



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 28, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment  
DLCD File Number 010-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 11, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Ken Friday, Yamhill County

<paa> ya/

FORM 2

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

DEPT OF DEC 22 2006 LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Yamhill County Local File No.: PAZ-06-06 (If no number, use none)

Date of Adoption: December 13, 2006 Date Mailed: December 21, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 23, 06

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Comprehensive Plan Amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding and a Zone Change from EF-40 Exclusive Farm use to AF-10 Agriculture/Forestry Small Holding

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

N/A

Plan Map Changed from: Ag/Forestry Large Holding to: Ag/Forestry Small Holding

Zone Map Changed from: EF-40 Exclusive Farm use to: AF-10 Ag/Forestry Small Holding

Location: 5370 NE Dunniway Road, Dayton Acres Involved: 38.3

Specify Density: Previous: 1 dwel/40 ac New: 1 dwel/10 ac

Applicable Statewide Planning Goals: 3 and 4

Was an Exception Adopted? Yes: X No:

DLCD File No.: 010-06(15490)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: \_\_\_ No: \_\_\_

If no, do the Statewide Planning Goals apply. Yes: \_\_\_ No: \_\_\_

If no, did The Emergency Circumstances Require immediate adoption. Yes: \_\_\_ No: \_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: \_\_\_\_\_ Area Code + Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code+4: \_\_\_\_\_

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



## BOARD OF COUNTY COMMISSIONERS

KATHY GEORGE • LESLIE LEWIS • MARY P. STERN

535 NE Fifth Street • McMinnville, OR 97128-4523

(503) 434-7501 • Fax (503) 434-7553

[www.co.yamhill.or.us](http://www.co.yamhill.or.us)

December 13, 2006

Daryl S. Garrettson  
5370 NE Duniway  
Dayton, OR 97114

RECEIVED

DEC 15 2006

RE: Planning Docket PAZ-06-06  
Ordinance 800

YAMHILL COUNTY PLANNING

Dear Daryl:

At the December 13, 2006 formal session of the Board of Commissioners, the Board adopted Ordinance 800, approving the request for a plan amendment and zone change on Tax Lots 4306-300, -301, 4305-1800, -2000, -2100, and -2200.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 800, a copy of which is enclosed. Copies may also be reviewed in the Planning Department during normal business hours. The Planning Department is located at 525 NE Fourth Street, McMinnville, Oregon.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must be filed within 21 days of the date the decision became final, which was December 13, 2006. A successful appeal could revoke this approval.

If you have any questions regarding the county's action, you may contact me at the phone number listed above or the Planning Department (434-7516).

Sincerely,

Leslie Lewis, Chair  
Board of Commissioners

LL-CW:cw  
Enclosure

cc: Planning Department & Martin Chroust-Masin



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Ordinance 800

YAMHILL COUNTY PLANNING

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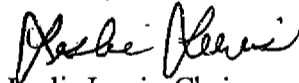
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Sincerely,

  
Leslie Lewis, Chair  
Board of Commissioners

LL-CW:cw  
Enclosure

cc: Planning Department & Martin Chroust-Masin

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL  
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approval of a Comprehensive Plan amendment from )  
Agriculture/Forestry Large Holding to Agriculture/Forestry Small )  
Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 )  
Agriculture/Forestry Small Holding on approximately 38.8 acres, ) Ordinance 800  
Taking an Exception to Goals 3 and 4, Tax Lots 4306-300, 301, )  
4305-1800, 2000, 2100, 2200, Docket no. PAZ-06-06, Applicant )  
Daryl Garrettson, and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on December 13, 2006, Commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Daryl Garrettson applied to the Yamhill County Department of Planning (Planning Docket PAZ-06-06) for a Comprehensive Plan amendment zone change and exceptions to Statewide Planning Goals 3 and 4, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on November 2, 2006, after which the Commission voted to recommend approving the application by a vote of 5-0; the Board held a duly noticed public hearing Nov. 29, 2006. After due consideration of the Application, the Board tentatively voted 3-0 to approve the Application, NOW, THEREFORE,

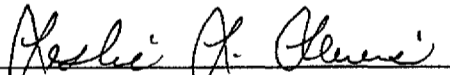
IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage. A map of the area is appended as Exhibit "B".

DONE this 13th day of December, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

  
Chair  
LESLIE LEWIS

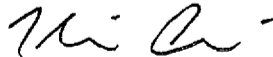
By:   
Deputy Anne Britt



  
Commissioner  
KATHY GEORGE

Unavailable for signature

APPROVED AS TO FORM:



Commissioner

MARY P. STERN

Rick Sanai, Assistant County Counsel

F:\LU\GarrettsonBOFind.s.wpd

B.D.06-997

Ex. A

**DOCKET:** PAZ-06-06

**REQUEST:** Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes exceptions to Goal 3, Agricultural Lands, and Goal 4, Forestry Lands.

**APPLICANT:** Daryl S. Garrettson

**TAX LOT:** 4306-300, 301, 4305-1800, 2000, 2100, 2200

**LOCATION:** The two parcels just to the east and southeast of and including 5370 NE Duniway Road. Also, 5384, 5392, and 5398 NE Duniway Road, Dayton Oregon

**CRITERIA:** Sections 402, 501, 904 and 1208.02 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

**A. Background Facts:**

1. Property size: The six parcels total 38.8 acres.
2. Access: Via a private easement to Duniway Road. The easement road is along the northern boundary of the subject area.
3. On-site Land Use: The applicant has given a detailed description of the on-site use in the application. The parcels are planted to rye grass with some wooded areas along the boundaries. Four of the parcels are approximately five acres each in size. One lot is 8.4 acres and one is 10 acres. Four of the six parcels are developed with single family dwellings. The two undeveloped parcels are five and 8.4 acres.
4. Surrounding Land Use: The applicant has given a detailed description of the surrounding land use on the bottom of page 2 of the application, the entirety of which is incorporated here by reference.
5. Surrounding Zoning: Zoning to the north and west is EF-40 Exclusive Farm use. Zoning to the south and east is AF-10 Agriculture/Forestry Small Holding.
6. Water: Presently, the existing single-family dwellings are served by the City of Lafayette. Any new development would need to be served by on-site wells.
7. Sewage Disposal: Provided by on-site septic systems.
8. Fire Protection: Dayton Rural Fire District
9. Soils: The Yamhill County Soil Survey shows that all but Tax Lot -2200 is predominantly composed of Woodburn, Willakenzie, and Amity soils (WuB, WeC and Am) that are rated agriculture Class II

and III. All of these parcels are composed of high-value soils. Tax Lot -2200 is composed of a mixture of Woodburn and Terrace Escarpments (Te). The terrace escarpments are not high-value farmland. This parcel is just over 50% high-value farmland as 50.91% is composed of Woodburn with an agricultural rating of Class II.

10. Taxes: Tax Lots 4306-300, 301, 4305-2000 and 2200 are on farm deferral. Tax Lot 4305-1800 is on forest deferral. Tax Lot 4305-2100 is at market value.
11. Floodplain: The property is not within the 100-year flood hazard area.
12. Fish and Wildlife: The property is not identified as critical fish or wildlife habitat.

**B. Zone Change and Plan Amendment Provisions and Analysis**

1. Approval of a request for a zone change must be based on compliance with the standards and criteria in YCZO Section 1208.02. These provisions are:
  - (A) *The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
  - (B) *There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
  - (C) *The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
  - (D) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
  - (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*
2. Regarding criterion (A) above, Plan goals and policies which may be pertinent are:

*Policy I.B.1.c.: All proposed rural area development and facilities: ... (2) Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;*

The property is not within the 100 year flood plain, as shown on FIRM 410249 0175 C. The eastern end of the property does have a slope of up to 20 percent but the majority of the land is gently sloping. Based on the previous development of five-acre home sites in the surrounding area, there does not appear to be any significant limitation for sub-surface sewage disposal.



*Policy I.B.1.d.: No proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection.*

The proposed zone change would not require the extension of utilities or services to the area. Water and sewer would need to be provided by on-site systems. Other services such as electricity, telephone, sheriff and fire protection already serve the existing residents in the area.

*Policy I.B.2.a.: Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated large areas where commitments to such uses have already been made through existing subdivision, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and possible rural fire protection.*

The parcels appear to have all been created prior to adoption of the statewide planning goals. The adjacent parcels to the south and east were designated for rural residential use and excepted from Goal 3 and 4 in Exceptions Statement II (ESII) which was adopted by the Board of Commissioners April 23, 1980. The finding to include study area 4.7 (also known as the Marr Road area) stated the following:

*The entire Marr Road study area is committed to rural residential development. The 32 parcels in this study area are predominantly 10 acres or less in size and are largely clustered in a subdivision design pattern. This area can be characterized as having fair or better water availability, mostly fair to good soil suitability for septic systems, and good roads. This area exhibits abrupt topographical changes, mainly steep slopes and large outcroppings of basalt which have hindered agricultural uses. There are three (3) parcels in excess of 10 acres in size - 18 acres, 16 acres and 17 acres. The 18- and 16-acre parcels are completely surrounded by parcels less than 10 acres in size. The 17-acre parcel is bordered on two sides by smaller parcels and contain significant outcroppings of basalts.*

The six lots, totaling 38.8 acres, were excluded from this rezoning. There is no logical reason why these lots were excluded since they were adjacent to the study area and did (and still do) exhibit similar characteristics to that of the adopted exception area. These similarities include having parcels that "... are predominantly 10 acres or less in size and are largely clustered in a subdivision design pattern." The magnitude of proposed development would allow two additional home-sites. These, along with the existing residents in the area, would not require more than a very basic level of services such as local access roads and individual septic/water systems.

*Policy II.A.1.h.: No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.*

The applicant did not state that no farming can be conducted on the property but submitted arguments that the area is irrevocably committed to rural residential uses due to the parcelization and development pattern. The zone the applicant wishes to change the property to is the same as what borders two sides of the subject area. It appears the proposed zone change would cause little interference with the use of other farm land in the vicinity. There have been no objections submitted from adjoining property owners.

3. Regarding criterion (B), the applicant has shown, and the Board finds, that there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone, as required by YCZO 1202.08(B).

The applicant has submitted maps showing the existing exception areas that are in the vicinity of the City of Lafayette. The number of developed/undeveloped AF-10 zoned lots counted in June of 1999 is noted below:

Areas	Zone	Existing Lots	Developed Lots	Vacant Lots	Potential New Lots
4.6	AF-10	51	44	7	0
4.7					
4.8					

The applicant notes that none of those lots is available for purchase. The applicant has updated the 1999 study and found that three of the seven parcels have been developed with houses. The number of undeveloped lots has decreased from seven to four, a decrease of 44%. The applicant has given detailed explanations as to how the proposed uses would be similar or identical to the uses proposed by the applicants, and the Board so finds.

4. Regarding criterion (C), the proposed change has been shown to be 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. Surrounding land uses to the south and east are similar small size residential lots to what is proposed. As noted earlier, the neighboring property to the south and east was part of code area 4.7 adopted in Exceptions Statement II. The application explains in why the subject parcel and use is very similar to that found in this exception area. The Board agrees and finds that the subject property and proposed use is substantially the same as the neighboring rural residential property.

Regarding the availability of utilities and services in the area, the lots in the surrounding area have on-site systems for sewer and water. A few of the lots in the surrounding area have hook-ups to the City of Lafayette. However, the City noted that no additional water hook-ups are available. Other services such as electricity, telephone, sheriff and fire protection already serve the existing residents in the area. No extension of water or sewer service is anticipated to be needed for the proposed level of development.

5. Regarding criterion (D), the applicant has shown that 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 required by YCZO 1202.08(D). As indicated in the updated study, four AF-10 zoned parcels are available and no additional AF-10 lots could potentially be created. While the number of other existing and potential lots is not an overwhelming number, there are a few other similarly zoned lots that exist in the area.

6. Regarding the criterion (E), an exception to Goal 3 is required, as addressed in Section C of these findings below. The applicant also requested an exception to Goal 4.

**C. Goal Exception Provisions and Analysis**

1. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking an exception to the goals. The applicant is applying for a “committed” exception.
2. OAR 660-04-028 indicates that a committed exception may be taken when land is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the goal impracticable. OAR 660-04-028(3) states in part that *“It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is “impossible.” For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:*

*(a) Farm use as defined in ORS 215.203;*

*(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*

*(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).”*

A two-part analysis is required. First, whether land is “irrevocably committed” depends on the relationship between the exception area and the lands adjacent to it. Findings must address the characteristics of the exception area; the characteristics of the adjacent lands; the relationship between the exception area and the lands adjacent to it; and the other relevant factors set forth in OAR 660-04-028(6). Second, for an exception to Goal 3 and 4 (although as noted staff believes a Goal 4 exception is not required), findings must be made that farm and forest uses are impracticable on the proposed exception area. The Board so finds.

3. *Characteristics of the exception area:* The applicant’s finding on page 2 of the application is incorporated here by reference.
4. *Characteristics of the adjacent lands:* The applicant’s finding on page 2 of the application is incorporated here by reference.
5. *The relationship between the exception area and the lands adjacent to it:* The applicant’s findings are found on pages 4 and 5 of the request, and are adopted by the Board. The proposed exception area is similar in character to the adjacent lands that are zoned AF-10. Portions of the property have been used for farm use. The applicant is not submitting arguments that the property can not be put to any farm use. The application explains how the dwellings, existing parcelization, and ownership patterns all contribute to the study area being irrevocably committed to rural residential use. The Board agrees, and so finds.

