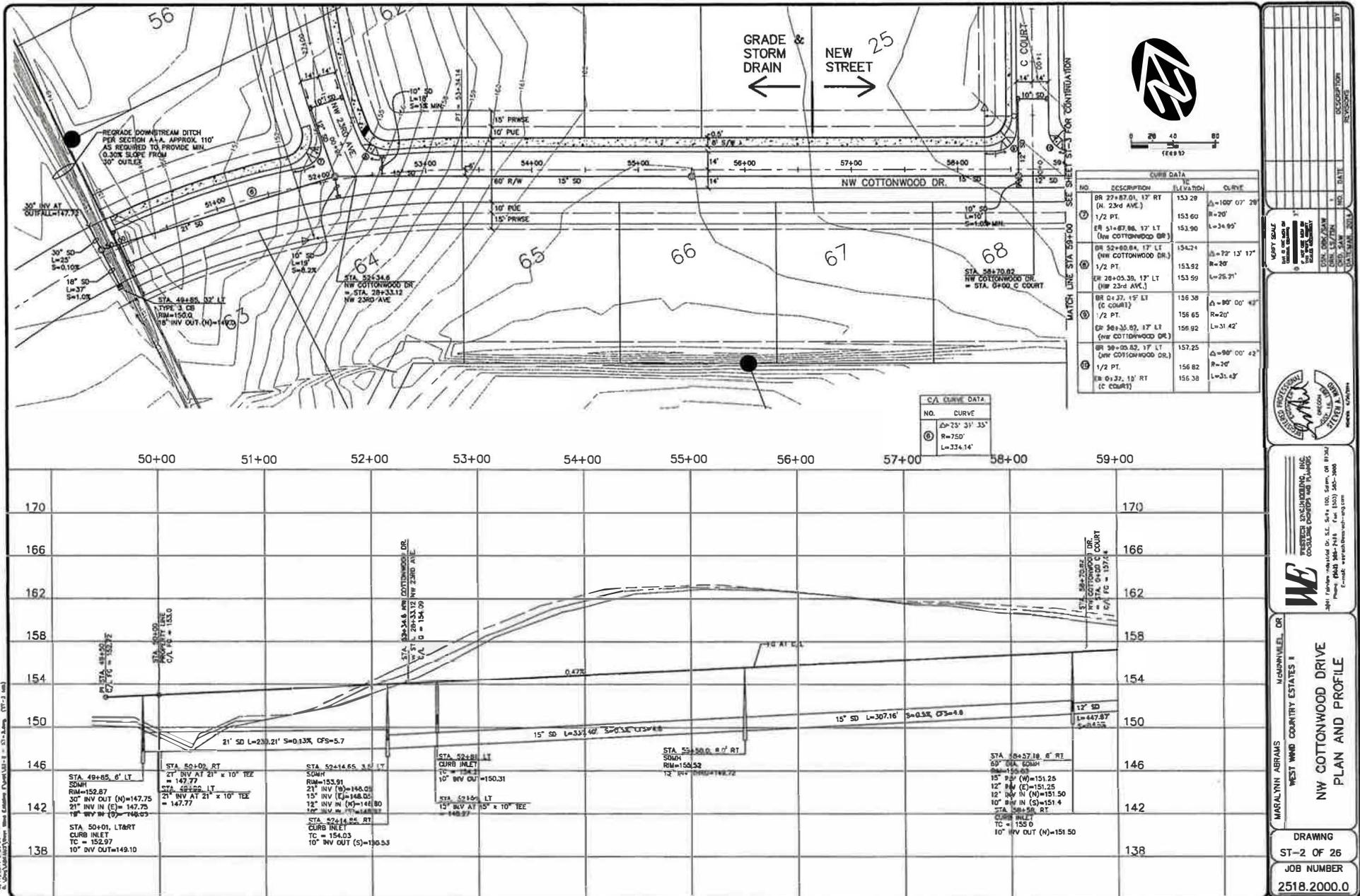
Fax: [Number]

Website: [URL]

# Ziely FiberOptic & Comcast



# Storm Sewer Profile



GRADE & STORM DRAIN ←  
NEW STREET →



CURVE DATA			
NO.	DESCRIPTION	ELEVATION	CURVE
1	BR 27+87.01, 17' RT (N 23rd AVE.)	153.29	Δ=100' 07" 20'
	1/2 PT.	153.60	R=20'
	BR 31+87.86, 17' LT (NW COTTONWOOD DR.)	153.90	L=34.90'
2	BR 52+88.84, 17' LT (NW COTTONWOOD DR.)	154.24	Δ=72' 13" 17'
	1/2 PT.	153.92	R=20'
	BR 28+05.39, 17' LT (HW 23rd AVE.)	153.59	L=25.21'
3	BR 0+27, 15' LT (C COURT)	156.38	Δ=90' 00" 43"
	1/2 PT.	156.65	R=20'
	BR 38+35.82, 17' LT (NW COTTONWOOD DR.)	156.92	L=31.42'
4	BR 38+05.82, 17' LT (NW COTTONWOOD DR.)	157.25	Δ=90' 00" 42"
	1/2 PT.	156.82	R=20'
	BR 0+27, 15' RT (C COURT)	156.38	L=31.43'

C/A CURVE DATA	
NO.	CURVE
1	Δ=25' 31" 33' R=750' L=334.14'

NO.	DATE	REVISIONS

WEST WIND COUNTRY ESTATES II  
 MARALYN ABRAMS  
 WEST WIND COUNTRY ESTATES II  
 NW COTTONWOOD DRIVE  
 PLAN AND PROFILE

PRESTON ENGINEERING, INC.  
 CONSULTING ENGINEERS AND PLANNERS  
 4801 Parkway Industrial Dr., S.E., Suite 100, Salem, OR 97307  
 Phone: (503) 586-7414 Fax: (503) 585-3906  
 E-mail: preston@prestoneng.com

DRAWING  
 ST-2 OF 26  
 JOB NUMBER  
 2518.2000.0

2/1/2004 8:28:38 AM  
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# Roads & Storm Sewer & Water Service

DRAWINGS FOR:

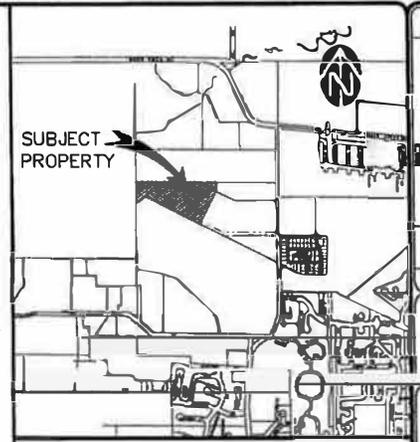
## WEST WIND COUNTRY ESTATES II

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 333-61-0050 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 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 IN 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 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	---	SS
STORM DRAIN	---	SD
WATER	---	W
GAS	---	G
TELEPHONE	---	T
POWER	---	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	R/W	
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 DRAINAGE PLAN	ST-6	STREET DETAILS		
G-6	GRADING AND DRAINAGE PLAN	ST-7	STREET DETAILS		
G-7	EROSION CONTROL NOTES AND DETAILS				
G-8	EROSION CONTROL PLAN		SIGNING, STRIPING AND SIDEWALK		
G-9	GRAVEL CONSTRUCTION ENTRANCE PLAN	S-1	SIGNING AND STRIPING LEGEND		
G-10	STORM BASIN MAP	S-2	SIGNING, STRIPING AND SIDEWALK PLAN		
		S-3	SIGNING, STRIPING AND SIDEWALK PLAN		

NO.	DESCRIPTION	DATE	BY
1	REVISIONS		



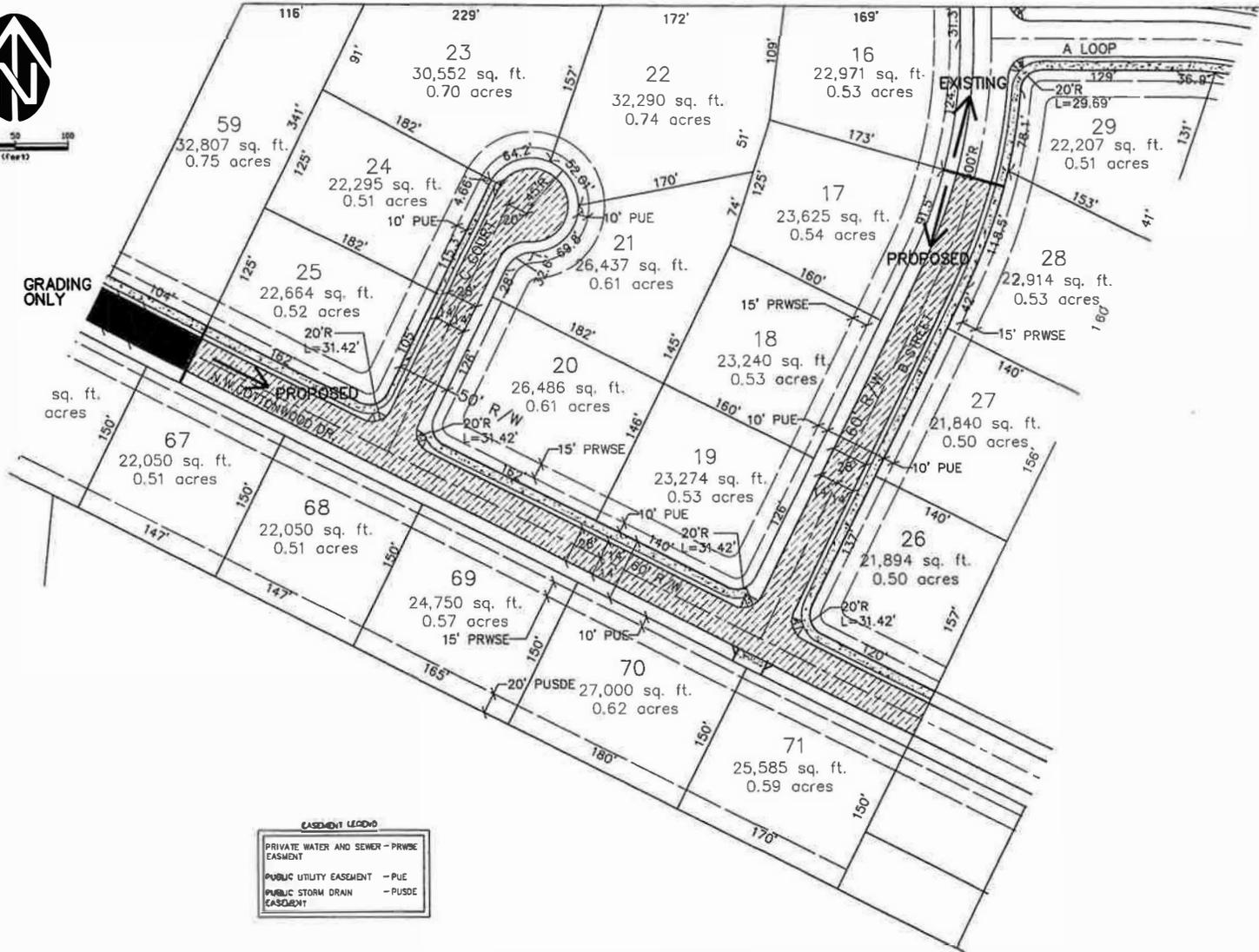
WEST WIND COUNTRY ESTATES II  
McMINNVILLE, OR  
MARALYNN ABRAMS  
12477 BAKER CREEK ROAD  
McMINNVILLE, OR 97128  
PHONE: (503) 562-2474  
FAX: (503) 562-2488

