

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-80,)
Exclusive Farm Use to F-80 Forestry, Applicants Kathryn) Ordinance 853
McCallie, Bette Suderman and Barbara Thompson, Tax Lot)
5613-700, Planning Docket Z-01-10, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 31, 2010, Commissioners Kathy George, Leslie Lewis, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Kathryn McCallie, Bette Suderman and Barbara Thompson, applied for a Zone Change from EF-80, Exclusive Farm use to F-80, Forestry for a 41.6 acre parcel, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on March 4, 2010 and heard from the applicants (there being no opponents), then voted unanimously to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved detailed in Exhibit "A," the Findings for Approval, hereby incorporated into this Ordinance by this 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. A map is appended as Exhibit "B".

DONE this 31st day of March, 2010, at McMinnville, Oregon.

ATTEST:

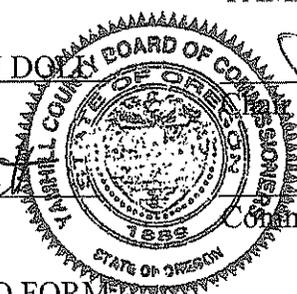
YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DORR
County Clerk

By Anne Britt
Deputy Anne Britt

APPROVED AS TO FORM.

Rick Sanai
Rick Sanai
Senior Assistant County Counsel



Kathy George KATHY GEORGE
Mary P. Stern MARY P. STERN
Leslie Lewis LESLIE LEWIS

B.O. 10-170

DOCKET NO.: Z-01-10

REQUEST: Zone change from EF-80, Exclusive Farm use to F-80, Forestry.

APPLICANTS: Kathryn McCallie, Bette Suderman and Barbara Thompson

TAX LOT: 5613-700

LOCATION: 17545 SW Gopher Valley Road, Sheridan

AREA SIZE: 41.6 acres

CRITERIA: Sections 401, 402 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

FINDINGS:

A. Background Facts

1. Lot Size: Approximately 41.6 acres.
2. Access: Gopher Valley Road.
3. On-Site Land Use: The application states approximately nine acres of the property is tillable with no current crop and the remainder of the parcel is forested. Gopher Valley Road borders the northeastern property line and Deer Creek runs through the parcel.
4. Surrounding Zoning and Land Use: The surrounding area to the north, south and east is zoned EF-80, Exclusive Farm use and the property to the west is zoned F-80, Forestry. A portion of the parcel to the south is zoned MR-1, Mineral Resources. The surrounding area is primarily forested with some vineyards to the southeast.
5. Water: On-site well.
6. Sewage Disposal: An on-site subsurface system would be required for any residential use.
7. Soils: The Yamhill County Soil Survey indicates the soil types are approximately 46% Chehalis (Ch) and 7% Chehalem (CeC) which are considered prime and high-value farmland and approximately 44% Jory (JRF), which is non-high value farmland. Approximately 90% of the parcel is composed of soils capable of producing at least 110 cubic feet of wood fiber per acre per year.
8. Fire Protection: Sheridan Rural Fire District.

9. Taxes: Approximately 24.6 acres is receiving farm deferral and 17 acres is receiving forest deferral.
10. Overlay Zones: Approximately 16 acres is within the 100-year floodplain of Deer Creek.

B. Ordinance Provisions and Analysis

1. 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.

The majority of the subject parcel is in forest use and would remain in forest use regardless of the zone change due to the physical features of the parcel (soil productivity, slopes, floodplain, etc.). The new zone, F-80, will more accurately reflect the existing uses on the subject parcel. The applicant is not proposing an urban use; the minimum lot size is to remain 80 acres.

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.

As noted above, the Yamhill County Soil Survey shows approximately 90% of the parcel is composed of soils capable of producing at least 110 cubic feet of wood fiber per acre per year. The requested zone change will preserve the County's soil resources for their suitability for forest use.

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.

The proposed zone change will conserve the county's forest resources that currently exist on the property.

3. Regarding criterion (B), as mentioned above, the majority of the subject parcel is currently in forest use and much of the surrounding properties are in forest use; the zone change from an exclusive farm zone to a forestry zone will more accurately reflect the current use of the property.
4. Regarding criterion (C), the subject parcel is contiguous with several hundred acres of property zoned F-80, therefore, the request is consistent with criterion (C).
5. Regarding criteria (D), (E) and (F), these criteria are not applicable since the request does not include reducing the minimum lot size on the property. The applicant wishes to keep the minimum lot size at 80 acres.