6. OAR 660-04-028(6) requires that findings for a committed exception address existing adjacent uses; existing public facilities and services (water and sewer lines, etc.); parcel size and ownership patterns of the exception area and adjacent lands; neighborhood and regional characteristics; natural or man-made features or other impediments separating the exception area from adjacent resource land; physical development; and other relevant factors. The existing uses are addressed above. Public facilities and services are generally available in the area. The other factors have been addressed elsewhere in these findings. .
7. OAR 660-04-028(6) also contains factors that must be addressed when taking an exception to a goal for land that is irrevocably committed to other uses. OAR 660-04-028(6) states:

*6) Findings of fact for a committed exception shall address the following factors:*

*(a) Existing adjacent uses;*

*(b) Existing public facilities and services (water and sewer lines, etc.);*

*(c) Parcel size and ownership patterns of the exception area and adjacent lands:*

*(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 make 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 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 land adjoining those parcels;*

*(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.*

*(d) Neighborhood and regional characteristics;*

*(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;*

- (f) *Physical development according to OAR 660-004-0025; and*
- (g) *Other relevant factors.*

8. Regarding OAR 660-04-028(6)(a) the description of the adjacent land is found on page 4 of the applicant's submittal, hereby incorporated by this reference.
9. Regarding OAR 660-04-028(6)(b) the public facilities that are available are the public road and electricity. Water and sewer service would be provided to any new development by on-site systems. Other services such as police and emergency services are generally available.
10. Regarding OAR 660-04-028(2)(c) the description of the adjacent land is found on page 4 of the applicant's submittal. The most significant change in the area is the development of the rural residential property in the surrounding area.
11. Regarding OAR 660-04-028(2)(d) as stated above rezoning the subject parcel to allow AF-10 zone would grant the owner the ability to develop similar to the properties to the south and east.
12. Regarding OAR 660-04-028(2)(e) while there do not appear to be natural or man-made features or other impediments that completely separate the exception area from adjacent resource land, the development pattern and vegetation does provide an impediment. The existing dwellings are located along the easement road, which follows the northern boundary of the study area. The boundary to the south, east and west is bordered by trees.
13. Regarding OAR 660-04-028(2)(f) the physical development in the study area consists of four dwellings on six parcels, all in a line south of the easement road.
14. Regarding OAR 660-04-028(2)(g) no other relevant factors - aside from those described above - were identified by the applicant.

**D. Goal 12 (Transportation Rule) Provisions and Analysis**

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:
  - (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:*
    - (a) *Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;*
    - (b) *Amending the TSP [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,*
    - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
  - (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
    - (a) *Changes the functional classification of an existing or planned transportation facility;*
    - (b) *Changes standards implementing a functional classification system;*

- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;*  
*or*
- (d) *Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.*

- 2. Regarding (1) and (2), the traffic impact of the proposed zone change and two additional single family dwellings would result in approximately 19 vehicle trips per day, which would not significantly affect the existing transportation facility. Therefore, the proposed residential use is consistent with the identified function, capacity, and level of service of the local roads.

**CONCLUSION:**

- 1. The request is for a Comprehensive Plan amendment and zone change from Exclusive Farm Use, EF-40 to AF-10, including an exception to Goals 3 and 4.
- 2. The proposed zone change is consistent with Comprehensive Plan goals and policies.
- 3. An exception to Goals 3 and 4 are justified because the property is irrevocably committed to rural residential use due to the existing parcelization, ownership pattern, the adjacent small residential lots, roads, and uses
- 4. The proposed change is consistent with the zone change criteria of Section 1208.02.
- 5. The proposed change complies with the Transportation Planning Rule.

Thus the Board ordains that the application by Daryl Garrettson for a Plan Amendment from AFLH Agriculture/Forestry Large Holding to AFSH Agriculture/Forestry Small Holding and a zone change from EF-40 to AF-10 for Tax Lots 4306-300, 301, 4305-1800, 2000, 2100, 2200 is hereby approved.

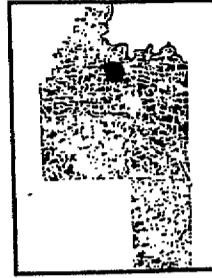
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ORD. 800

EX. B

Yamhill County Map

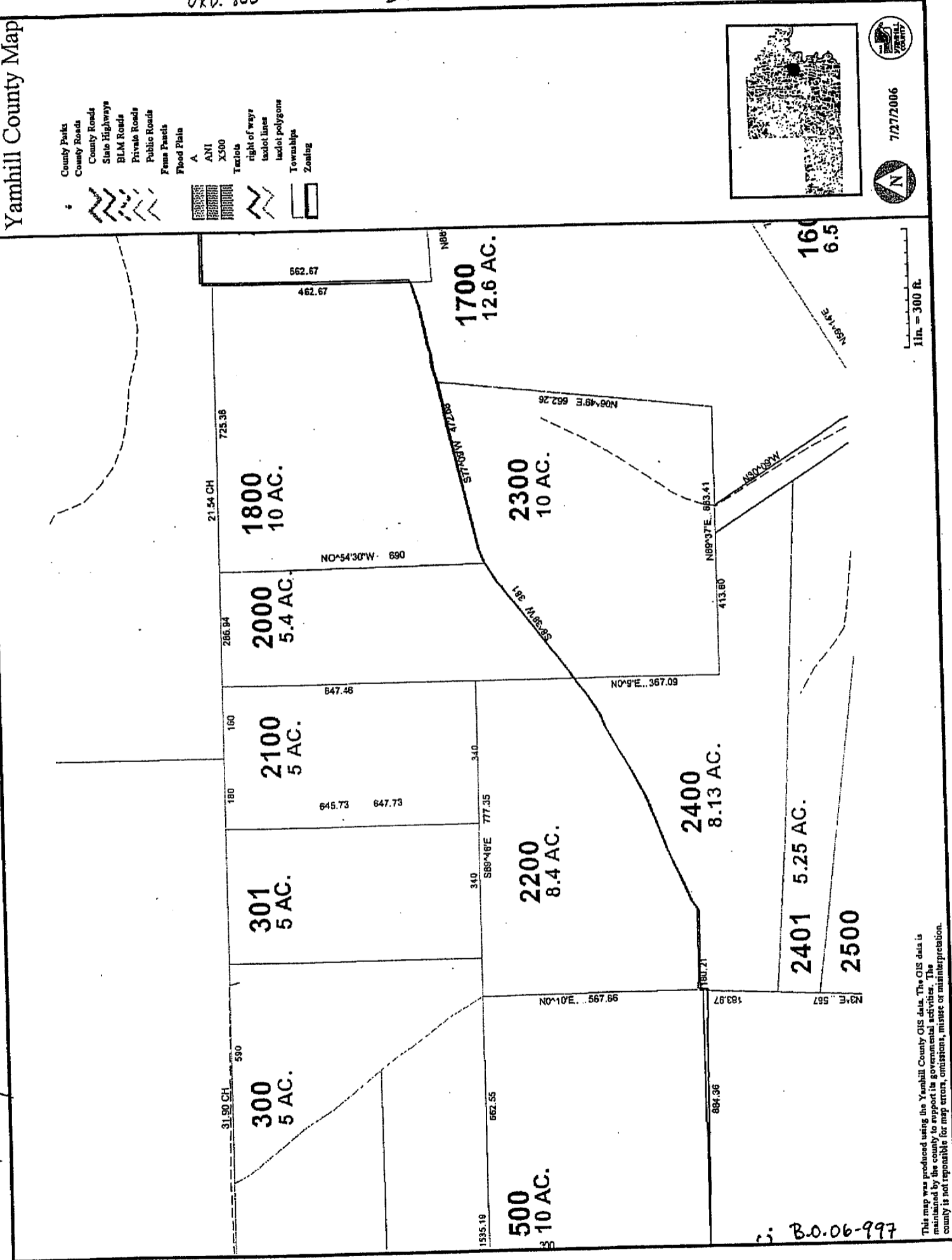
- County Parks
- County Roads
- County Roads
- State Highways
- BLM Roads
- Private Roads
- Public Roads
- Fema Parcels
- Flood Plains
- A
- ANI
- X500
- Taxlots
- right of way
- taxlot lines
- taxlot polygons
- Townships
- Zoning



7/27/2006



4:00 pm.



1 in. = 300 ft.

This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

ci B-0.06-997

Planning Commission Minutes  
of November 2, 2006



**YAMHILL COUNTY PLANNING COMMISSION**

Thursday, November 2, 2006 · 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE 5th St.

McMinnville, Oregon 97128

**Roll Call:** Matt Dunckel, Bernie Diefenderfer, Marjorie Ehry, Michael Sherwood, Daryl Garrettson, Alan Halstead, Robert Smiley. Staff: Ken Friday, Mike Brandt, Stephanie Armstrong.

Review of the **minutes** from the Planning Commission Hearing of October 5, 2006. Marjorie Ehry moved to approve the minutes as submitted. Seconded by Matt Dunckel. Approved unanimously.

**CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARINGS:**

**DOCKET NO.:** S-11-06  
**REQUEST:** Approval of a 12-lot subdivision on a 58.14 acre property. The lot sizes are approximately 3 to 4.5 acres in size. This application is possible due to approval of a Measure 37 claim through Docket M37-115-05 (Board Order 06-119) which allows the development under the land use rules in effect on May 1, 1962.  
**OWNER:** Youngman Family Trust  
**APPLICANT:** Robert and Betty Janzen, representing the Youngman Family Trust  
**TAX LOT:** 2526-1400  
**LOCATION:** On the western boundary of 15345 NW Tupper Road, Yamhill, Oregon  
**ZONE:** AF-40, Agriculture/Forestry Large Holding  
**CRITERIA:** Board Order 06-119, State Claim M121524 and the *Yamhill County Land Division Ordinance*

Chair Smiley opened at the point of Deliberation.

**Deliberation:**

Alan Halstead: I'd like to pass.

Michael Sherwood: **Question to Staff:** On page 5 & 6 of the DSL Staff Report of October 27<sup>th</sup>, regarding the Removal Fill Law for Wetlands, I wonder if the loss of fair market value is tied to removal fill on wetlands, and yet the Dept. of State and Lands determination on this land has been made and no permits have been requested. Does that make the claim invalid on the wetlands issue? Ken: I don't believe so because you're only asked to decide whether or not they've satisfied the subdivision standards. In this case, it's a post Measure 37 subdivision so you're limited to health and safety regulations. Daryl: The DSL in the end of their Staff Report determined that the fill law doesn't apply until a building permit is issued.

Daryl: I do have a Measure 37 question. In reviewing the DLCD Staff Report, it states there are 4 applicants who have an interest in the property. They only waive as to Maude Youngman back to 1962. They waive Betty Janzen back to 1975 and waive Robert Janzen to 1985. Mike: That's correct. Daryl: As I

Chair Smiley opened the public hearing.

**Abstentions, Objections of Jurisdiction, Ex Parte Contact:** None.

Ken Friday read the "raise it or waive it" statement into record.

**Staff Report:** Stephanie Armstrong gave a brief review of the staff report. **Questions of Staff:** Daryl: Do we know why the state wanted this AF-20? Mike: We don't know why. It's very clear that it should be a forest zone.

**Proponent's Case:** Catherine Wright, P.O. Box 625, McMinnville, OR 97128: Catherine represents Vicky Tadic. She passed out copies representing the parcels. This was re-zoned in 1993 from AF to EF and as you've noticed really doesn't make a lot of sense. All of these parcels and much of the property in that area is very much a mixture of forestry use and some farm use, as well. It really does seem most appropriate that this be an AF zone and asked that it be added to the AF-40 adjoining zoning. The criteria has been satisfied and she is in agreement with the Staff Report. **Questions:** Daryl: I'm assuming the reason for this application is to qualify this property for a Forest Template Dwelling? Catherine: Yes.

**Questions of Proponent's:** None.

**Public Agency Report:** Stephanie Armstrong stated no responses received to date from the Carlton Fire District, Soil and Water Conservation District or Public Works.

**Staff Recommendation:** Stephanie stated staff recommends approval of the request based upon the findings in the Staff Report.

Chair Smiley closed the public hearing.

**Deliberation:**

Daryl Garrettson: It meets the criteria.

Matt Dunckel: I agree with staff.

Bernie Diefenderfer: I agree with Matt.

Marjorie Ehry: I agree with staff.

Michael Sherwood: I concur with staff.

Alan Halstead: I agree with Daryl.

Robert Smiley: I concur with staff.

**MOTION: Alan Halstead moved to approve docket item Z-03-06 based on the staff's finding and recommendations. Seconded by Bernie Diefenderfer. Approved 7-0.**

**DOCKET:** PAZ-06-06

**REQUEST:** Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes an exception to Goal 3, Agricultural Lands. Although Yamhill County Planning does not believe an exception to Goal 4 is required, the

applicant has also requested an exception to Goal 4, Forestry Lands.

**APPLICANT:** Daryl S. Garrettson  
**TAX LOT:** 4306-300, 301, 4305-1800, 2000, 2100, 2200  
**LOCATION:** The two parcels just to the east and southeast of and including 5370 NE Duniway Road. Also, 5384, 5392, and 5398 NE Duniway Road, Dayton Oregon  
**CRITERIA:** Sections 402, 501, 904 and 1208.02 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

Chair Smiley opened the public hearing.

**Abstentions, Objections of Jurisdiction, Ex Parte Contact:** Daryl noted for the record that he abstains. Robert: Obviously Daryl has been a commissioner for a long time. Some of us have known him longer than others, but there has not been no discussion in advance to the application and feels that Daryl's position on the commission will not effect the committees decision. **Question to Staff:** Alan: Has a public hearing in this setting ever been referred to a different jurisdiction? Mike: No, and I don't recall any. Ken: Several years ago Ralph Bunn was part of an application when he was a member of the Planning Commission, but I don't remember if it was Ralph himself who was asking for re-zoning. Mike: But it wasn't referred to another body. I talked to County Counsel about this a couple of weeks ago and they said people should have to state whether they have any financial interest. Otherwise, they have a duty to hear this and make an impartial decision.

