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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 a Request for a Zone Change )  
from EF-80 Exclusive Farm Use to AF-80 )  
Agriculture Forestry, Tax Lots 2426-400 and 403, ) ORDINANCE 757  
Applicant Dennis Petersen, Docket Z-03-04, and )  
Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 23, 2004, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

IT APPEARING TO THE BOARD that Mr. Dennis Petersen applied to the Department of Planning (Planning Docket Z-03-04) for a zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture Forestry Use for tax lots 2426-400 and 403, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on February 3, 2005, which voted 5-0 to recommend approved of the application; NOW, THEREFORE,

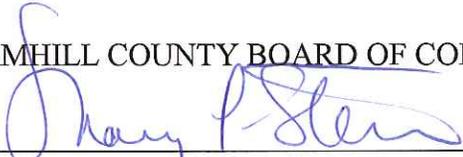
IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage. A map of the area is appended as Exhibit "B".

DONE this 23<sup>rd</sup> day of February, 2005, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

Jan Coleman  
County Clerk

  
Chair MARY P. STERN

By   
Deputy Anne Britt

  
Commissioner LESLIE LEWIS

APPROVED AS TO FORM:

  
Commissioner KATHY GEORGE

  
Rick Sanai, Assistant County Counsel

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Ordinance 757 Exhibit "A" Docket Z-03-04 (Dennis Petersen)**DOCKET NO.:** Z-03-04**REQUEST:** Zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture Forestry Use.**APPLICANT:** Dennis Petersen**TAX LOTS:** 2426-400 and 403**LOCATION:** North and south of the east end of Sunset Knoll 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 82.5 acres. The tract consists of Tax Lots 2426-400 and 403.
2. Access: Sunset Knoll Road a graveled, privately maintained public road.
3. On-Site Land Use: A year 2000 air photo shows that the land is predominantly in forestry use with a few cleared areas.
4. Surrounding Zoning: Property to the south, east and west is zoned EF-80 Exclusive Farm use. Property to the north is zoned AF-20 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 and a spring.
7. Sewage Disposal: An on-site subsurface system would be required for any residential use.
8. Soils: The Yamhill County Soil Survey indicates the predominant soil types on the subject parcels are Willakenzie silty clay loam (WeC, WeD, WeE and WeF), Panther silty clay loam (PaD), Peavine silty clay loam (PeB) and shale (SH). These soils are rated as agriculture class III, IV, and VI and are split evenly between high value and non-high value soils. The Willakenzie soil types can produce 145 cubic feet per acre per year of commercial tree species. Peavine soils produce 160 cubic feet per acre per year of commercial tree species.

Ordinance 757 Exhibit "A" Docket Z-03-04 (Dennis Petersen)

2. Regarding the location of the tract as specified in criterion (A) above, the average elevation of the lots in question ranges from approximately 480' to 760' above sea level. The topography is hilly and includes some ridge tops. The request meets this criterion.
3. Regarding criterion (B) above, the 1992 aerial photograph of the area shows that more than 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, the requested change is 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 tract to have more than 50% of land zoned AF-20 Agriculture/Forestry use (see 1980-1993 zoning map). As mentioned in Finding (A.11), 80% of the tract was zoned as AF-20 Agriculture/Forestry and 20% of the tract was zoned EF-40 Exclusive Farm Use. 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 more than 50% of forested area. The majority of the soils are capable of producing 145 to 160 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 involves approximately 82.5 acres to be rezoned to AF-80. Adjacent land is zoned AF-20. However, the standard does not require the area to be over 160 acres of a particular zone but rather 160 acres of a particular zoning designation. The amendment would therefore result in an area of more than 160 acres with the requested Agriculture/Forestry designation.
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 retain the 80 acre minimum lot size.

