



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

October 5, 2007

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 010-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 19, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

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

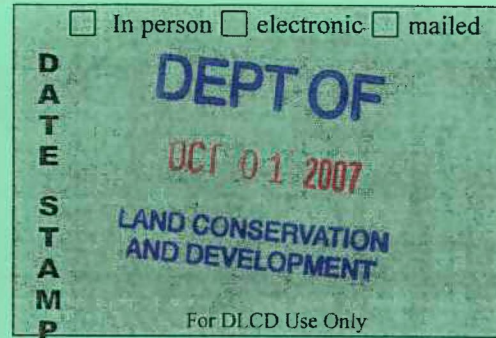
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DLCD

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



Jurisdiction: **Yamhill County**

Local file number: **PAZ-06-07/SDR-06-07**

Date of Adoption: **9/20/2007**

Date Mailed: **9/28/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/15/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Comp plan amendment from AFLH to P Public and a zone change from AF-80 Agriculture/Forestry to PAI Public Assembly Institutional on 8 acres of a 130 acre tract.

Does the Adoption differ from proposal? **No**, no explanation is necessary
Same as proposed.

Plan Map Changed from: **AFLH**

to: **P Public**

Zone Map Changed from: **AF-80**

to: **PAI**

Location: **15580 NW Orchard View Road**

Acres Involved: **8130**

Specify Density: Previous: **1/80 ac**

New: **1/1ac = 10,000 sq ft**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD # 010-07 (16109)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Ken Friday**

Phone: (503) 434-7516 Extension: 3630

Address: **525 NE Fourth St**

Fax Number: - -

City: **McMinnville**

Zip: **97128-**

E-mail Address: **fridayk@co.yamhill.or.us**

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 Complete Copies (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 not 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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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 Public, a zone change)
from AF-80, Agriculture/Forestry to PAI, Public Assembly Institutional,)
Taking an Exception to Goals 3 & 4, and Approving Site Design Review,) Ordinance 817
Docket PAZ-06-07/SDR-06-07, Tax Lots 4502-1100 & 1500, Applicant)
Yamhill Soil & Water Conservation District, & Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on September 19, 2007, Commissioners Kathy George, Mary P. Stern and Leslie Lewis being present.

IT APPEARING TO THE BOARD that Yamhill Soil and Water Conservation District applied for approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Public; and a zone change from AF-80, Agriculture/Forestry to PAI, Public Assembly Institutional, taking an exception to Goals 3 and 4. The applicant requested Site Design Review to establish a resources educational facility.

IT APPEARING TO THE BOARD that the matter was heard at a duly noticed public hearing before the Planning Commission July 19, 2007, which unanimously recommended approval; and a public hearing was held before the Board on September 5, 2007. After hearing testimony from the applicant the Board voted 3 to 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.

DONE this 19th day of September, 2007, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk



Kathy George
Chair KATHY GEORGE

By: Anne Britt
Deputy Anne Britt

Mary P. Stern
Commissioner MARY P. STERN

APPROVED AS TO FORM:

Leslie A. Lewis
Commissioner LESLIE LEWIS

Rick Sanai
Rick Sanai, Assistant County Counsel

Findings Exhibit "A"

Docket: PAZ-06-07/SDR-06-07 (Yamhill Soil and Water Conservation District)

DOCKET NO.: PAZ-06-07/SDR-06-07

REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Public; a zone change from AF-80, Agriculture/Forestry to PAI, Public Assembly Institutional. An exception to Goals 3 and 4 is also required. The applicants have also requested Site Design Review in order to establish a natural resources educational facility.

APPLICANT: Yamhill Soil and Water Conservation District

TAX LOT: 4502-1100 and 1500

LOCATION: 15580 NW Orchard View Road, McMinnville

CRITERIA: Sections 801, 1101 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.