Chair Smiley asked if anyone had not been present for the original reading of the "raise it or waive it" statement.

**Staff Report:** Ken Friday gave a brief review of the staff report.

**Proponent's Case:** Daryl S. Garrettson, 5370 NE Duniway Rd., Dayton, OR 97114: Daryl: Other than any questions that you may have, the only thing I would add is the staff did note there was no market evidence, but having been on the Planning Commission for a long time, it's my opinion that there is a shortage of AF-10 property within Yamhill County and as a result, there is a market demand. That's not the reason for the application, the reason is to put a house next door so my grandchildren can live next door.

**Questions of Proponent's:** None.

**Public Agency Report:** Ken: The City of Lafayette responded that there was no conflicts of interests and noted they would not be extending additional service to the properties. I had a phone conversation with Doug White and the DLCD who had no objection.

**Staff Recommendation:** Ken Friday stated that this is very similar to the Dennis Walker application a couple of months ago were there were four lots, and two were developed. In this situation there are six lots and four are developed. Staff recommends approval of the request.

Chair Smiley closed the public hearing.

Ken Friday explained to an audience member who is a neighbor to Daryl Garrettson the reason for the

application. The neighbor does not oppose the application.

**Deliberation:**

Matt Dunckel: **Question of Staff:** Matt asked about the easement situation and Ken explained the requirements. Matt: Any water shortage in this area? Ken: There was no response from the agencies contacted.

Bernie Diefenderfer: I agree.

Marjorie Ehry: I have no questions and probably agree.

Alan Halstead: It's consistent with the surrounding uses and is appropriate.

Michael Sherwood: I agree.

Robert Smiley: I would concur with staff.

**MOTION: Michael Sherwood moved to approve docket PAZ-06-06. Seconded by Marjorie Ehry. Approved 5-0 with Alan Halstead opposing and Daryl Garrettson abstaining.**

~~**New Business:** Ken Friday: Next month we have just one item on the docket and there may be a second item which is a small zone change.~~

~~Robert: As we venture through Measure 37, our brothers and sisters to the north are about to make a decision on Initiative 933, and I assure you they have went well beyond Measure 37 which is truly hard to believe. It has torn the state in half, basically. Robert went on to explain some of the issues.~~

~~Mike Brandt gave an update on what the Board of Commissioners has done concerning the two proposed Measure 37 subdivisions.~~

**Adjourn:** The meeting adjourned at 8:00 p.m.

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## Staff Report and Exhibits

**STAFF REPORT**  
**YAMHILL COUNTY PLANNING DEPARTMENT**

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**HEARING DATE:** November 2, 2006

**DOCKET:** PAZ-06-06

**REQUEST:** Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes an exception to Goal 3, Agricultural Lands. Although Yamhill County Planning does not believe an exception to Goal 4 is required, the applicant has also requested an exception to Goal 4, Forestry Lands.

**APPLICANT:** Daryl S. Garrettson

**TAX LOT:** 4306-300, 301, 4305-1800, 2000, 2100, 2200

**LOCATION:** The two parcels just to the east and southeast of and including 5370 NE Duniway Road. Also, 5384, 5392, and 5398 NE Duniway Road, Dayton Oregon

**CRITERIA:** Sections 402, 501, 904 and 1208.02 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

**COMMENTS:** **City of Lafayette** - We have reviewed the file and find no conflicts with our interests. No City of Lafayette municipal services will be extended for additional development.  
**Public Works** - No response to date.  
**SWCD** - No response to date.  
**Watermaster** - No response to date.  
**Dayton Rural Fire Dept.**- No response to date.  
**DLCD:** Although there was no written response, Doug White of DLCD called and said that they did not have an objection to the proposed plan amendment/zone change.

**EXHIBITS:** A. Application with exhibits  
B. Public Notice  
C. Comments received

11. Previous Land Use and Sanitation Permits:  
4305-1800: Lot size variance approved in 1982 through PV-590-82. Septic approved 1982.  
4305-2000: Lot size variance approved in 1978 through PV-341-78. Septic approved 1978.  
4305-2100: Lot size variance approved in 1980 through PV-538-80. Septic approved 1980.  
4305-2200: Lot size variance PV-341-78 approved (same as -2000) but parcel never developed.  
4306-300: No previous land use approval. Septic tank replaced August of 1983.  
4306-301: No previous land use approval. No septic information.

12. Floodplain: The property is not within the 100-year flood hazard area.

13. Fish and Wildlife: The property is not identified as critical fish or wildlife habitat.

**B. Zone Change and Plan Amendment Provisions and Analysis**

1. Approval of a request for a zone change must be based on compliance with the standards and criteria in YCZO Section 1208.02. These provisions are:

- (A) *The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
- (B) *There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
- (C) *The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
- (D) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

*are largely clustered in a subdivision design pattern. This area can be characterized as having fair or better water availability, mostly fair to good soil suitability for septic systems, and good roads. This area exhibits abrupt topographical changes, mainly steep slopes and large outcroppings of basalt which have hindered agricultural uses. There are three (3) parcels in excess of 10 acres in size - 18 acres, 16 acres and 17 acres. The 18- and 16-acre parcels are completely surrounded by parcels less than 10 acres in size. The 17-acre parcel is bordered on two sides by smaller parcels and contain significant outcroppings of basalts.*

The six lots, totaling 38.8 acres, were excluded from this rezoning. There is no clear reason why these lots were excluded since they were adjacent to the study area and did (and still do) exhibit similar characteristics to that of the adopted exception area. These similarities include having parcels that “. . . are predominantly 10 acres or less in size and are largely clustered in a subdivision design pattern.” If approved, the magnitude of development would be to allow two additional home-sites. These, along with the existing residents in the area, would not require more than a very basic level of services such as local access roads and individual septic/water systems.

*Policy II.A.1.h.: No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.*

The applicant has not argued that no farming can be conducted on the property but has submitted arguments that the area is irrevocably committed to rural residential uses due to the parcelization and development pattern. The zone the applicant wishes to change the property to is the same as what borders two sides of the subject area. It appears the proposed zone change would cause little interference with the use of other farm land in the vicinity. As of the writing of this staff report there have been no objections submitted from adjoining property owners.

3. Regarding criterion (B), the applicant needs to show 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, as required by YCZO 1202.08(B).



potentially be created. While the number of other existing and potential lots is not an overwhelming number, there are a few other similarly zoned lots that exist in the area.

6. Regarding the criterion (E), an exception to Goal 3 will be required, as addressed in Section C of these findings below. The applicant has also requested an exception to Goal 4. The Yamhill County Planning Department does not believe that a Goal 4 exception is necessary because the property is zoned for exclusive farm use, not forestry or agriculture/forestry use. However, the applicant has provided information to address an exception to Goal 4.

**C. Goal Exception Provisions and Analysis**

1. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking an exception to the goals. The applicant is applying for a “committed” exception.
2. OAR 660-04-028 indicates that a committed exception may be taken when land is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the goal impracticable. OAR 660-04-028(3) states in part that “*It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:*

*(a) Farm use as defined in ORS 215.203;*

*(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*

*(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).”*

A two-part analysis is required. First, whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. Findings must address the characteristics of the exception area; the characteristics of the adjacent lands; the relationship between the exception area and the lands adjacent to it; and the other relevant factors set forth in OAR 660-04-028(6). Second, for an exception to Goal 3 and 4 (although as noted staff believes a Goal 4 exception is not required), findings must be made that farm and forest uses are impracticable on the proposed exception area.

3. *Characteristics of the exception area:* The applicant’s finding on page 2 of the application is incorporated here by reference.

*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 land adjoining those parcels;*

*(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.*

*(d) Neighborhood and regional characteristics;*

*(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;*

*(f) Physical development according to OAR 660-004-0025; and*

*(g) Other relevant factors.*

8. Regarding OAR 660-04-028(6)(a) the description of the adjacent land is found on page 4 of the applicant's submittal.
9. Regarding OAR 660-04-028(6)(b) the public facilities that are available are the public road and electricity. Water and sewer service would be provided to any new development by on-site systems. Other services such as police and emergency services are generally available.
10. Regarding OAR 660-04-028(2)(c) the description of the adjacent land is found on page 4 of the applicant's submittal. The most significant change in the area is the development of the rural residential property in the surrounding area.
11. Regarding OAR 660-04-028(2)(d) as stated above rezoning the subject parcel to allow AF-10 zone would grant the owner the ability to develop similar to the properties to the south and east.

significantly affect the existing transportation facility. Therefore, the proposed residential use is consistent with the identified function, capacity, and level of service of the local roads.

**CONCLUSIONS FOR APPROVAL:**

1. The request is for a Comprehensive Plan amendment and zone change from Exclusive Farm Use, EF-40 to AF-10, including an exception to Goals 3 and 4.
2. The proposed zone change is consistent with Comprehensive Plan goals and policies.
3. An exception to Goals 3 and 4 are justified because the property is irrevocably committed to rural residential use due to the existing parcelization, ownership pattern, the adjacent small residential lots, roads, and uses
4. The proposed change is consistent with the zone change criteria of Section 1208.02.
5. The proposed change complies with the Transportation Planning Rule.

**CONCLUSIONS FOR DENIAL:**

1. The request is for a Comprehensive Plan amendment and zone change from Exclusive Farm Use, EF-40 to AF-10, including an exception to Goal 3 and 4.
2. There has not been adequate justification, as required by YCZO 1208.02(D), that 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.

**RECOMMENDATION:**

*The following staff recommendation is given prior to the receipt of public testimony and may be modified at the hearing.*

Staff recommends that the application by Daryl Garrettson for a Plan Amendment from AFLH Agriculture/Forestry Large Holding to AFSH Agriculture/Forestry Small Holding and a zone change from EF-40 to AF-10 for Tax Lots 4306-300, 301, 4305-1800, 2000, 2100, 2200 be approved.

## A. Application

## **BACKGROUND**

This application involves a request to change the comprehensive plan on the subject property from Agriculture/Forest Large Holding (AFLH) to Agriculture/Forest Small Holding (AFSH), a zone change from EF-40 to AF-10, and for an exception to Statewide Land Use Goals 3 and 4 on an area of 38.8 acres comprised of six parcels, three of which are 5 acres in size, one 5.4 acres in size, one 8.4 acres in size and one 10 acres in size. Four of six parcels are developed with residences and accompanying out buildings (garages etc.).

### **The subject property.**

The subject property is located approximately one-half mile northeast of the City of Lafayette.

### **Area Size.**

38.8 acres.

### **Parcels involved.**

Tax lots 4306-300, 4306-301 and 4306-2100 are five acres in size. Tax lot 4306-2000 is 5.4 acres. Tax lot 4306-2200 is 8.4 acres and Tax lot 4306-1800 is 10 acres.

### **Separate owners. 4**

Tax lots 4306-300 and 4306-301 have a common owner.  
Tax lots 4306-2000 and 4305-2200 have a common owner.

### **Parcels Developed. 4**

Tax lots 4306-300, 4306-2100, 4306-2000 and 4306-1800 are developed with residences and out buildings. Tax lots 4306-301 and 4306-2200 are undeveloped.

**Parcels Developed Prior to the Statewide Goals. 4**

All of the residences were established prior to the adoption of the State-wide planning goals. Partitioning of the subject area also occurred before the adoption of the State-wide planning goals.

**Subject Area Land Use.**

Tax lot 4306-1800 is developed with a residence, the balance of the parcel is wooded with a mixture of deciduous species, Tax lot 4306-2000 is developed with a residence with the balance of the parcel currently planted to rye grass. Tax lot 4306-2100 is developed with a residence and the balance of the parcel is in residential uses. Tax lots 4306-301 and 4306-2200 are currently planted to rye grass. Tax lot 4306-300 is developed with a residence with the balance of the parcel planted to rye grass.

**Access.**

The subject property is accessed via private easement which then accesses Duniway Road, a paved county road which connects with Stoller Road, a paved county road which in turn connects with State Hwy 99W.

**Surrounding Land Use.**

The property to the North and East of the subject property is zoned AF-10 and is characterized by 32 parcels predominately 10 acres or less in size, with 39 dwelling units. Four parcels have no residences. The land use is characterized as a mixture of rural residential and small scale agricultural use. The property to the West consists of 2 five acre and one ten acre parcel, currently zoned EF-40. Two of the parcels have residences and are in either pasture or rye grass. The properties to the North are zoned EF-40 and are in either pasture or rye grass.

**Surrounding Zoning.**

The subject property is bordered on the South and East by AF-10 zoning. The subject property is bordered on the North and West by EF-40 zoning.

**Water.**

The developed parcels, Tax lots 4305-300, 2100, 2000, and 1800 are all serviced by the City of Lafayette's municipal water system. The undeveloped parcels would require wells. Yamhill County records indicate that the area is characterized by fair or better water availability. (See Exceptions Statement II, Exceptions Area 4.7).

**Flood Plain.**

None of the parcels are in the 100 year flood plain.

**Soils.**

See soils map attached.

**Utility Facilities.**

The developed parcels are already serviced by electric, telephone and municipal water. No new utility structure would be required. On-site domestic water and subsurface sewage systems can be made available to the undeveloped parcels.

**Habitat.**

The subject area is not within a Fish Habitat Area or Critical Wildlife Habitat Area.

**Exception Area 4.7.**

The subject property is bordered on the East and South by exception area 4.7. The County found the entire Marr Road study area, (exceptions area 4.7), to be committed to rural residential development. The study area consisted of 32 parcels predominately 10 acres or less in size. There are three parcels in excess of 10 acres, one 18 acres, one 17 acres and one 16 acres in size. The exception area was characterized by fair or better water availability, mostly fair to good soil suitability for septic systems, and good roads. During the acknowledgment process there were no challenges to this exception area.

