

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 Zone Change from EF-20)
Exclusive Farm Use, to AF-20 Agriculture/Forestry,) Ordinance 885
Applicant Bryce Roberts, Tax Lot 5420-300, Planning)
Docket Z-01-13, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on October 24, 2013, Commissioners Kathy George and Mary P. Stern being present, Commissioner Allen Springer excused.

IT APPEARING TO THE BOARD that Bryce Roberts applied for a Zone Change from EF-20, Exclusive Farm Use to AF-20, Agriculture/Forestry; and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on October 3, 2013, and voted unanimously to approve the application, NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS: that the application is approved for the reasons stated in the findings attached as Exhibit "A" and incorporated into this Ordinance by this reference. The Yamhill County Zoning Map is amended as shown in Exhibit "B," also incorporated into this ordinance by reference. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DONE this 24th day of October, 2013, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

By: *Anne Britt*
Deputy Anne Britt



Kathy George
KATHY GEORGE

Mary P. Stern
MARY P. STERN

APPROVED AS TO FORM:

Unavailable for signature

Todd Sadlo
Todd Sadlo, Assistant County Counsel

Commissioner ALLEN SPRINGER

**EXHIBIT A – ORDINANCE 885
FINDINGS FOR APPROVAL**

DOCKET NO.: Z-01-13

REQUEST: Zone change from EF-20, Exclusive Farm use to AF-20, Agriculture/Forestry

APPLICANT: Bryce Roberts

TAX LOT: 5420-300, Lot 22 of Amity Heights Subdivision

LOCATION: North of property addressed 4047 SE Rice Lane, Amity

CRITERIA: Sections 402, 403 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

COMMENTS: **Public Works** - No response.
SWCD - No response.
Amity Rural Fire Department - No conflicts.
DLCD - No response.
City of Amity- No conflicts.
Water Master - No response.

FINDINGS:

A. Background Facts:

1. Property size: Approximately 6.7 acres. The applicant also owns Lot 26 of Tax Lot 5420-300 just to the south of the subject lot.
2. Access: Amity Vineyards Road.
3. On-site Land Use: The subject parcel is vacant with no structures present. The majority of the property appears to have trees on it.
4. Surrounding Land Use: The area contains a mixture of farm, forestry and rural residential uses on parcels of approximately 2 to 20 acres. To the northeast is a vineyard. Approximately one quarter mile to the southwest is the city limits of Amity.
5. Surrounding Zoning: Land to the east, northeast and south are zoned EF-20 and EF-80, Exclusive Farm use. Land to the west and northwest is zoned AF-20, Agriculture/Forestry. To the west, across Amity Vineyards Road, is zoned PWS, Public Works/Safety, and is owned by the city of Amity.
6. Water: The applicant is proposing to serve the property by city water.
7. Sewage Disposal: To be provided by an on-site septic system.

8. Fire Protection: Amity Rural Fire District.
9. Soils: The Yamhill County Soil Survey Maps show the majority of the parcel is Yamhill (YaC and YaF), high-value and non-high value farmland, respectively. The remainder of the property is Steiwer (StF), non-high value farmland.
10. Taxes: The parcel is receiving farm deferral (includes Lot 26, which is in the same ownership to the south).
11. Previous zoning: From 1976 to 1993 the subject property was zoned AF-20. In response to House Bill 3661 (1993), the property was rezoned to EF-20 Exclusive Farm at the direction of the staff of the Department of Land Conservation and Development. The EF-20 zoning became effective on December 29, 1993.
12. Overlay Zones: None.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The decision on the requested zone change is based on a determination that the request complies with the review criteria found in Section 1208.03 of the Yamhill County Zoning Ordinance, as follows:

Review Criteria for Amendments to or within Exclusive Farm Use and Agricultural/Forestry Zones

A quasi-judicial zone change to (1) amend the designation of land from Exclusive Farm Use, Agriculture/Forestry, or Forest to another of these zones, or (2) change the minimum lot size of land designated Exclusive Farm Use or Agriculture/Forestry, 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. *The proposed amendment shall comply with the goals, policies, and other applicable provisions of the comprehensive plan.*
- B. *The proposed designation shall be appropriate for the existing or intended use of the property.*
- C. *The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.*
- D. *For proposed changes within or to an Exclusive Farm Use designation, the new minimum lot size shall be appropriate to maintain the existing commercial agricultural enterprise in the area.*

- E. For proposed changes within or to an Agriculture/Forestry designation, the new minimum lot size shall be shown to assure:*
- 1. The opportunity for economically efficient forest and agriculture practices typically occurring in the area; and*
 - 2. The opportunity for the continuous growing and harvesting of forest tree species; and*
 - 3. The conservation of other forest values found on forest lands.*
- F. Any amendment that would change the zone map designation to reduce the minimum lot size on property within an Exclusive Farm Use or Agriculture/Forestry district shall not be granted final approval by Yamhill County until the amendment has been considered and approved by the Land Conservation and Development Commission pursuant to ORS 215.780(2). The following rules shall apply:*
- 1. Conditional approval. Following receipt of an application for a zone change as otherwise provided by this ordinance, the county shall determine whether to grant or deny the application in accordance with criteria established in this section 1208.03. If the application is granted, the county shall enter an order of conditional approval, subject to final approval by the Land Conservation and Development Commission.*
 - 2. Referral of Order of Conditional Approval. After conditional approval by Yamhill County, the application, county findings, order of conditional approval and a request for Commission action shall be referred to the Department of Land Conservation and Development.*
 - 3. Final Approval. An amendment conditionally approved by Yamhill County shall not take effect until the county adopts an order or ordinance authorizing final approval after receipt of written confirmation of the county's conditional approval by the Land Conservation and Development Commission.*

The above criteria are addressed in Findings B.2 through B.5 below.

