

Zoning Ordinance

Section 1208.00 - Quasi-Judicial Zone District Boundary Changes

[Last amended 7/09/98, Ordinance 648]

1208.01 General Requirements

A quasi-judicial zone map change is processed as follows:

- A. An amendment may be initiated by the Board, the Commission, or by application of an owner of land.
- B. An application for such a change by an owner of land shall be made in accordance with the Type C application procedure.
- C. Such amendments shall be made only by the Board, after review and recommendation by the Commission. When the request includes a Comprehensive Plan map amendment, both the Commission and Board shall hold public hearings, pursuant to Section [1402](#) of this Ordinance, prior to the Board making a final decision. When the request does not include a Comprehensive Plan map amendment, the Commission shall hold a public hearing to review and make a decision on the proposed zone map amendment. The Board is not required to hold an additional public hearing, but may make a decision based upon the record of the Commission hearing. In either case, the zone map amendment shall not be final until the Board has adopted the amendment by ordinance. [Amended 7/9/98, Ord. 648]
- D. Approval for a boundary change shall include findings satisfying the criteria in [1208.02](#) or [1208.03](#) as appropriate, and addressing applicable Comprehensive Plan goals and policies.
- E. Changes to the applicable zoning maps shall be made and become effective upon filing with the County Clerk.

1208.02 Review Criteria

A quasi-judicial change to a zoning map 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, except as provided in Subsection [1208.03](#):

- A. The proposed change is consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan.
- B. 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. 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. Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.
- E. The amendment is consistent with the current Oregon Administrative Rules (OAR's) for exceptions, if applicable.

1208.03 Review Criteria for Amendments to or Within Exclusive Farm Use and Agriculture/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.
- 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.

- 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. [Amended by Ord. 618 12/30/96]

1208.04 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\(F\)](#). [Added 7/9/98, Ord. 648]

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