Study area 4.7 currently has 39 dwelling units, up from 32 in 1980 and currently has four vacant parcels.

### **CRITERIA**

#### **OAR 660-004-0025**

This Administrative Rule provides that a local government may take an exception to the statewide planning goals 3 and 4 if the property is physically developed to other uses. Tax lots 4306-300,2100, 2000, and 1800 are physically developed to other uses. Each of these parcels contains a rural residence and separate garage (pole building) which are not used for agricultural purposes along with a subsurface sewage disposal system. Each of these parcels is serviced by the City of Lafayette municipal water system, underground utilities (telephone) and above ground electrical supply. The development of these parcels by four separate owners effectively prevents the recombination of the parcels either within the subject area or with the larger farm parcels to the North, outside the subject area.

#### **OAR 660-004-0028 (6)**

This Administrative Rule provides that a local government may take exception to the statewide planning goals 3 and 4 if the property is irrevocably committed to other uses.



Tax lots 4306-301 and 4306-2200 are irrevocably committed to other use. These two parcels are 5 and 8.4 acres in size and are in separate ownership and not likely to be combined . They are in the interior of the subject area and essentially surrounded by physically developed lots or an already acknowledged exception area.

Tax lot 4306-301 is bordered on the East and West by physically developed Tax lots 4306-300 and 4306-2100. It already has electric and telephone service available without the extension of further lines. The service lines for Tax lots 4306-2100, 4306-2000 and 4306-1800 cross the northern edge of Tax lot 4306-301. The parcel is five acres in size and is in common ownership with Tax lot 4306-300. Even if combined, the parcel would be only 10 acres in size, with a significant portion of Tax lot 4306-300 committed to rural residential uses.

The development of Tax lots 4306-300 and 4306-2200 preceded the adoption of the statewide goals. The parcels in question were lawfully partitioned prior to the adoption of the statewide goals. The Northern 20 feet of Tax lot 4306301 is a gravel road (easement) which services Tax lots 4306-4306-2100, 4306-2000, and 4306-1800.

Tax lot 4306-2200 is bordered on the South and Southeast by exception area 4.7 and on the North and East by Tax lots 4306-2000, 4306-2100, 4306-300, and 4306-301, three of which are physically developed and in rural residential use.

#### **OAR 660-0012-0060 (Transportation Planning Rule)**

The transportation rule requires that amendments to plans which significantly affect a transportation facility be consistent with the performance standards of that facility. Approval of this application would result in no more than two additional dwellings. Those dwellings would access Duniway Road, a paved all weather dead-end county road. It is anticipated that these two dwellings would generate no more than 19 additional trips per day. These additional trips would be consistent with current traffic levels and would not significantly affect a transportation facility.

**YCZO 1208.02**

The proposed plan amendment and zone change would add 38.8 acres to exception area 4.7 which is 228 acres in size. The reasons for the plan amendment and zone change are explained above under the justification for a developed and committed exception.

The need to add this property is the result of either a mistake or oversight in 1980 when the existing exception area was adopted. The subject area could have been included in the original boundary of exception area 4.7 if the county had chosen to consider the properties on the Northern boundary of the Exception Area. This application is a minor adjustment of the boundaries of that exception area.

**YCZO 1208.02 (A)**

*Is the proposed change consistent with the goals and policies of the Yamhill County Comprehensive Plan?*

**Policy I.B.1.c.** requires that proposed rural area development not be located in any natural hazard area \*\*\*.

The subject property is not within the 100 year flood plain, has no slopes which limit development and is otherwise free of geologic hazards, drainage problems or soil limitations.

**Policy I.B.1.d.** requires that no rural development shall require the extension of services \*\*\*.

The subject property is already serviced and the granting of this application will not require the extension of utilities or services to the area. The undeveloped parcels will use on-site systems for water and sewer.

**Policy I.B.2.a.**

*“Yamhill County will continue to recognize that the appropriate location*

*of very low density residential development is in designated large areas where commitment to such uses have already been made through existing subdivision, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems and possible rural fire protection.”*

The subject property along with exception area 4.7 were developed prior to the adoption of the statewide goals and constitutes a large area of commitment to rural residential uses. With 43 dwelling units on a total of 267 acres, the combined subject and exception area 4.7 have a density of 1 dwelling per every 6.2 acres. The partitioning development along with the existing services and utilities establish compliance with this plan policy.

**Plan Policies Governing Agricultural and Forest Lands.**

The Yamhill County Board of Commissioners have previously interpreted these plan policies to be aspirational in nature and are satisfied through the exceptions process. The Commissioners also determined that these policies are implemented through the Yamhill County Zoning Ordinance. (See Ordinance 703).

**YCZO section 1208.02 (B)**

*Is there an existing demonstrable need for the particular uses allowed by the requested zone \*\*\*?*

The County Commissioners have previously found that the need requirement is satisfied by a finding that the subject area is “*developed*” and “*irrevocably committed*” to rural residential use.

The subject area also fulfills a need for rural residential uses which have adequate fire protection, will not generate inordinate service demands, have

single local road access, individual domestic wells and sewage disposal systems. The subject area is adjacent to an existing exception area and will fit well into the existing development pattern. The subject area has a high amenity are for residential use, and is an area where such needs can be accomplished without compromising basic county goals of urban containment.

There are currently only seven undeveloped lots zoned AF-10 in the Lafayette area and none of those are currently for sale or available to purchase. While the population of Yamhill County has doubled since 1980, the number of AF-10 lots which are undeveloped has decreased. In Exception Area 4.7, the number of undeveloped lots has decreased from seven to four, a decrease of 44%, and those four lots are not available for purchase.

**YCZO section 1208.02 (C)**

*“Is the proposed change appropriate considering surrounding land uses, the density and pattern 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 subject property is bordered on the South and East by developed AF-10 land. The subject area consists of six parcels, four of which are developed. The undeveloped parcels are interior to the developed parcels. The subject area is already serviced and utilities are in place.

**YCZO section 1208.02 (D)**

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

As noted above, there are currently only seven vacant AF-10 parcels in the Lafayette area and none of those are for sale. The subject property would

add two parcels to this inventory. Parcels that are already surrounded by rural residential uses. Other parcels not currently zoned AF-10 would have a greater impact on surrounding uses because they would extend rural residential uses into undeveloped areas. These parcels would not have that impact because of their location. The four developed parcels are already in rural residential use and therefore well suited to the proposed use.

**YCZO section (E)**

*“The amendment is consistent with the current Oregon Administrative Rules (OAR’s) for exceptions if applicable.”*

The exceptions for goals 3 and 4 have already been discussed. The subject property is developed or irrevocably committed to other uses. An exception to goal 14 is not required because approval will not require the extension of urban services and the minimum lot size for the zone is considered rural and not urban.

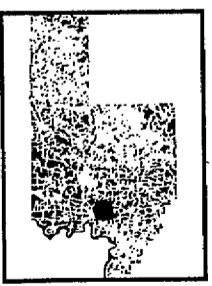
**CONCLUSION**

For the forgoing reasons this application meets the criterion for the requested Plan Amendment and Zone Change, as well as providing sufficient justification for an exception to State-wide Planning Goals 3 and 4.

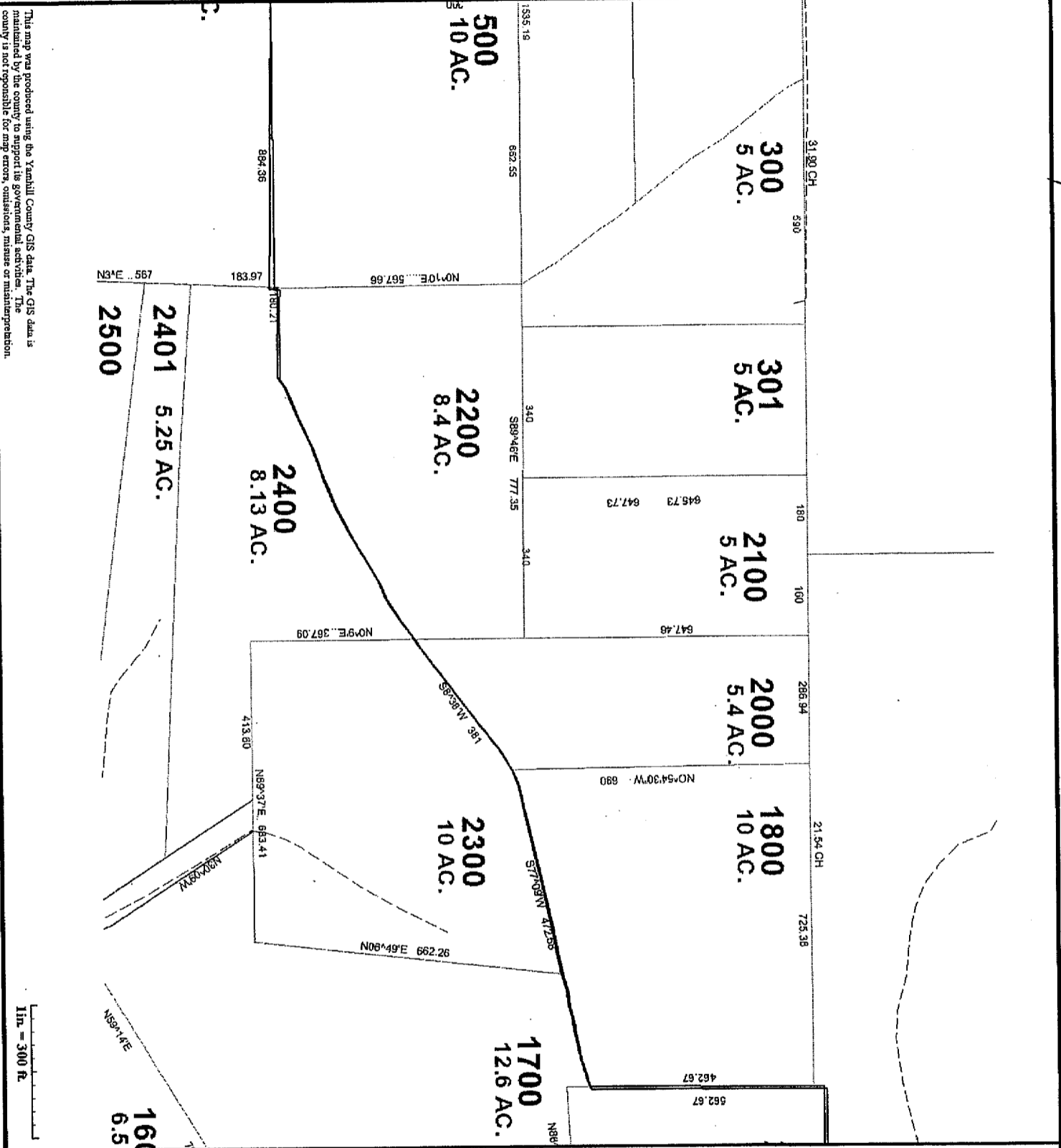
4:00 pm

# Yamhill County Map

- County Parks
- County Roads
- County Roads
- State Highways
- BLM Roads
- Private Roads
- Public Roads
- Feewa Panels
- Flood Plain
- A
- ANI
- X500
- Taxlots
- right of ways
- taxlot lines
- landlot polygons
- Townships
- Zoning



7/27/2006

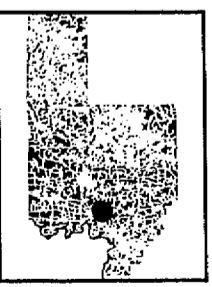
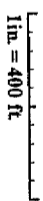
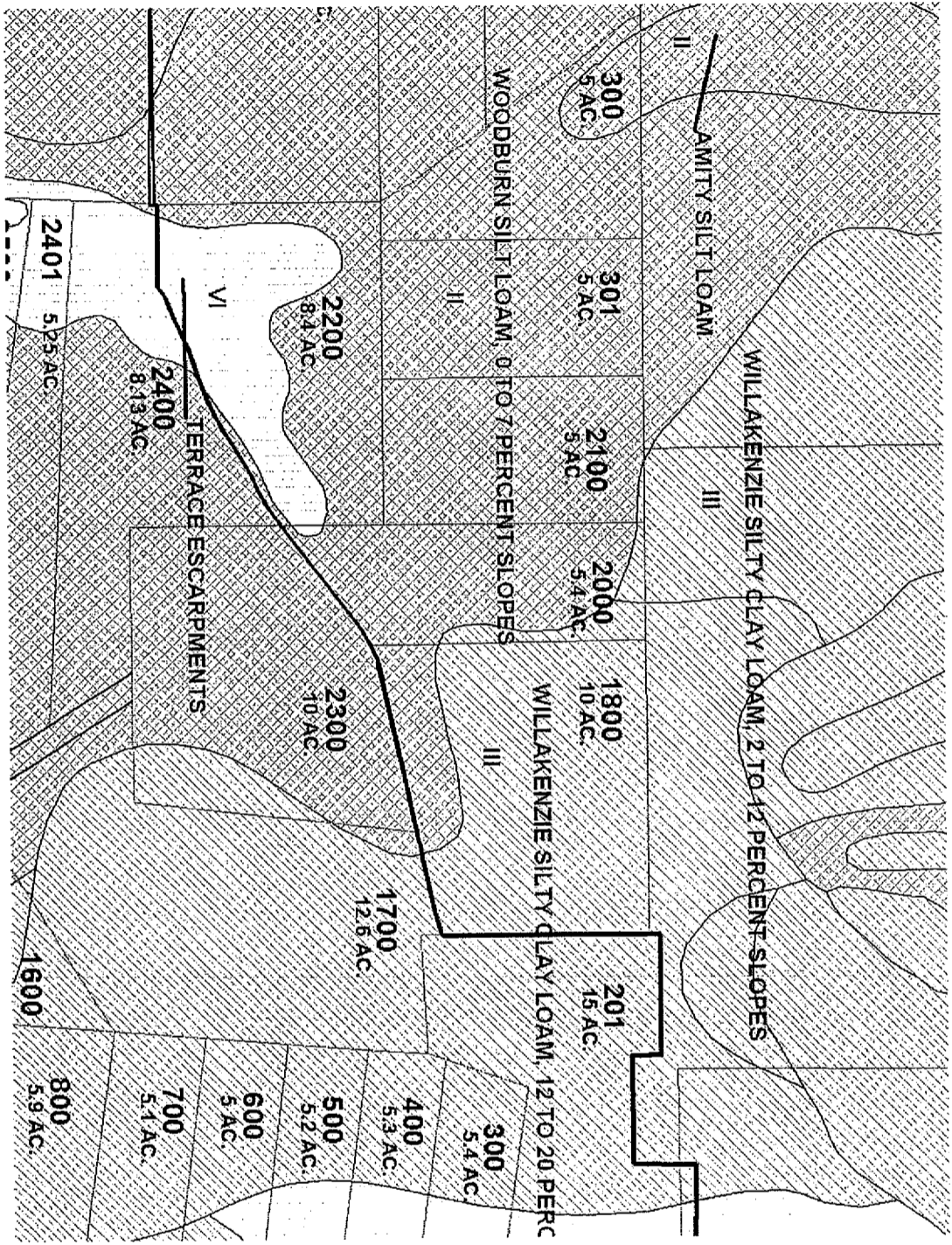


