



# 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

December 28, 2006



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 012-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 11, 2007**

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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 DATE SPECIFIED ABOVE.**

cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Ron Eber, DLCD Farm/Forest Specialist  
Ken Friday, Yamhill County

<paa> ya/

# FORM 2

## DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

DEPT OF  
LAND CONSERVATION  
AND DEVELOPMENT  
DEC 22 2006

Jurisdiction: Yamhill County

Local File No.: Z-03-06  
(If no number, use none)

Date of Adoption: December 6, 2006  
(Must be filled in)

Date Mailed: December 21, 2006  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 1, 2006

Comprehensive Plan Text Amendment       Comprehensive Plan Map Amendment

Land Use Regulation Amendment       Zoning Map Amendment

New Land Use Regulation       Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Zone Change from EF-20 Exclusive Farm use to AF-40 Agriculture/Forestry Use

\_\_\_\_\_  
\_\_\_\_\_

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

N/A

\_\_\_\_\_  
\_\_\_\_\_

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: EF-20 Exclusive Farm use to: AF-40 Agriculture/Forestry use

Location: 11785 NW Old Soldiers Road, Carlton Acres Involved: 13.56

Specify Density: Previous: 1 dwel/20 ac New: 1 dwel/40 ac

Applicable Statewide Planning Goals: 3 and 4

Was an Exception Adopted? Yes:  No:

DLCD File No.: 012-06(15528)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: \_\_\_ No: \_\_\_

If no, do the Statewide Planning Goals apply. Yes: \_\_\_ No: \_\_\_

If no, did The Emergency Circumstances Require immediate adoption. Yes: \_\_\_ No: \_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: \_\_\_\_\_ Area Code + Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code+4: \_\_\_\_\_

## 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@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

www.co.yamhill.or.us

December 11, 2006

Catherine Wright  
PO Box 625  
McMinnville, OR 97128

Vicky Tadic  
645 Jackson  
Lafayette, OR 97127

RE: Planning Docket Z-03-06  
Ordinance 799

Dear Ms. Wright and Ms. Tadic:

At the December 6, 2006 formal session of the Board of Commissioners, the Board adopted Ordinance 799, approving a request for a zone change on Tax Lots 3523-100, -200, and -1500.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 799, 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 December 6, 2006. 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,

*Carol White, Paralegal*  
for Leslie Lewis, Chair  
Board of Commissioners

RECEIVED

DEC 15 2006

YAMHILL COUNTY PLANNING

LL-CW:cw  
Enclosure

cc: Planning Department & Martin Chroust-Masin  
Robert and Linda West, 11785 NW Old Soldiers Rd, Carlton, OR 97111 (w/o attachment)

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL  
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

Approval of a Zone change from EF-20 Exclusive Farm Use )  
to AF-40 Agriculture Forestry Use for a 18.5 Acre Parcel, ) Ordinance 799  
Tax Lots 3523-100, 200 and 1500, Docket Z-03-06, )  
Applicant Vicky Tadic, and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on Wednesday, December 6, 2006, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Vicky Tadic applied for a Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use, and

The Yamhill County Planning Commission held a duly noticed public hearing on November 2, 2006 and approved the application by a vote of 7-0. No person appealed this approval to the Yamhill County Board of Commissioners, so the approval now becomes final.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD:

The application is approved as detailed in the Findings for Approval, Exhibit "A", attached and hereby incorporated into this ordinance. 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 6<sup>th</sup> day of December, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

Leslie A. Lewis  
LESLIE LEWIS

By: Anne Britt  
Deputy Anne Britt



Kathy George  
Commissioner KATHY GEORGE

APPROVED AS TO FORM:

rick sanai

Mary P. Stern  
Commissioner MARY P. STERN

Rick Sanai, Assistant County Counsel

Exhibit "A"

**HEARING DATE:** November 2, 2006

**DOCKET NO.:** Z-03-06

**REQUEST:** Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use.

**APPLICANT:** Drabkin, Tankersley and Wright representing Vicky A. Tadic

**TAX LOTS:** 3523-100, 200 and 1500

**LOCATION:** 11785 NW Old Soldiers Road, Carlton and the two parcels to the south along Old Soldiers Road.

**CRITERIA:** Sections 402, 403 and 1208.04 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan.

**FINDINGS:**

A. Background Facts

1. **Lot Size:** The tract is 18.5 acres. The tract consists of Tax Lots 3523-100, 200 and 1500. Lot 3523-100 is owned by Robert and Linda West, whom have authorized the applicant to re-zone their property in conjunction with this application (See attached consent form).
2. **Access:** Old Soldiers Road.
3. **On-Site Land Use:** Tax Lot 100 currently has a single family dwelling on it and Tax Lots 200 and 1500 are undeveloped forested land with some pasture land.
4. **Surrounding Zoning:** Property to the south is zoned EF-20, Exclusive Farm use and property to the east, northeast is zoned EF-80. The parcels to the north are zoned F-80, Forestry use, and parcels to the west are zoned AF-40, Agriculture/Forestry.
5. **Surrounding Land Use:** The land to the north, east and west is predominantly forested. Only land to the south appears to exhibit a mixture of farm and forestry uses.
6. **Water:** On-site well.
7. **Sewage Disposal:** An on-site subsurface system would be required for any residential use.

Findings

Docket Z-03-06 (Wright/Tadic)

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8. Soils: The Yamhill County Soil Survey indicates the soil types on the subject parcels are Willakenzie (WeE and WkD) which are rated as class III and IV, high value soils.
9. Fire Protection: Carlton Rural Fire District.
10. Taxes: Tax Lots 3523-100, 200, and 1500 are all taxed at market value.
11. Other Factors: Until late 1993 the property was zoned AF-20. In December of 1993 the lots were rezoned EF-20, at the requirement of the State.

B. Ordinance Provisions and Analysis

1. The requested zone change complies with the review criteria found in Section 1208.04 of the Yamhill County Zoning Ordinance, as follows:

**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).*

## Findings

Docket Z-03-06 (Wright/Tadic)

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The above criteria are addressed in Findings B.2 through B.7 below.

2. Regarding the location of the tract as specified in criterion (A) above, the average elevation of the lots in question ranges from approximately 300 feet in the southwest corner of Tax Lot 1500 to a high point in excess of 400 feet in the eastern portion of all three lots. The topography is primarily foothills with a small amount of ridge top. The request meets this criterion.
3. Regarding criterion (B) above, the 2005 aerial photograph of the area shows that at least 50% of each parcel within the subject tract is forested. The parcels also contain some cleared areas. The purpose section of the Agriculture/Forestry District states in part:

*The purpose of the Agriculture/Forestry District is to identify and protect lands designated as Agriculture/Forestry Large Holding on the Comprehensive Plan, that are a mixture of agricultural and forest management operations, and other uses which are compatible with such operations.*

Due to the mixed nature of the use of the properties, and the fact that the applicants are using the properties for a mixture of farm and forestry uses, it appears that the requested change would be appropriate. The request meets this criterion.

