

'06 DEC 11 P2:09

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

Approval of a Zone change from EF-20 Exclusive Farm Use)
to AF-40 Agriculture Forestry Use for a 18.5 Acre Parcel,) Ordinance 799
Tax Lots 3523-100, 200 and 1500, Docket Z-03-06,)
Applicant Vicky Tadic, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on Wednesday, December 6, 2006, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Vicky Tadic applied for a Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use, and

The Yamhill County Planning Commission held a duly noticed public hearing on November 2, 2006 and approved the application by a vote of 7-0. No person appealed this approval to the Yamhill County Board of Commissioners, so the approval now becomes final.

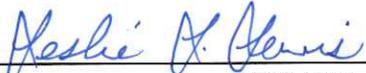
NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD:

The application is approved as detailed in the Findings for Approval, Exhibit "A", attached and hereby incorporated into this ordinance. 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 upon passage.

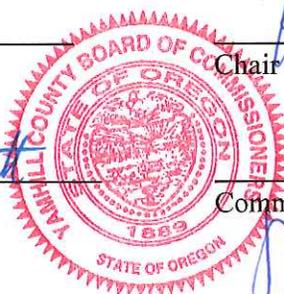
DONE this 6th day of December, 2006, at McMinnville, Oregon.

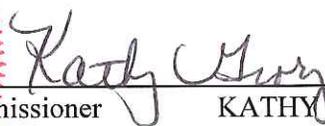
ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

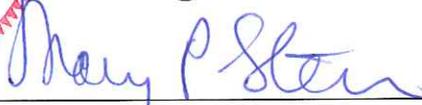

Chair LESLIE LEWIS

By: 
Deputy Anne Britt




Commissioner KATHY GEORGE

APPROVED AS TO FORM:



Commissioner MARY P. STERN

Rick Sanai, Assistant County Counsel

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Exhibit "A"

HEARING DATE: November 2, 2006

DOCKET NO.: Z-03-06

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

APPLICANT: Drabkin, Tankersley and Wright representing Vicky A. Tadic

TAX LOTS: 3523-100, 200 and 1500

LOCATION: 11785 NW Old Soldiers Road, Carlton and the two parcels to the south along Old Soldiers Road.

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

FINDINGS:

A. Background Facts

1. **Lot Size:** The tract is 18.5 acres. The tract consists of Tax Lots 3523-100, 200 and 1500. Lot 3523-100 is owned by Robert and Linda West, whom have authorized the applicant to re-zone their property in conjunction with this application (See attached consent form).
2. **Access:** Old Soldiers Road.
3. **On-Site Land Use:** Tax Lot 100 currently has a single family dwelling on it and Tax Lots 200 and 1500 are undeveloped forested land with some pasture land.
4. **Surrounding Zoning:** Property to the south is zoned EF-20, Exclusive Farm use and property to the east, northeast is zoned EF-80. The parcels to the north are zoned F-80, Forestry use, and parcels to the west are zoned AF-40, Agriculture/Forestry.
5. **Surrounding Land Use:** The land to the north, east and west is predominantly forested. Only land to the south appears to exhibit a mixture of farm and forestry uses.
6. **Water:** On-site well.
7. **Sewage Disposal:** An on-site subsurface system would be required for any residential use.

B.O.06-983

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8. Soils: The Yamhill County Soil Survey indicates the soil types on the subject parcels are Willakenzie (WeE and WkD) which are rated as class III and IV, high value soils.
9. Fire Protection: Carlton Rural Fire District.
10. Taxes: Tax Lots 3523-100, 200, and 1500 are all taxed at market value.
11. Other Factors: Until late 1993 the property was zoned AF-20. In December of 1993 the lots were rezoned EF-20, at the requirement of the State.

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 Agricultural/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).*

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

2. Regarding the location of the tract as specified in criterion (A) above, the average elevation of the lots in question ranges from approximately 300 feet in the southwest corner of Tax Lot 1500 to a high point in excess of 400 feet in the eastern portion of all three lots. The topography is primarily foothills with a small amount of ridge top. The request meets this criterion.
3. Regarding criterion (B) above, the 2005 aerial photograph of the area shows that at least 50% of each parcel within the subject tract is forested. The parcels also contain some cleared 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 properties, and the fact that the applicants are using the properties for a mixture of farm and forestry uses, 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 entire subject tract was zoned AF-20 Agriculture/Forestry use (See attached map). The request meets this criterion.
5. Regarding criterion (D) the lots contain Class III and IV soils and are, therefore, considered agricultural land pursuant to Goal 3, however, they also contain at least 50% of forested area. The majority of the soils are capable of producing 145 cubic feet of wood fiber per acre per year. Therefore, none of the lots are 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) above 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

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 18.5 acres.
2. The zone change is appropriate to reflect the mixed uses on the property.

EXHIBIT "B" FOR ORDINANCE No. 799

ZONE CHANGE FROM "EF-20", EXCLUSIVE FARM USE
TO "AF-40", AGRICULTURE/FORESTRY USE



Legend

 Z-03-06



ORDINANCE No.: 799
EXHIBIT "B"