This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support the governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

2.000 7/27/2006

# Yamhill County Map

- County Parks
- Farm Panels
- Flood Plain
- A
- ANT
- X500
- Soils
- Prime Farm Land
- High Value Farm Land
- Non - High Value Farm ...
- Tractlets
- right of ways
- taxlot lines
- taxlot polygons
- Townships
- Zoning

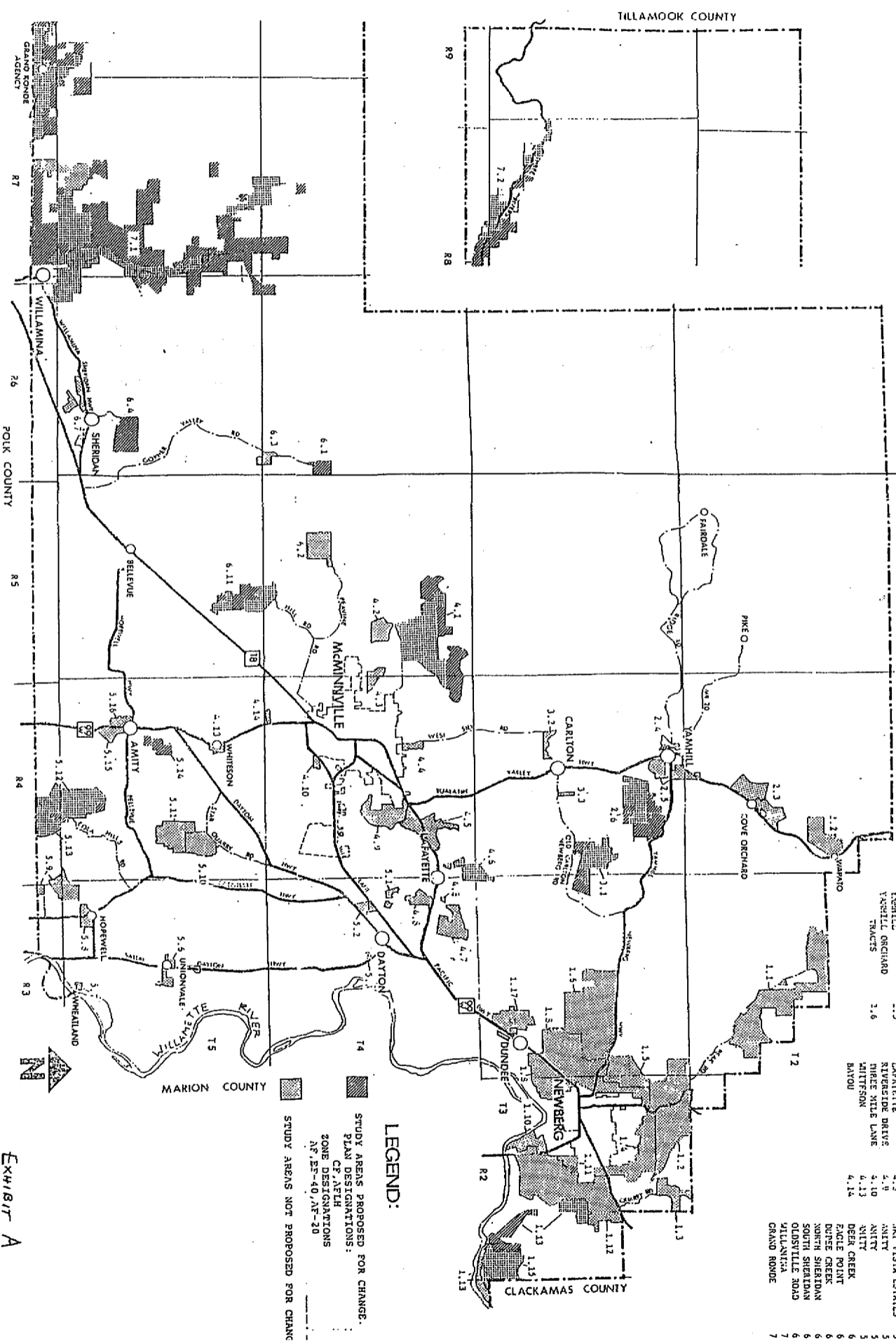


8/1/2006



This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

# YAMHILL COUNTY AGRICULTURE AND FORESTRY STUDY MAP



STUDY AREA	ZONE DESIGNATION
1.1	WASHO
1.2	WASHO
1.3	WASHO
1.4	WASHO
1.5	WASHO
1.6	WASHO
1.7	WASHO
1.8	WASHO
1.9	WASHO
2.0	WASHO
2.1	WASHO
2.2	WASHO
2.3	WASHO
2.4	WASHO
2.5	WASHO
2.6	WASHO
2.7	WASHO
2.8	WASHO
2.9	WASHO
3.0	WASHO
3.1	WASHO
3.2	WASHO
3.3	WASHO
3.4	WASHO
3.5	WASHO
3.6	WASHO
3.7	WASHO
3.8	WASHO
3.9	WASHO
4.0	WASHO
4.1	WASHO
4.2	WASHO
4.3	WASHO
4.4	WASHO
4.5	WASHO
4.6	WASHO
4.7	WASHO
4.8	WASHO
4.9	WASHO
5.0	WASHO
5.1	WASHO
5.2	WASHO
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5.7	WASHO
5.8	WASHO
5.9	WASHO
6.0	WASHO
6.1	WASHO
6.2	WASHO
6.3	WASHO
6.4	WASHO
6.5	WASHO
6.6	WASHO
6.7	WASHO
6.8	WASHO
6.9	WASHO
7.0	WASHO
7.1	WASHO
7.2	WASHO
7.3	WASHO
7.4	WASHO
7.5	WASHO
7.6	WASHO
7.7	WASHO
7.8	WASHO
7.9	WASHO
8.0	WASHO
8.1	WASHO
8.2	WASHO
8.3	WASHO
8.4	WASHO
8.5	WASHO
8.6	WASHO
8.7	WASHO
8.8	WASHO
8.9	WASHO
9.0	WASHO
9.1	WASHO
9.2	WASHO
9.3	WASHO
9.4	WASHO
9.5	WASHO
9.6	WASHO
9.7	WASHO
9.8	WASHO
9.9	WASHO
10.0	WASHO

## LEGEND:

- STUDY AREAS PROPOSED FOR CHANGE.
- PLAN DESIGNATIONS:
- CF, AF, FH
- ZONE DESIGNATIONS
- AF, EF-40, AF-20
- STUDY AREAS NOT PROPOSED FOR CHANGE

EXHIBIT A  
to  
Ordinances No. 200 & 201



# Exceptions Statement

## II

*Yamhill County  
Board of Commissioners  
April 23, 1980*

Marr Road

CODE NO: 4.7

ZONING CLASSIFICATION AND PLAN DESIGNATION: AF-10/AFSH

TOTAL ACREAGE: 228

TOTAL NUMBER OF PARCELS: 32

TOTAL NUMBER OF PARCELS OCCUPIED BY A HOUSE OR MOBILE HOME: 22 (32 units)

EXISTING, VACANT PARCELS 10 ACRES OR LESS IN SIZE: 7

SCS SOIL CLASS (IN ACRES):

Class I 0 Class II 86 Class III 78 Class IV 49 Class VI 15

FOREST SITE CLASS (IN ACRES):

Fa 0 Fb 0 Fc 0 Fd 0 Fe 0 Ff 0 No Class 228

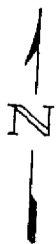
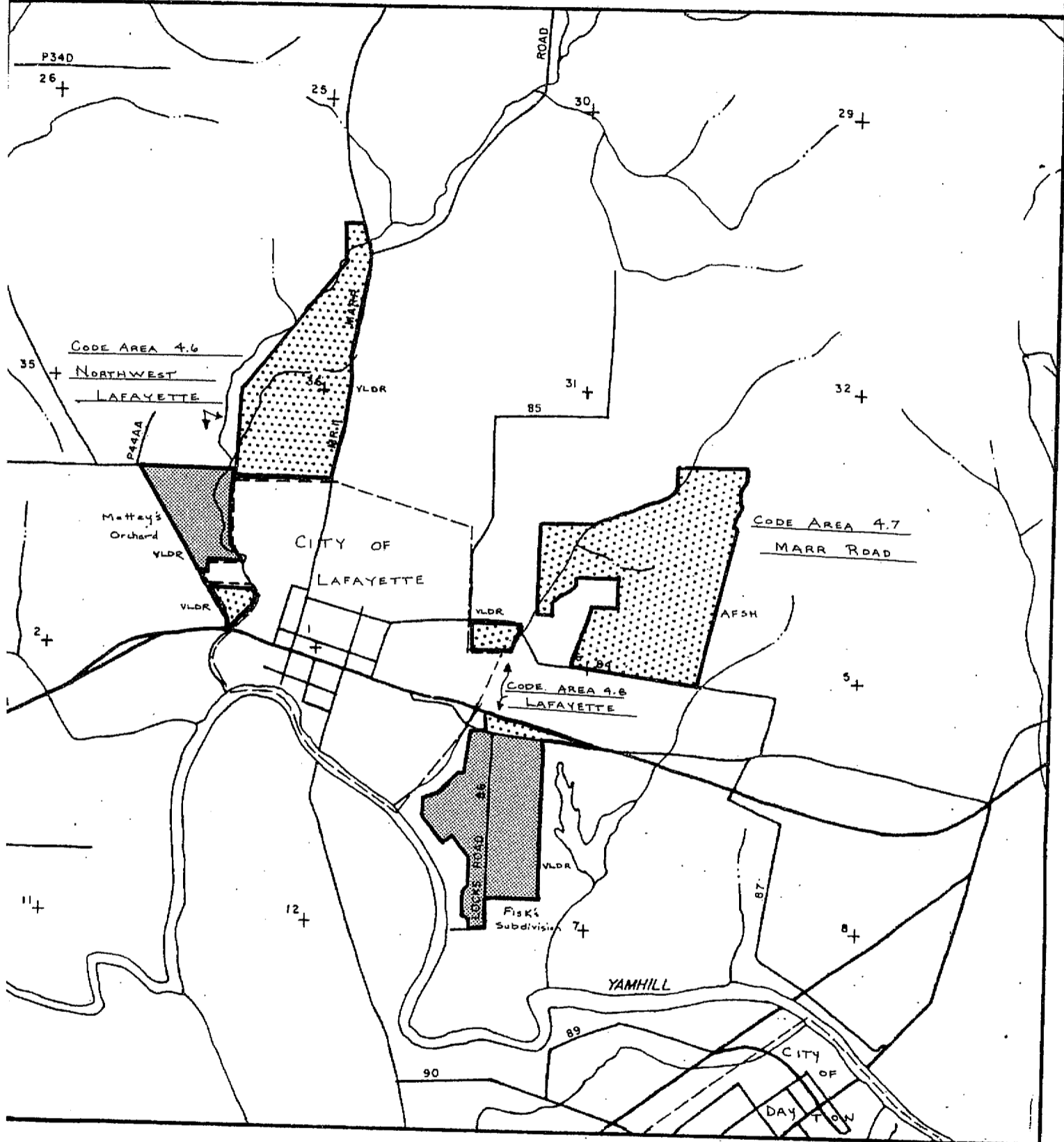
DISCUSSION:

The entire Marr Road study area is committed to rural residential development. The 32 parcels in this study area are predominantly 10 acres or less in size and are largely clustered in a subdivision design pattern. This area can be characterized as having fair or better water availability, mostly fair to good soil suitability for septic systems, and good roads. This area exhibits abrupt topographical changes, mainly steep slopes and large outcroppings of basalt, which have hindered agricultural uses. There are three (3) parcels in excess of 10 acres in size--18 acres, 16 acres and 17 acres. The 18- and 16-acre parcels are completely surrounded by parcels less than 10 acres in size. The 17-acre parcel is bordered on two sides by smaller parcels and contains significant outcroppings of basalts.

