

IN 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 an Ordinance Amending the)
Yamhill County Comprehensive Plan Map and)
Zoning Map to Change, on an 88 acre tract)
comprised of Tax Lots 3236-3500, 3236- 3600)
and a portion of 3236-2800, the Plan Map)
Designation From Agriculture/Forestry Small)
Holding to Agriculture/Forestry Large Holding)
and the Zone Map Designation from AF-10 to)
AF-40; Approving a Replat of the Earlwood)
Plat to combine Lots 9, 10, 11, 12 and 14)
into a single lot; Planning Dockets PAZ-5-95)
and L-22-95; Applicants George and Claire)
Rives; Declaring an Emergency.)

ORDINANCE 601

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board"), sat for the transaction of county business in regular session on October 11, 1995 commissioners Dennis L. Goecks, Robert Johnstone and Thomas E. E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. George and Claire Rives ("Applicants") have applied to the Department of Planning and Development for a Comprehensive Plan Map amendment from Agriculture/Forestry Small Holding to Agriculture/Forestry Large Holding and a zone map amendment from AF-10 to AF-40 on an 88 acre tract comprised of Tax Lots 3236-3500, 3236-3600 and a portion of 3236-2800 as depicted on the map attached and incorporated into this ordinance as Exhibit "B". The application also seeks a replat of the Earlwood Plat to combine lots 9, 10, 11, 12 and 14 into a single lot.

B. On September 7, 1995 the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to recommend approval of the application.

C. On October 4, 1995 the Board held a public hearing on the application and voted unanimously to tentatively approve the application subject to the adoption of this ordinance.

D. The findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the Board's tentative decision of October 4, 1995.

E. The attached Exhibit "A" demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan Map and the Official Zoning Map of Yamhill County are in the best interests of the citizens of Yamhill County. NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Yamhill County Comprehensive Plan Map is hereby amended as specified in the attached Exhibit "B", made a part of this ordinance by reference, to reflect a plan map designation of "Agriculture/Forestry Large Holding" for the approximate 88 tract known as Tax Lots 3236-3500, 3236-3600 and that portion of 3236-2800 depicted on Exhibit "B".

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of AF-40 on the approximate 88 tract known as Tax Lots 3236-3500, 3236-3600 and that portion of 3236-2800 depicted on Exhibit "B".

Section 3. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

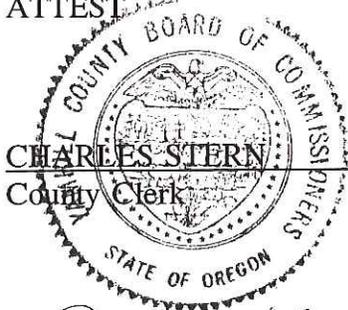
Section 4. The application for a replat of the Earlwood Plat to combine lots 9, 10, 11, 12 and 14 into a single lot is granted subject to the following condition:

A plat map approved by the Planning Director which shows the vacated lots shall be recorded with the County Clerk not later than October 11, 1996. All platted roads which have not been vacated prior to the time of recording shall be retained and shown on the face of the plat.

Section 5. 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 at McMinnville, Oregon this 11th day of October, 1995.

ATTEST



CHARLES STERN
County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chairman DENNIS L. GOECKS

By:
Deputy JAYNIE MITCHELL

Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

JOHN M. GRAY, JR.
Yamhill County Counsel

Commissioner THOMAS E. E. BUNN

EXHIBIT "A" - ORDINANCE 601

**DATE OF FINAL
DECISION:**

October 11, 1995

**DATE OF BOARD
OF COMMISSIONERS
HEARING:**

October 4, 1995

**DATE OF PLANNING
COMMISSION
HEARING:**

September 7, 1995

DOCKET:

PAZ-5-95, L-22-95

REQUEST:

Zone change and Comprehensive Plan map amendment from Agriculture Forestry AF-10, Agriculture/Forestry Small Holding to Agriculture Forestry AF-40, Agriculture/Forestry Large Holding. The request also includes a replat of the Earlwood Plat to combine lots 9, 10, 11, 12 and 14 into a single lot.

APPLICANT:

George and Claire Rives

TAX LOTS:

3236-3500, 3600 and part of 2800

LOCATION:

The west side of Earlwood Road, approximately 1/3 mile north of Wilsonville Road.

REVIEW CRITERIA:

Section 1208 of the Yamhill County Zoning Ordinance

FINDINGS FOR APPROVAL:

A. Background Facts

1. Lot Size: 88 acres requested for rezoning.
2. Access: Earlwood Road borders the eastern property line. There are two additional platted but undeveloped roads bisecting the property.
3. On-Site Land Use: The property is a south-facing hillside containing a mixture of fir, oak and blackberries. The property was apparently logged in the past. There are no structures on the property.
4. Surrounding Land Use: The surrounding area consists of a mixture of agricultural areas and forest lands, with cleared fields to the west, a large orchard to the east and

southeast, and forested areas to the north. The majority of the lots in the surrounding area are developed with residences.