FINDINGS:

A. Background Facts:

1. *Tract size:* 130 acres. The tract is composed of Tax Lots 4502-1100 and 1500. The Comprehensive plan amendment and the zone change involves approximately eight acres on Tax Lot 4502-1500.
2. *Access:* Orchard View Road, a paved county road.
3. *On-site Land Use:* Land use on the site has been forestry, farming, and a single family residence. Plans are to keep forestry and agricultural zoning and practices intact over nearly the entire property. Eight acres surrounding the existing home site is requested to be re-zoned to Public Assembly Institutional zone to allow public access and the ability to conduct educational events. Trails will provide access for students to demonstration projects and study areas located throughout the property. The land known as Miller Woods was bequeathed to Yamhill Soil and Water Conservation District by Frieda Miller in 2004. There are 94 forested acres and 36 acres in pasture and hay. A diverse timber stand of varying ages occupies the timbered portion of the property. Several old growth trees, ponds, and a stream can be found there. Located three miles west of McMinnville, Miller Woods is owned and operated by Yamhill SWCD. Access and use of the property will be by appointment and/permission only. Miller Woods is being developed to provide

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opportunity for all ages to learn about forestry, wildlife, soils, watershed health, and native plants. The submitted plan describes the following proposed activities:

- a. **Forest lands** (94 acres) will be managed for a sustainable yield of timber and to maximize wildlife habitat. No buildings or structures are planned for lands currently zoned forestry. A trail system throughout the forest is being developed along with interpretive educational materials that can be taught along the trails. A forest stewardship plan has been developed to manage the timber and wildlife aspects of the forest.
 - b. **Agricultural lands** (35 acres) include several hayfields which will be in production and harvested each summer. A 1/3 acre native willow block has been planted in the corner of a hay field for conservation project plant material. Additional crops may be grown.
 - c. **Residential lands** (1 acre) includes the following structures. **Property Managers Residence** - 3 bedroom home for property manager.
4. *Surrounding Land Use:* The area contains a mixture of farm, forestry and rural residential uses. Property to the north, east and west contains parcels of around 20 acres that are forested. The parcels to the south are in rural residential use.
 5. *Surrounding Zoning:* Land to the north, east and west is zoned AF-40 and AF-20, Agriculture/Forestry use. Land to the south is zoned VLDR-2.5, Very Low Density Residential use. Land to the east is zoned EF-40, Exclusive Farm use. There are two county parks located approximately 600 feet to the north of the subject parcel. These parks are zoned PRO, Parks, Recreation and Open Space use.
 6. *Water:* Is provided by an on-site well and a developed spring.
 7. *Sewage Disposal:* To be provided by a on-site septic systems.
 8. *Fire Protection:* McMinnville Rural Fire District
 9. *Soils:* The Yamhill County Soil Survey indicates the tract contains 57% of Jory (JrC and JrD) and 9% of Willakenzie (WkD) agricultural Class II and III prime and high-value soils. Further, 32% of the parcel is composed of Olyic (OLE and OLF) and 2% of Wapato (Wc) agricultural Class III and VI non-high value soils. The 8-acre portion of the tract that is subject to this proposal contains 100% of Jory (JrC) agricultural Class II prime soil. The timber capability for Olyic soils 160 cubic feet per acre per year, for Jory soils are 155 cubic feet per acre per year and for Willakenzie soils 145 cubic feet per acre per year.

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10. *Taxes:* The entire tract is taxed at market value.
11. *Previous Actions:* None.
12. *Floodplain:* FIRM 410249 300C, shows that the property is not within the 100-year flood hazard area.
13. *Fish and Wildlife:* The property is not identified on any county adopted map as being in any critical fish or wildlife habitat. The property is located in the peripheral big game winter range.
14. *Narrative:* Yamhill Soil and Water Conservation District seeks to re-zone eight (8) acres of its 130-acre Miller Woods property from residential, agricultural, and forestry use to Public Assembly Institutional. This zone change would support development of Miller Woods as an educational resource. The remaining 122 acres will remain zoned agriculture and forestry and involves no construction as outlined in the Miller Woods Development Plan.

The district's goal is to provide a unique place to learn about natural resources and to inspire the members of our community to become more responsible and caring stewards of our natural resources. Educational activities such as outdoor schools, tours, and demonstrations will be organized as outlined in the Miller Woods Education Plan. Activities to support Miller Woods such as fund-raising events and awards ceremonies will also be organized.