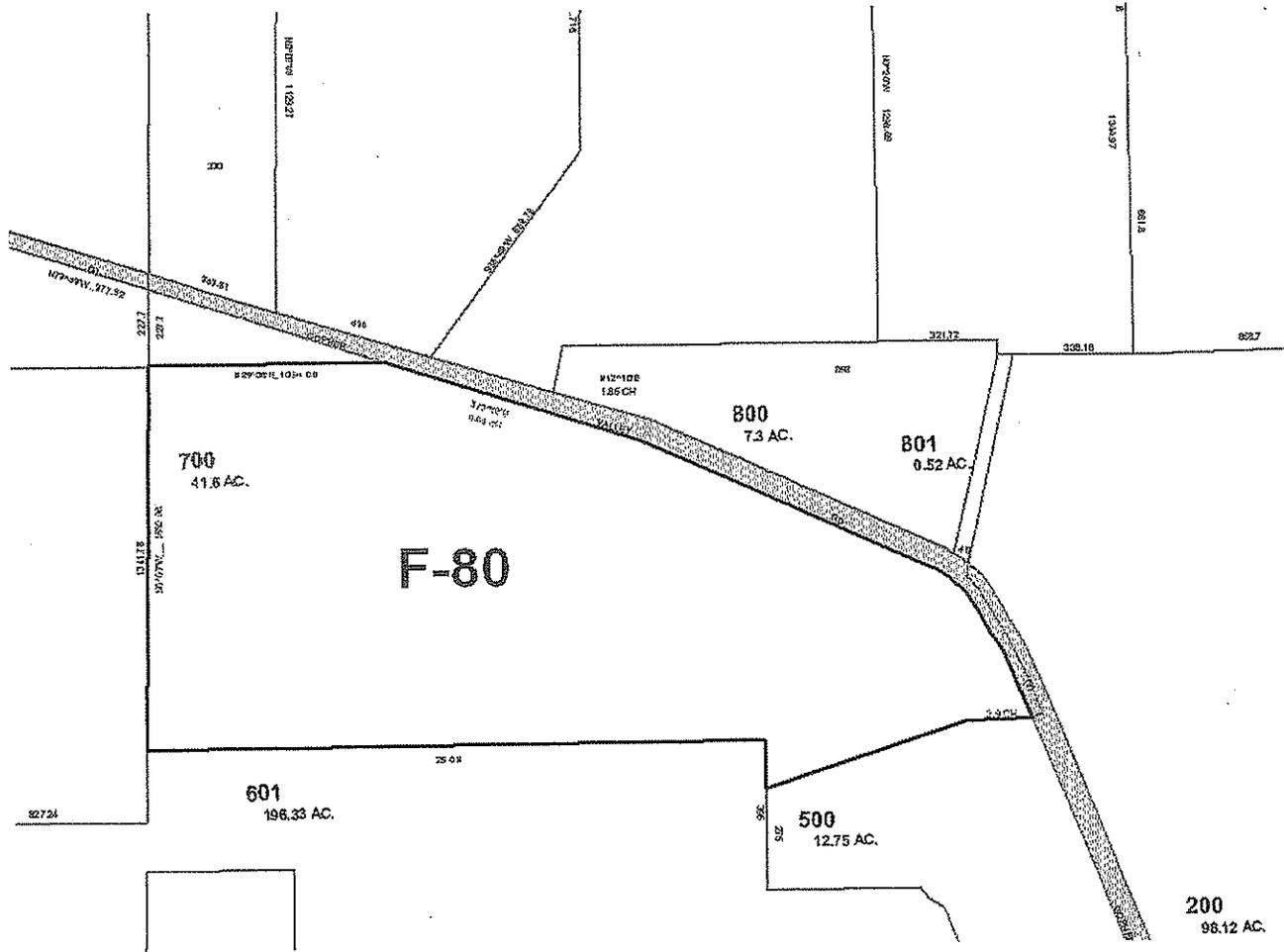
CONCLUSIONS

1. The request is for a zone change from EF-80 Exclusive Farm Use to F-80 Forestry Use. The total area to be rezoned is approximately 41.6 acres.
2. The zone change is appropriate in that the majority of the parcel is currently in forest use and is best suited for forest uses.
3. The request complies with the criteria listed in Section 1208.03 of the Yamhill County Zoning Ordinance and is consistent with the applicable goals found in Yamhill County's Comprehensive Plan.
4. The proposed designation is appropriate for the existing and intended use of the property.

DECISION

The request by Kathryn McCallie, Bette Suderman and Barbara Thompson, for a zone change from EF-80, Exclusive Farm Use to F-80, Forestry Use on Tax Lot 5613-700, approximately 41.6 acres located at 17545 SW Gopher Valley Road is hereby approved.

EXHIBIT MAP FOR ORDINANCE NO. 853
ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
March 31, 2010
FOR A ZONE CHANGE FROM
EF-80 EXCLUSIVE FARM USE
TO
F-80 FORESTRY



CHANGE APPLIES TO TAX LOT 5613-700 DESCRIBED AND HIGHLIGHTED ABOVE

APPROXIMATE SCALE - 1 INCH = 500 FEET

Exhibit "B"
Ordinance 853