5. Surrounding Zoning: Land to the southwest is zoned EF-40. All other surrounding land is zoned AF-10. South of Wilsonville the zoning is VLDR-2.5.
6. Water: None developed.
8. Sewage Disposal: None developed.
9. Fire Protection: Newberg Rural Fire District
10. Taxes: The entire 88 acres is receiving a forest land tax deferral.
11. Soils: Sheet 23 of the Soil Survey shows that the area consists of the following soils:

Soil Type	Percent of parcel	Agricultural Class	Forest capability
Nekia	40%	IV	130 ft/ac/yr
Woodburn	45%	II, III	150 ft/ac/yr
Jory	3%	IV	155 ft/ac/yr
Terrace Escarp.	2%	VI	80 ft/ac/yr

12. Previous Actions: None.

B. Ordinance Provisions and Analysis

1. The request is to replat a portion of the Earlwood Plat and rezone it and an adjacent property to AF-40 so that it will remain in forest use and not be developed as 10-acre residential lots.
2. The zone change portion of the request must comply with the standards and criteria in the Yamhill County Zoning Ordinance (YCZO), Section 1208.03, which states:

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.*

- B. *The proposed designation shall be appropriate for the existing or intended use of the property.*
- C. *The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.*
- 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.*

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

- 2. Comprehensive Plan Policy (c) of Goal II.A.1 states:

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....

The subject property contains soils which are suitable for both agricultural and forest use. The location and hillside topography of the property are similar to other areas of the county zoned AF-20, but are dissimilar to the valley floors which are zoned EF-40 and the coast range hills that are zoned F-80. Consequently, the mixed farm and forest designation is appropriate and the request complies with criterion (a).

- 3. Regarding criterion (b), the applicant states that the property has been logged in the past and will be reforested rather than developed as individual 10 acre lots that could each be used for a residence. The AF-40 designation is appropriate for the intended use.
- 4. There are no adjacent lands zoned AF-40, so the 88 acre subject property will be smaller than the 160 acre block required by criterion (c). However, an area of approximately 115 acres adjacent to the subject property is zoned EF-40, so there will be more than 160 total contiguous acres zoned for resource use.
- 5. The proposed zoned change does not involve an EF designation, so criterion (d) does not apply.

6. Regarding criterion (e), an exception is not required - the property is currently in an exception area, and the request would reverse that and make the land subject to Statewide Planning Goals 3 and 4.

C. Replat Provisions and Analysis

1. Since the county recognizes individual subdivision lots, regardless of the minimum lot size required by the zoning designation, a replat of lots 9 - 12 and 14 of the Earlwood Plat is part of this request. Without the replat, each of the subdivision lots could still be sold and potentially developed separately even if the zoning is changed to AF-40.
2. There are no specific requirements in the Yamhill County Land Division Ordinance to govern the replat of a previously recorded subdivision plat. However, a new plat map will need to be recorded showing the vacated lots. The two platted roads must be retained in order to provide access to lots 7, 8 and 13 of the Earlwood Plat. These factors should be included as a condition of approval.

CONCLUSIONS:

1. The request is for an amendment to the Yamhill County Comprehensive Plan map from Agriculture/Forestry Small Holding to Agriculture Forestry Large Holding, a zone change from AF-10 to AF-40, and a replat of a portion of the Earlwood Plat.
2. The proposal complies with the criteria in Section 1208.03 of the Yamhill County Zoning Ordinance for a zone change because the AF-40 designation is appropriate for the intended use of the property for forestry and will result in a contiguous area of resource land that is larger than 160 acres.
3. With conditions, the replat can comply with the provisions of the Yamhill County Land Division Ordinance.

DECISION:

In accordance with the implementing ordinance, the Board hereby approves the requested zone change from AF-10 to AF-40 and a comprehensive plan amendment from Agriculture Forestry Small Holding to Agriculture Forestry Large Holding on Tax Lots 3236-3500, 3600 and part of 2800, and a replat of lots 9, 10, 11, 12 and 14 of the Earlwood Plat. Approval of the replat is made subject to the following conditions:

1. A plat map approved by the Planning Director which shows the vacated lots shall be recorded with the County Clerk not later than October 11, 1996. All platted roads which have not been vacated prior to the time of recording shall be retained and shown on the face of the plat.

EXHIBIT "B" FOR ORDINANCE No. 601

ZONING AND COMPREHENSIVE PLAN
MAP AMENDMENT
TO CHANGE THE ZONING MAP
DESIGNATION FROM
"AF-10" AGRICULTURE/FORESTRY SMALL HOLDING
TO "AF-40" AGRICULTURE/FORESTRY LARGE HOLDING

