

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE FOURTH STREET, McMinnville, OREGON 97128-4523

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NOTICE OF PUBLIC HEARING ON REMAND OF ORDINANCE 904

March 7, 2019, 10:00 a.m.
Kent L. Taylor Civic Hall
200 NE 2nd Street
McMinnville, Oregon

The YAMHILL COUNTY BOARD OF COMMISSIONERS will hold a public hearing on March 7, 2019 at 10:00 a.m. at the above specified location, to address a remand by the Land Use Board of Appeals (LUBA), of Ordinance 904 (Planning Docket G-01-18). Ordinance 904 is an amendment to the text of the County Transportation System Plan, which is part of the Yamhill County Comprehensive Land Use Plan. Ordinance 904 acknowledges county ownership of a 12.48-mile segment of a former Union Pacific Railroad corridor and establishes conditions for development of a recreational trail within a 2.82-mile segment of the corridor that runs between the cities of Yamhill and Carlton. The matter may be heard later than the time indicated, depending on the agenda schedule. **Interested parties are invited to send written comments within the scope of the remand described below to the Planning Department prior to the hearing, or may deliver written comments or testify orally to the Board, at the hearing.** The address of the Planning Department is 525 NE Fourth Street, McMinnville, Oregon 97128, or comments may be submitted to planning@co.yamhill.or.us.

All issues and concerns within the scope of the remand must be raised in writing before the hearing or prior to the close of the hearing on March 7. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (9 copies) at the hearing. *Please note: depending on the number of individuals that would like to testify, the Commissioners may place a time limit on testimony.* Failure to raise an issue regarding the remand, by submittal of written testimony prior to or at the hearing or by submittal of oral testimony and/or evidence at the hearing sufficient to allow an opportunity to respond to the issue, precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and other parties, as well as the applicable criteria, are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Board of Commissioner's office (503) 434-7501, if you will need any special accommodations to attend or participate in the meeting. For further information, contact the Yamhill County Department of Planning and Development, 525 N.E. Fourth Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: G-01-18 (remand)

REQUEST: Consideration on remand of Ordinance 904, relating to the Yamhelas Westsider Trail. The original application was for a Comprehensive Plan text amendment. LUBA's remand requires that the county conduct a quasi-judicial hearing, pursuant to Yamhill County Zoning Ordinance (YCZO) sections 402.04(N), 402.07(A) and Section 1301. The remand also requires that the county address the conditional use standards of YCZO 1202. The county has already addressed YCZO 402.07(A) (see also ORS 215.296 on which YCZO 402.07(A) is based) but will accept additional testimony and evidence regarding those standards. **The record of the proceedings to adopt Ordinance 904 is part of the record on remand. If you submitted evidence in the proceedings to adopt Ordinance 904 you may submit new evidence and testimony, but you do not need to resubmit testimony previously submitted.**

APPLICANT: Yamhill County

TAX LOT: 4403-01300

LOCATION: Entire corridor extends from just south of Gaston, to just south of Gun Club Road. This application is for the 2.82 mile segment between Carlton and Yamhill.

CRITERIA: Yamhill County Zoning Ordinance (YCZO) sections 402.04(N), 402.07(A) (ORS 215.296), 1301, 1202

SCOPE OF HEARING:

The hearing will be limited to accepting oral and written testimony and evidence on any issue that was not resolved by the Land Use Board of Appeals in its Final Opinion and Order in *Van Dyke v. Yamhill County*, LUBA No. 2018-061. Specifically allowed and encouraged is testimony and evidence addressing YCZO 402.07(A)(1) and (2) (ORS 215.296) and YCZO 1202.02. YCZO 402.07(A) is the local version of ORS 215.296. It states that:

“A. In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:

1. The use will not force a significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.”

YCZO 1202.02 states:

“A conditional use may be authorized, subject to the Type B application procedure set forth in Section 1301, upon adequate demonstration by the applicant that the proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria;

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- E. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
- F. The use is or can be made compatible with existing uses and other allowable uses in the area.”

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.