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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

Approval of a Comprehensive Plan amendment from)
Commercial to Agriculture/Forestry Large Holding and a)
Zone Change from RC Recreation Commercial to Exclusive) Ordinance 792
Farm Use EF-80, Docket PAZ-05-06, Applicant Joan)
Jasper, Representing the Delford M. Smith Revocable Trust ,)
Tax Lots 4311-500 and -600 , and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on September 20, 2006, Commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Joan Jasper, Representing the Delford M. Smith Revocable Trust, applied for a Comprehensive Plan amendment from Commercial to Agriculture/Forestry Large Holding; a zone change from RC Recreation Commercial to Exclusive Farm Use EF-80 for tax lots 4311-500 and 600, and

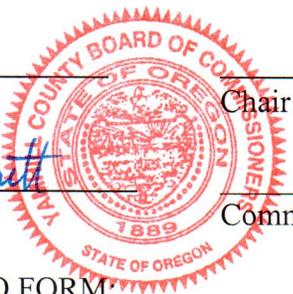
IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on July 6, 2006, after which the Commission voted to recommend approving the application by a vote of 6-0; the Board held a duly noticed public hearing August 23, 2006. After due consideration of the Application (there being no opponents), the Board tentatively voted 3-0 to approve 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 herein. 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 20th day of September, 2006, at McMinnville, Oregon.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk



Leslie A. Lewis
Chair LESLIE LEWIS

By: *Anne M. Britt*
Deputy Anne Britt Commissioner KATHY GEORGE

APPROVED AS TO FORM:
Mary P. Stern
Commissioner MARY P. STERN

Rick Sanai
Rick Sanai, Assistant County Counsel

B.O. 06-660

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DOCKET: PAZ-05-06

REQUEST: For a Comprehensive Plan amendment from Commercial to Agriculture/Forestry Large Holding; a zone change from RC Recreation Commercial to Exclusive Farm Use EF-80.

APPLICANT: Joan Jasper, Representing the Delford M. Smith Revocable Trust

TAX LOT: 4311-500 and 600

LOCATION: 21050 Riverwood Road, Dundee (Previously known as the Riverwood Golf Course)

APPROVAL CRITERIA: Sections 601 and 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable. OAR 660-012-0060 Transportation Planning Rule

FINDINGS:

A. Background Facts

1. *Lot Size:* 85.04 acres.
2. *Access:* Riverwood Road and Hirters Lane.
3. *On-Site Land Use:* The majority of the property is planted in hazelnut orchards. There is a dwelling on Tax Lot 4311-500 which is proposed to be used as a caretakers facility.
4. *Surrounding Land Use:* Land in the surrounding area contains rural residential and farm uses which include grass, orchards, and vineyards.
5. *Surrounding Zoning:* All surrounding property is zoned EF-80 Exclusive Farm Use.
6. *Soils:* The *Yamhill County Soil Survey* indicates that approximately 74% of the soils on Tax Lot 600 are Class II, Woodburn (WuB) and Amity (Am), prime farmland. On Tax Lot 500, approximately 50% is composed of Class II soil, Amity (Am) prime farmland, with lesser amounts of Chehalis (Ck) and Woodburn (WuB), approximately 32%, which are Class II soils, high-value farmland.
7. *Taxes:* Market value.
8. *Water:* Existing well.
9. *Sewage Disposal:* Existing septic system.

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10. *Previous Actions:* In 1979 Yamhill County adopted Ordinance 202 which took an exception from Goal 3 (related to the protection of agricultural lands) and zoned the subject property RC Recreation Commercial. The purpose of the zone was to allow for the Riverwood Golf Course. In 1995 the Riverwood Golf Course was expanded through a conditional use permit, Docket # C-01-95.
11. *Request:* This request is somewhat unusual in that it is to rezone from a commercial zone to an Exclusive Farm Use zone. As noted above, the property did contain the Riverwood Golf Course. The golf course has been sold and the new owner is converting it to a farm use. Farm uses are not listed as permitted or conditional uses in the RC Recreation Commercial zone. Therefore the applicant is requesting to change the zone to EF-80 Exclusive Farm use.

B. Ordinance Provisions and Analysis

1. The request must comply with the standards and criteria in the *Yamhill County Zoning Ordinance (YCZO)* Section 1208.02. These provisions are:
 - (A) *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
 - (B) *That there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
 - (C) *That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.*
 - (D) *That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
 - (E) *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

These criteria are addressed, respectively, in Findings B.2 through B.6 below.