After full development Miller Woods is expected to receive close to 10,000 visitors per year which includes visits from staff, volunteers, and service organizations to maintain the property. Most events will be small. The peak use will be 150 people per day as outlined in the development plan. Restroom facilities are being designed to fit this peak use.

To support educational goals, a meeting room for adult use only will be established that is attached to the current residence along with office space for two staff or volunteers. Bathrooms will be designed to fit the meeting area and for peak use events (150 people) and be located near the parking area. An open sided teaching shelter will allow up to 125 students and teachers to get out of the weather. In the long-term a multi-purpose building may be designed and constructed on the site if educational needs justify this construction.

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.*

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- (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.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.

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

Additionally, Policy II.A.2.a states: Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

As noted above, the property is predominantly rated as having Class II and III soils, with lesser amount of Class VI soils, which are designated as prime and high-value farmland.

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Further, the 8-acre portion of the tract that is subject to this proposal contains 100% of Jory (JrC) agricultural Class II prime soil. Additionally, the property has a relatively high site suitability for timber production. The Board finds it is more suitable to rezone for the proposed use than maintain the present zone.

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.

No objections were raised related to neighboring farm or forestry uses. There certainly are farm and forestry uses which exist in the vicinity. There are some uses, like spraying, that may conflict with the proposed use. Having the applicant sign and record an affidavit acknowledging the rights of neighboring properties to do farm and forestry uses would be appropriate.

3. Regarding criterion (B), the Board finds that Miller Woods is a unique place that can meet community needs for learning about the natural resources that are important to the county and the entire northwest. The property will be available to public and private schools, organizations, associations and the general public. The site will also bring citizens in touch with nature and teach responsible management. Two other sites are similarly zoned and situated within an approximately five mile radius of the Miller Woods property. These properties are Rainbow Lake (a county park), and Camp Smith (a privately owned parcel used by local Boy Scout Troops).

Miller Woods has a greater diversity of habitats than either of the above mentioned sites which is useful when teaching about wildlife habitat. The Miller Woods site is also more accessible to McMinnville (approximately 4 to 6 miles from McMinnville). Miller Woods has existing accommodations for an on-site caretaker. This distinguishes the site from the other public site - Rainbow Lake. An on-site caretaker reduces the risk of vandalism and also allows development of more in-field demonstrations and signage, etc. to support educational activities. Many such features were installed at Rainbow Lake in the past and were destroyed by vandalism. The Camp Smith site is primarily being used for overnight and weekend camping by scout and church groups. This fills a need but is not focused on education of citizens about natural resources.

A study was conducted under contract for Yamhill SWCD to determine potential property users and what types of programs would be in greatest demand once Miller Woods is developed. The following groups were identified:

Educational Groups

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The largest and most diverse group using Miller Woods with an expected 3000+ visits per year. Primary users will be the McMinnville School District and surrounding schools, Linfield College, home and private schools, Boy Scouts, 4H, and others.

Partnering Agencies

Other SWCD's, USDA, ODF, and other partners have expressed an interest in using Miller Woods for training to orient new employees to the northwest area and commonly used conservation practices.

Service Organizations

Service organizations have shown an interest in providing support to ongoing maintenance of Miller Woods and developing portions of it such as special events areas, etc. Many of these groups have ongoing service requirements and these could be matched with ongoing needs.

Members

Members would be individuals that wished to be a part of Miller Woods and use the trail system occasionally. Membership would have a fee which would be an important part of supporting Miller Woods over time. Members would also be encouraged to volunteer and would be invited to special events, etc.

Volunteers

Volunteers will play a critical role in operating Miller Woods which is typical for this type of organization. There will be limited funds for paid staff. A strong volunteer coordination program needs to be developed so that volunteers can complete most of the work.

Projected Educational Users of Miller Woods at Full Operations

User Group	Projected Visits Per year	Unique Visitors Per Year*	Primary Purpose
Educational Groups	3120	1500	Education program delivery
Partnering Agencies	248	100	Skills training
Service Organizations	1212	100	Service
Members	5200	100	Nature hiking
Volunteers	1120	200	Service
Totals	10550	2000	

* Unique visitors per year = the number of separate individuals visiting Miller Woods each year.