McMINNVILLE, OR  
WEST WIND COUNTRY ESTATES II  
COVER SHEET

DRAWING  
G-1 OF 26  
JOB NUMBER  
2518.2000.0

MARCH 2014



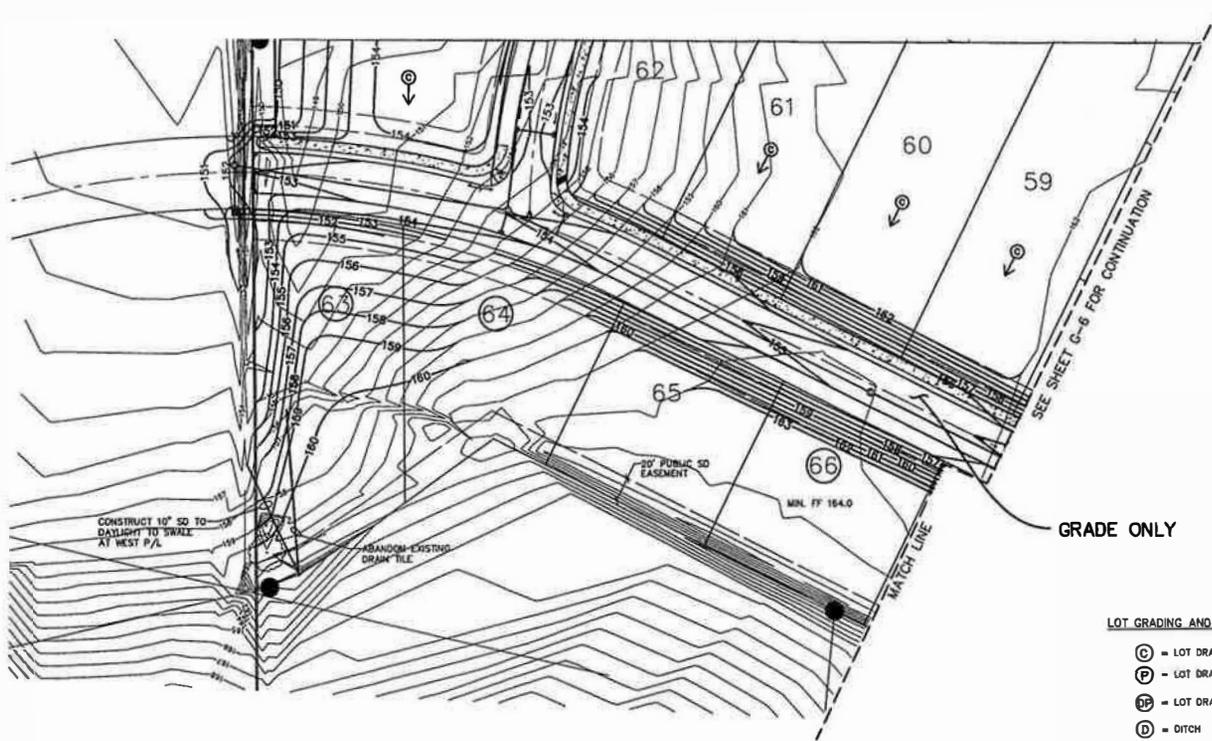


EASEMENT LEGEND	
PRIVATE WATER AND SEWER - PRWSE	EASEMENT
PUBLIC UTILITY EASEMENT - PUE	
PUBLIC STORM DRAIN - PUSDE	EASEMENT

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<p><b>WEST VIRGINIA ABRAMS</b>  <b>WEST WIND COUNTRY ESTATES II</b>  <b>SUBDIVISION P PLAN</b></p>	
<p>DRAWING          G-4 OF 26          JOB NUMBER          2518.2000.0</p>	

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**NOTE:**  
 ALL HOMEBUILDERS OF LOTS ADJACENT TO MILL RACE SHALL SET FINISH FLOOR ELEVATIONS AND GRADE LOTS SO THAT MILL RACE OVERFLOW DOES NOT FLOOD HOMES AND ALLOWS FLOODWATERS TO DRAIN TO COTTONWOOD DRIVE BETWEEN THE HOUSES.

**LOT GRADING AND DRAINAGE LEGEND**

- (C) = LOT DRAIN TO CURB
- (P) = LOT DRAIN BY PIPE
- (DP) = LOT DRAIN TO DETENTION POND
- (D) = DITCH
- (E) INDICATES LOTS WITH ENGINEERING COMPACTION TESTING REQUIRED



DATE	1/15/16
REVISION	REVISED
BY	

VERIFY SCALE  
 1" = 30' (SEE PLAN)  
 1" = 100' (SEE SECTION)  
 1" = 100' (SEE ELEVATION)



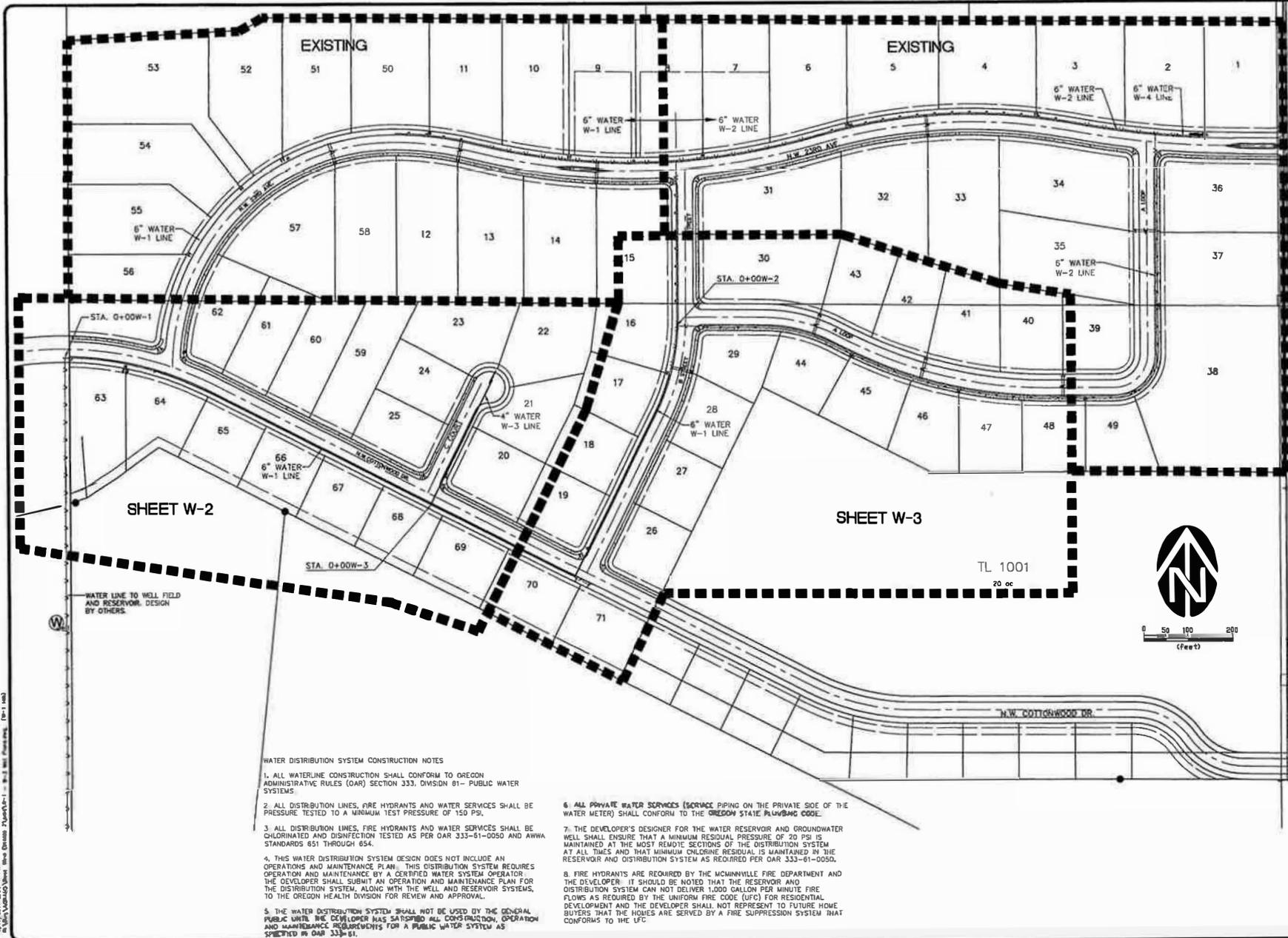
**WESTBETH ENGINEERING, INC.**  
 CONSULTING ENGINEERS AND PLANNERS  
 10000  
 10000  
 10000

**MARATHON ABRAMS** ARCHITECTS, OR  
 WEST WIND COUNTRY ESTATES II  
**GRADING AND DRAINAGE PLAN**

**DRAWING**  
**G-5 OF 26**  
**JOB NUMBER**  
**2518.2000.0**







**WATER DISTRIBUTION SYSTEM CONSTRUCTION NOTES**

1. ALL WATERLINE CONSTRUCTION SHALL CONFORM TO OREGON ADMINISTRATIVE RULES (OAR) SECTION 333, DIVISION 01- 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.
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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.

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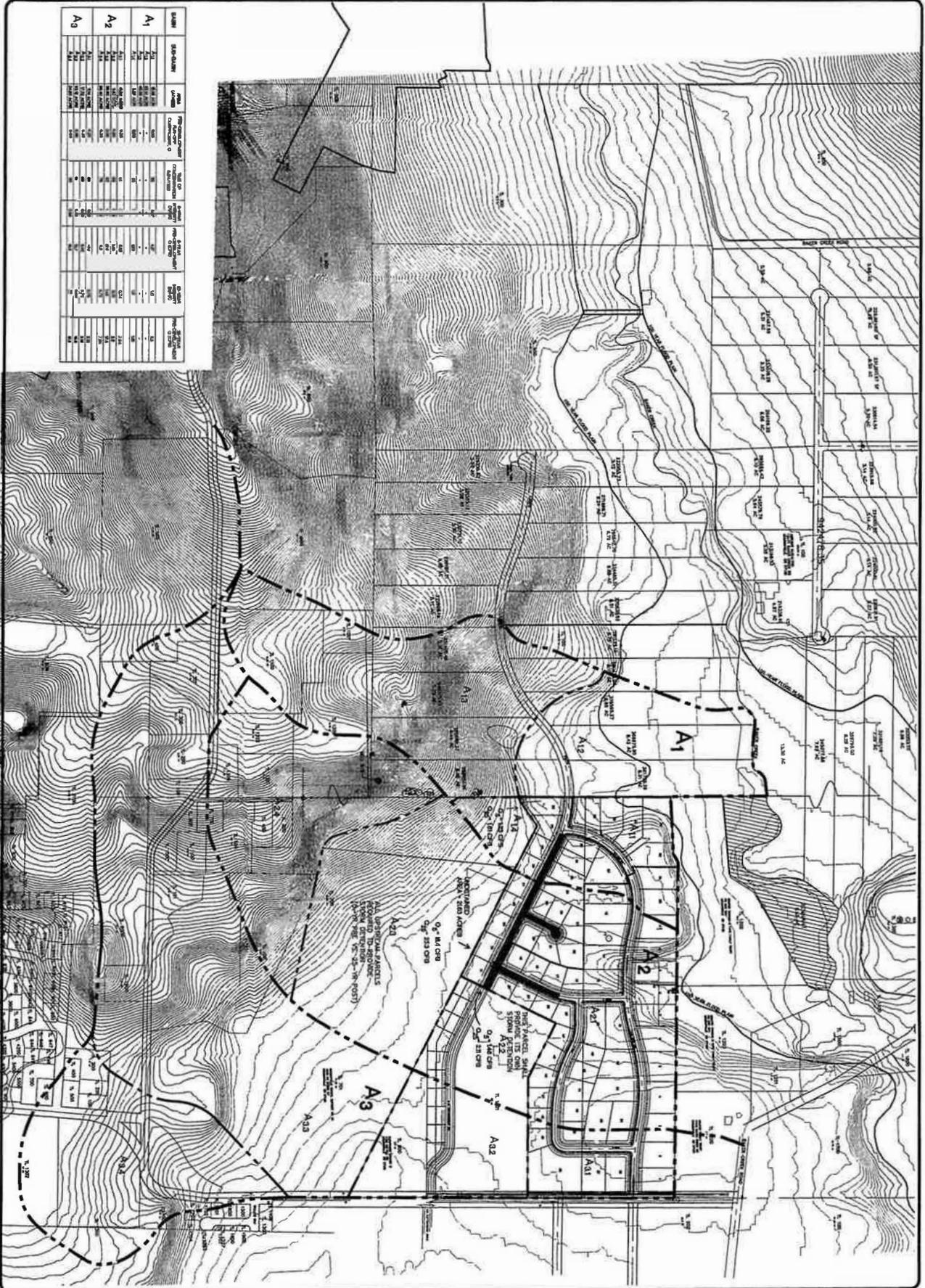
NO.	DATE	BY	REVISIONS