2. As noted above, in 1979 the Yamhill County Board of Commissioners adopted Ordinance 202 which took an exception to Goal 3 and designated the property as RC Recreation Commercial. As noted above, the property contained the Riverwood Golf Course. The golf course has been sold and the new owner is converting the land from a golf course to a farm use. Farm uses are not listed as permitted or conditional uses in the RC Recreation Commercial zone. Therefore, the applicant is requesting to change the zone to EF-80 Exclusive Farm use. As noted in finding A.4 the surrounding area is in farm use and as noted in Finding A.6 the property is made up of high-value soils.

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Regarding Comprehensive Plan goals and policies, the land is currently planned and zoned for small farm use. Policy II.A.1.a states:

Yamhill County will provide for preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various financial incentives.

In addition, Policy II.A.2.a states:

Yamhill County will continue to preserve areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

The site is predominantly Class II soils and is planted with hazelnut trees.

The Comprehensive Plan commits the county to protect farm resources, so the present use of the parcel should be the determining factor for an approval of this application. The site has a significant quantity of hazelnut trees, is in an area with farm uses and contains soils that are suitable for farm use. The proposed change is consistent with the goals and policies of the Yamhill County Comprehensive Plan.

3. Regarding criterion 1208.02 (B), the need relevant to this request is related to the hazelnut orchard, which is a large part of the local agricultural economy. The present zoning does not allow orchards as a permitted use in the RC zone. An orchard is permitted as a farm use in the EF zone. Criterion (B) requires the consideration of other land zoned for the requested use and their suitability for the uses allowed by the zone. While much of the county has lands in resource zoning which allows an orchard, not all of this land is suitable for growing hazelnuts. To be productive and economically reasonable, orchards must have suitable soils. In the application it is stated that this site has supportive soil conditions as well as good access to roads, nut processing facilities and an available natural resource for irrigation. The site also contains an existing dwelling for a planned caretaker's facility. Obviously, not all land in the county has that combination of factors.
4. Regarding criterion 1208.02 (C), as noted in *Finding A.4*, the surrounding property consists of small scale farm uses. Approval of this zone change would allow establishment of a very similar and compatible use to farm uses in the surrounding area. The surrounding properties are zoned EF-80 Exclusive Farm, this conversion would be consistent with the surrounding property zoning. Additionally, the request would limit the creation of new parcels and the ability to develop dwellings. Lessening the ability for development in the area would help to prevent conflicts with neighboring farmers. Regarding the need for utilities and services, the property already has a well and septic system for a single family residence. Water is provided by an on-site well. There is an existing water source for irrigation. Access is by Riverwood Road and SE Hirters Lane.
5. Regarding criterion 1208.02 (D), the farm use is already established on the subject tract and the existing site proves to be very suitable, see Finding B.3, above.
6. Regarding criterion 1208.02 (E), no exception is required.

C. Goal 12 (Transportation Rule) Provisions and Analysis

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:
 - (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.*
2. As noted above, approval of the request would restrict the use of the property to farm use, instead of a golf course. The proposed conversion in use would decrease the number of vehicles traveling to this site. This shows that the request is consistent with the identified function, capacity, and level of service of the local roads, and would not significantly affect the transportation facility.