4. Regarding criterion (C), the Official 1980 County Zoning Map, which was valid until December 29, 1993, shows the entire subject tract was zoned AF-20 Agriculture/Forestry use (See attached map). The request meets this criterion.
5. Regarding criterion (D) the lots contain Class III and IV soils and are, therefore, considered agricultural land pursuant to Goal 3, however, they also contain at least 50% of forested area. The majority of the soils are capable of producing 145 cubic feet of wood fiber per acre per year. Therefore, none of the lots are exclusively suitable for Goal 3 use or Goal 4 use.
6. Regarding criterion (E), the request will result in at least 160 contiguous acres of the requested designation of AF-40.
7. Criterion (F) above does not apply since the approval of the request would not reduce the minimum lot size on the property. The applicant wishes to increase the minimum lot size to 40 acres.

## CONCLUSIONS

1. The request is for a zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use. Total area proposed to be rezoned is 18.5 acres.
2. The zone change is appropriate to reflect the mixed uses on the property.



Findings

Docket Z-03-06 (Wright/Tadic)

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3. The request complies with the criteria listed in Section 1208.4 of the Yamhill County Zoning Ordinance.
4. The proposed designation is appropriate for the intended use of the property.
5. The proposed change will continue to allow the opportunity for growing and harvesting trees.

End

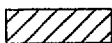
B.O.06-983

**EXHIBIT "B" FOR ORDINANCE No. 799**

**ZONE CHANGE FROM "EF-20", EXCLUSIVE FARM USE  
TO "AF-40", AGRICULTURE/FORESTRY USE**



**Legend**

 Z-03-06



ORDINANCE No.: 799  
EXHIBIT "B"

**STAFF REPORT**  
**YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

---

**HEARING DATE:** November 2, 2006

**DOCKET NO.:** Z-03-06

**REQUEST:** Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use.

**APPLICANT:** Drabkin, Tankersley and Wright representing Vicky A. Tadic

**TAX LOTS:** 3523-100, 200 and 1500

**LOCATION:** 11785 NW Old Soldiers Road, Carlton and the two parcels to the south along Old Soldiers Road.

**CRITERIA:** Sections 402, 403 and 1208.04 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan.

**COMMENTS:** *Carlton Fire Dist:* No response as of the writing of this staff report.  
*Soil and Water Conservation District:* No response as of the writing of this staff report.  
*Public Works:* No response as of the writing of this staff report.

**EXHIBITS:**

- I Application
- II Public Notice
- III Exhibits
- IV Comments received

**FINDINGS:**

A. Background Facts

1. **Lot Size:** The tract is 18.5 acres. The tract consists of Tax Lots 3523-100, 200 and 1500. Lot 3523-100 is owned by Robert and Linda West, whom have authorized the applicant to re-zone their property in conjunction with this application (See attached consent form).
2. **Access:** Old Soldiers Road.
3. **On-Site Land Use:** Tax Lot 100 currently has a single family dwelling on it and Tax Lots 200 and 1500 are undeveloped forested land with some pasture land.

**STAFF REPORT**  
**YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

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## STAFF REPORT

Docket Z-03-06 (Wright/Tadic)

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4. Surrounding Zoning: Property to the south is zoned EF-20, Exclusive Farm use and property to the east, northeast is zoned EF-80. The parcels to the north are zoned F-80, Forestry use, and parcels to the west are zoned AF-40, Agriculture/Forestry.
5. Surrounding Land Use: The land to the north, east and west is predominantly forested. Only land to the south appears to exhibit a mixture of farm and forestry uses.
6. Water: On-site well.
7. Sewage Disposal: An on-site subsurface system would be required for any residential use.
8. Soils: The Yamhill County Soil Survey indicates the soil types on the subject parcels are Willakenzie (WeE and WkD) which are rated as class III and IV, high value soils.
9. Fire Protection: Carlton Rural Fire District.
10. Taxes: Tax Lots 3523-100, 200, and 1500 are all taxed at market value.
11. Other Factors: Until late 1993 the property was zoned AF-20. In December of 1993 the lots were rezoned EF-20, at the requirement of the State.

### 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 1208.04 of the Yamhill County Zoning Ordinance, as follows:

#### **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:*

STAFF REPORT

Docket Z-03-06 (Wright/Tadic)

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- 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).*

The above criteria are addressed in Findings B.2 through B.7 below.

- 2. Regarding the location of the tract as specified in criterion (A) above, the average elevation of the lots in question ranges from approximately 300 feet in the southwest corner of Tax Lot 1500 to a high point in excess of 400 feet in the eastern portion of all three lots. The topography is primarily foothills with a small amount of ridge top. The request meets this criterion.
- 3. Regarding criterion (B) above, the 2005 aerial photograph of the area shows that at least 50% of each parcel within the subject tract is forested. The parcels also contain some cleared areas. The purpose section of the Agriculture/Forestry District states in part:

*The purpose of the Agriculture/Forestry District is to identify and protect lands designated as Agriculture/Forestry Large Holding on the Comprehensive Plan, that are a mixture of agricultural and forest management operations, and other uses which are compatible with such operations.*

Due to the mixed nature of the use of the properties, and the fact that the applicants are using the properties for a mixture of farm and forestry uses, it appears that the requested change would be appropriate. The request meets this criterion.

## STAFF REPORT

Docket Z-03-06 (Wright/Tadic)

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4. Regarding criterion (C), the Official 1980 County Zoning Map, which was valid until December 29, 1993, shows the entire subject tract was zoned AF-20 Agriculture/Forestry use (See attached map). The request meets this criterion.
5. Regarding criterion (D) the lots contain Class III and IV soils and are, therefore, considered agricultural land pursuant to Goal 3, however, they also contain at least 50% of forested area. The majority of the soils are capable of producing 145 cubic feet of wood fiber per acre per year. Therefore, none of the lots are exclusively suitable for Goal 3 use or Goal 4 use.
6. Regarding criterion (E), the request will result in at least 160 contiguous acres of the requested designation of AF-40.
7. Criterion (F) above does not apply since the approval of the request would not reduce the minimum lot size on the property. The applicant wishes to increase the minimum lot size to 40 acres.

## CONCLUSIONS

1. The request is for a zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use. Total area proposed to be rezoned is 18.5 acres.
2. The zone change is appropriate to reflect the mixed uses on the property.
3. The request complies with the criteria listed in Section 1208.4 of the Yamhill County Zoning Ordinance.
4. The proposed designation is appropriate for the intended use of the property.
5. The proposed change will continue to allow the opportunity for growing and harvesting trees.

