



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

July 11, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment
DLCD File Number 004-08



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: July 28, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Stephanie Armstrong, Yamhill County

<paa> n

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JUL 08 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Yamhill County**

Local file number: **Z-0108**

Date of Adoption: **7/2/2008**

Date Mailed: **7/3/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/24/2008**

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, Agriculture/Forestry to EF, Exclusive Farm use.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **AF-20**

to: **EF-20**

Location: **35555 NE Corral Creek Road, Newberg**

Acres Involved: **20**

Specify Density: Previous: **1/20**

New: **1/20**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <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 No

DLCD file No. _____

004-08 (16793)

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

Dept. of Forestry, SWCD

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 **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) 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**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



BOARD OF COUNTY COMMISSIONERS

KATHY GEORGE • LESLIE LEWIS • MARY P. STERN

535 NE Fifth Street • McMinnville, OR 97128-4523
(503) 434-7501 • Fax (503) 434-7553
TTY (800) 735-2900 • www.co.yamhill.or.us

July 2, 2008

Robert Woods
35555 NE Corral Creek Rd
Newberg, OR 97132

Jessica Cain
Gunn Cain & Kinney
700 N. Deborah Rd, Ste 250
Newberg, OR 97132

RE: Planning Docket Z-01-08
Ordinance 827

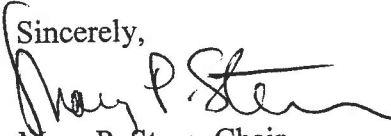
Dear Mr. Woods and Ms. Cain:

At the July 2, 2008 formal session of the Board of Commissioners, the Board adopted Ordinance 827, approving the request for a zone change on Tax Lot 3225-300.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 827, a copy of which is enclosed. Copies may also be reviewed in the Planning Department during normal business hours. The Planning Department is located at 525 NE Fourth Street, McMinnville, Oregon.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must be filed within 21 days of the date the decision became final, which was July 2, 2008. A successful appeal could revoke this approval.

If you have any questions regarding the county's action, you may contact me at the phone number listed above or the Planning Department (434-7516).

Sincerely,

Mary P. Stern, Chair
Board of Commissioners

MPS-CW:cw
Enclosure

cc: Planning Department; Ken Friday
Interested parties per attached list (w/out attachment)

Notice of Decision
Planning Docket Z-01-08
Robert Woods

Robert Woods
35555 NE Corral Creek Rd
Newberg, OR 97132

Jessica Cain, Gunn Cain & Kinney
700 N. Deborah Rd, Ste 250
Newberg, OR 97132

Charles Harrell, Gunn Cain & Kinney
700 N. Deborah Rd, Ste 250
Newberg, OR 97132

James D. Horrocks
35500 NE Corral Creek Rd
Newberg, OR 97132

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-20 Agriculture/Forestry to EF-20 Exclusive Farm Use,) Ordinance 827
Docket Z-01-08, Tax Lot 3225-300, Applicant Robert Woods,)
and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on July 2, 2008, Commissioners Mary P. Stern, Leslie Lewis and Kathy George being present.

IT APPEARING TO THE BOARD that Robert Woods requested approval of a zone change from AF-20 Agriculture/Forestry to EF-20 Exclusive Farm use for a 20.5 acre parcel, Tax Lot 3225-300, and

IT APPEARING TO THE BOARD that the matter was heard at a duly noticed public hearing before the Planning Commission June 5, 2008, which voted for approval, and no appeal was filed. 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.

DONE this 2nd day of July, 2008, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: Danell
Deputy Anne Britt



Mary P Stern
Chair

MARY P. STERN

Leslie A. Lewis
Commissioner

LESLIE LEWIS

Kathy George
Commissioner

KATHY GEORGE

APPROVED AS TO FORM
Rick Sanai

Rick Sanai, Assistant County Counsel

B.O. 08-454

Exhibit "A" Findings for Approval

DOCKET NO.: Z-01-08

REQUEST: Zone change from AF-20 Agriculture/Forestry to EF-20 Exclusive Farm use.