**WEST WIND COUNTRY ESTATES II**  
**OVERALL WATER PLAN**  
 MARLYNN ABRAMS  
 WEST WIND COUNTRY ESTATES II  
 McMinnville, OR

**OVERALL WATER PLAN**  
**W-1 OF 26**  
 JOB NUMBER  
 2518.2000.0

SUB	DESCRIPTION	AREA	PERCENTAGE OF TOTAL	TOTAL OF ALL SUBS	PERCENTAGE OF TOTAL
A1	1.00	1.00	100.00	1.00	100.00
A2	1.00	1.00	100.00	1.00	100.00
A3	1.00	1.00	100.00	1.00	100.00



MARALYNN ABRAMS  
 WEST WIND COUNTRY ESTATES II  
 STORM BASIN MAP

**WE**  
 WESTECH ENGINEERING, INC.  
 CONSULTING ENGINEERS AND PLANNERS  
 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97303  
 Phone: (503) 585-2474 Fax: (503) 585-3000  
 e-mail: westech@westech-eng.com

REGISTERED PROFESSIONAL ENGINEER  
 STATE OF OREGON  
 NO. 18,788  
 STEVEN A. WARD  
 NORTH 8/26/2014

WORKY SCALE  
 1" = 100' (SEE PLAN FOR  
 DIMENSIONS)  
 IF ANY ONE DIMENSION  
 DOES NOT MATCH THE  
 OTHERS, THE DIMENSION  
 SHALL CONTROL

NO.	DATE	DESCRIPTION	BY
001	03/17/2014	ISSUED FOR PERMIT	SAW
002	03/17/2014	REVISED	SAW
003	03/17/2014	REVISED	SAW

**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



## 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.



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.

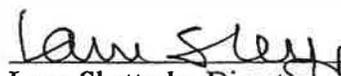
3. To the extent that any law, order, deed, agreement or other legally-enforceable public or private requirement provides that the Property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the Property unless the Claimant first 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 3<sup>rd</sup> day of June, 2005.

FOR the DEPARTMENT OF ADMINISTRATIVE  
SERVICES:

  
David Hartwig, Administrator  
DAS, State Services Division

Dated this 3<sup>rd</sup> 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.<sup>1</sup> 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**

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<sup>1</sup> 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)(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: Lowe  
Receipt #: 57175  
Fee: \$ 250<sup>00</sup>

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>		
City	State	Zip	City	State	Zip
<u>503 472 7069</u>			Telephone		
<b>PROPERTY INFORMATION</b>					
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 - 1-03-1955  
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**

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**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

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*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

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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 the 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 23<sup>rd</sup> Street and NW Cottonwood Drive. These alignments and compliance with AASHTO safety standards will be required.

STAFF REPORT

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

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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

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)

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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 23<sup>rd</sup> 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:**

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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

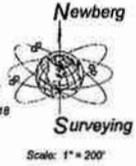
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# West Wind Country Estates

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 2830", 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
- ⊙ = iron rod found in this survey
- ⊙ = "with yellow plastic cap" marked as noted
- ⊙ = "with red plastic cap" marked as noted
- ⊙ = "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 or XXX = length of arc along curve
- sf = square feet
- - - = private easement as noted:
  - S.E.E. Private Sanitary Sewer Easement
  - A.E. Private Access Easement
  - S.O.E. Private Storm Drainage Easement
  - L.S.E. Private Landscape Easement
  - U.E. Utilities Easement
- - - = roadway centerline

### INDEX

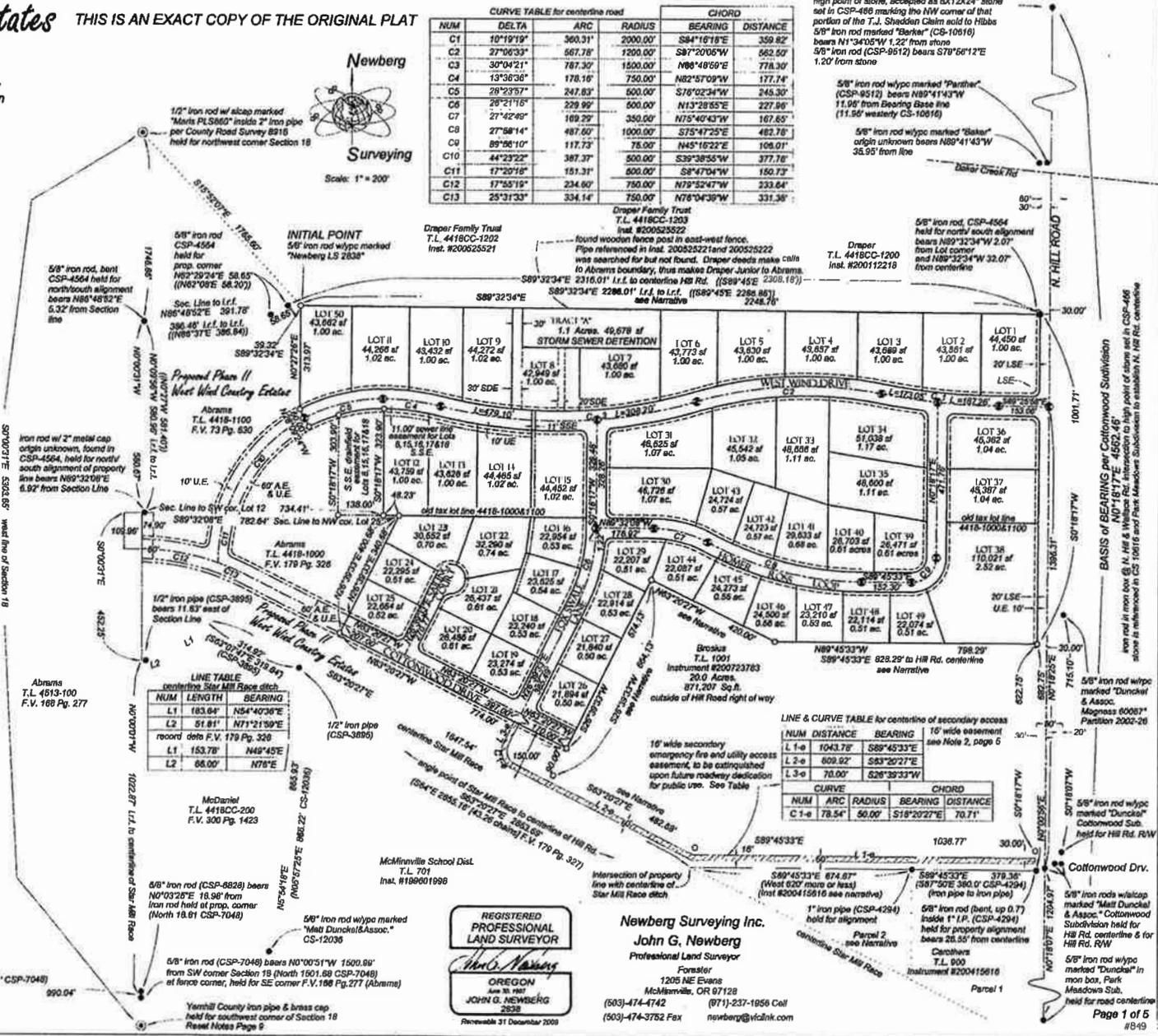
- Page 1.....Boundary Survey & overview of complete subdivision
- Page 2.....East Half of Subdivision showing lot dimensions and detail of entrance
- Page 3.....West Half of Subdivision showing lot dimensions and utilities & easements extending across adjoining land to the west
- Page 4.....Detail of Wastewater Easements Curve Table of property lines for all lots 1 - 50
- Page 5.....Surveyor's Certificate Acknowledgements Narrative Notes

CURVE TABLE for centerline road					CHORD					
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE	NUM	ARC	RADIUS	BEARING	DISTANCE
C1	10°19'19"	360.31'	2000.00'	S84°18'18"E	359.82'					
C2	27°06'33"	567.78'	1200.00'	S87°20'06"W	662.50'					
C3	30°04'21"	787.30'	1500.00'	N68°48'56"E	778.30'					
C4	13°36'36"	178.16'	750.00'	N82°57'09"W	177.74'					
C5	28°23'57"	247.83'	600.00'	S78°02'34"W	245.30'					
C6	28°21'16"	229.99'	600.00'	N13°28'55"E	227.96'					
C7	27°42'49"	189.29'	350.00'	N75°40'43"W	167.65'					
C8	27°08'14"	487.60'	1000.00'	S75°47'25"E	482.78'					
C9	89°06'10"	117.73'	75.00'	N45°16'22"E	108.01'					
C10	44°23'22"	387.37'	800.00'	S39°38'55"W	377.76'					
C11	17°20'16"	191.31'	800.00'	S8°47'04"W	150.73'					
C12	17°55'19"	234.60'	750.00'	N79°52'47"W	233.64'					
C13	25°31'33"	334.14'	750.00'	N78°04'39"W	331.36'					

high point of above, accepted as BK12K24 stone set in CSP-468 marking the NW corner of that portion of the T.J. Shadden Claim said to Hibbs 5/8" iron rod marked "Barker" (CSP-10510) bears N1°34'05"W 1.22' from stone 5/8" iron rod (CSP-9512) bears S71°06'12"E 1.20' from stone

5/8" iron rod w/ycp marked "Partner" 11.98' from Bearing Base line (11.98' westerly CS-10516)

5/8" iron rod w/ycp marked "Baker" w/ign unknown bears N80°41'43"W 38.95' from line



REGISTERED PROFESSIONAL LAND SURVEYOR

*John G. Newberg*

OREGON

NO. 191

JOHN G. NEWBERG

2538

Renewable 31 December 2009

Newberg Surveying Inc.

John G. Newberg

Professional Land Surveyor

Forester

1205 NE Evans

McMinnville, OR 97128

(503) 474-4742 (871) 237-1958 Cell

(503) 474-3762 Fax newberg@jglink.com

LINE & CURVE TABLE for centerline of secondary access 16' wide easement

NUM	DISTANCE	BEARING	CHORD
L 1-e	1043.78'	S89°45'33"E	1038.77'
L 2-e	609.92'	S83°20'27"E	602.25'
L 3-e	70.00'	S28°33'33"W	70.71'

LINE TABLE centerline Star Mill Race ditch

NUM	LENGTH	BEARING
L 1	183.64'	N54°40'36"E
L 2	51.81'	N71°21'50"E
L 1	153.78'	N49°43"E
L 2	66.00'	N78°E

5/8" iron rod w/ycp "Dunckel" CSP-10123

5/8" iron rod (CSP-8628) bears N2°07'17"E 34.30'

(S89°05'10"E 292.61') (CSP-10123)

(N88°34'52"E 990.11' CSP-7048)

5/8" iron rod (CSP-7048) held for NW corner TL-1200

5/8" iron rod (CSP-8628) bears N0°03'28"E 18.98' from iron rod held at prop. corner (North 18.91' CSP-7048)

5/8" iron rod w/ycp marked "Matt Dunckel & Assoc." CS-12036

5/8" iron rod (CSP-7048) bears N0°05'11"W 1500.89' from SW corner Section 18 (North 1501.88' CSP-7048) at fence corner, held for SE corner F.V. 198 Pg. 277 (Abrams)

Yamhill County iron pipe & brass cap held for southeast corner of Section 18 (Reset Notes Page 9)

