

Findings Docket Z-03-07 (van der Sluys)

Page 2

REQUEST: Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use.

APPLICANT: Catherine A. Wright representing Marcel van der Sluys

TAX LOTS: 3523-900

LOCATION: Northeast of the intersection of Meadow Lake Road and Panther Creek Road, Carlton

CRITERIA: Sections 402, 403 and 1208.04 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan.

A. Background Facts

1. Lot Size: 24.8 acres
2. Access: Meadow Lake Road.
3. On-Site Land Use: Currently, undeveloped with most of the parcel forested.
4. Surrounding Zoning: Property to the east and west is zoned EF-20 and property to the south is zoned EF-80. The parcels to the north are zoned AF-40.
5. Surrounding Land Use: The land to the north is predominantly forested. Land to the south, east and west appears to exhibit a mixture of farm and forestry uses.
6. Water: Proposed on-site well.
7. Sewage Disposal: An on-site septic system would be required.
8. Soils: The Yamhill County Soil Survey indicates approximately 43% of the soil on the subject parcel is Hazelair (HcB) which is rated as Class III non-high value soils. Approximately 28% is Willakenzie (WeD) which is rated as Class III, high-value farmland and approximately 12% is Willakenzie (WeE) which is rated as Class IV, high-value farmland.
9. Fire Protection: Carlton Rural Fire District.
10. Taxes: Market value.
11. Other Factors: Until late 1993 the property was zoned AF-20. In December of 1993 the lot was rezoned EF-20, at the requirement of the State following the passage of HB 3661.

B. Ordinance Provisions and Analysis

1. The requested zone change complies with the review criteria found in Section 1208.04 of the Yamhill County Zoning Ordinance, as follows:

Review Criteria for Amendments from Exclusive Farm Use to Agricultural/Forestry Zones

Certain properties that were zoned Agriculture/Forestry prior to December 29, 1993 were rezoned to Exclusive Farm Use as part of Periodic Review. (The rezoning became effective on February 14, 1997.) When the Exclusive Farm Use designation does not adequately reflect the mixed agricultural and forest use of the property, a quasi-judicial zone map change back to Agriculture/Forestry may be authorized, pursuant to Subsection 1208.01, and provided that the applicant demonstrates compliance with the following:

- A. *The area to be rezoned consists primarily of foothill and ridgetop holdings above the flat terrace and valley floor commercial agriculture areas, and below the contiguous timberlands of the Coast Range.*
- B. *At least 50% of each parcel that is proposed to be rezoned is forested.*
- C. *At least 50% of each parcel that is proposed to be rezoned was designated Agriculture/Forestry prior to December 29, 1993.*
- D. *The area being rezoned contains such a mixture of agricultural and forest uses that neither Goal 3 nor Goal 4 can be applied alone.*
- E. *The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.*
- F. *Any amendment that would reduce the minimum lot size complies with the requirements of Section 1208.03(F).*

The above criteria are addressed in Findings B.2 through B.7 below.

2. Regarding the location of the parcel as specified in criterion (A) above, the elevation of the subject parcel ranges from approximately 340 feet in the northwest corner to the lowest point of approximately 220 feet at the southern end of the parcel. The topography is primarily foothills and is above the flat terrace and valley floor commercial agriculture areas, and below the contiguous timberlands of the Coast Range. The request meets this criterion.
3. Regarding criterion (B) above, the 1992 aerial photograph of the parcel shows that approximately 52.4% of the parcel is forested and somewhat more forestation is shown in the

2005 aerial photo. The parcel also contains some open areas. The purpose section of the Agriculture/Forestry District states in part:

The purpose of the Agriculture/Forestry District is to identify and protect lands designated as Agriculture/Forestry Large Holding on the Comprehensive Plan, that are a mixture of agricultural and forest management operations, and other uses which are compatible with such operations.

Due to the mixed nature of the use of the property it appears that the requested change would be appropriate. The request meets this criterion.

4. Regarding criterion (C), the Official 1980 County Zoning Map, which was valid until December 29, 1993, shows the subject parcel was zoned AF-20 Agriculture/Forestry use (See attached map). The request meets this criterion.
5. Regarding criterion (D) the lot contains Class III and IV soils and is, therefore, considered agricultural land pursuant to Goal 3; however, the parcel also contains at least 50% of forested area. The majority of the soils are capable of producing 40 to 145 cubic feet of wood fiber per acre per year. Therefore, the lot is not exclusively suitable for Goal 3 use or Goal 4 use.
6. Regarding criterion (E), the request will result in at least 160 contiguous acres of the requested designation of AF-40.
7. Criterion (F) does not apply since the approval of the request would not reduce the minimum lot size on the property. The applicant wishes to increase the minimum lot size to 40 acres.

CONCLUSIONS and DECISION

1. The request is for a zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use. Total area proposed to be rezoned is 24.8 acres.
2. The zone change is appropriate to reflect the mixed uses on the property.
3. The request complies with the criteria listed in Section 1208.04 of the Yamhill County Zoning Ordinance.
4. The proposed designation is appropriate for the intended use of the property.
5. The proposed change will continue to allow the opportunity for growing and harvesting trees.

Based on the above findings and conclusions, the request by Catherine Wright representing Marcel van der Sluys, for a zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use on Tax Lot 3523-900, is hereby approved.