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4. Regarding criterion (C), the proposed change needs to be 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. In response to this criterion the application explained that this property/site, has the existing necessary resources of water supply and soils to support an onsite septic system, to provide for the anticipated uses and will not require extension of water or sewer services from urban areas.

Several needed improvements have been made to accommodate larger groups in a safe manner. Improvements have begun to widen the existing driveway to a 20 foot running surface plus ditches. To facilitate this project, land was purchased and an easement was established for the entrance to Orchard View Road. The meeting room was rewired by a bonded electrician and prepared for small meetings and educational events to be held there. Out-buildings have been secured to prevent public access.

Regarding the availability of utilities and services in the area, the lots in the surrounding area have on-site systems for sewer and water. Other services such as electricity, telephone, sheriff and fire protection already serve the existing residents in the area.

Finally, the area is surrounded on three sides by activities that will be the subject of experiences on the site taught to the general public. The participants of the instructional material presented on-site will be taught about nature and practices that happen on farm or in forestry operation as it happens in the surrounding area. The parcels to the south are in rural residential uses. The property owners from these and other parcels can enjoy the education provided on the subject property to practice it in smaller scale on their own properties.

5. Regarding criterion (D), see Finding B.3. The application states that there are two other nearby sites, with a PAI zone, Rainbow Lake and Camp Smith. Rainbow Lake is dedicated for use by youth only and Camp Smith is a privately owned parcel used primarily for Boy Scout Camping outings. In addition to being limited for specific uses, both sites are not as well suited for the proposed use of serving a diverse range of community users, young to old, public to private organizations, and would not be able to provide all of the necessary range of natural resource experiences and demonstrations of forest, farm and natural habitats all on one property.
6. Regarding the criterion (E), an exception to Goals 3 and 4 will be required, as addressed in Section C of these findings below. The Board finds that the planned use needs to be located on resource land (farm/forest), to provide a site where a variety of active resource management can be observed, experienced and demonstrated at one site.

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 "reasons" exception. Exception to Goals 3 and 4 must be addressed.

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2. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking goal exceptions. OAR 660-004-0020 contains four factors that must be addressed when taking a "reasons" exception to statewide planning Goals 3 and 4. They are:
 - (a) *Reasons justify why the state policy embodied in the applicable goals should not apply. The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;*

Regarding factor (a), the application states that they would like to rezone eight (8) acres of its 130 acre Miller Woods property from agricultural, and forestry zoning to Public Assembly Institutional. This zone change would support development of Miller Woods as an educational property. The district would like to develop a site to provide education related to its primary natural resource concerns: soils, water, forestry, and plant and animal habitats. Miller Woods provides a unique site to provide this type of natural resource education.

In this case the Miller Woods property is located within three miles of McMinnville's Urban Growth Boundary (UGB) - necessitating application for a goal exemption. Close proximity to McMinnville will allow utilization of the property by schools and by Yamhill County residents.

The eight acres planned for re-zoning is centrally located on the 130 acres of resource land owned by the district. The remaining 122 acres will remain in active forestry and agriculture land uses.

The site is uniquely situated in the valley foothills, right on the boundary of the major resource use areas, of forest, farm, natural habitats and urban interface. This unique setting provides quality, educational opportunities to observe, experience and study, active natural resource management, all on one property.

The forest floor has a variety of native shrub and forest cover, containing over 150 species of plants. More than 80 bird species use the forest and field habitats of this property. Deer and elk and a large variety of small mammals, reptiles and amphibians can be observed in their natural habitats.

About 90 acres of the property has a conifer and hardwood forest cover that can be managed and protected for diverse uses; special wildlife habitats, watershed values, sustained yield wood production, scenic and nature viewing, old forest values and management practice demonstrations, experimental and study sites. This 90 acres includes riparian areas, with springs, perennial stream flow and a fish bearing stream. Nature trails loop around and through the forest sites to provide access for nature viewing and study opportunities.

Hay production is practiced on 25 acres and is available for other agricultural uses; includes a small cutting block of native willows, to produce plant materials for conservation plantings and a multiple use pond for storage of irrigation and fire protection water and habitat for wildlife and fish.

