

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 Comprehensive Plan)
Amendment From Commercial Forestry to Agriculture/)
Forestry Large Holding and a Zoning Map Amendment)
From F-80, Forestry, to AF-80, Agriculture/Forestry for) Ordinance 905
Tax Lot 3502-400; Planning Docket PAZ-01-18;)
Applicant Oak Ridge Holdings LLC; and)
Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 21, 2018, Commissioners Mary Starrett and Stan Primozych being present, and Commissioner Richard L. “Rick” Olson being excused.

WHEREAS, Oak Ridge Holdings, LLC applied for a Comprehensive Plan amendment from Commercial Forestry to Agriculture/Forestry Large Holding and a Zoning Map Amendment from F-80, Forestry, to AF-80, Agriculture/Forestry for Tax Lot 3502-400, (Planning Docket PAZ-01-18); and

WHEREAS, the Planning Commission heard this matter at a duly noticed public hearing on May 17, 2018 and voted 6-0 to approve the application, NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The application is approved for the reasons stated in the findings attached as Exhibit “A” and incorporated into this ordinance by this reference;

Section 2. The Yamhill County Comprehensive Plan designation for Tax Lot 3502-400 is hereby changed from “Commercial Forestry” to “Agriculture/Forestry Large Holding”;

Section 3. The Yamhill County Zoning Map is amended as shown in the attached Exhibit “B,” incorporated into this ordinance by this reference; and

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Section 4. 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.

DONE this 21st day of June, 2018, in McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

MARY STARRETT

By: Carolina Rook
Deputy Carolina Rook

Commissioner

(excused)

RICHARD L. "RICK" OLSON

FORM APPROVED BY:

Timothy S. Sadlo
Senior Assistant County Counsel

Commissioner

STAN PRIMOZICH

**EXHIBIT A
ORDINANCE 905
FINDINGS FOR APPROVAL**

DOCKET NO.: PAZ-01-18

REQUEST: Approval of a Comprehensive Plan amendment from Commercial Forestry to Agriculture/Forestry Large Holding and a zone change from F-80, Forestry to AF-80, Agriculture/Forestry.

APPLICANT: Catherine A. Wright representing Oak Ridge Holdings, LLC

TAX LOT: 3502-400

LOCATION: Approximately 300 feet southeast of the intersection of NW Oak Ridge Road and NW Fairdale Road, south of NW Engel Lane, Yamhill

CRITERIA: Sections 401, 403 and 1208.03 of the *Yamhill County Zoning Ordinance*. Yamhill County Comprehensive Plan Goals and Policies are also applicable.

FINDINGS:

A. Background Facts:

1. *Parcel size:* 121.15 acres.
2. *Access:* NW Oak Ridge Road.
3. *On-site Land Use:* Presently, the parcel is forested with no structures.
4. *Surrounding Land Use:* The area contains a mixture of farm and forestry uses on parcels of approximately 20 plus acres with the exception of three parcels that are approximately 3-acres each to the west, which were created under Measure 37/49.
5. *Surrounding Zoning:* The properties to the north are zoned F-80, Forestry. The properties to the east, west and south are zoned AF-40 and AF-80, Agriculture/Forestry Large Holding District. See attached "Exhibit 3" in the application which shows the current zoning of the area.
6. *Water:* The application does not indicate what water source currently serves the parcel or what source, if any, is proposed.
7. *Sewage Disposal:* No septic system currently exists on the parcel.
8. *Fire Protection:* Yamhill Rural Fire District.

9. *Soils:* The Yamhill County Soil Survey shows the entire parcel is composed of Peavine soils (PcD, PeD and PcE). These soils are all rated as non-high value farmland. The timber yield for these soils are 160 cubic/feet of wood fiber per acre.
10. *Previous Actions:* None.
11. *Overlay Zones:* None.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The decision on the requested zone change will be based on whether 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.*

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.

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.

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.

Section II.A.1, Policy reads:

Yamhill County recognizes that certain areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied.

The applicant notes that the parcel is currently in forest use but is surrounded by parcels which have the Comprehensive Plan designation AFLH, are zoned AF, and are in mixed agriculture and forestry uses. The applicant wishes to be able to use this property for mixed uses, similar to those in the surrounding area. The application goes on to say that such uses will include some forestry use and some agricultural use. The parcel to the northeast of the subject property, while zoned for forestry and with a Comprehensive Plan designation of CF, appears to be in mixed use. Likewise, the properties to the east, west and south of the subject property all appear to be in mixed agriculture and forest uses. The proposed change to an agriculture/forest zone will still comply with the Comprehensive Plan provisions and appears to further the goal of preservation of the land for resource use. The minimum lot size is proposed to remain 80 acres.

2. B. *The proposed designation shall be appropriate for the existing or intended use of the property.*

Regarding criterion (B), as mentioned above, the subject parcel is in an area of mixed agriculture and forest uses and the owner wishes to be able to use the property for both agriculture and forest uses.

3. C. *The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.*

Regarding criterion (C), the subject area proposed for rezoning is approximately 121 acres. The total contiguous area after the rezoning would be in excess of 1,500 acres. This is over the 160-acres required; therefore, the request is consistent with criterion (C).

4. 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.*

Regarding criteria (D), (E) and (F), the applicant wishes to keep the minimum lot size at 80 acres. The 80-acre minimum was approved by the Land Conservation and Development Commission through the process passed by the Oregon State Legislature (see HB 3661 passed in 1993). Since the minimum lot size is not changing, the request satisfies criteria (D), (E) and (F).