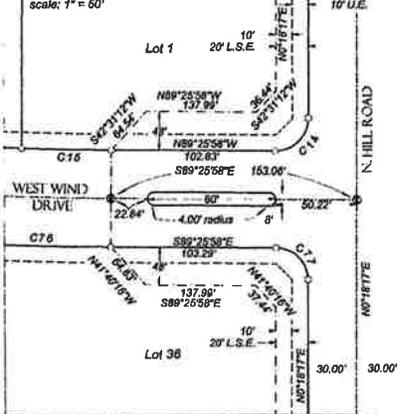
Exhibit 1

# West Wind Country Estates

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

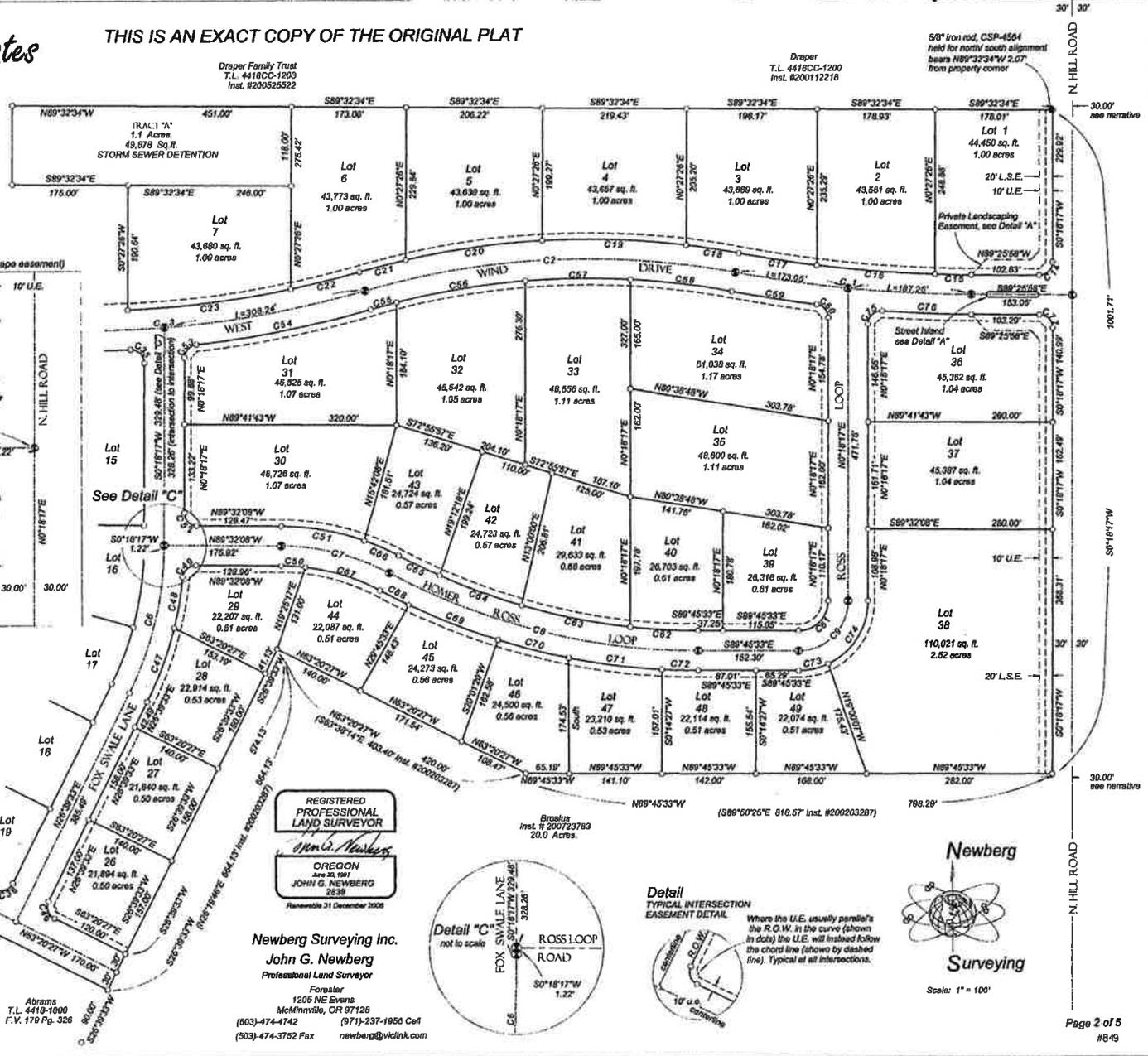
THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

Detail "A" (main entrance, street island tract & landscape easement)



### Legend

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- L.F. = iron rod found in this survey
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- w/rpc = with red plastic cap marked as noted
- w/alcap = with aluminum cap marked as noted
- (.....) = record data as noted
- (---) = record data CSP-4564 & F.V. 73 Pg. 630
- R/W = road right of way as noted
- L = JOCK = 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



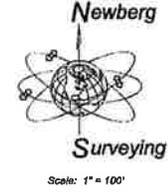
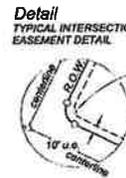
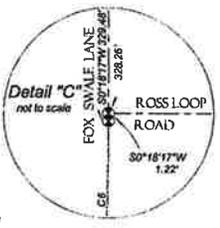
Draper Family Trust  
T.L. 4418CC-1203  
Inst. #200525522

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

5/8" iron rod, CSP-4564  
held for north-south alignment  
bears N89°32'34"W 2.07'  
from property corner

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*John G. Newberg*  
OREGON  
June 30, 1997  
JOHN G. NEWBERG  
2828  
Renewable 31 December 2028

Newberg Surveying Inc.  
John G. Newberg  
Professional Land Surveyor  
Forsator  
1205 NE Evans  
McMinnville, OR 97126  
(503)-474-4742 (971)-237-1950 Cell  
(503)-474-3762 Fax newberg@vclink.com



Scale: 1" = 100'

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- (---) = record date as noted
- (---) = record date CSP-4564 & F.V.73 Pg.630
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- L = XXX = length of arc along curve
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- S.S.E. = Private Sanitary Sewer Easement
- A.E. = Private Access Easement
- S.D.E. = Private Storm Drainage Easement
- = U.E. Public Utility Easement
- = roadway centerline
- = private Landscaping Easement

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 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 constructed and/or said roadways are dedicated to the public.

CURVE	CURVE		CHORD	
	ANGLE	LENGTH	LENGTH	BEARING
C81	45°49'17"	427.86'	535.00'	S89°13'27"W
C82	9°18'59"	86.99'	535.00'	S11°39'18"W
C83	97°25'38"	25.51'	15.00'	N55°42'37"E
C84	13°19'00"	182.45'	785.00'	N82°14'03"W



Scale: 1" = 100'



REGISTERED PROFESSIONAL LAND SURVEYOR  
*John G. Newberg*  
OREGON  
April 26, 1999  
JOHN G. NEWBERG  
2838  
Renewed 21 December 2006

Newberg Surveying Inc.  
John G. Newberg  
Professional Land Surveyor  
Foster  
1205 NE Evans  
McMinnville, OR 97128  
(503)-474-4742 (503)-474-3752 Fax  
(503)-237-1956 Cell newberg@viclink.com

Approved 11/9/2007  
Count Survey  
VOL 14 PG 33  
Page 3 of 5  
#B49

# West Wind Country Estates

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

### DETAIL "B"

LINE TABLE for curvilinear of 10' wide easement granted from F.V. 73 Pg. 630 to Lots 8, 15, 16, 17 & 18

NUM	DISTANCE	BEARING
L5	29.09'	S0°18'17"W
L6	187.50'	S0°18'17"W
L7	187.50'	S0°18'17"W

### DETAIL "B"

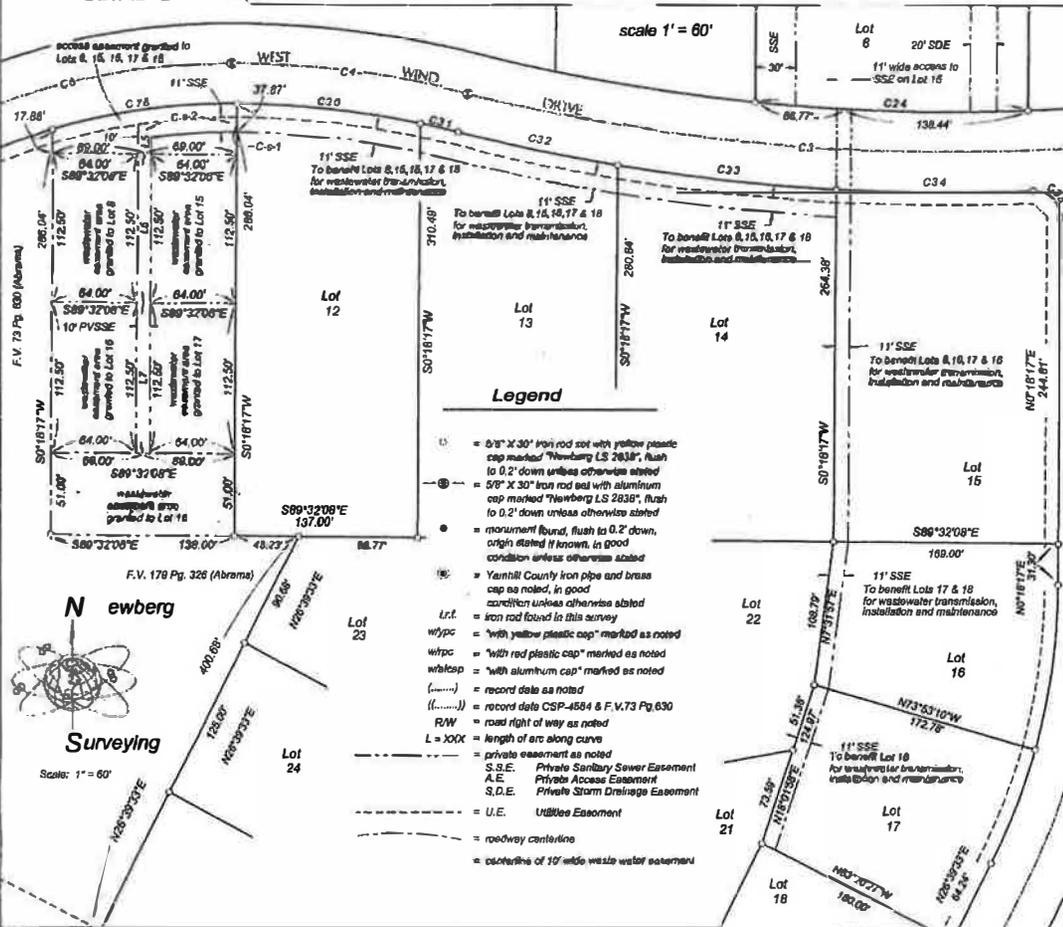
CURVE TABLE for curvilinear of 11' wide easement granted from F.V. 73 Pg. 630 to Lots 8, 15, 16, 17 & 18

NUM	DELTA	ARG	RADIUS	BEARING	DISTANCE
C-1	0°18'54"	6.80'	1174.19'	N89°32'08"E	6.80'
C-2	8°12'45"	108.58'	757.82'	S89°32'08"E	108.49'

### DETAIL "B"

Wastewater on site treatment, access and transition 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 herein. Also showing the 11 foot wide sanitary sewer utility easement across Lots 12, 13, 14, 16, 18 & 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.