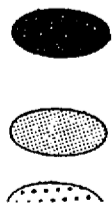
BOARD ACTION 1979:

Maintain existing plan-designation for entire study area

# Code Areas 4.6, 4.7, 4.8



SCALE: 1" = 1/2 mile



Plan Designation Changed to AFLH / Zone Changed to AF/20

Subdivision

EXCEPTION AREA 4.6, 4.7, 4.8

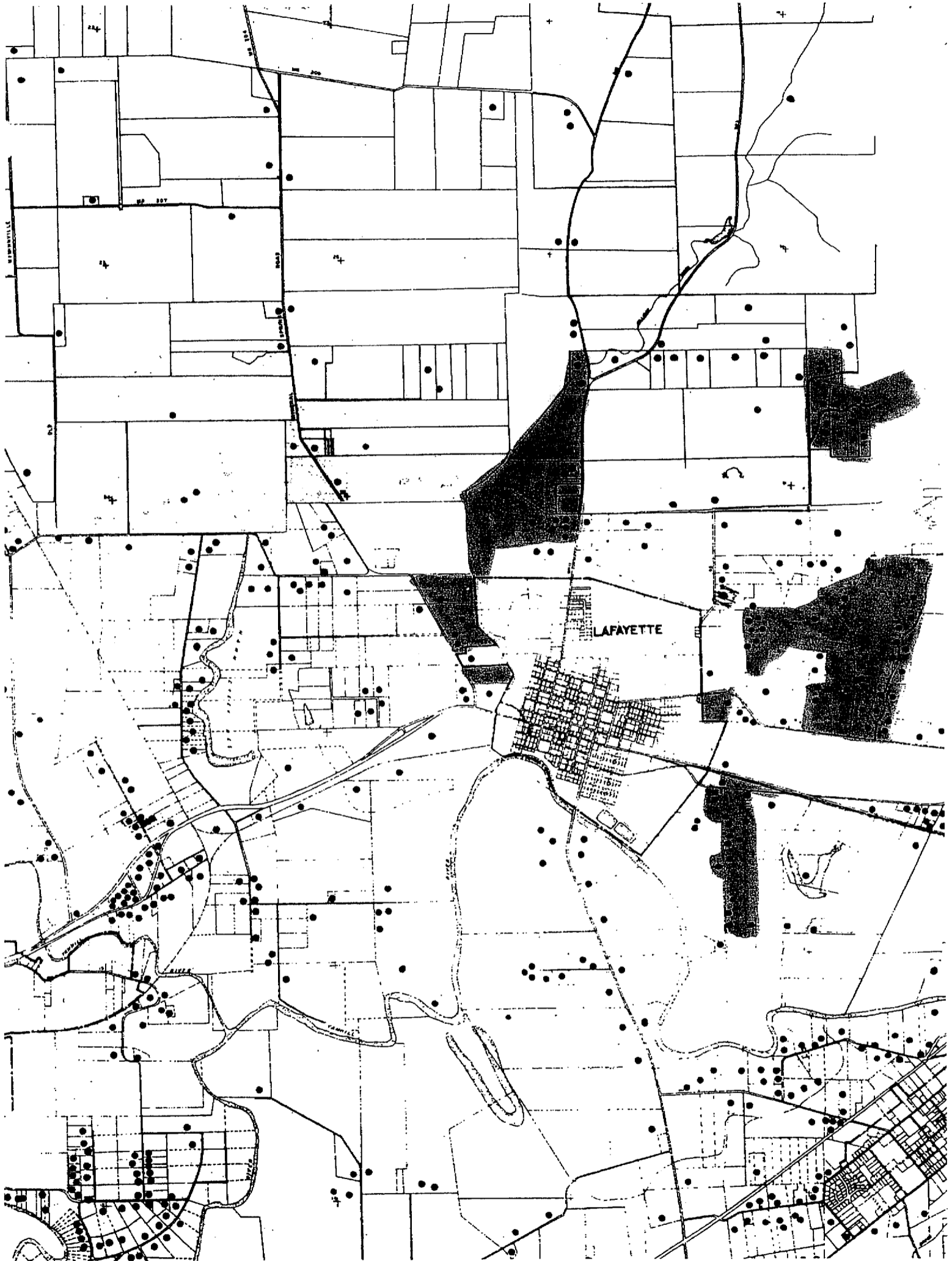
NORTHWEST LAFAYETTE  
MARR ROAD  
LAFAYETTE  
DUNIWAY ROAD

Number of Developed Lots

Zone	1981	1986	1990	1995	June 1999	Total Lots
AF-10	32	34	35	43	44	51
VLDR-2.5	28	45	45	30	32	79
VLDR-1			4	9	12	31

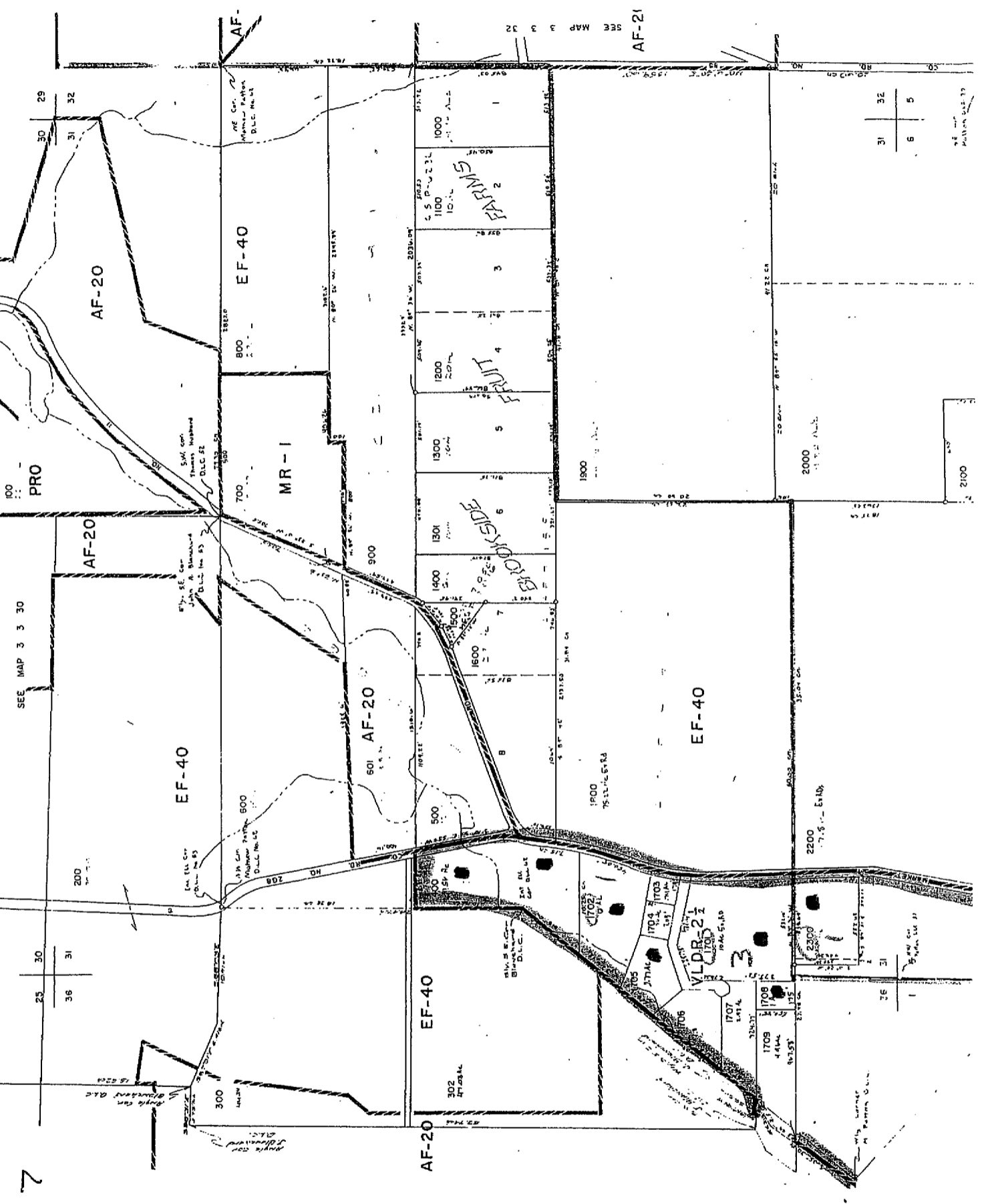
NOTE:

"Total Lots" refers to the number of existing tax lots plus the number of new lots that could be created by partitioning or subdivision.



YAMHILL CITY  
AER DD 167  
CANCELLED 1700

1" = 400'



1995-7

111

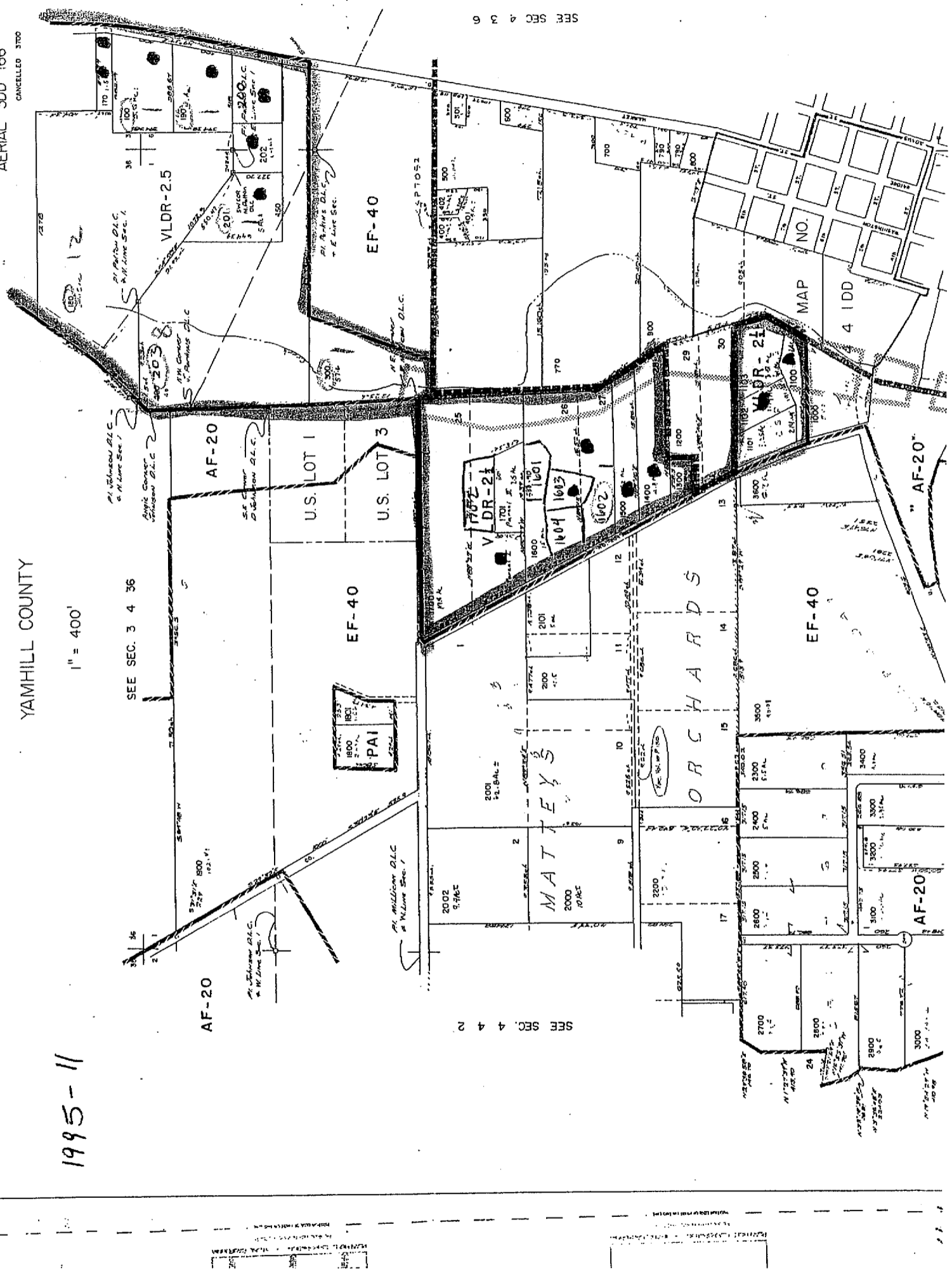


SECTION 1 T.4S 4W. WM.  
YAMHILL COUNTY

1995-11  
AERIAL 3DD 166  
CANCELED 3700

1" = 400'

4 1



SEE SEC 4 3 6

SEE SEC. 4 4 2



1995-28

YAL. COUNTY

2801

1" = 400'