## STAFF RECOMMENDATION:

Based on the above findings and conclusions, the request by Drabkin, Tankersly, and Wright representing Vicky Tadic, for a zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Use on Tax Lots 3523-100, 200, and 1500 is recommended for approval.

MB:kf:sa

STAFF REPORT

Docket Z-03-06 (Wright/Tadic)

Page 3

- 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.*
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Due to the mixed nature of the use of the properties, and the fact that the applicants are using the properties for a mixture of farm and forestry uses, it appears that the requested change would be appropriate. The request meets this criterion.



# I. Application

**YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT**  
**LAND USE APPLICATION**

401 NE Evans Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket 2-03-06  
 Date 8-22-06  
 Rec'd By LOWE  
 Receipt # 64139  
 Fee \$ 1086.00

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Catherine A. Wright Drabkin, Tankersley & Wright			Tadic Vicky A.		
Last Name	First	MI	Last Name	First	MI
PO Box 625			645 Jackson		
Mailing Address (Street or PO Box) McMinnville, OR 97128			Mailing Address (Street or PO Box) Lafayette, OR 97127		
City	State	Zip	City	State	Zip
(503) 472-0344			(503) 864-8324		
Telephone			Telephone		

If the applicant is not the legal owner, state interest in property:

Applicant is attorney representing legal owner

**PROPERTY INFORMATION**

Tax Lot(s) R3523-200; R3523-1500 Zone EF-20  
R3523-100 (neighboring parcel; see Exhibit B)  
 Size of Tract (include all adjacent tax lots) 13.56 acres

1. TYPE OF APPLICATION (what is requested?): Zone change from EF-20 to AF-40

2. JUSTIFICATION FOR REQUEST YCZO Section(s): 1208.4

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. Present use of property: Undeveloped, raw land with timber and pasture

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):

Tax Lot R3523-200: Shed, permit for barn

Tax Lot R3523-1500: No buildings

5. Is there a septic system on the property?  Yes  No

6. How will water be provided?  Well  City  Other \_\_\_\_\_

7. How is the property accessed? Both lots are on, and will be accessed from, Old Soldiers Rd.

8. To your knowledge, do any of the following natural hazards exist on the property?

- Floodplain
- Areas of erosion
- Steep slopes
- Fish or wildlife habitat
- Soil limitations for building or septic

**THE APPLICANT MUST SUBMIT:**

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.
3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.  
See attached Exhibits A and B
4. Filing fee (make check payable to Yamhill County).

**NOTE: Fees are not transferrable or refundable.**

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

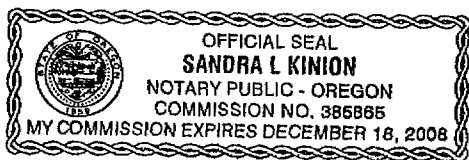
I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Catherine A. [Signature]      8/21/06  
Applicant's signature      Date

Vicky Ann Tadic      8/21/06  
Property owner's signature (if different)      Date

State of OREGON  
County of YAMHILL

Signed before me on this 21st day of August, 2006  
by Vicky Ann Tadic



Sandra L. Kinion  
Notary Public for Oregon  
My Commission expires 12-18-2008

EXHIBIT A

ATTACHMENT TO TADIC LAND USE APPLICATION  
COMPLIANCE WITH APPROVAL CRITERIA

RE: Tax Lot R3523-200  
Tax Lot R3523-1500

Request Zone Change from EF20 to AF40

The owner of Tax Lots R3523-200 and R3523-1500 requests that her two parcels be rezoned from EF 20 to AF 40. The two lots are contiguous, with Tax Lot 200 lying immediately north of Tax Lot 1500.

YCZO §1208.4, A through E, sets out the applicable approval criteria. The requested zone change complies as follows:

- A. The parcels are primarily foothills with a small amount of ridgetop, above the flat terrace and valley floor commercial/agricultural areas and below the contiguous timberlands of the Coast Range. The topographical map attached as Exhibit "A-1" shows that the elevation ranges from a low point of approximately 300 feet in the southwest corner of Tax Lot 1500 to a high point in excess of 400 feet in the eastern portion of both lots. The soils map attached as Exhibit "A-2" shows that the soils on both parcels are classified as high value farm land, but not prime. Approximately two-thirds of the western portion of Tax Lot 200 and one-half of the western portion of Tax Lot 1500 are composed of class IV soils. The eastern portion of both parcels is composed of class III.
- B. Greater than 50% of each parcel is forested. Exhibit "A-3," an aerial photo taken from the County's GIS database, shows that the western two-thirds of Tax Lot 1500 is forested and all of Tax Lot 200 is forested except for a small portion in the southeastern section.
- C. Both lots were designated AF 20 prior to December 29, 1993, according to the County Planning Office. They were rezoned to EF on December 29, 1993 as part of a periodic review by the county.
- D. Tax Lots R3523-200 and R3523-1500 contain a mixture of agricultural and forest uses to which neither Goal 3 nor Goal 4 (Oregon's Statewide Planning Goals & Guidelines) can be applied alone. Goal 3 is "[T]o preserve and maintain agricultural lands \*\*\*" and Goal 4 is "[T]o conserve forest lands by protecting the forest land base and to protect the state's forest economy \*\*\*."

These state goals are implemented, in part, by Yamhill County Comprehensive Land Use Plan, Sections II A (Agricultural Lands) and II B (Forest Lands). Under

Agricultural Lands, Policy B provides for the protection of farmland in large blocks. The change requested by this application would continue to preserve and protect the existing agricultural and forest land; no minimum lot size change is sought and as such it does not represent a move toward urbanization.

The Yamhill County Comprehensive Land Use Plan recognizes that some areas of the county are mixed use. Policy C under Agricultural Lands, and Policy E under Forest Lands are the same and state as follows:

“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.”

That is exactly the situation presented here. The two lots are comprised of categories III and IV high value farm land soils (Exhibit A-2). Approximately two-thirds of the land is forested, as shown on the aerial photo attached as Exhibit “A-3” and the parcels are foothills in the transition area between the valley floor and the higher mountainous areas. Neither parcel complies with either exclusive farm or forest land goals because of the terrain and mix of timber and pasture. Neither parcel is exclusively farm or forest. The requested change to AF 40 would allow continued use of the existing open farmland on both parcels while recognizing and allowing for use of the significant forest land on both parcels.

The other goal under Agricultural Lands is to preserve soil resources “in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designates on the county plan map.” The zone change requested here would conserve the soil resource by allowing continued use for agriculture and for the existing forest land.