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Sites on the valley floor and within urban areas, can not provide the quality and variety of site conditions that this 130 acre property can provide.

The proposed uses can be accommodated on this resource land with out conflicts to the existing uses on this and adjacent properties or long term environmental consequences.

While the property is resource land and the application does not try to state otherwise, on the contrary, the applicant is proposing to keep the parcel operating as resource land, the proposal contains reasons why this property is suited for the use proposed by the applicant and some reasons why it would be desirable to site the facility at this location. The decision-makers would need to determine if these reasons are enough to justify a reasons exception.

3. Factor 660-004-0020(b) requires the applicant to demonstrate:

(b) *Areas which do not require a new exception cannot reasonably accommodate the use.*

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

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

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

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

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

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

C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically

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

In factor (b) above, the Board finds that the proposed use cannot reasonably be accommodated in areas that do not require an exception. As noted in Finding B.3, the applicant has identified two other PAI zones and has shown that they are unavailable. Further, the application states that the site has special features and qualities that necessitate its location on the proposed exception site. The Board so finds.

By nature, there are no sites within the UGB that are as diverse as the subject parcel upon which to conduct natural resource education. Miller Woods has representative soil and water resources, active forestry and agriculture being practiced on the land, and a diversity of plant and animal habitats. It also has the space necessary to conduct the proposed activities without adversely impacting neighbors.

The Board finds proposed use can not reasonably be accommodated without the provision of a public facility. The landowner, Yamhill SWCD, is a public organization which makes Miller Woods publicly owned. There is no other organization, private or public, that is working to provide natural resource education to such a broad audience.

4. Factor 660-004-0020(c) requires the applicant to demonstrate:

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

Regarding factor (c), the application addresses these factors as follows:

Economic - Since only eight (8) acres of a small irregularly shaped hay land will be removed from the agriculture base of the county - no effect short or long-term impact is anticipated. The remainder of the property will remain in forestry and agriculture production. Land values of adjacent properties would be expected to increase due to the open space value provided by Miller Woods. The presence of Miller Woods, operating as a

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natural resource education center, is expected to generate income from \$25,000 to \$75,000 per year from grants and foundations, and from fund-raisers. These funds will be used to maintain Miller Woods as a public resource and educational venue.

Social - No negative affects are expected. The focus of the property will be to strengthen the relationship between people and the surrounding natural resources. Adjacent landowners have been included in the formation of the Strategic Plan and all have been favorable to date. There are several positive aspects to having an outdoor education area close to McMinnville. Service groups such as Oregon Youth Corps, Boy Scouts, several churches, and others have already completed service projects at the site.

Energy - No adverse energy affects are expected. The energy needs of a farm on 130 acres would likely exceed those of a nature center. The close proximity to McMinnville and central location within Yamhill County would mean that minimal fuel would be used by people interested in using the site.

Expected Impacts - the 8 acres proposed to be re-zoned is located in the center of the Miller Woods property. The surrounding land will remain in forestry and agriculture uses which is consistent with surrounding resource lands.

No impact is expected to the water table. The largest water use associated with development of Miller Woods will come from an already developed spring. Currently the flow from this spring runs off as surface water. A water right change allowing the use of the spring from irrigation to domestic use will need to be applied for and filed.

Road impacts are expected to be minimal since the largest events will involve buses (up to 5 at one event). Vehicle traffic for an estimated average of 50 vehicles per day spread over an eight hour period (average 6.25 vehicles per hour).

No adverse impacts are expected to special service districts such as Sheriffs Department, Fire Department, and schools.

5. Factor 660-004-0020(d) requires the applicant to demonstrate:

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

Regarding factor (d) the Board finds the proposed uses are compatible with other adjacent uses or can be so rendered through measures designed to reduce adverse impacts. As noted above, a statement signed and recorded in the Yamhill County Clerk's office acknowledging that the surrounding area is zoned for and in farm and forest use is required as a condition of approval. No adjacent property owner has identified a conflict with their farm or forest operation. Further the application states that the proposed area for re-zoning (8 acres) is in the center of the Miller Woods 130 acre property. The remaining 122 acres will remain in forestry and agricultural zoning which is consistent with adjacent properties. Resource management activities conducted on Miller Woods forest and farm land will be very similar to adjacent lands.