### DETAIL "B"



received 11/9/2007  
 County Surveyor

**VOL 14 PG 33**

Newberg Surveying Inc.  
 John G. Newberg  
 Professional Land Surveyor

Forester  
 1205 NE Evans  
 McMinnville, OR 97128  
 (503)-474-4742 (971)-237-1898 Cell  
 (503)-474-3782 Fax newberg@vtslink.com



THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

### CURVE TABLE PROPERTY LINES LOTS 1 - 50

LOT	NUM	CURVE			DISTANCE	
		DELTA	ARC LENGTH	RADIUS		
1	C14	90°16'48"	31.80'	20.00'	N46°26'10"E	28.38'
1	C15	1°37'18"	50.78'	1970.00'	S89°37'18"E	50.78'
2	C16	5°13'18"	178.51'	1970.00'	S85°17'00"E	179.48'
3	C17	3°28'48"	119.63'	1970.00'	S80°31'01"E	119.62'
3	C18	3°45'55"	80.84'	1200.00'	N87°28'37"W	80.82'
4	C19	10°14'19"	219.80'	1200.00'	N87°58'47"W	218.51'
8	C20	8°43'21"	208.72'	1200.00'	S82°01'28"W	208.47'
8	C21	3°22'57"	72.62'	1200.00'	S75°28'17"W	72.61'
8	C22	4°08'38"	106.22'	1470.00'	N78°57'01"E	106.30'
7	C23	8°41'12"	248.83'	1470.00'	N67°48'02"E	248.23'
8	C24	7°58'54"	205.21'	1470.00'	S69°37'24"E	205.04'
8	C25	3°54'28"	151.88'	1470.00'	S81°28'12"E	151.81'
18	C26	2°20'07"	88.82'	1470.00'	S71°18'54"E	88.81'
10	C27	7°47'09"	108.00'	780.00'	N80°02'28"W	108.01'
11	C28	8°48'32"	228.28'	780.00'	N88°38'43"W	228.25'
11	C29	10°31'02"	87.42'	630.00'	S84°08'37"W	87.25'
12	C30	10°58'28"	137.80'	720.00'	N81°35'47"W	137.69'
13	C31	2°18'38"	28.00'	720.00'	N77°18'18"W	28.03'
12	C32	4°24'11"	122.00'	1630.00'	S78°28'56"E	122.00'
14	C33	8°10'37"	184.88'	1630.00'	S67°48'22"E	184.87'
15	C34	8°32'48"	148.10'	1630.00'	S86°48'22"E	148.04'
15	C35	92°44'42"	32.37'	20.00'	N46°04'00"W	28.88'
16	C36	18°11'57"	34.88'	470.00'	N75°41'18"E	34.83'
17	C37	11°08'18"	81.81'	470.00'	N61°04'18"E	81.30'
18	C38	88°00'00"	31.42'	30.00'	N01°39'22"E	28.28'
20	C39	90°00'00"	31.42'	30.00'	S16°30'12"E	28.28'
21	C40	82°10'48"	32.50'	30.00'	S67°46'57"W	30.88'
21	C41	88°00'11"	88.77'	45.00'	N44°28'11"E	62.88'
22	C42	88°17'08"	52.01'	45.00'	S81°04'37"W	48.10'
23	C43	81°44'19"	64.80'	45.00'	S72°34'03"W	58.88'
24	C44	6°58'48"	4.88'	45.00'	S70°03'28"W	4.66'
28	C45	90°00'00"	31.42'	30.00'	N71°38'22"E	38.38'
28	C46	90°00'00"	31.42'	30.00'	S16°30'12"E	38.28'
28	C47	72°08'22"	118.48'	630.00'	N67°18'18"E	118.24'
29	C48	120°00'00"	78.10'	530.00'	N57°10'02"E	78.02'
29	C49	85°03'28"	28.88'	30.00'	S41°06'00"W	27.04'
29	C50	6°38'81"	30.54'	220.00'	N88°13'03"W	36.82'
30	C51	18°10'58"	127.33'	380.00'	N78°08'30"W	128.63'
30	C52	88°47'24"	29.98'	20.00'	S42°38'02"E	27.22'
31	C53	67°32'46"	29.16'	20.00'	S42°04'40"W	26.88'
31	C54	10°04'14"	288.82'	1630.00'	N78°48'55"E	288.88'
31	C55	1°38'09"	40.64'	1170.00'	S74°48'21"W	40.69'
32	C56	8°43'11"	198.48'	1170.00'	S80°37'20"W	198.28'
33	C57	7°50'22"	180.14'	1170.00'	S85°34'22"W	180.02'
34	C58	7°33'43"	154.42'	1170.00'	S86°53'20"W	154.31'
34	C59	3°41'22"	130.72'	2030.00'	S60°57'19"E	130.70'
34	C60	83°08'17"	20.01'	20.00'	N11°16'32"W	28.53'
38	C61	88°28'01"	70.84'	45.00'	N45°18'22"E	63.80'
48	C62	87°04'48"	102.84'	970.00'	S86°43'08"E	102.88'
41	C63	87°36'58"	108.44'	970.00'	S78°42'15"E	108.72'
42	C64	7°48'13"	132.40'	970.00'	S88°48'10"E	132.30'
43	C65	4°28'14"	89.20'	970.00'	S63°51'38"E	88.18'
43	C66	87°31'50"	84.88'	380.00'	S88°03'14"W	84.82'
44	C67	21°08'58"	117.84'	320.00'	N72°22'11"W	117.18'
44	C68	2°42'54"	48.81'	1000.00'	S83°10'04"E	48.81'
45	C69	87°08'27"	148.48'	1030.00'	S83°38'67"E	148.33'
46	C70	87°05'52"	108.82'	1030.00'	S78°41'01"E	108.82'
47	C71	7°57'20"	143.00'	1030.00'	S82°43'14"E	142.81'
48	C72	3°30'38"	86.00'	1000.00'	S88°13'44"E	85.01'
49	C73	25°18'47"	46.35'	1000.00'	N73°38'06"E	46.01'
38	C74	84°37'23"	118.43'	105.00'	N62°38'08"E	112.28'
38	C75	84°08'13"	32.84'	20.00'	S47°28'57"W	28.27'
38	C76	34°42'28"	138.80'	2030.00'	S87°31'14"E	138.48'
38	C77	88°44'17"	31.32'	30.00'	N43°03'40"W	28.22'
38	C78	12°00'18"	138.80'	470.00'	S82°18'52"W	138.39'
38	C79	11°30'37"	87.18'	478.00'	S87°45'54"W	88.88'
60	C80	11°00'00"	100.28'	800.00'	S78°48'30"W	104.62'

# West Wind Country Estates

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

THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

### Surveyor's Certificate:

I, John Newberg, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as West Wind Country Estates and the boundary of which is described as follows:

Beginning at a point on the north line of that land described in deed from Lorser Orville and Roberts Orville to Robert Abrams and Marilyn Abrams and recorded in Film Volume 73 Page 830 of the Yamhill County Deed Records, said land being located in Section 18, Township 4 South, Range 4 West, of the Willamette Meridian, in Yamhill County, Oregon, said point bears South 16°32'07" East 1765.80 feet from the northwest corner of said Section 18; thence South 86°32'34" East 2278.78 feet to a point on the existing center line of North Hill Road, said point also being on the south line of that tract of land described in Instrument No. 200112218 Yamhill County Deed Records (Draper); thence South 0°18'17" West 1001.71 feet along the centerline of North Hill Road to the northeast corner of that tract of land described in Instrument No. 200203287 Yamhill County Deed Records (Abrams); thence North 88°48'33" West 828.29 feet along the north line of said Draper tract to an angle point; thence continuing along said north line North 87°30'27" West 430.00 feet to the northwest corner of said Draper tract; thence South 28°38'23" West 374.13 feet along the west line of said Draper tract to a point, said point bears North 28°38'23" East 80.00 feet from the southwest corner of said Draper tract; thence North 83°07'27" West 774.00 feet to a point; thence North 20°30'57" East 408.60 feet to a point on the north line of that land described in Instrument No. 200112218 Marilyn and Ethel R. Abrams to Marilyn Abrams and recorded in Film Volume 178 Page 326 of the Yamhill County Deed Records; thence North 82°32'28" West 413.33 feet along the north line of said Abrams tract to a point; thence North 0°18'17" East 323.80 feet to a point; thence 139.90 feet along a curve with a radius of 470.00 feet and chord bearing of South 82°17'32" West to a point; thence 97.15 feet along a curve with a radius of 470.00 feet and chord bearing of South 67°48'54" West to a point; thence North 28°02'24" West 80.90 feet to a point; thence North 07°27'26" East 313.97 feet to the Place of Beginning.

*John G. Newberg*  
 John G. Newberg, P.E. S.F.S.



**Newberg Surveying Inc.**  
 John G. Newberg  
 Professional Land Surveyor  
 Forester  
 1206 NE Evans  
 McMinnville, OR 97128  
 (503)-474-4742 (971)-237-1858 Cell  
 (503)-474-3782 Fax newberg@viclink.com

### Narrative:

The purpose of this survey is to subdivide a portion of land described in Instrument Film Volume 178 Page 326 (Abrams) and Film Volume 73 Page 830 (Abrams) of the Yamhill County Deed Records into 50 lots, to dedicate the roadways as shown for public use, and to create both private and public easements as shown and as approved by Yamhill County Docket No. S-05-05.

The Basis of Bearing is North 0° 18' 17" East between found monuments of recorded Surveys CSP-464, CS-10618, Cottonwood Subdivision and Park Meadows Subdivision. Measurements set in CS-10618 referencing the centerline and easterly right of way of N. Hill Road at the intersection with Baker Creek Rd were not found. The slope set in CSP-464 (March 24, 1874) marking the northwest corner of that portion of the T.J. Shadden Certificate Claim sold to "Abbas" was found in good condition and its location was held. Said stone was not under a concrete slab in instrument case marking the centerline intersection of N. Hill Road with Wetmore Road per Park Meadows Plat. The location of the minimum cap monument set in the Cottonwood Subdivision marking the centerline intersection of Cottonwood Drive and N. Hill Road lies well with the centerline location of N. Hill Road as shown.

The tracts of land described in Film Volume 178 Page 326 and Film Volume 73 Page 830 make calls to the centerline of N. Hill Road as the east boundary of each tract. The adjacent boundaries of the lots adjoining N. Hill Road are 30 feet from the said centerline.

A tract of land was originally conveyed to Scott Emaline in Instrument No. 200203287 and is senior to this subdivision. It was originally sold as a 20 acre tract (including roads) with the centerline of said tract being 90 feet easterly and parallel with the existing centerline of the Star Hill Road. As a result of surveying the boundaries for West Wind Country Estates, a more accurate description reflecting the intent of Instrument No. 200203287 was prepared and a "Deed Correction" (Instrument No. 200723782) was recorded with the Yamhill County Deed Records.

Similarly, the tract of land described as Parcel 2 in Instrument No. 200416616 (Carothers) was sold as a Lot Line Adjustment and was not surveyed. The deed makes an approximate call for the north line by extending the course of the north line of Parcel 1 in Instrument No. 200416616 to the intersection point with the centerline of the Star Hill Road. The measurements from this survey show the north line of Parcel 2 is 54.87 feet longer than the "820 foot more or less" call in Instrument No. 200416616.

The north line of West Wind Country Estates was established by holding found monuments of CSP-464. The deeds for the landowners to the north are Junker as they make calls to the north line of a 39.5 acre tract conveyed to Abrams in Film Volume 73 Page 830.

The iron pipe referenced in Instruments No. 200525321 (Draper) and No. 200525327 (Draper) marking the common south corners of said Draper tracts was not found, however a discarding wood fence post appears to mark this location and is consistent with Abrams' north line.

### Approvals:

*Unavailable*  
 Yamhill County Commissioner  
 Approved this \_\_\_ Day of \_\_\_, 200\_\_

*William A. [Signature]*  
 Yamhill County Commissioner  
 Approved this 6<sup>th</sup> Day of Nov., 2007

*William A. [Signature]*  
 Yamhill County Director of Public Works  
 Approved this 16<sup>th</sup> Day of Nov., 2007

*David [Signature]*  
 Yamhill County Surveyor  
 Approved this 20<sup>th</sup> Day of Nov., 2007

*Mark [Signature]*  
 McMinnville Water and Light  
 Approved this 16<sup>th</sup> Day of Nov., 2007

*11/6/07 WA [Signature]*  
 Pursuant to O.R.S. 92.095,  
 Taxes have been paid or bond  
 posted to this  
 11/6/07 307 2008  
 [Signature]  
 Assessor  
 Yamhill County Tax Collector

### Declaration:

Know all men by these presents that Marilyn Abrams is the owner of record of the lands shown on the attached map and more particularly described in the Surveyor's Certificate and has caused said lands to be surveyed and subdivided into fifty lots, with associated easements for the purposes shown hereon in accordance with the provisions of O.R.S. Chapter 82.