APPLICANT: Robert Woods

TAX LOT: 3225-300

LOCATION: 35555 NE Corral Creek Road, Newberg

PARCEL SIZE: 20.5 acres

CRITERIA: Sections 402, 403 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

A. Background Facts

1. Lot Size: 20.5 acres
2. Access: Corral Creek Road.
3. On-Site Land Use: The property contains a newly constructed home that was built to replace the existing manufactured home. The property also contains a barn, shop and other outbuildings. The property is split by Corral Creek Road. The majority of the property is currently forested. There is an area with an open arena on the south side of Corral Creek Road. The applicants currently raise and train competition horses. In addition, the applicant operates a contractors business, C.R. Trucking, Inc., from the property.
4. Surrounding Land Use and Zoning: The surrounding area to the west, north and east is zoned AF-20, Agriculture/Forestry use and the area is predominantly forested. The parcels to the south are zoned EF-20, Exclusive Farm Use and are predominantly in farm use.
5. Water: On-site well.
6. Sewage Disposal: An on-site subsurface system was installed for the new residence that was constructed in 2007. There is an existing septic system for the manufactured home.
7. Soils: The *Yamhill County Soil Survey* indicates the following soil types on the property:

<i>Soil Type (abb.)</i>	<i>Acres</i>	<i>Class</i>	<i>Soil Value</i>	<i>Timber yield/acre</i>
Jory (JRF)	10.08	VI	non-high value	155 cubic feet
Jory (JrB and JrC)	7.56	II	prime	155 cubic feet

Nekia (NcD)	2.06	III	high-value	130 cubic feet
Jory (JRE & JrD)	0.56	III	high-value	155 cubic feet

8. Fire Protection: Newberg Rural Fire District.
9. Taxes: 14.5 acres is receiving forest deferral and five acres is at market value.
10. Previous Actions: In July of 1994 the property received approval for a “forest template” dwelling through Docket FD-24-94. In November of 2005, the applicant received conditional use approval for a contractors business (C.R. Woods Trucking, Inc.) to be operated as a home occupation on the parcel through Docket C-17-05.
11. Further Information: As noted above, the applicants have recently constructed a new dwelling to replace the manufactured home. The new dwelling received final occupancy on December 17, 2007. On October 30, 2007, the property owner applied for a secondary farm help dwelling, Docket FD-18-07 (See attached application) in order to keep the existing manufactured home on the property. After reviewing the application, it did not appear to satisfy all the criteria, specifically:

A secondary dwelling for a relative of the farm operator on a tract that was predominantly in agricultural use on January 1, 1993, (Underline added)

From the 1992 county aerial photos the parcel appeared to be primarily forested and in 1994, as noted above, the property was approved for a “forest template” dwelling, which requires the parcel to be predominantly in forest use on January 1, 1993. Because of the above details, the farm help dwelling application would be denied. The applicant was contacted by phone regarding this and subsequently a letter was sent to the applicant formalizing the circumstances. Therefore, the applicant chose to proceed with a zone change application to Exclusive Farm use in order to get the secondary farm help dwelling approval.

B. Ordinance 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 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*

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

The above criteria are addressed in Findings B.2 through B.7 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 conservation 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 forested. The applicant has indicated the property will retain some trees, however, the primary use of the property will be to clear the parcel and use it for the raising and selling of horses. Both the AF and EF zones allow for farm uses. The applicant is not proposing an urban use.

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.

According to the Yamhill County Soil Survey, the majority of the parcel is capable of producing 155 cubic feet of timber per acre and approximately half of the parcel is made up of high-value and prime farmland. The currently designated zone of Agriculture/Forestry appears to be a suitable designation given the soil capabilities for both farm and forest uses.

Section II A.c, Policy reads, in part:

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.

The parcel does appear to be currently characterized by a mixture of farm and 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.

The parcel appears to have forest productivity potential based on the soil types and the fact that the property has been for many years and is currently forested. The proposed zoning designation of EF still allows for the propagation and harvesting of forest products.