Educational activities such as outdoor schools and tours at the Miller Woods site will be conducted during daylight hours. No overnight camping or lodging will be conducted.

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Some meetings in the proposed conference room will extend into the evening hours but these will generally be concluded by 9 PM.

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 applicant has not submitted a traffic study. The Yamhill County Public Works Department recommended that the applicant should review their access for suitability for school buses.

E. Limited Use Overlay Provisions

1. OAR 660-04-18(3)(a) states that when a reasons exception is taken, plan and zone designations must limit uses to only those that are justified in the exception.
2. Section 904.03 of the YCZO contains provisions for limited use overlays. It states:
 - (A) *When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.*
 - (B) *The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.*
 - (C) *Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.*
 - (D) *Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.*
3. The application is to allow natural resources educational facility. This will be recommended as part of the limited use overlay. In addition, in order to help assure

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compatibility with the surrounding agricultural uses prior to operation of the facility the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."

G. Site Design Review Criteria

1. Section 1101 for Site Design Review requires consideration of the following factors in the review of site development plans:
 - (a) *Characteristics of adjoining and surrounding uses;*
 - (b) *Economic factors related to the proposed use;*
 - (c) *Traffic safety, internal circulation and parking;*
 - (d) *Provision for adequate noise and/or visual buffering from incompatible uses;*
 - (e) *Retention of existing natural features on site; and*
 - (f) *Problems that may arise due to development within potential hazard areas.*
 - (g) *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*
2. Regarding consideration (a) above, the adjoining and surrounding uses are predominantly farm and forest and rural residential uses. The proposed use is to provide natural resources educational opportunity. The use would promote the agricultural and forestry resource management. With approval of a zone change and placement of appropriate conditions of approval the use could be consistent with the uses in the surrounding area.
3. Regarding consideration (b) above, there have been no economic factors that have been identified that prevent the use of the parcel for the proposed use. The applicants will be required to obtain regular building and septic permits for the proposed uses and have the building inspected by the local rural fire chief.
4. Regarding criterion (c), it does not appear that the Public Works Director is concerned with the capacity or level of service for Orchard View Road by the proposed use. The parcel is of sufficient size to accommodate parking and allow for appropriate internal circulation of traffic.
5. Regarding consideration (d), the traditional farming activities on site as well as off-site, will generate noise typical of farm uses. The educational facility will generate some noise, but is not expected to be greater than the noise of a typical farming operation. No noise or visual buffering is needed for the proposed use.
6. Regarding consideration (e) above, there are no significant natural features on-site that need to be preserved.
7. Regarding consideration (f) above, there is no additional hazard area that has been identified on the zoning map.

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8. Regarding consideration (g), notice of the proposed development was sent to the surrounding property owners and published in a newspaper of general circulation. No objections have yet to be voiced to the proposed use.

CONCLUSIONS. The Board finds:

1. The request is for a Comprehensive Plan amendment and zone change from Agriculture/Forestry use, AF-80 to PAI, Public Assembly/Institutional use 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 is justified because the property will remain in productive farming/forestry operation, and the proposed use contribute to the parcel being suitable for a "reasons" exception.
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.

DECISION:

The application by the Soil and Water Conservation District for a comprehensive plan amendment and zone change to rezone approximately 8 acres from AF-80 to PAI Public Assembly/Institutional is hereby approved with a limited use overlay zone that limits the use to an educational facility. The site design review is hereby approved with the following conditions:

1. All permits required by Yamhill County for building construction, septic, and electrical installation shall be obtained for construction of the expansion.
2. The applicant shall obtain access approval for any new road approaches onto a county road from the Public Works Department.
3. Prior to use of the property, the water supply, access and public buildings will be required to be inspected by the McMinnville Rural Fire Chief to assure that they satisfy minimum safety standards.
4. The applicant shall obtain any required water right permits from the Water Resources Department (WRD).
5. The landowner to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."

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