- E. The proposed amendment will result in an area of at least 160 contiguous acres of the requested designation of AF 40. In fact, it will result in 472.15 contiguous acres, including the two parcels in question which total 13.56 acres, as shown on the zoning map attached as Exhibit “A-4.”

# Yamhill County Map

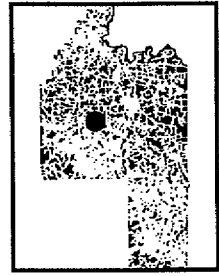
taxlot polygons  
 Tax lot Number R3523 00100  
 Account Number 001103417  
 Owner ROBERT L & LINDA S WEST  
 Situs Address 11785 NW OLD SOLDIERS RD  
 Billing Agent WEST ROBERT L & LINDA S  
 Billing Address 11785 NW OLD SOLDIERS RD C...  
 Square Feet 0  
 Legal Acres 4.94  
 Neighborhood 0002  
 PCA 4092  
 Tax lot Number R3523 00100

PCA Code

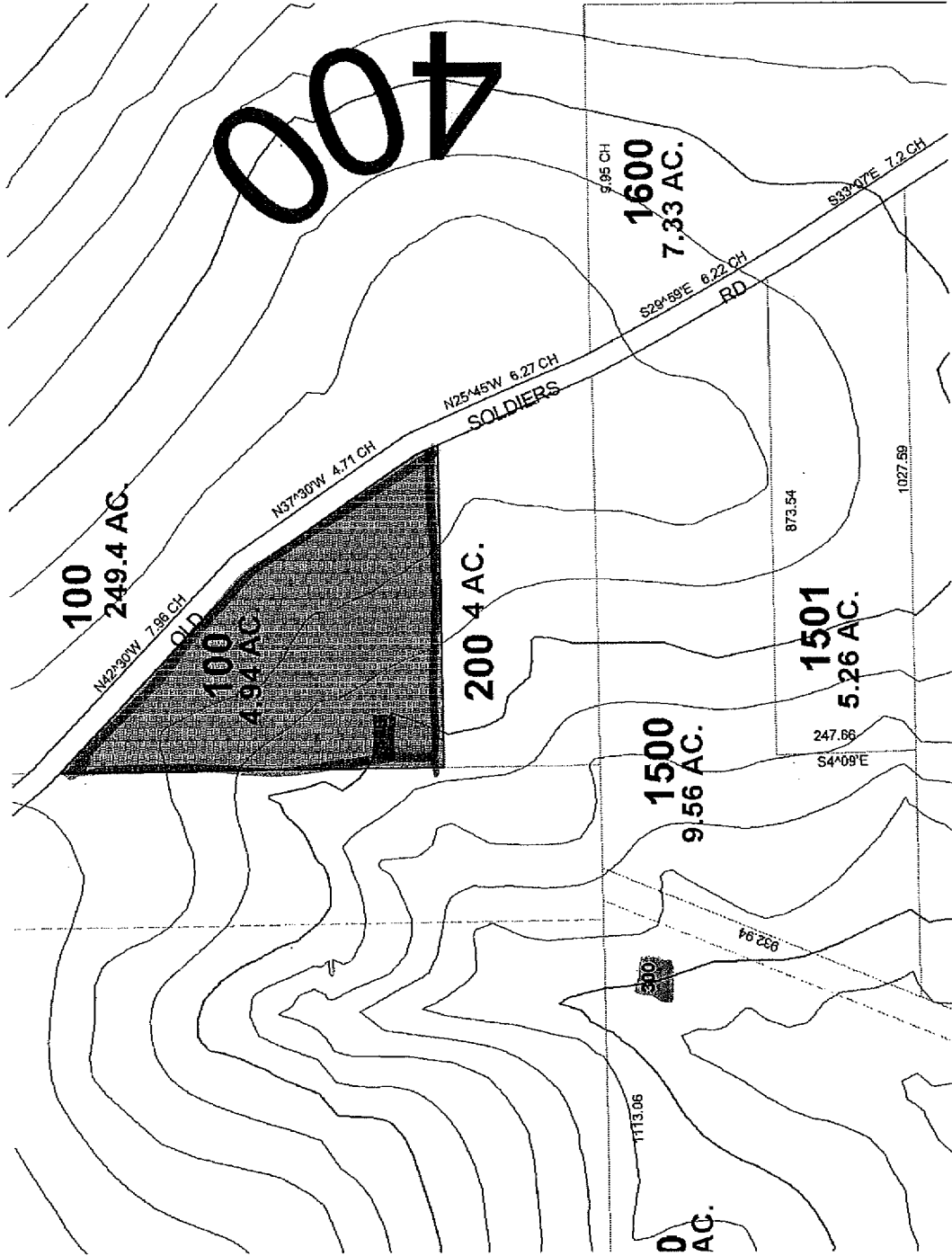
PCA Description  
 Tract Land-No Significance-M...

Property Status Class

Use-Class-Description  
 Mobile Home-5-Double Wide 24...



8/15/2006



1 in. = 300 ft.

