



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/4/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment
DLCD File Number 010-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, August 17, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Stephanie Armstrong, Yamhill County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF**JUL 28 2010****LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Yamhill County**Local file number: **Z-03-10**Date of Adoption: **July 21, 2010**Date Mailed: **July 27, 2010**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/17/10☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zone change from AF-80, Agriculture/Forestry to F-80, Forestry.

Does the Adoption differ from proposal? **NO**

Plan Map Changed from:

to:

Zone Map Changed from: **AF-80**to: **F-80**Location: **East of intersection of Willamina Crk. Rd. & Tindle Crk Rd.** Acres Involved: **300**Specify Density: Previous: **1/80**New: **1/80**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 010-10 (18319) [16252]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

SWCD, West Valley Fire District, Department of Forestry, County Public Works, Water Master

Local Contact: **Stephanie Armstrong**

Phone: (503) 434-7516 Extension: 3635

Address: **525 NE Fourth St.**

Fax Number: **503-434-7544**

City: **McMinnville**

Zip: **97128**

E-mail Address: **armstrongs@co.yamhill.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

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 Zone Change from AF-80)
Agriculture/Forestry, to F-80 Forestry, Applicant Old Elk) Ordinance 856
Mountain Tree Farm LLC, Tax Lot 5725-1000, Planning)
Docket Z-03-10, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on July 21, 2010, Commissioners Kathy George, Leslie Lewis, and ~~Mary P. Stern~~ being present.

IT APPEARING TO THE BOARD that Old Elk Mt. Tree Farm, LLC applied for a Zone Change from AF-80, Agriculture/Forestry to F-80, Forestry, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on July 1, 2010 and heard from the applicant (there being no opponents), then voted unanimously to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved detailed in Exhibit "A," the Findings for Approval, hereby incorporated into this Ordinance by this reference. 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. A map is appended as Exhibit "B".

DONE this 21st day of July, 2010, at McMinnville, Oregon.

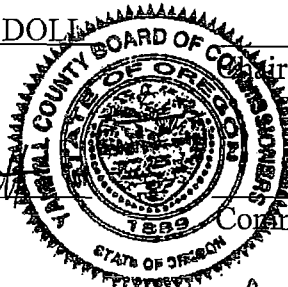
ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLL
County Clerk

Kathy George

KATHY GEORGE

By *Anne Britt*
Deputy Anne Britt



Unavailable for signature

Commissioner

MARY P. STERN

APPROVED AS TO FORM:

Rick Sanai

Leslie Lewis
Commissioner

LESLIE LEWIS

Rick Sanai
Senior Assistant County Counsel

80.10-435

Ordinance 856 - Old Elk Mountain Tree Farm LLC

FINDINGS FOR APPROVAL

DOCKET NO.: Z-03-10

REQUEST: Zone change from AF-80, Agriculture/Forestry to F-80, Forestry.

APPLICANT: Old Elk Mt. Tree Farm, LLC

TAX LOT: 5725-1000

LOCATION: East of the intersection of Willamina Creek Road and Tindle Creek Road

AREA SIZE: The entire parcel is 415.3 acres. The area proposed to be rezoned is approximately 300 acres.

CRITERIA: Sections 401, 403 and 1208 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

FINDINGS:

A. Background Facts

1. Lot Size: Approximately 415.3 acres.
2. Access: The parcel has frontage on Willamina Creek Road.
3. On-Site Land Use: The application states the parcel is currently in forest use with some areas that are open fields. The application contains a detailed description of the previous forest operations. The parcel contains one single family dwelling.
4. Surrounding Zoning and Land Use: The surrounding area to the south and west is zoned AF-10, Agriculture/Forestry, and the property to the north and east is zoned F-80, Forestry and AF-80, Agriculture/Forestry. The surrounding area is primarily forested with some rural residences. The area parcel sizes range from approximately 10 to 100 acres.
5. Water: Grand Ronde Water District.
6. Sewage Disposal: Existing septic system.
7. Soils: See the *Yamhill County Soil Analysis Detail* in the file.
8. Fire Protection: West Valley Rural Fire District.
9. Taxes: The Yamhill County tax records show the parcel is receiving forest deferral.
10. Overlay Zones: None.

B. Ordinance Provisions and Analysis

1. The Board finds that 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.*
- 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.* [Ordinance 618, 12/30/96]

The above criteria are addressed in Findings B.2 through B.5 below.

2. 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.

The majority of the subject parcel is currently in forest use and has been predominantly in forest use in the past. According to the application the parcel has been receiving forest deferral since at least 1974. The proposed zone, F-80, would more accurately reflect the existing uses on the subject parcel. The applicant is not proposing an urban use; the minimum lot size is to remain 80 acres.

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.

The Yamhill County Soil Survey shows the majority of the portion of the parcel to be rezoned is composed of soils capable of producing at least 145 cubic feet of wood fiber per acre per year. The application states the majority of the property consists of hilly ground with slopes generally in the 10% to 20% slope range. The requested zone change will preserve the County's soil resources for their suitability for forest use.

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.

As described above, the proposed zone change would conserve the county's forest resources that currently exist on the property.

3. Regarding criterion (B), as mentioned above, the majority of the subject parcel is currently in forest use and the applicant states they intend to continue timber use on the property; the zone change from an agriculture/forestry zone to a forestry zone would more accurately reflect the current and intended use of the property.
4. Regarding criterion (C), the subject parcel is approximately 415.3 acres and approximately 114 acres of the parcel is currently zoned F-80. Additionally, the subject site is adjacent to land to the east that is currently zoned F-80, therefore, the request is consistent with criterion (C).
5. Regarding criteria (D), (E) and (F), these criteria are not applicable since the request does not include reducing the minimum lot size on the property. The applicant wishes to keep the minimum lot size at 80 acres.

CONCLUSION:

1. The request is for a zone change from AF-80, Agriculture/Forestry to F-80 Forestry Use. The total area proposed to be rezoned is approximately 300 acres.
2. The zone change is appropriate due to the fact that the majority of the parcel is currently in forest use and is well suited for forest uses.
3. The request complies with the criteria listed in Section 1208.03 of the Yamhill County Zoning Ordinance and is consistent with the applicable goals found in Yamhill County's Comprehensive Plan.
4. The proposed designation is appropriate for the existing and intended use of the property.

DECISION:

Based on the above findings and conclusions, the request by Old Elk Mountain Tree Farm, LLC, for a zone change from AF-80, Agriculture/Forestry to F-80, Forestry Use on approximately 300 acres of Tax Lot 5725-1000, is hereby approved.

B.O. 10-435

APPROXIMATE SCALE - 1 INCH = 900 FEET

BD-10-435

**Yamhill County Dept
of Planning & Development**
525 NE Fourth St.
McMinnville, OR 97128
<http://www.co.yamhill.or.us/plan/>



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