CONCLUSIONS:

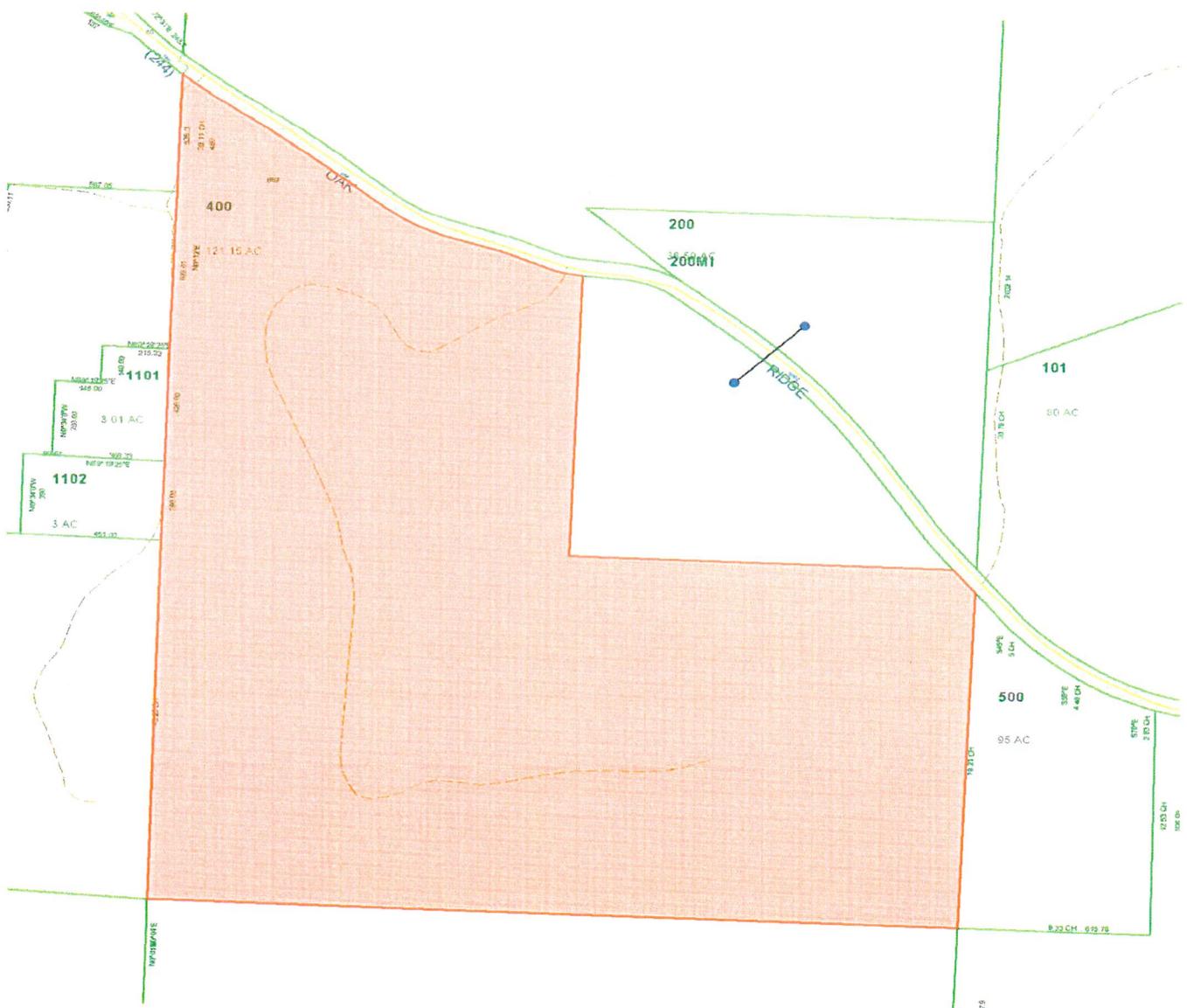
1. The request is for approval of a Comprehensive Plan amendment from Commercial Forestry to Agriculture/Forestry Large Holding and a zone change from F-80, Forestry to AF-80, Agriculture/Forestry.
2. The proposed amendment is consistent with Comprehensive Plan goals and policies.
3. The proposed change is consistent with the zone change criteria of Section 1208.03.

Based on the above findings and conclusions, the request by Catherine Wright for Oak Ridge Holdings, LLC, for a Comprehensive Plan amendment from Commercial Forestry to Agriculture/Forestry Large Holding and a zone change from F-80, Forestry to AF-80, Agriculture/Forestry, is approved.

EXHIBIT B-MAP FOR ORDINANCE NO. 905
PLAN AMENDMENT AND ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

June 21, 2018

FOR A PLAN AMENDMENT FROM
COMMERCIAL FORESTRY
TO
AFLH, AGRICULTURE/FORESTRY LARGE HOLDING
AND A ZONE CHANGE FROM
F-80, FORESTRY
TO
AF-80, AGRICULTURE/FORESTRY LARGE HOLDING



CHANGE APPLIES TO A 121.5 ACRE PARCEL IDENTIFIED AS TAX LOT 3502-400 AS HIGHLIGHTED ABOVE. APPROXIMATE SCALE - 1 INCH = 500 FEET