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 the Repeal of Ordinance 904, Adopted by the Board on May 31, 2018, Planning Docket G-01-18, on Remand from the Land Use Board of Appeals | ) ) ) ) | Ordinance 908 |

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 28, 2019, Commissioners, Richard L. "Rick" Olson, Mary Starrett and Casey Kulla being present.

WHEREAS, in 2012, by Ordinance 880, the county amended its Transportation System Plan "to Accommodate the Yamhelas 'Rails to Trails' Project," and established county support for "the Hagg Lake to McMinnville Rail With Trail Project (Yamhelas Westider Trail Project)," indicating that the county "considers [the project] important to both the County's rail and trail/bikeway systems" and to be a "priority" for construction; and

WHEREAS, in November, 2017, the county, using grant money obtained from the Oregon Department of Transportation and the Oregon Department of Parks and Recreation, purchased an approximately 12-mile segment of (generally) 60-foot wide rail corridor from the Union Pacific Railroad and has obtained from private donors additional connecting easements; and

WHEREAS, on May 31, 2018, the Board adopted Ordinance 904, amending the county's Transportation System Plan, part of the Transportation Element of the county's Comprehensive Land Use Plan, to recognize the county's purchase; to adopt findings addressing farm impacts; and to establish conditions for the develop a multi-modal trail in the segment of corridor from Highway 240/Main Street, Yamhill, to the City Limits of the City of Carlton; and

WHEREAS, by a Final Opinion and Order issued on December 20, 2018, the Land Use Board of Appeals (LUBA), a state agency, remanded Ordinance 904 to the county after concluding that the proposed trail is a conditional use in the county's EFU districts and must be considered by the county under quasi-judicial hearing rules; and

WHEREAS, following quasi-judicial procedures, the Board held a remand hearing on Docket G-01-18 on March 7, 2019. The record remained open for additional written comments until March 14, 2019; for rebuttal until March 21, 2019; until noon on March 25, 2019 for the applicant's 'final word'; and to March 28, 2019 for deliberation by the Board; and

WHEREAS, no state law or county ordinance requires that the county grant conditional use approval by ordinance—the county grants conditional use approval through issuance of a Board Order; and

WHEREAS, following instructions in LUBA's remand order, there is no basis or reason for the county to amend its comprehensive plan to approve Docket G-01-18, because the Yamhelas Westsider Trail is already recognized as a priority transportation improvement under the county's Comprehensive Plan, pursuant to Ordinance 880, NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Ordinance 904 is hereby repealed.

DONE this 28th day of March, 2019, in McMinnville, Oregon.

ATTEST

BRIAN VAN BERGEN
County Clerk

By: Carolina Rook
Deputy Carolina Rook

FORM APPROVED BY:

Christian F. Boenisch
County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. "RICK" OLSON

Unavailable for signature

Commissioner MARY STARRETT

Commissioner CASEY KULLA