2. Regarding criterion (A), applicable goals from the Yamhill County Comprehensive Land Use Plan, Section II.A.1, Goal reads:

To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.

Section II.A.2, Goal reads:

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.

Section II.B.1, Goal reads:

To conserve and to manage efficiently the county's forest and range resources, thereby ensuring a sustained yield of forest products, adequate grazing areas for domestic livestock, habitat for fish and wildlife, protection of forest soils and watershed, and preservation of recreational opportunities.

As shown by the 2011 aerial photo, the majority of the property is forested and the applicant has stated the property is primarily made up of steep slopes and better suited for forest uses. The proposed zone, AF-20, recognizes and allows both farming and forestry uses. This mixed use zoning would more accurately reflect the existing uses on the subject property. The applicant is not proposing an urban use; the minimum lot size is to remain 20 acres.

According to the Yamhill County Soil Survey, all of the property is capable of producing timber. The timber yields of the soils vary from 70 to 125 cubic feet per acre per year. In addition, approximately one third of the property is composed of high-value farmland. The requested zone change will recognize the potential for farm and forestry uses on the land and preserve the County's soil resources for their suitability for farm and forest use.

3. Regarding criterion (B), as mentioned above, the subject parcel is a mixture of farm and forest use; the zone change from an exclusive farm zone to an agriculture and forestry zone would more accurately reflect the potential use of the property.
4. Regarding criterion (C), the subject area proposed for rezoning is approximately 6.7 acres. The total contiguous area after the rezoning would be approximately 784 acres. This is well over the 160-acres required; therefore, the request is consistent with criterion (C).
5. Regarding criteria (D), (E) and (F), the applicant wishes to keep the minimum lot size at 20 acres. The 20-acre minimum in the farm and forestry zone was approved by the Land Conservation and Development Commission through the process passed by the Oregon State Legislature (see HB 3661 passed in 1993). Since the minimum lot size is not changing, the request satisfies criteria (D), (E) and (F).

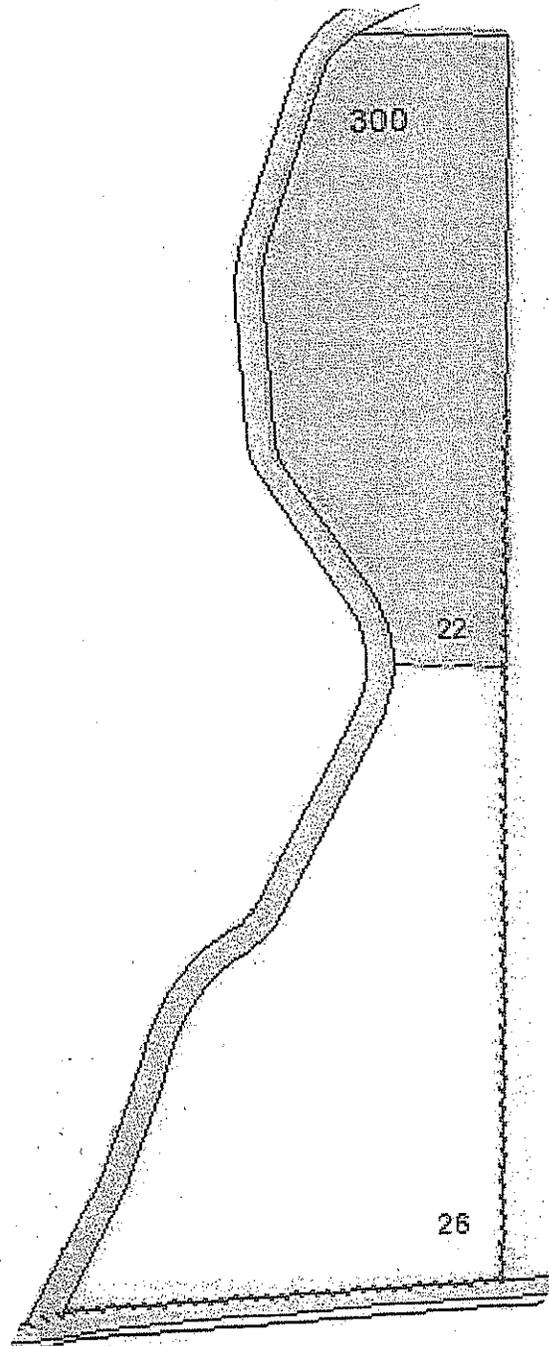
CONCLUSIONS FOR APPROVAL:

1. The request is for a zone change from Exclusive Farm use EF-20 to AF-20 Agriculture/Forestry.

2. The proposed zone change is consistent with Comprehensive Plan goals and policies.
3. The zone change is appropriate in that the parcel is a mixture of farm and forestry uses. Neither the farm zone, nor the forestry zone alone would be appropriate for this area.
4. The proposed change is consistent with the zone change criteria of Section 1208.03.

Based on the above findings and conclusions, the request by Bryce Roberts, for a zone change from EF-20, Exclusive Farm Use to AF-20, Agriculture/Forestry Use on Tax Lot 5420-300, Lot 22 of Amity Heights Subdivision, is approved.

EXHIBIT MAP FOR ORDINANCE NO. 885
ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
OCTOBER 24, 2013
FOR A ZONE CHANGE FROM
EF-20, EXCLUSIVE FARM USE
TO
AF-20, AGRICULTURE/FORESTRY



CHANGE APPLIES TO A 6.5 ACRE PORTION OF TAX LOT 5420-300 (Lot 22 of Amity Heights Subdivision) HIGHLIGHTED ABOVE.

B.O. 13-674
Exhibit "B"
ORDINANCE 885