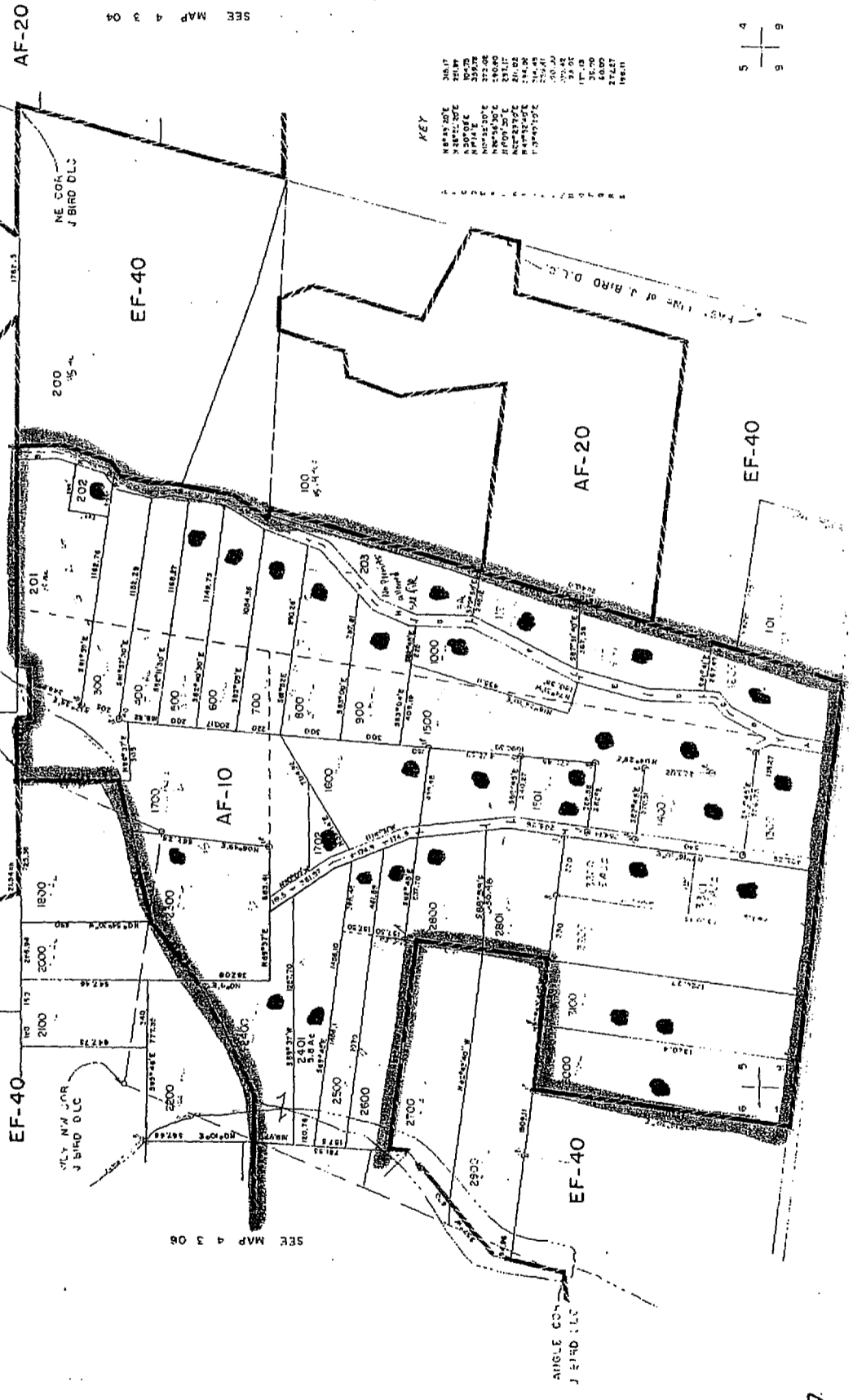
31 32  
6 5

32 33  
5 4



Lon  
AC

Tex Lot Do  
 4001 & 2230  
 201  
 100,203  
 2401  
 LDE



KEY

100	100'
200	200'
300	300'
400	400'
500	500'
600	600'
700	700'
800	800'
900	900'
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4000	4000'
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6500	6500'
7000	7000'
7500	7500'
8000	8000'
8500	8500'
9000	9000'
9500	9500'
10000	10000'

5 4  
9 9

4.7





**CONSENT TO FILE LAND USE APPLICATION**

I hereby certify that I am the owner of Yamhill County Tax Lot 4306-2100. By this document, I hereby consent to the filing of an application for a Plan Amendment from Agriculture Forestry Large Holding to Agriculture Forestry Small Holding and a Zone change from EF 40 to AF 10 on my property by Daryl S. Garrettson of 5370 NE Duniway Rd., Dayton Oregon. This application is for a plan amendment/zone change on Yamhill County Tax Lots 4306-300, 4306-301, 4306-1800, 4306-2000, 4306-2100 and 4306-2200.

Michael E. Scott  
(Signature)

8-6-06  
(Date)

MICHAEL E. SCOTT  
(Name)

P.O. Box 981  
(Mailing Address)

LAFAYETTE, OREGON 97127  
(City/State/Zip code)

**CONSENT TO FILE LAND USE APPLICATION**

I hereby certify that I am the owner of Yamhill County Tax Lot 4306-1800. By this document, I hereby consent to the filing of an application for a Plan Amendment from Agriculture Forestry Large Holding to Agriculture Forestry Small Holding and a Zone change from EF 40 to AF 10 on my property by Daryl S. Garrettson of 5370 NE Duniway Rd., Dayton Oregon. This application is for a plan amendment/zone change on Yamhill County Tax Lots 4306-300, 4306-301, 4306-1800, 4306-2000, 4306-2100 and 4306-2200.

Ronald A Toft  
(Signature)

8-4-2006  
(Date)

RONALD A TOFT  
(Name)

5398 DUNIWAY RD NE  
(Mailing Address)

DAYTON, OR 97114  
(City/State/Zip code)

**CONSENT TO FILE LAND USE APPLICATION**

I hereby certify that I am the owner of Yamhill County Tax Lot 4306-2000 and 4306-2200. By this document, I hereby consent to the filing of an application for a Plan Amendment from Agriculture Forestry Large Holding to Agriculture Forestry Small Holding and a Zone change from EF 40 to AF 10 on my property by Daryl S. Garrettson of 5370 NE Duniway Rd., Dayton Oregon. This application is for a plan amendment/zone change on Yamhill County Tax Lots 4306-300, 4306-301, 4306-1800, 4306-2000, 4306-2100 and 4306-2200.

Glenda DeVors  
(Signature)

8-5-2006  
(Date)

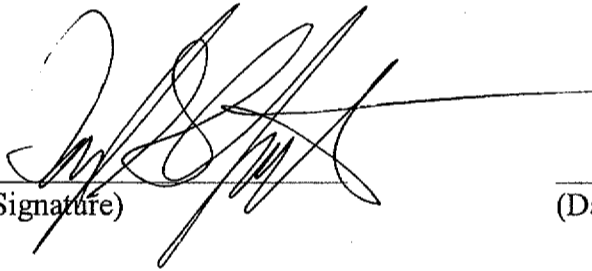
Glenda DeVors  
(Name)

5392 NE Duniway Rd.  
(Mailing Address)

Dayton Ok 97114  
(City/State/Zip code)

**CONSENT TO FILE LAND USE APPLICATION**

I hereby certify that I am the owner of Yamhill County Tax Lot 4306-300 and 4306-301. By this document, I hereby consent to the filing of an application for a Plan Amendment from Agriculture Forestry Large Holding to Agriculture Forestry Small Holding and a Zone change from EF 40 to AF 10 on my property by Daryl S. Garrettson of 5370 NE Duniway Rd., Dayton Oregon. This application is for a plan amendment/zone change on Yamhill County Tax Lots 4306-300, 4306-301, 4306-1800, 4306-2000, 4306-2100 and 4306-2200.

  
(Signature) 8/1/06  
(Date)

Daryl S. Garrettson  
(Name)

5370 NE Duniway Rd.  
(Mailing Address)

Dayton, Or 97114  
(City/State/Zip code)

**Yamhill County**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
 525 NE 4TH STREET • McMinnville, OREGON 97128  
 Phone: (503) 434-7516 • Fax: (503)434-7544 • TTY: (800) 735-2900  
 Internet Address: <http://www.co.yamhill.or.us/plan/>

FORM 1007

Date: October 13, 2006

OCT 23 2006

- To:  Public Works  
 City of Lafayette  
 SWCD  
 Dayton Fire District

YAMHILL COUNTY PLANNING

- Water Master

**RECEIVED**

OCT 17 2006

LAFAYETTE CITY HALL

Re: **Docket PAZ-06-06**  
 Daryl S. Garrettson  
 Tax Lot # 4306-300, 301, 4305-1800, 2000, 2100, 2200

The referenced docket is scheduled to be heard at a public hearing held by Yamhill County's Planning Commission on Thursday, November 2, 2006 at 7:00 p.m. in Room 32 of the Yamhill County Courthouse, 535 E. Fifth St., McMinnville. To consider a request for approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes an exception to Goal 3. The request is on two parcels just to the east and southeast of and including 5370 NE Duniway Road; also, 5384, 5392, and 5398 NE Duniway Road. The enclosed material has been referred to you for your inspection and official comments. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: October 24, 2006.

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below, and provide any comments you wish in the space provided, or on additional sheets.

**PLEASE NOTE**

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization, and make its decision accordingly.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1. We have reviewed the file and find no conflicts with our interests.        | <input type="checkbox"/> 4. We would like to suggest some changes to the proposal.   |
| <input type="checkbox"/> 2. A formal recommendation is under consideration and will be submitted to you by: _____ | <input type="checkbox"/> 5. Please refer to the enclosed letter.   |
| <input type="checkbox"/> 3. Please contact our office immediately.  | <input type="checkbox"/> 6. 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. |

Comments:

NO CITY OF LAFAYETTE MUNICIPAL SERVICES WILL BE EXTENDED FOR ADDITIONAL DEVELOPMENT.

Signed *Diane J. Rulis* Title CITY ADMINISTRATOR



YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

**LAND USE APPLICATION**

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

Docket PAZ-06-06  
 Date 8-8-06  
 Rec'd By Low  
 Receipt # 63970  
 Fee \$ 1300.00

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
<u>Garrettson</u>	<u>Daryl</u>	<u>S.</u>			
Last Name	First	MI	Last Name	First	MI
<u>5370 NE Dunway Rd.</u>			Mailing Address (Street or PO Box)		
<u>Dayton</u>	<u>Or</u>	<u>97114</u>			
City	State	Zip	City	State	Zip
<u>(503) 864-8044</u>			Telephone		
Telephone					
If the applicant is not the legal owner, state interest in property:					
PROPERTY INFORMATION					
Tax Lot(s) <u>4306-300, 301, 2100, 2000, 1800 &amp; 2200</u>			Zone <u>EF-40</u>		
Size of Tract (include all adjacent tax lots) <u>38.8 acres</u>					

1. TYPE OF APPLICATION (what is requested?): Plan Amendment / Zone Change  
AFH to AFSH, EF-40 to AF-10
2. JUSTIFICATION FOR REQUEST YCZO Section(s): See Attached

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

3. Present use of property: Mixed use - predominantly rural residential
4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):  
Four residences with accompanying out buildings, Tax lots 4306-300, 2000, 2100, and 1800
5. Is there a septic system on the property?  Yes  No Tax lots 4306-300, 2000, 2100 & 1800
6. How will water be provided?  Well  City Tax lots 4306-300, 2000, 2100 & 1800
7. How is the property accessed? Private easement off NE Dunway Rd.

8. To your knowledge, do any of the following natural hazards exist on the property? *No.*
- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Floodplain               | <input type="checkbox"/> Areas of erosion                        | <input type="checkbox"/> Steep slopes |
| <input type="checkbox"/> Fish or wildlife habitat | <input type="checkbox"/> Soil limitations for building or septic |                                       |

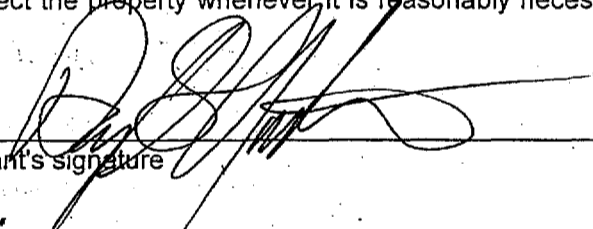
**THE APPLICANT MUST SUBMIT:**

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

**NOTE: Fees are not transferrable or refundable.**

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

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

	<i>8/1/06</i>
Applicant's signature	Date
Property owner's signature (if different)	Date

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_

Notary Public for Oregon  
My Commission expires \_\_\_\_\_

## **B. Public Notice**

# Yamhill County

## DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET • McMinnville, OREGON 97128

Phone:(503) 434-7516 • Fax:(503)434-7544 • TTY: (800) 735-2900 • Internet Address: <http://www.co.yamhill.or.us/plan/>

November 2, 2006 7:00 p.m.  
Room 32 of the Yamhill County Courthouse  
535 NE 5<sup>th</sup> St.  
McMinnville, Oregon

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. All issues and concerns should be raised for consideration by the Planning Commission because an appeal to the Board of Commissioners may be confined to the record of the Planning Commission proceeding. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Planning Commission and/or Board of Commissioners an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. For further information, contact Ken Friday at the Yamhill County Department of Planning and Development, 525 NE Fourth Street, McMinnville, 97128, or at (503) 434-7516.