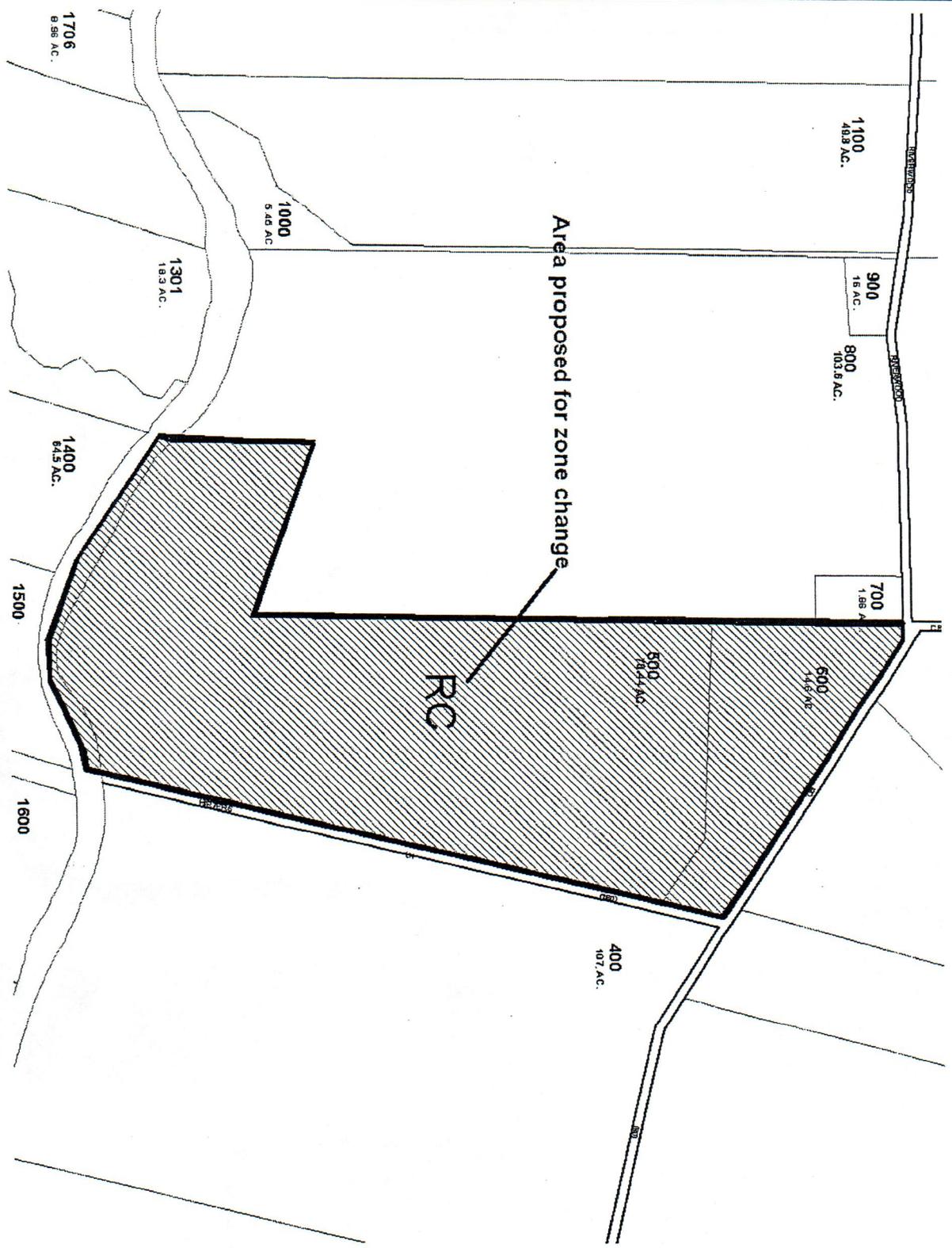
DETERMINATION:

1. The request is for a Comprehensive Plan map amendment from Commercial to Agriculture Forestry Large Holding and a zone change from RC Recreation/Commercial to EF-80 Exclusive Farm Use.
2. The request complies with the Comprehensive Plan Goals and Policies.
3. The requested use is appropriate for the area considering the level of services needed and available, and considering surrounding development.
4. The request complies with the Transportation Planning Rule.

CONCLUSION:

Based on the above findings, analysis, and conclusions, the Board **approves** the request by Joan Jasper for Delford Smith Revocable Trust for a Comprehensive Plan map amendment from Commercial to Agriculture/Forestry Large Holding and a zone change from RC to EF-80 Exclusive Farm Use on a tract of land identified as Tax Lot 4311-500 and 600.

ORDINANCE 792 EXHIBIT "B" MAP



Area proposed for zone change

RC

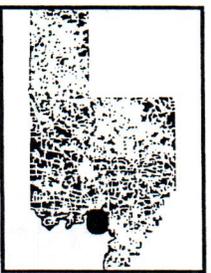
Docket PAZ-05-06

- County Parks
- County Parks
- Subdivisions
- Taxlots
- right of ways
- lotter lines
- lotter polygons
- Townships
- Zoning

B.O. 06-660

1 in. = 650 ft

This map was produced using the Yanhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, mistakes or misinterpretation.



6/14/2006