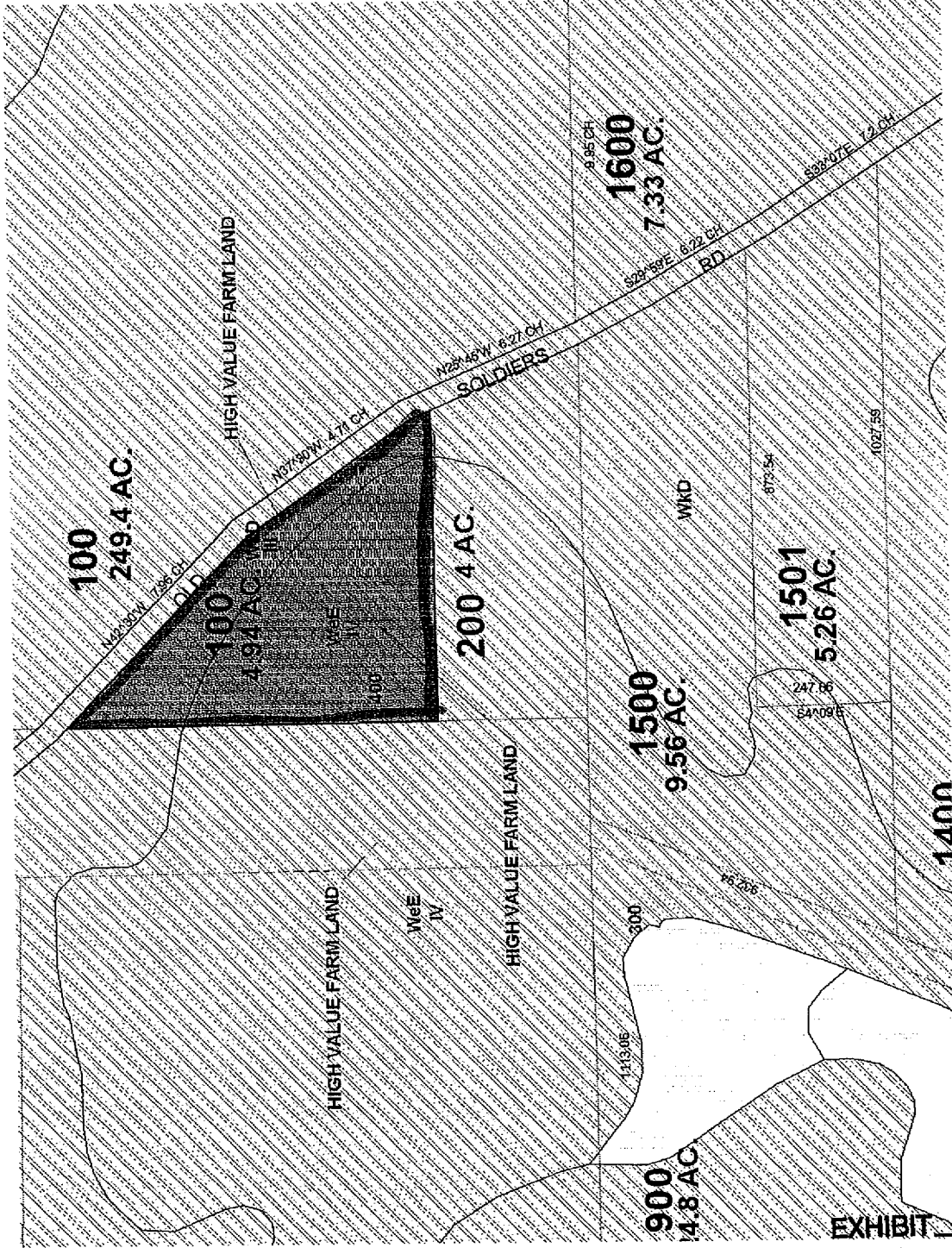
This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

# Yamhill County Map

- Newberg ByPass
- Construction Phase 1
- Construction Phase 2
- Construction Phase 3
- Railroads
- Soils
- Prime Farm Land
- High Value Farm Land
- Non - High Value Farm ...
- Streams
- Taxlots
- right of ways
- taxlot lines
- taxlot polygons
- Taxlots History
- Townships



8/15/2006



1 in. = 300 ft

EXHIBIT A-2  
PAGE 1 OF 1

This map was produced using the Yamhill 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, misuse or misinterpretation.

Yamhill County Maps



EXHIBIT A-3  
PAGE 1 OF 1



EXHIBIT B TO TADIC LAND USE APPLICATION  
REGARDING CONSENT FROM NEIGHBORS TO REZONE

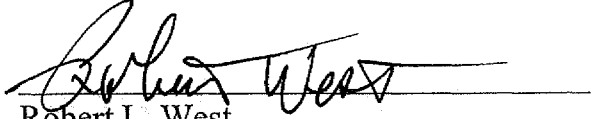
Pursuant to a suggestion by the Yamhill County Planning Department as part of this application to rezone parcels 3523-200 and 3523-1500, the neighbors to the north, the Wests, the owners of R3523-100, consent to allowing their parcel to be rezoned to AF-40 as well. (Consent attached as Ex. "B-1") The County suggested adding the West parcel to this request because, if the request by Ms. Tadic is granted to rezone lots 200 and 1500, that would leave lot 100 as the only lot not zoned AF-40 in that stretch on the east side of Old Soldiers Rd.


The West's property is very similar in use, in soils and in topography to the Tadic parcels as described on Exhibit A and attached maps. The attached aerial map (Exhibit B-2) shows that the parcel is a mix of approximately 50/50 forest and farm land. The only significant difference between the Tadic parcels and the West parcel is that the Wests have an existing dwelling.

Again, this request is made for the convenience of the Planning Department, and the Wests have no objection.

CONSENT TO CHANGE ZONING OF TAX LOT R3523-100  
FROM EF-20 TO AF-40

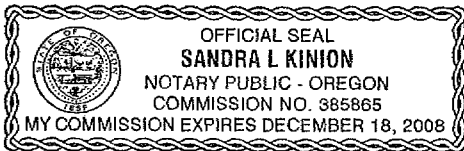
We, Robert L. West and Linda S. West, agree to allow our property, identified as Tax Lot R3523-100, 11785 NW Old Soldiers Rd., Carlton, Oregon, to be rezoned from EF-20 to AF-40 in conjunction with the zone change requested by Vicky Tadic for parcels R3523-200 and R3523-1500, which are contiguous to our property identified above.

  
Robert L. West

  
Linda S. West

On the 8<sup>th</sup> day of August, 2006, personally appeared before me the above-named Robert L. West and Linda S. West, who acknowledged the foregoing to be their voluntary act and deed.