## CONCLUSIONS

1. The request is for a zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture

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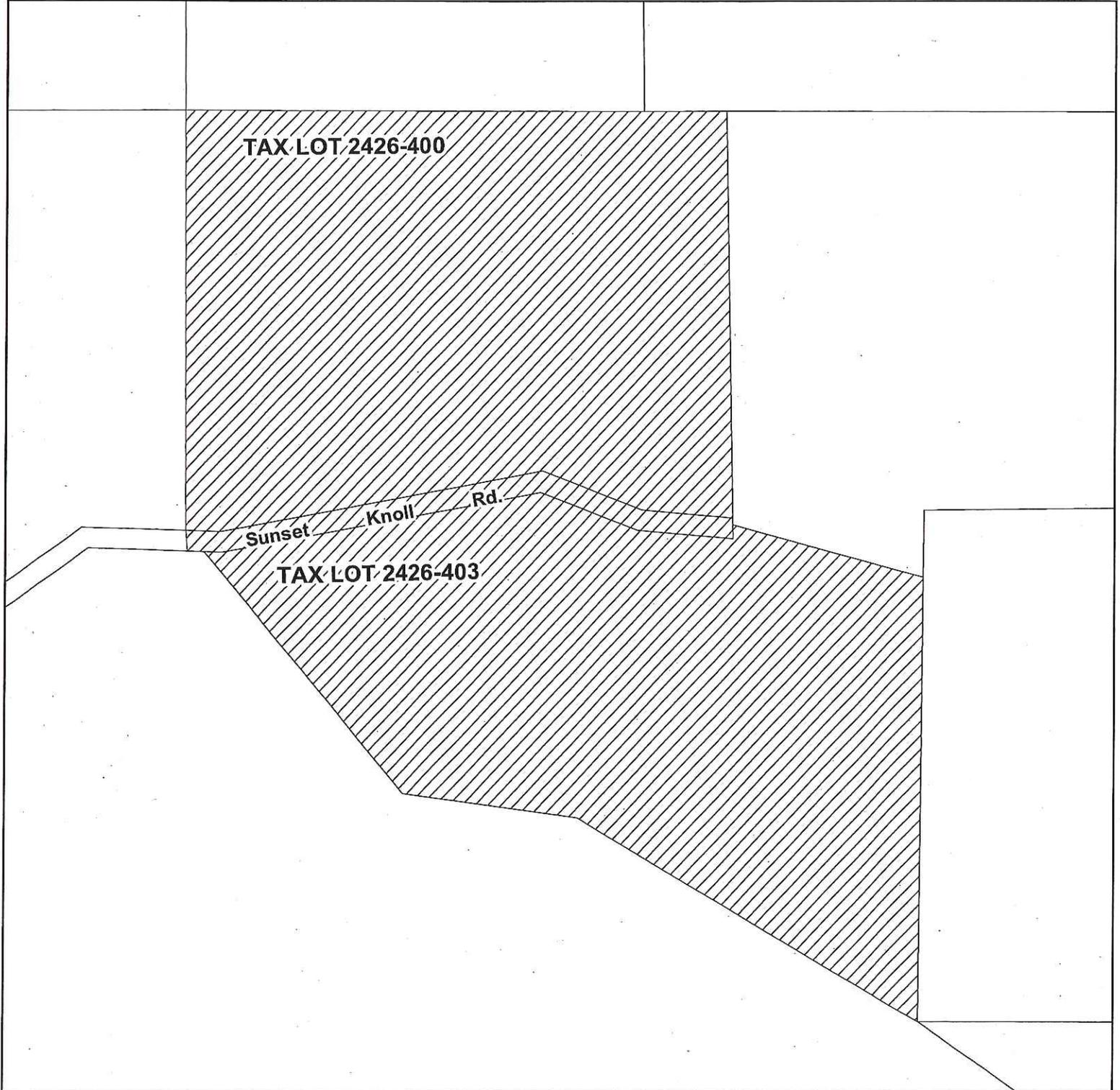
Forestry Use. Total area proposed to be rezoned is 82.5 acres.

2. The zone change is appropriate to reflect the mixed uses on the property.
3. The request complies with the criteria listed in Section 1208.4 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 Dennis Petersen, for a zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture Forestry Use on Tax Lots 2426-400 and 603 is hereby approved.

*End*

ZONE CHANGE FROM EF-80 EXCLUSIVE FARM USE  
TO AF-80 AGRICULTURAL/FORESTRY USE



**Legend**

 Area Subject to Amendment



ORDINANCE No.: 757

EXHIBIT "B"

DOCKET Z-03-04