In addition there are no water rights appurtenant to the lands represented by this subdivision. This subdivision will be served by a community water supply system subject to the applicable regulations of the State of Oregon, being developed and expressed by the subdivisions declarant's agents, acting, but not limited to, existing water on adjacent land and serving the water system now installed within the boundaries of this subdivision.

*Marilyn Abrams*  
 Marilyn Abrams

### Acknowledgement:

State of Oregon )  
 ) s.s.  
 County of Yamhill )

This is to certify that on this 16 day of November, 2007, before me, a notary public for the State of Oregon, in the County of Yamhill, did personally appear Marilyn Abrams in the capacity shown in the above owner's statement and who is personally known to me to be the identical person described in and who executed the above instrument and who acknowledged to me that she executed the same freely and voluntarily.

*Karen [Signature]*  
 Notary Public for the State of Oregon

My commission expires April 30, 2010



### CERTIFICATE OF COUNTY CLERK

OFFICIAL YAMHILL COUNTY RECORDS  
 JAN COLEMAN, COUNTY CLERK  
 200724085  
 \$66.00  
 02/05/08 200708240650230053  
 11/06/2007 04:33:47 PM  
 FR-PPR Cnl=1 St=2 dM11A  
 142.00 \$10.00 \$11.00

### Notes:

- 1) Lots shown on this plat were authorized by surveys of land use regulations by Yamhill County and the State of Oregon pursuant to ORS 197.332, 2005 replacement part (Measure 37). The Yamhill County order is found in Board Order 05-388, recorded in the Yamhill County Deed & Mortgage Records as Instrument No. 200511254. Yamhill County makes no representations or warranties as to the transferability of the lots of any third-party rights related to the lots.
- 2) 18 foot secondary emergency fire and utility access easement recorded in Film Volume 73 Page 880, Yamhill County Deed Records to provide alternate emergency access to West Wind Country Estates until such time as another public right of way is available, providing a second legal access to said subdivision.
- 3) This subdivision is subject to covenants, conditions and restrictions recorded in Instrument No. \_\_\_\_\_, Yamhill County Deed Records.
- 4) This subdivision is subject to Home Owners Association the by-laws of which are recorded in Instrument No. \_\_\_\_\_, Yamhill County Deed Records.
- 5) All road right of ways within the boundary of this subdivision are dedicated to Yamhill County for public use and are to be privately maintained by the above mentioned Home Owners Association. In addition said right of ways contain the storm sewer system and the potable and irrigation water systems serving this subdivision, unless noted Public (Private) easement systems.
- 6) All lots and land bounded by public road right-of-ways are subject to a 10 foot wide utility easement.
- 7) All adjacent land bounded by the 80 foot Phase 2 roadways, as shown hereon, now being depicted as access and utility easements are subject to a 10 foot wide utility easement. See Note "A" on page 3 of this plat.

## 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.

*Lots Sold*



**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

## Property Account Summary

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

3/18/2025

DAYS ON MARKET: 21



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

<b>Living Area Sq Ft</b>	<b>Manf Struct Size</b>	<b>Year Built</b>	<b>Improvement Grade</b>	<b>Stories</b>	<b>Bedrooms</b>	<b>Full Baths</b>	<b>Half Baths</b>
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 (MAVUSe 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	<a href="#">1331109</a>	\$4,423.99	\$4,423.99	\$4,423.99	\$0.00
11/01/2023 00:00:00	<a href="#">1250683</a>	\$4,286.60	\$4,286.60	\$4,158.00	\$0.00
11/08/2022 00:00:00	<a href="#">1203142</a>	\$3,844.15	\$3,844.15	\$3,728.83	\$0.00
11/09/2021 00:00:00	<a href="#">1168890</a>	\$3,751.40	\$3,751.40	\$3,638.86	\$0.00
11/10/2020 00:00:00	<a href="#">1109972</a>	\$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	<u>\$100,000.00</u>	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:





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

**Heat:** Heat Pump

**Fuel:** Electricity, Gas

**Water:** Community

**Sewer:** Septic Tank

**Hot Water:** Gas

## Financial:

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

**Rent, If Rented:**

**Short Sale:** No

**Bank Owned/Real Estate Owned:** No

**HOA:** No

**Dues:**

**Other Dues:**

**Association Amenities:**

**Terms Considered:** Cash, Conventional

**Assumable Interest Rate:**

**Assumable Remaining Months Ending:**

## Comparable Information:

**Pending Date:** 9/13/2024

**Original Price:** \$1,450,000

**Sold Price:** \$1,260,000

**Sold Date:** 10/10/2024

**List Price:** \$1,345,000

**Sold Terms:** Cash

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



: [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.

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

**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

**Heat:** Forced Air

**Fuel:** Gas

**Water:** Community, Shared Well

**Sewer:** Septic Tank

**Hot Water:** Gas

## Financial:

Property Tax/Yr: \$5,758.58/  
2021

Rent, If Rented:  
Dues:

Short Sale: No  
Other Dues:

Bank Owned/Real Estate  
Owned: No

HOA: Yes

Association Amenities:

Terms Considered: Cash, Conventional

Assumable Interest Rate:

Assumable Remaining Months Ending:

## Comparable Information:

Pending Date: 9/11/2022

Sold Date: 10/27/2022

Original Price: \$1,199,000

List Price: \$1,199,000

Sold 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:

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

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:

<b>Upper SQFT:</b> 0	<b>SQFT Source:</b> County
<b>Main SQFT:</b> 2446	<b>Total Up/Main:</b> 2446
<b>Lower SQFT:</b> 0	<b>Fireplaces:</b> 1
<b>Additional SQFT:</b>	<b>Garage:</b> 2 / Attached, Oversized,
<b>Unreinforced Masonry Building:</b>	<b>Foundation:</b> Concrete Perimeter

<b>Levels:</b> 1
<b>Roof:</b> Composition
<b>Parking:</b> Driveway
<b>Basement:</b> Crawl Space
<b>Road Surface:</b> Paved

<b>Green Certification:</b>
<b>Energy Efficiency:</b>
<b>Exterior:</b> Lap Siding
<b>RV Description:</b>



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.

: [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.

### Property Details:

Property Type: Detached

Area: 156

Style: 1 Story, Ranch

Zoning: res

County: Yamhill

Seller Disclosure: Disclosure

Nhood/Bldg: WESTWIND COUNTRY ESTATES

Waterfront:

CC&Rs: Yes

Lot Desc: Corner Lot, Level

Legal: LOT 34 IN WEST WIND COUNTRY ESTATES

Lot Size: 1 to 2.99 Acres

Warranty:

Lot Dimensions: 303.78X165 APX

55+ w/Affidavit Y/N: No

View: Territorial

Open House:

Body Water:

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

### Residence Information:

Upper SQFT: 0

SQFT Source: Trio

Main SQFT: 3560

Total Up/Main: 3560

Lower SQFT: 0

Fireplaces: 3

Additional SQFT:

Garage: 3 / Attached,

Unreinforced Masonry Building:

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 Ceilings, 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  
HOA: No  
Association Amenities:  
Terms Considered: Cash, Conventional, FHA, VA Loan  
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: 12/8/2022	Original Price: \$1,525,000	Sold Price: \$1,415,000
Sold Date: 1/4/2023	List Price: \$1,525,000	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

Foundation:

Building:

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  
**Water:** Community  
**Heat:** Forced Air, Zoned  
**Sewer:** Septic Tank  
**Fuel:** Gas  
**Hot Water:** Gas, Tankless

## Financial:

Property Tax/Yr: \$4,447.10/2020  
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: 7/27/2021	Original Price: \$899,000	Sold Price: \$909,500
Sold Date: 9/16/2021	List Price: \$899,000	Sold Terms: Conventional

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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

**Heat:** Ductless, Wood Stove, Other

**Fuel:** Gas

**Water:** Community

**Sewer:** Other

**Hot Water:** Recirculating

## Financial:

**Property Tax/Yr:** \$5,541.79 / 2019

**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:** 3/9/2021

**Original Price:** \$1,150,000

**Sold Price:** \$1,150,000

**Sold Date:** 4/15/2021

**List 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.

# 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		—
Jun 18, 2015	RMLS #24310605	—
Date	Listing Removed	—
Aug 5, 2014	WVMLS #678590	\$35,000
Date	Pending	—
	WVMLS #678590	Price

Jun 25, 2014 Date	Listed (Active) WVMLS #678590	\$40,000
Oct 25, 2013 Date	Price Changed WVMLS #668523	\$35,000 Price
Date	WVMLS #668523	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)**

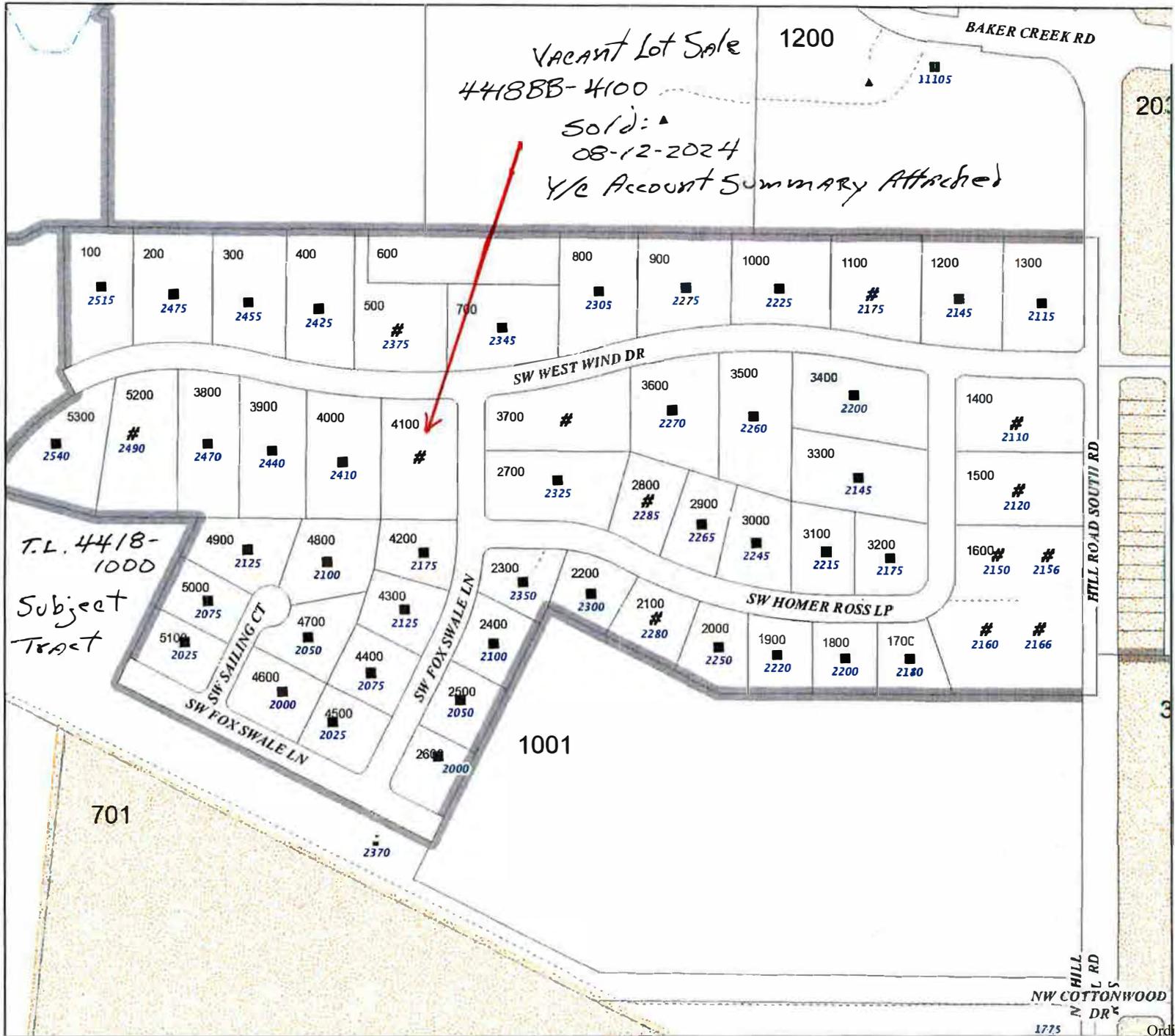
About this home (parcel)

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

T.L. 4418-1000  
Subject Tract

Vacant Lot Sale  
4418BB-4100  
Sold: 08-12-2024  
Y/e Account Summary Attached

RECEIVED

JUL 10 2025

YAMHILL COUNTY  
RECORDS 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.*

**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

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in formal session on September 11, 2025, at 10:00 a.m. in Room 32 of the Yamhill County courthouse, and in a virtual meeting via Zoom, Commissioners Kit Johnston, Mary Starrett and David “Bubba” King being present.