  
NOTARY PUBLIC FOR OREGON



Yamhill County Maps

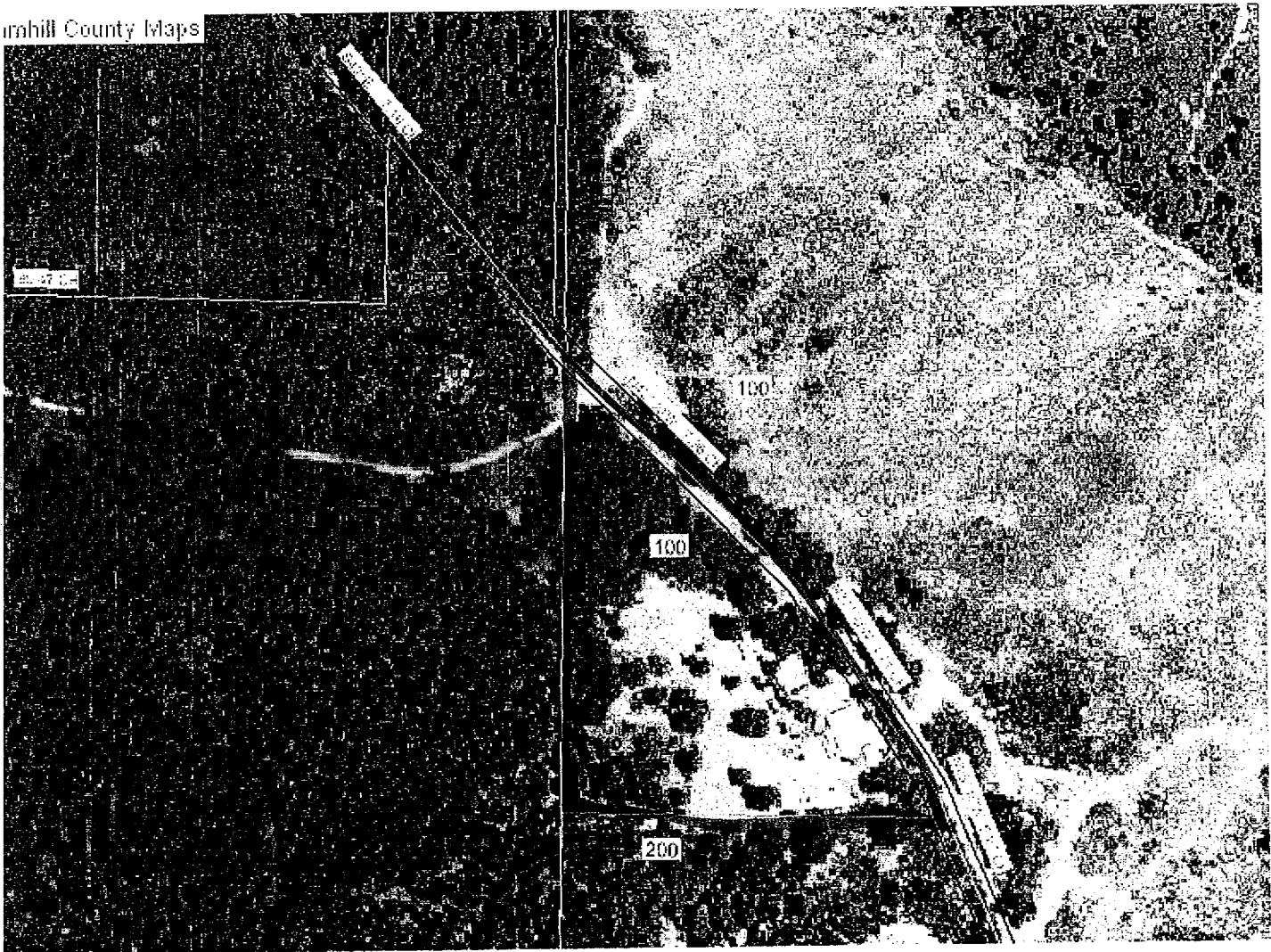


EXHIBIT B-2  
PAGE 1 OF 1

Yamhill County

Department of Planning and Development

525 NE 4th Street, McMinnville, Oregon 97128

Phone: (503) 434-7516 • Fax: (503) 434-7544 • TTY: 800-735-2900 • Website: www.co.yamhill.or.us/plan

Date: 8/22/06

RECEIVED OF: Vicky Ann Tadic
Docket #(s): 2-03-06
Tax Lot #(s): 3523-200, 1500 - 100
FOR:
Permit #(s):

PERMITS

Building Permits
Plumbing Permits (Residential)
Plumbing Permits (Commercial)
Mechanical Permits
Manufactured Home Placement Permits
Electrical Permits
Electrical - Master Permit Program
Zoning Compliance Fee (Ag Barn)
Reinspection Fee
Inspection Fee
Demolition Permit
Investigation Fee
Plan Review (Building or Electrical)
Administrative Schg

LAND USE

Agency Sign-Off
Address
Appeal/Hearing
Comprehensive Plan Amendment (PA, PAZ)
Conditional Use (C, CTS, CTR, WRG)
Cove Orchard Sewer Hookup
Dwelling Approvals (Farm, Forest, Non-farm)
Partition/Subdivision/Adjustments
Miscellaneous Land Use Applications
AGCY
ADDR
APEAL
\*PDCP \*PDPZ
\*PDCU MADJ CTS CTR \*PDWR
COSSD
\*PDFD \*PDFT \*PDFN
\*PDPA \*PDSU L-MAJ L-MIN
EXT \*PDFP NCU NCU-R RR SIGN SU
SDR TS V M-37
Zone chg 1086.00 \*PDZO

SEPTIC

Septic Permit
Pump
Site Evaluation
Plan Review (Commercial)
Authorization
Existing System Evaluation
Alternative System Evaluation
Inspections
Pump Truck Evaluation(s)

SOLID WASTE

Western Oregon Waste - Valley: Franchise
Newberg Garbage: Franchise
Newberg Transfer: Franchise
Riverbend Landfill: Franchise/License
Miscellaneous
FRACS (AKA City Sanitary)
FRANG
FRANT
RBLL RBLR RBLB RBLC
MISSW

MISCELLANEOUS

Photo Copies, Fax, P.I. Listing
Public Works - County Maps
Telephone
COPY PILST
\*PDRD
TELBU TELME TELPR TELPC TELEL TELPL TELSW