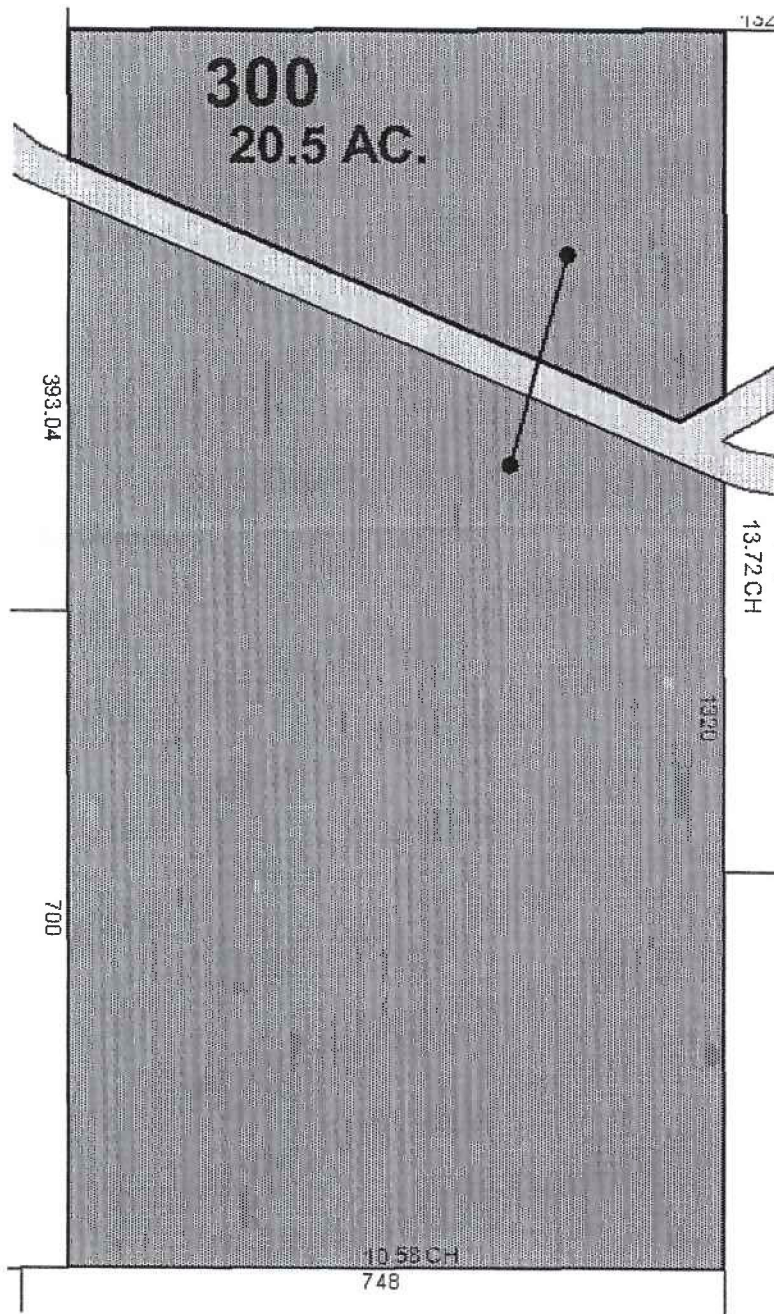
3. Regarding criterion (B), as mentioned above, the majority of the subject parcel is currently forested. The applicant has noted that the property has not been used by the current owner to produce timber and will not be utilizing the property to raise or harvest timber in a sustained way. The applicant intends to clear the trees from the property. The parcel has been used and will continue to be used for the raising and production of horses. The proposed zone change appears to be appropriate for the intended use of the property.
4. Regarding criterion (C), the subject parcel is contiguous with approximately 164 acres of property zoned EF-20, 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 20 acres.

CONCLUSIONS:

1. The request is for a zone change from AF-20 Agriculture Forestry Use to EF-20 Exclusive Farm Use. Total area proposed to be rezoned is 20.5 acres.
2. The request complies with criteria listed in Section 1208.03 of the Yamhill County Zoning Ordinance.
3. The proposed change will continue to allow the opportunity for growing and harvesting trees.
4. The proposed designation is appropriate for the intended use of the property.

EXHIBIT MAP FOR ORDINANCE NO. 827
ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
July 2, 2008
TO CHANGE OFFICIAL ZONING MAP FROM
AF-20 AGRICULTURE/FORESTRY
TO
EF-20 EXCLUSIVE FARM USE



CHANGE APPLIES TO TAX LOT 3225-300 DESCRIBED AND HIGHLIGHTED ABOVE

APPROXIMATE SCALE - 1 INCH = 300 FEET

B.O.08-454

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

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