Also present were Ken Huffer, County Administrator; Kevin Perkins, Deputy County Administrator PIO, Kaleb Raever, Assistant County Counsel; Sam Elliott, Sheriff; Todd Whitlow, Captain; Brandon Bowdle, Undersheriff; Mike Browne, Jail Captain; Ken Friday, Planning Director; Lance Woods, Senior Planner; Ashley Watkins, Solid Waste Coordinator and Lindsey Manfrin, HHS Director. Christian Boenisch, County Counsel; and Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: John Abrams, Rob Halyburton, David Beck, Jeanne Beck, Marvin Bernards, Markus Pfahler, Jamey Montgomery, Rick Lipinski, Jason Wille, Jason Brown, Chuck Dolence, Dan Blue, Beth Keyser, Dennis Goecks, Ty Darby, Jason Fields, Hilary Malcomson and Chris Chenoweth. Craig Markham – Yamhill Co, Rebeca Wallis – Yamhill County News, Lee Schrepel and Sarah Darby participated via Zoom.

*Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at [bocinfo@yamhillcounty.gov](mailto:bocinfo@yamhillcounty.gov) by 5:00 p.m. Wednesday.*

**A. CALL TO ORDER:** Commissioner Johnston called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

**C. CALENDAR SESSION:** This time is reserved for the review of the commissioners’ joint schedule (if needed).

The Commissioners reviewed the joint schedule for the week of September 15 through September 21, 2025. No other county business was discussed.

**D. PRESENTATION:** Honoring the Memory of 9/11 First Responders and Those Who Serve Today – McMinnville Fire District Division Chief/Fire Marshall, Ty Darby

Ty Darby recounted the September 11, 2001 terrorist attack and recognized the first responders and victims of the attack.

**E. PUBLIC COMMENT:** This time is reserved for public comment on any topic other than: 1) agenda items, 2) A quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

Chris Chenoweth provided public comment regarding commissioner public testimony. Dennis Goecks provided public comment regarding urban development. Delinda Morgan provided written public comment regarding residential water rights.

**F. DEPARTMENT UPDATES:** Health and Human Services – Lindsey Manfrin.

Lindsey Manfrin explained that the new electronic health record system would be ready for implementation around Fall of 2026. She reminded the Board that it also functioned as the departments billing system. She briefed the board on Oregon Health Authority’s (OHA) County Financial Assistance Agreements (CFAA) for behavioral health services being consolidated. This would not change the amount of funding or specific requirements for use, but it would allow the department more flexibility without managing individual contracts. She explained that OHA required a draft behavioral health plan and budget to be submitted by October 1, 2025, and the intention was that the new contract would be complete before the existing contract expired December 31, 2025. Ms. Manfrin stated that the department had an increase in staffing. Master leases for housing programs were supported through Section 8 vouchers which had been frozen due to federal funding changes. She addressed potential budget challenges from State funding for Coordinated Care Organizations (CCO). Majority of the HHS budget came from the Medicaid CCO contract which she planned to begin negotiations for early. Federal funding had been received for public health services in full. Commissioner Johnston requested more involvement in future DUII campaigns. The campaign had one of the highest click-through rates ever recorded by Coates Kokes marketing agency.

**G. WORK SESSION:** This time is reserved for topics of discussion scheduled for the Commissioners in advance.

1. Dog Control – Sheriff Sam Elliott and Captain Todd Whitlow.

Sheriff Sam Elliott highlighted the three aspects of dog control, field enforcement, administration, and kenneling and care of the dogs. The current kenneling and licensing providers were Homeward Bound and Newberg Animal Shelter. Commissioner King recollected that funding for the program came from other County departments and suggested internalizing some functions because of a perceived correlation between decreased revenue and outsourcing kenneling and licensing. Licensing rates were at about 10%. Captain Todd Whitlow stated that Polk County used American Rescue Plan Act (ARPA) funds to build a 12-kennel facility. Commissioner Starrett stated that when the County had a facility, it was partially staffed by inmates which was no longer an option, and the poor condition of the facility resulted in its closure. She stated that it had been difficult to budget for staffing the kennel and without the inmate program, it would be even more challenging. Ken Huffer suggested basing the proposed Dog Control Officer’s salary on the Code Enforcement Officer. He also explained that the approved Dog Control budget for fiscal year (FY) 2025-26 was short. Mr. Huffer stated that the

endowment previously used to fund the program was fully expended. Sheriff Elliott explained that the online licensing option was operational but had not been advertised to the public yet. The Sheriff suggested recruiting local veterinarians to post a QR code to the online licensing program. Homeward Bound was including the link on reminders for dog licensing as well. The Sheriff clarified that any dog over six months old was required to be vaccinated for rabies, so the he recognized an opportunity to post licensure reminders at veterinary clinics and other locations where pet owners frequented. The Sheriff stated that Homeward Bound was not responsible for follow up or enforcement of failing to obtain or renew a dog license. Commissioner Starrett summarized the public health component of the program. The Sheriff explained the cost share with the city where the animal resides gets 75% of licensing fees while the County retains 25%. He projected \$60,000 for revenue in FY 2025-26, but the cost of one kenneling contract exceeded the projected revenue not including the second contract or other program expenses. Commissioner Johnston directed staff to gather estimate capital improvement costs needed to build a County owned and operated kenneling facility. He inquired about community service opportunities for adult and juvenile inmates. The Sheriff explained that the kenneling contracts had expired, and Ken Huffer stated there were insufficient funds to support the proposed contract extensions which would require a budget transfer to be considered by the Board. The Board requested that the budget transfer include the proposed salary for a Dog Control Officer. Todd Whitlow stated that in 2014 the County had two officers, two vehicles, and multiple administrative staff dedicated to dog control, and asserted that one officer may not be sufficient to solve the programs obstacles.

#### **H. CONSENT AGENDA:**

Commissioner Johnston moved approval of the consent agenda. The motion passed, Commissioners Johnston, Starrett and King voting aye.

##### Minutes

1. **B.O. 25-276** - Formal Session minutes – August 28, 2025.

##### Committees

2. **B.O. 25-277** - Approval of the appointment of Jeri Turgesen to the Parkway Committee to complete the remainder of Robyn Wheatley’s term effective immediately through January 15, 2026.

##### Surplus

3. **B.O. 25-278** - Approval to declare the following items as surplus from the Sheriff’s Office to be sold, with revenues to be distributed per civil forfeiture requirements:
  - a. 2016 Cummins diesel generator. (\$20,000)
  - b. 2019 LoadRunner box trailer. (\$10,000)
  - c. 2021 Ruger 5.7 firearm. (\$870)
  - d. 2000 Anderson AR-15 firearm. (\$1,250)
  - e. UNK Smith and Wesson MP AR-15 firearm. (\$1,000)
  - f. UNK KelTec KSG 12GA shotgun. (\$825)

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#### **I. OLD BUSINESS: None.**

**J. OTHER BUSINESS (Add-ons and non-consent items):**

1. **B.O. 25-279** - Consideration to authorize Sheriff Sam Elliott or designee to apply on behalf of Yamhill County Sheriff's Office for fiscal year 2025-26 Emergency Management Performance Grant (EMPG) funding from Oregon Department of Emergency Management in the amount of \$75,637.

Commissioner Starrett moved approval of item J1. The motion passed, Commissioners Johnston, Starrett and King voting aye.

2. **B.O. 25-280** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Property and Evidence Public Safety Grant for the renovation of the evidence processing area of the Evidence Building in the amount of \$4,979.71.

Commissioner King moved approval of item J2. The motion passed, Commissioners Johnston, Starrett and King voting aye.

3. **B.O. 25-281** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Law Enforcement Public Safety Grant for the purchase of less lethal 40mm launchers training kits and additional munitions in the amount of \$4,381.00.

Commissioner Starrett moved approval of item J3. The motion passed, Commissioners Johnston, Starrett and King voting aye.

4. **B.O. 25-282** - Consideration to authorize Yamhill County Sheriff's Office to apply and, if awarded, accept the CIS Corrections Public Safety Grant for the replacement purchase of four Automated External Defibrillators (AEDs) in the amount of \$5,000.00.

Commissioner King moved approval of item J4. The motion passed, Commissioners Johnston, Starrett and King voting aye.

5. **B.O. 25-283** - Consideration to authorize Jessica Beach or designee to apply on behalf of Yamhill County Youth Services Center for fiscal year 2025-26 CIS Public Safety Grant funding in the amount of \$2,582.99.

Commissioner King moved approval of item J5. The motion passed, Commissioners Johnston, Starrett and King voting aye.

6. **B.O. 25-284** - Consideration of approval of a revised fee schedule for the Department of Community Justice effective October 1, 2025.

Commissioner King moved approval of item J6. The motion passed, Commissioners Johnston, Starrett and King voting aye.

7. **B.O. 25-285** - Consideration to authorize Yamhill County Solid Waste to allow the service providers, Recology and Waste Management to receive the funding directly from Circular Action Alliance (CAA) per the Recycling Modernization Act.

Ashley Watkins explained that a plan was approved by DEQ for providers to receive reimbursement of \$77 per ton of glass collected from unincorporated areas.

Commissioner Johnston moved approval of item J7. The motion passed, Commissioners Johnston, Starrett and King voting aye.

8. **B.O. 25-286** - Consideration of approval of a Board Order in the matter of an order granting authority to HHS Director Lindsey Manfrin and certain other designated individuals to take actions allowed by ORS 426.327; and rescinding Board Order 24-327.

Commissioner Starrett moved approval of item J8. The motion passed, Commissioners Johnston, Starrett and King voting aye.

9. **B.O. 25-287** - Consideration of approval of Amendment #1 to Agreement #184213 between Yamhill County and the Oregon Health Authority for the Nurse-Family Partnership program adding funding language and extending the term dates from September 30, 2025, through September 30, 2026. Oracle #HHS25001IGA.

Commissioner Starrett highlighted terminology in the proposed agreement that the department would receive full funding each year contingent upon receiving funding from OHA. Commissioner Starrett moved approval of item J9. The motion passed, Commissioners Johnston, Starrett and King voting aye.

10. **B.O. 25-288** - Consideration of approval of Amendment #1 to Agreement #180824 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 23-250) extending Psychiatric Security Review Board (PSRB) Tort Liability Coverage through December 31, 2025. Oracle #HHS25046IGA.

Commissioner Starrett moved approval of item J10. The motion passed, Commissioners Johnston, Starrett and King voting aye.

11. **B.O. 25-289** - Consideration of approval of Amendment #13 to Agreement #026028 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 24-029) in the amount of \$27,400, retroactively effective July 1, 2025, through September 30, 2025. Oracle #HHS24037IGA.

Commissioner Starrett moved approval of item J11. The motion passed, Commissioners Johnston, Starrett and King voting aye.

12. **B.O. 25-290** - Consideration of approval of Agreement #44300-00044812 between Yamhill County and the Oregon Health Authority for substance use disorder residential and day treatment services in the amount of \$185,438.48, retroactively effective July 1, 2025, through June 30, 2027. Oracle #HHS25047IGA.

Commissioner Starrett moved approval of item J12. The motion passed, Commissioners Johnston, Starrett and King voting aye.