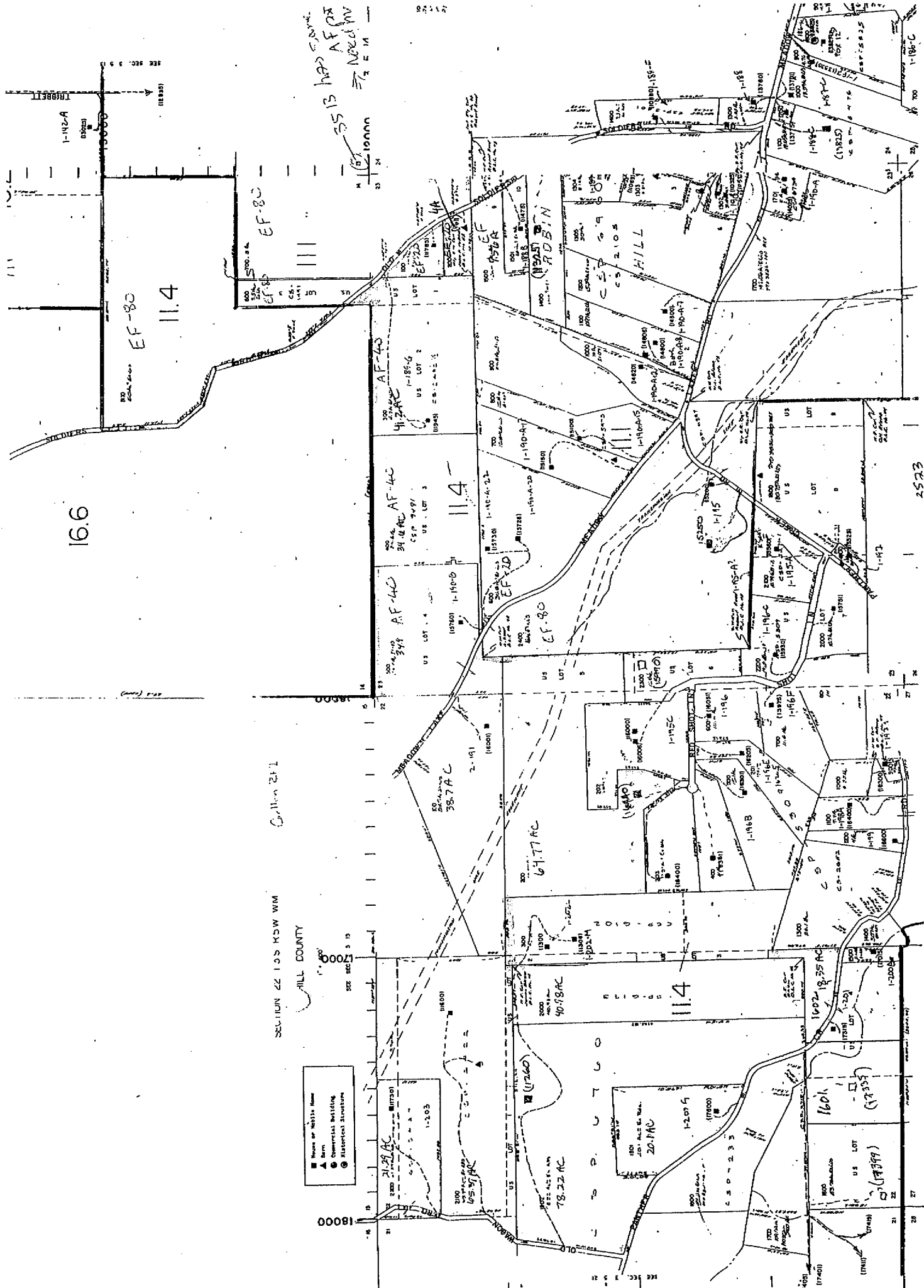
All items are received for collection ONLY and this receipt shall be cancelled for nonpayment of any item.

TOTAL PAID 1086.00

Cash
Credit Card
Reff#
Coin
Check # 2039
Appr#

No 64139

BY: Lowe



SECTION 22 135 K5W WM

HILL COUNTY

- Point on Utility Home
- ▲ Barn
- Commercial Building
- Agricultural Structure

1" = 700'

16.6

11.4

11.4

11.4

2523

5513 has same  
AF 80  
NEED MV  
E 1/4

10  
20  
30  
40  
50

EF-80

EF-80

AF-40

AF-40

AF-40

ROBIN

HILL

EF-90

38.7 AC

64.77 AC

40.98 AC

78.22 AC

20.7 AC

1602.85 AC

1601

1601

1-112-A

EF-80

US LOT 2

US LOT 3

US LOT 4

US LOT 5

US LOT 6

US LOT 7

US LOT 8

US LOT 9

US LOT 10

US LOT 11

US LOT 12

US LOT 13

US LOT 14

US LOT 15

US LOT 16

US LOT 17

1-112-C

1-112-D

1-112-E

1-112-F

1-112-G

1-112-H

1-112-I

1-112-J

1-112-K

1-112-L

1-112-M

## II. Public Notice

# Yamhill County

## DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET • McMinnville, OREGON 97128

Phone:(503) 434-7516 • Fax:(503)434-7544 • TTY: (800) 735-2900 • Internet Address: <http://www.co.yamhill.or.us/plan/>

### NOTICE OF PUBLIC HEARING

November 2, 2006, 7:00 p.m.

Room 32, Yamhill County Courthouse  
535 East Fifth Street, McMinnville, Oregon

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. All issues and concerns should be raised for consideration by the Planning Commission because an appeal to the Board of Commissioners may be confined to the record of the Planning Commission proceeding. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Planning Commission and/or Board of Commissioners an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. For further information, contact Stephanie Armstrong at the Yamhill County Department of Planning and Development, 525 NE Fourth Street, McMinnville, 97128, or at (503) 434-7516.

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**DOCKET NO.:** Z-03-06

**REQUEST:** Zone change from EF-20 Exclusive Farm Use to AF-40 Agriculture Forestry Large Holding.

**APPLICANT:** Drabkin, Tankersley and Wright representing Vicky A. Tadic

**TAX LOTS:** 3523-100, 200 and 1500

**LOCATION:** 11785 NW Old Soldiers Road, Carlton and the two parcels to the south along Old Soldiers Road.

**CRITERIA:** Sections 402, 403 and 1208.04 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan.

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NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.02 of the Yamhill County Zoning Ordinance, as follows:

**1208.04 Review Criteria for Amendments from Exclusive Farm Use to Agricultural/Forestry Zones**

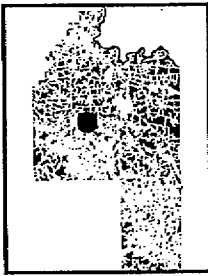
Certain properties that were zoned Agriculture/Forestry prior to December 29, 1993 were rezoned to Exclusive Farm Use as part of Periodic Review. (The rezoning became effective on February 14, 1997.) When the Exclusive Farm Use designation does not adequately reflect the mixed agricultural and forest 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]