**DOCKET NO.:** PAZ-06-06

**REQUEST:** Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes an exception to Goal 3.

**APPLICANT:** Daryl S. Garrettson

**TAX LOTS:** 4306-300, 301, 4305-1800, 2000, 2100, 2200

**LOCATION:** The two parcels just to the east and southeast of and including 5370 NE Duniway Road. Also, 5384, 5392, and 5398 NE Duniway Road, Dayton Oregon

**CRITERIA:** Sections 402, 501, 904, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS:** ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.02 of the Yamhill County Zoning Ordinance, as follows:

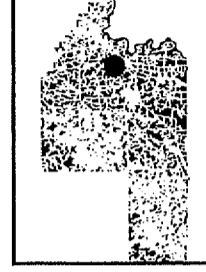
**1208.02 Review Criteria**

*A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:*

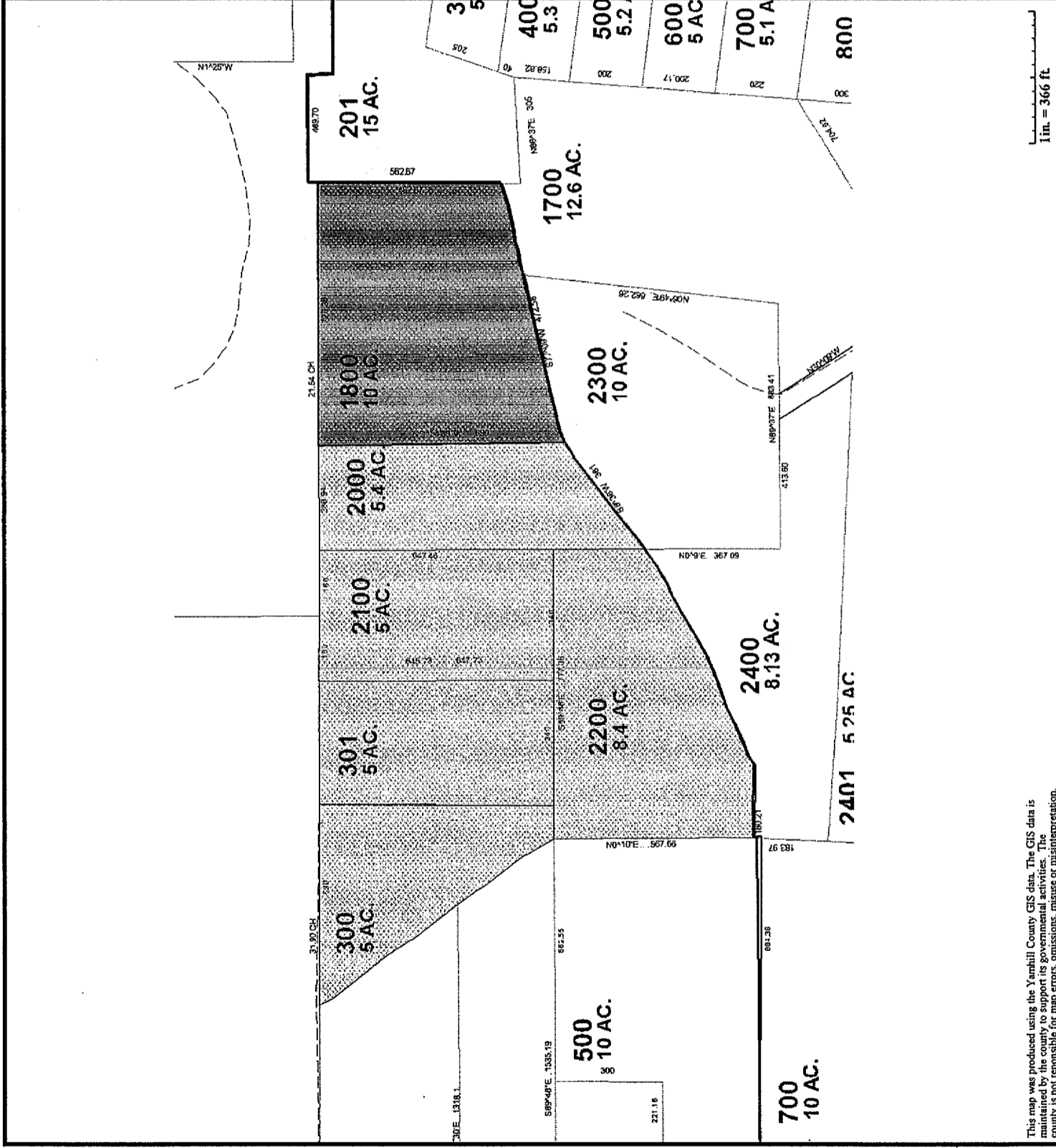
- A. *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
- B. *That there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
- C. *That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
- D. *That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- E. *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

# Yamhill County Map

- County Parks
- County Roads
- County Highways
- BLM Roads
- Private Roads
- Public Roads
- Ferns Panels
- Flood Plain
- A
- ANI
- X-500
- Taxlots
- right of ways
- taxlot lines
- taxlot polygons
- Townships
- Zoning



10/10/2006



1 in. = 366 ft.

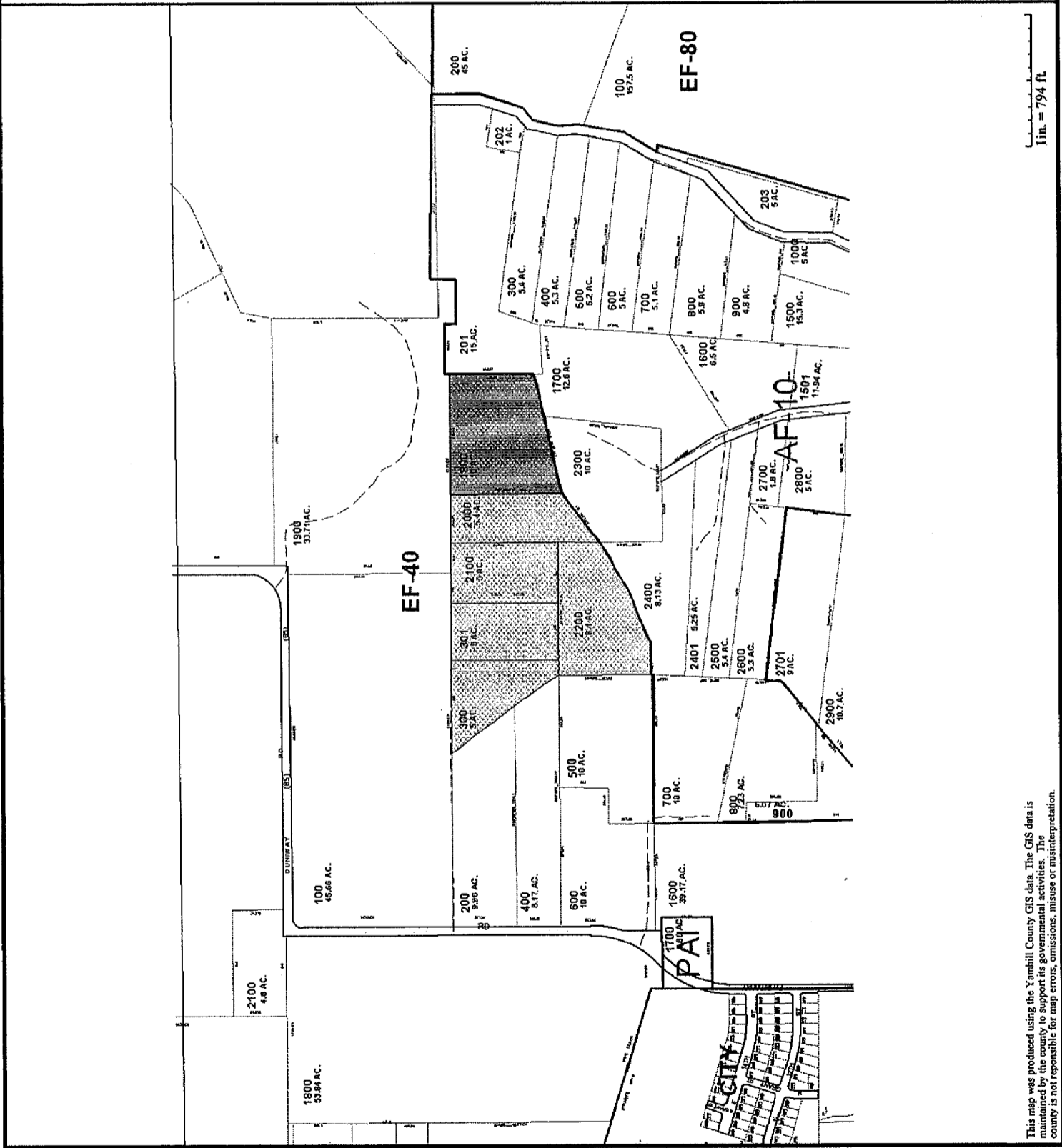
This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

# Yamhill County Map

- County Parks
- County Roads
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10/10/2006

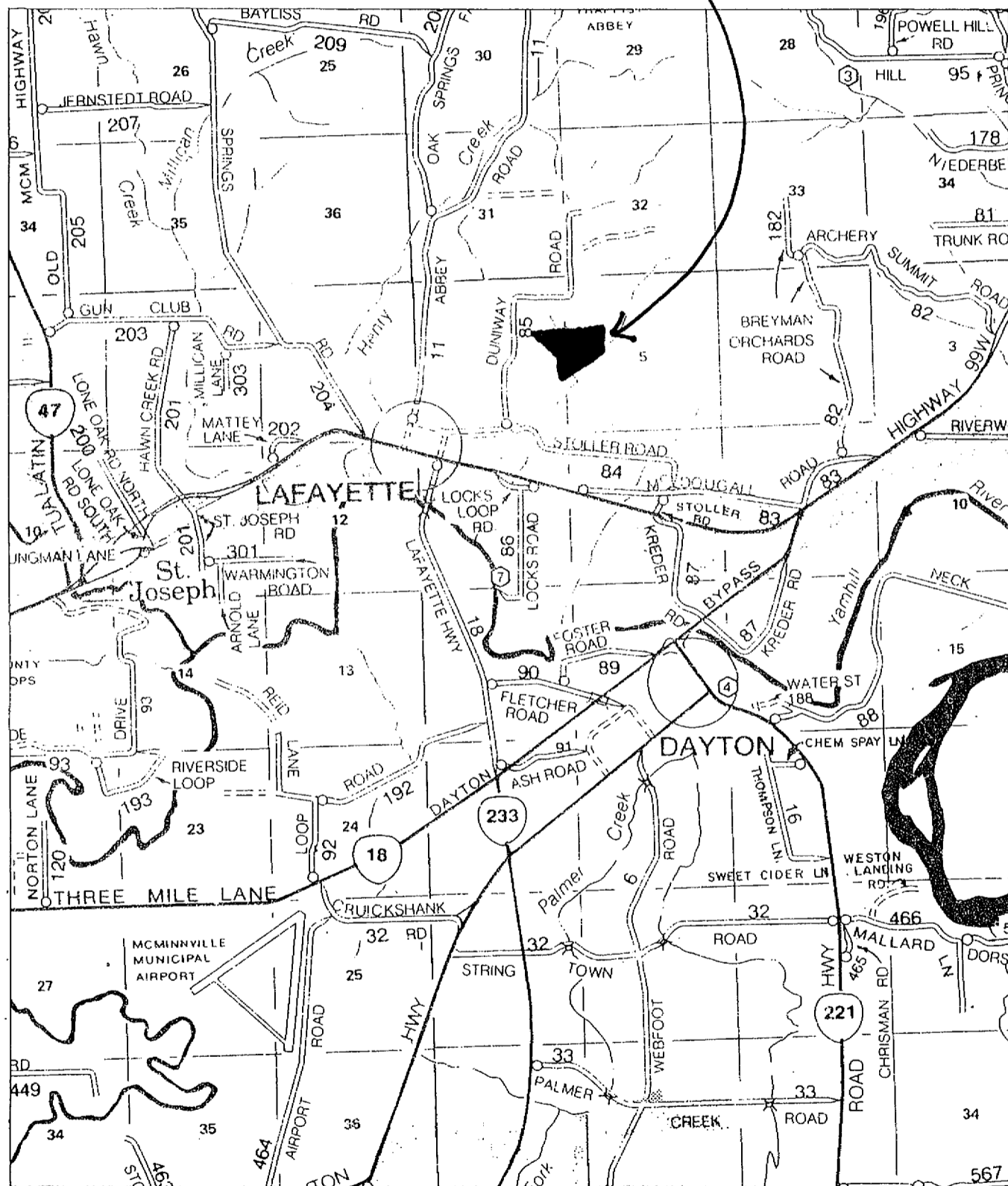


1 in. = 794 ft.

This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

# VICINITY MAP

LOCATION OF PROPERTY





## C. Comments Received

**Yamhill County**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
 525 NE 4TH STREET • McMinnville, OREGON 97128  
 Phone: (503) 434-7516 • Fax: (503)434-7544 • TTY: (800) 735-2900  
 Internet Address: <http://www.co.yamhill.or.us/plan/>

Date: October 13, 2006

To:  Public Works  
 City of Lafayette  
 SWCD  
 Dayton Fire District

Water Master

**R E C E I V E D**  
 OCT 13 2006  
 YAMHILL COUNTY  
 ROAD DEPARTMENT

Re: **Docket PAZ-06-06**  
 Daryl S. Garrettson  
 Tax Lot # 4306-300, 301, 4305-1800, 2000, 2100, 2200

The referenced docket is scheduled to be heard at a public hearing held by Yamhill County's Planning Commission on Thursday, November 2, 2006 at 7:00 p.m. in Room 32 of the Yamhill County Courthouse, 535 E. Fifth St., McMinnville. To consider a request for approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Exclusive Farm Use to AF-10 Agriculture/Forestry Small Holding on approximately 38.8 acres. The request includes an exception to Goal 3. The request is on two parcels just to the east and southeast of and including 5370 NE Duniway Road; also, 5384, 5392, and 5398 NE Duniway Road. The enclosed material has been referred to you for your inspection and official comments. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: October 24, 2006.

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below, and provide any comments you wish in the space provided, or on additional sheets.

**PLEASE NOTE**

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization, and make its decision accordingly.

- |   |  |
|---|--|
| <input type="checkbox"/> 1. We have reviewed the file and find no conflicts with our interests.                   | <input type="checkbox"/> 4. We would like to suggest some changes to the proposal.   |
| <input type="checkbox"/> 2. A formal recommendation is under consideration and will be submitted to you by: _____ | <input checked="" type="checkbox"/> 5. Please refer to the enclosed <sup>comments</sup> letter.  |
| <input type="checkbox"/> 3. Please contact our office immediately.  | <input type="checkbox"/> 6. 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. |

Comments: Prior to allowing new residences their existing access should be inspected to ensure it meets emergency vehicle access standards. This office ~~may~~ can perform the inspection with an associated fee or a private engineer can certify compliance.  
 Signed William A. Lille Title Director of Public Works

