

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 AF-80)
Agriculture/Forestry, to F-80 Forestry, Applicant Old Elk) Ordinance 856
Mountain Tree Farm LLC, Tax Lot 5725-1000, Planning)
Docket Z-03-10, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on July 21, 2010, Commissioners Kathy George, Leslie Lewis, and ~~Mary P. Stern~~ being present.

IT APPEARING TO THE BOARD that Old Elk Mt. Tree Farm, LLC applied for a Zone Change from AF-80, Agriculture/Forestry to F-80, Forestry, and

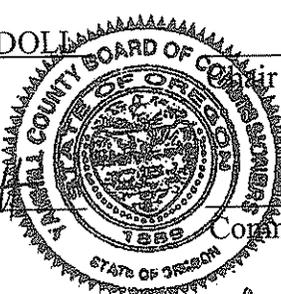
IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on July 1, 2010 and heard from the applicant (there being no opponents), then voted unanimously to approve the application, NOW, THEREFORE,

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 21st day of July, 2010, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLL
County Clerk



Kathy George

KATHY GEORGE

By *Anne Britt*
Deputy Anne Britt

Unavailable for signature
Commissioner

MARY P. STERN

APPROVED AS TO FORM:

Rick Sanai

Rick Sanai
Senior Assistant County Counsel

Leslie Lewis
Commissioner

LESLIE LEWIS

B.O. 10-435

FINDINGS FOR APPROVAL

DOCKET NO.: Z-03-10

REQUEST: Zone change from AF-80, Agriculture/Forestry to F-80, Forestry.

APPLICANT: Old Elk Mt. Tree Farm, LLC

TAX LOT: 5725-1000

LOCATION: East of the intersection of Willamina Creek Road and Tindle Creek Road

AREA SIZE: The entire parcel is 415.3 acres. The area proposed to be rezoned is approximately 300 acres.

CRITERIA: Sections 401, 403 and 1208 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

FINDINGS:

A. Background Facts

1. Lot Size: Approximately 415.3 acres.
2. Access: The parcel has frontage on Willamina Creek Road.
3. On-Site Land Use: The application states the parcel is currently in forest use with some areas that are open fields. The application contains a detailed description of the previous forest operations. The parcel contains one single family dwelling.
4. Surrounding Zoning and Land Use: The surrounding area to the south and west is zoned AF-10, Agriculture/Forestry, and the property to the north and east is zoned F-80, Forestry and AF-80, Agriculture/Forestry. The surrounding area is primarily forested with some rural residences. The area parcel sizes range from approximately 10 to 100 acres.
5. Water: Grand Ronde Water District.
6. Sewage Disposal: Existing septic system.
7. Soils: See the *Yamhill County Soil Analysis Detail* in the file.
8. Fire Protection: West Valley Rural Fire District.
9. Taxes: The Yamhill County tax records show the parcel is receiving forest deferral.
10. Overlay Zones: None.

B. Ordinance Provisions and Analysis

1. The Board finds 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.

The majority of the subject parcel is currently in forest use and has been predominantly in forest use in the past. According to the application the parcel has been receiving forest deferral since at least 1974. The proposed zone, F-80, would 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.

The Yamhill County Soil Survey shows the majority of the portion of the parcel to be rezoned is composed of soils capable of producing at least 145 cubic feet of wood fiber per acre per year. The application states the majority of the property consists of hilly ground with slopes generally in the 10% to 20% slope range. 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.

As described above, the proposed zone change would 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 the applicant states they intend to continue timber use on the property; the zone change from an agriculture/forestry zone to a forestry zone would more accurately reflect the current and intended use of the property.
4. Regarding criterion (C), the subject parcel is approximately 415.3 acres and approximately 114 acres of the parcel is currently zoned F-80. Additionally, the subject site is adjacent to land to the east that is currently 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.

CONCLUSION:

1. The request is for a zone change from AF-80, Agriculture/Forestry to F-80 Forestry Use. The total area proposed to be rezoned is approximately 300 acres.
2. The zone change is appropriate due to the fact that the majority of the parcel is currently in forest use and is well 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:

Based on the above findings and conclusions, the request by Old Elk Mountain Tree Farm, LLC, for a zone change from AF-80, Agriculture/Forestry to F-80, Forestry Use on approximately 300 acres of Tax Lot 5725-1000, is hereby approved.

B.O.10-435