13. **B.O. 25-291** - Consideration of approval of Grant Agreement #44300-00051389 between Yamhill County Health and Human Services and the Oregon Health Authority for substance use treatment and support services in the amount of \$3,420,000, retroactively effective July 1, 2025, through June 30, 2029. Oracle #HHS25029IGA.

Commissioner Starrett stated that the proposed agreement would no longer fund dependents of clients. Ms. Manfrin explained that reserves would be used to maintain status quo of the program, but changes were anticipated.

Commissioner Starrett moved approval of item J13. The motion passed, Commissioners Johnston, Starrett and King voting aye.

14. **B.O. 25-292** - Consideration of approval to sign a letter addressed to Oregon Attorney General Dan Rayfield and United States Attorney General Pam Bondi encouraging the parties in *Marion County v. Kotek* to ask the court to issue a detailed opinion providing clarification as requested in the pleadings.

Dennis Goecks provided public comment in support of the proposed letter which may provide clarity about the County's role in law enforcement specifically when State and Federal laws contradict.

Commissioner King moved approval of item J14. The motion passed, Commissioners Johnston, Starrett and King voting aye.

15. **B.O. 25-293** - Consideration to authorize County Counsel Christian Boenisch to sign the final Participation Forms and related documents to include Yamhill County in the proposed national opioid settlement agreement between litigating parties and Purdue/Sackler and the "Group of 8", settling and releasing all claims against the named parties arising out of federal multi-district opioid litigation.

Commissioner Starrett moved approval of item J15. The motion passed, Commissioners Johnston, Starrett and King voting aye.

The meeting was recessed at 11:28 a.m. and reconvened at 11:35 a.m.

**K. PUBLIC HEARINGS:**

1. Docket PAZ-01-24/S-03-24, a request for approval of a Comprehensive Plan amendment from the EFU District to the VLDR District and a Zone Change from EF-80 to VLDR-1 with an Exception to Statewide Planning Goal 2 and Goal 14. Applicant: John Abrams.

Commissioner Johnston opened the public hearing at 11:35 a.m.

There was no objection to the jurisdiction of the hearing or abstentions. There were reports of site visits by Commissioner Kit Johnston, and reports of ex-parte contact by Commissioners Johnston and Starrett stating that they attended Planning Commission meetings regarding the application. Ken Friday read the "raise it or waive it" statement required by ORS 197.763.

Staff Report: Lance Woods presented the staff report by describing the subject parcel as located in the EF-80 zone. It has a comprehensive plan designation of agriculture forestry large holding. Based on a cursory inspection of areal imagery the lot appears to be a field however various utilities have been developed on the subject parcel including city storm sewer lines along with gas lines, power lines, telecommunication lines and community water lines that cross the property at various locations as shown on applicants exhibit number four. This lot is a unique tract of land because it is developed with infrastructure concurrent with the adjacent rural residential subdivision. Those development improvements were installed under the same Measure 37 waiver approval performed and completed prior to November 6, 2007. The approved subdivision conditions engineered plans, traffic and final plat approval were all necessary tasks completed in good faith under the law existing at the time by the applicant. The applicant argues that tax lot 1000 is not just adjacent to legally developed land, it is legally developed land that is irrevocably developed and committed to rural residential development rather than being suitable

for commercial farm or forest uses. The request is for approval of a Comprehensive Plan amendment and zone change from EF-80 to VLDR-1 with an exception to state wide planning goals 3 and 14 in addition to a 14 lot subdivision request subject of the land division ordinance which is being requested with an average lot size of 1.23 acres with 7 lots measuring a half-acre in size and 7 lots measuring approximately 1.25 acres which would be created from the subject lot which itself is 17.3 acres in size. The subject property itself is bounded to the east by the West Wind Country Estate 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 uses, farm uses, hazelnut orchards and hay fields appear to be the predominant farm use occurring in the surrounding area. On July 10, 2025 the Yamhill County Planning Commission reviewed the request and recommend approval of the application by a vote of eight to zero.

Applicant Testimony: John Abrams stated that the State historically did not favor projects related to Measure 37. He stated there was a map in the application identifying existing utilities such as power, water, gas, and communication. Mr. Abrams asserted that West Wind Country Estate subdivision was appreciated by the community. He addressed the wage gap in the city of McMinnville and highlighted the need for higher end housing. Residents of the subdivision contribute to the city's economy by employing locals. Utilities were installed in 2006 before Measure 49 passed invalidating Measure 37 waivers for land use which caused Abrams to scale back on the subdivision plans. Ken Friday elaborated that in 2006 Abrams had requested to move the city boundaries to include the subdivision which the City and County were both in favor of, but the Friends of Yamhill County opposed it. Commissioner Starrett highlighted the short time each house in the subdivision spent on the market.

David Beck provided testimony in favor of the application stating that a subdivision was the highest and best use of the property. He stated that the subdivision was ideal to live in and attracted others to visit.

Appellant Testimony: The appellant, Friends of Yamhill County's representative, Rob Halyburton, stated that the applicant had not demonstrated irrevocable commitment to non-farm use, and there was no justification for exceptions to planning goals 3 or 14. He explained that the subdivision violated the policy in the County's Comprehensive Plan prohibiting development that conflicted with farming on adjacent land. He had conducted a site visit.

Public Agency Reports: Lance Woods outlined public agency reports received from Department of Land Conservation Development (DLCD) who affirmed that the applicant had not provided justification for exceptions to goals 3 or 14. The County Sanitarian also reminded the applicant that lots must meet minimum requirements by using onsite sewer management systems.

Applicant Rebuttal: John Abrams explained that the lots were smaller than the two acre minimum and had been built to an urban standard. The purpose of rezoning the property to VLDR-1 was to provide a buffer between residential and farm use. He described natural ditches including a protected wetland bordering the subdivision which added to the separation between

residential and farm use. He also highlighted two ingress and egress locations which could not be removed and added to the property's irrevocable commitment to non-farm use. He stated that there were no large tracts of farmland on any side of the property. Mr. Abrams asked not to leave the record open and reminded the Board of a previously provided map of utilities.

Staff Recommendations: Lance Woods stated that staff concurred with the Planning Commissions statement that the application was consistent with County Comprehensive Plan goals and policies. The exceptions to any Statewide planning goals had been adequately justified and the applicant demonstrated that the use complies with the County's Transportation Plan.

Commissioner Johnston closed the public hearing at 12:25 p.m.

Deliberations: Commissioner Starrett expressed support for property owners' rights. Commissioner Johnston described his site visit after observing the Planning Commissioner meeting where the application was approved unanimously and stated that the subject property was accessible by public streets and obviously developed for non-farm use.

Commissioner Starrett moved to uphold the Planning Commission's decision to approve the application. The motion passed unanimously. A Board Order and findings were scheduled for consideration of approval no later than October 16, 2025.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:

<https://www.yamhillcounty.gov/1190/Public-Hearing-Notices>

**K. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.yamhillcounty.gov/765/Boards-and-Committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [bocinfo@yamhillcounty.gov](mailto:bocinfo@yamhillcounty.gov)
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.yamhillcounty.gov/AgendaCenter>

Following Commissioner announcements, the meeting adjourned at 12:32 p.m.

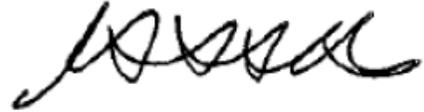
Bailey Barnhart  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair

KIT JOHNSTON



Commissioner

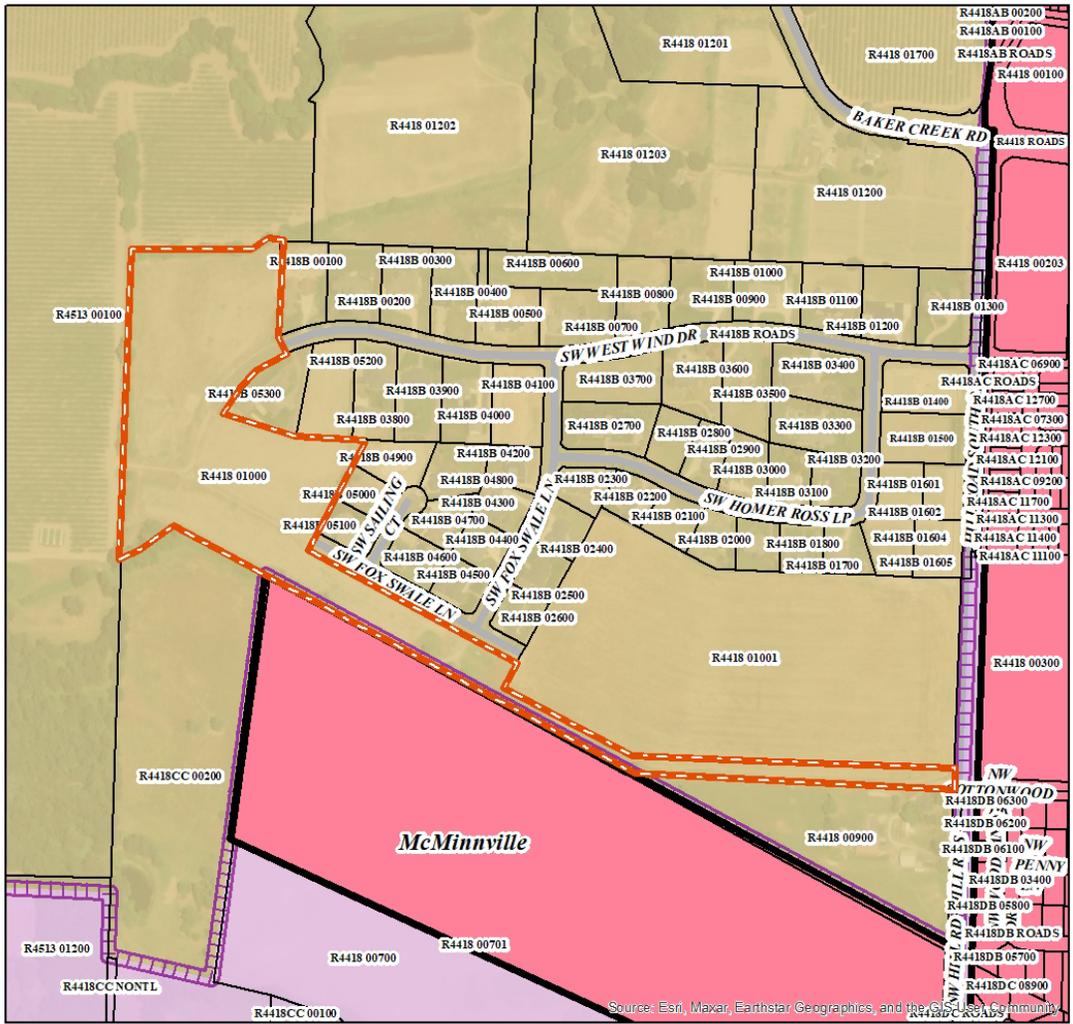
MARY STARRETT



Commissioner

DAVID "BUBBA" KING

**EXHIBIT B - MAP FOR ORDINANCE 943**  
**ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS**  
**DECEMBER 4, 2025**  
**FOR A PLAN AMENDMENT FROM**  
*AGRICULTURE/FORESTRY LARGE HOLDING*  
**TO**  
*VERY LOW DENSITY RESIDENTIAL*  
**AND**  
**ZONE CHANGE FROM**  
*EF-80, EXCLUSIVE FARM USE*  
**TO**  
*VLDR-1, VERY LOW DENSITY RESIDENTIAL*



**YAMHILL COUNTY  
TAX LOT INFORMATION  
&  
CONTEXTUAL MAP**



**Property Information**

- Docket: PAZ-01-24/S-03-24
- 2370 SW Fox Swale Ln
- Subject Lot(s)
- Tax Lot: R4418 01000
- Lot Acreage: 17.3
- McMinnville City Limits
- McMinnville Urban Growth Boundary

1 inch = 400 feet

Last Update: December 06, 2025

CHANGE APPLIES TO TAX LOT 4418-01000 AS HIGHLIGHTED ABOVE. APPROXIMATE SCALE - 1 INCH = 400 FEET