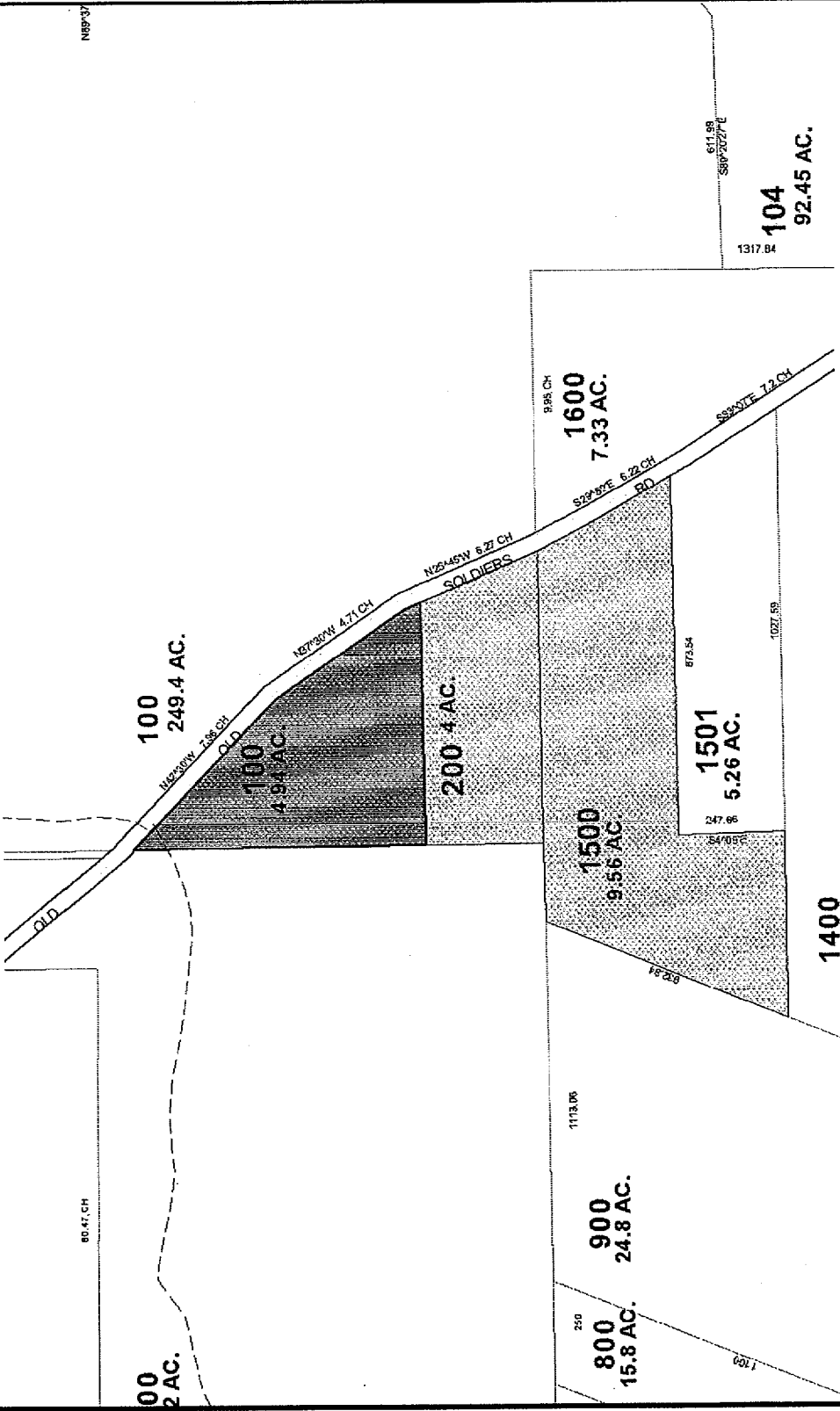


# Yamhill County Map

- County Parks
- County Roads
- County Floods
- State Highways
- BLM Roads
- Private Roads
- Public Roads
- Fernan Panels
- Flood Plain
- A
- ANI
- X500
- Taxlots
- right of ways
- taxlot lines
- taxlot polygons
- Towshings



10/3/2006

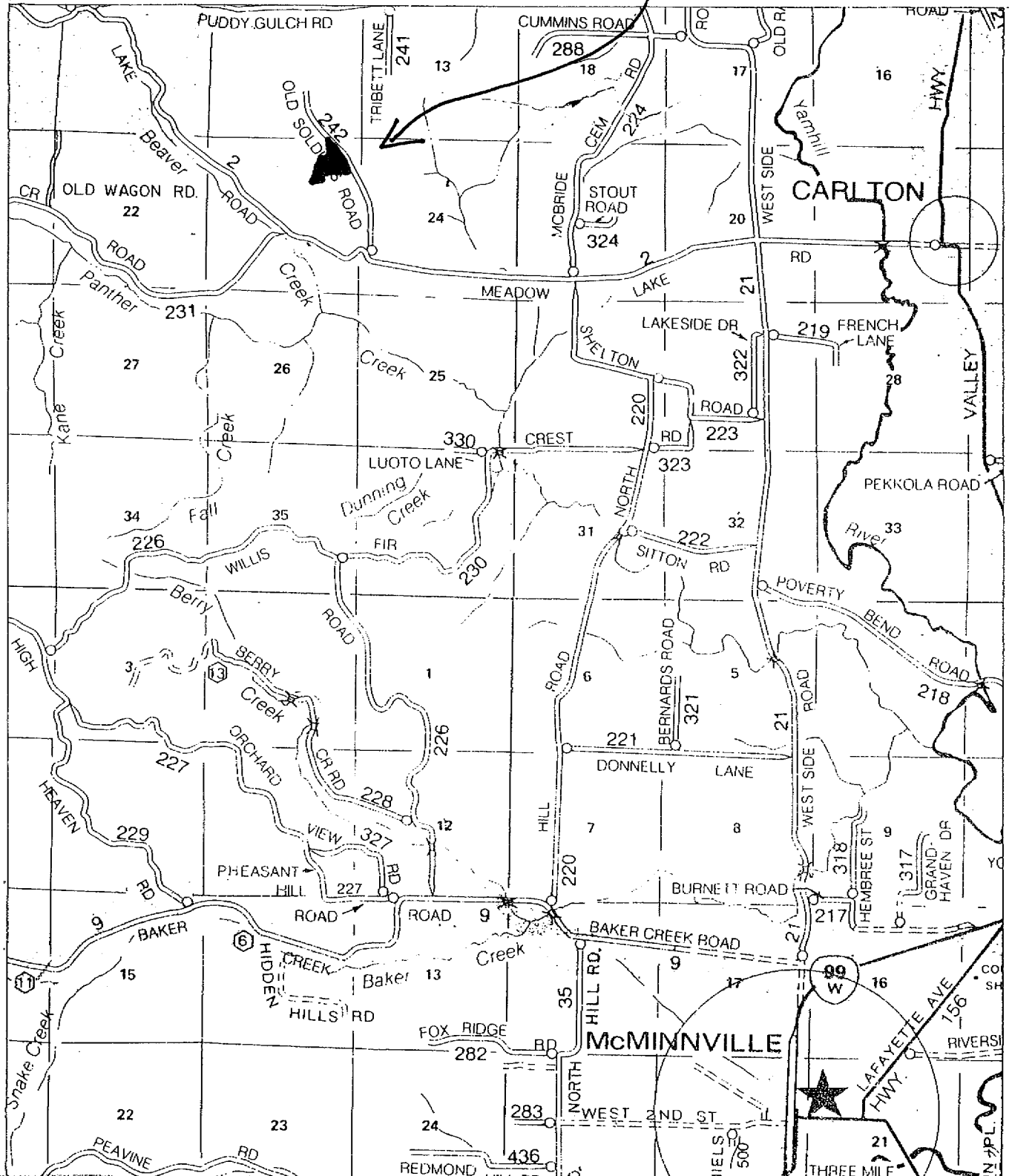


1 in = 389 ft

This map was produced using the Yamhill 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, misuse or misinterpretation.

# VICINITY MAP

## LOCATION OF PROPERTY



### III. Exhibits

Yamhill County Soil Analysis Detail.txt

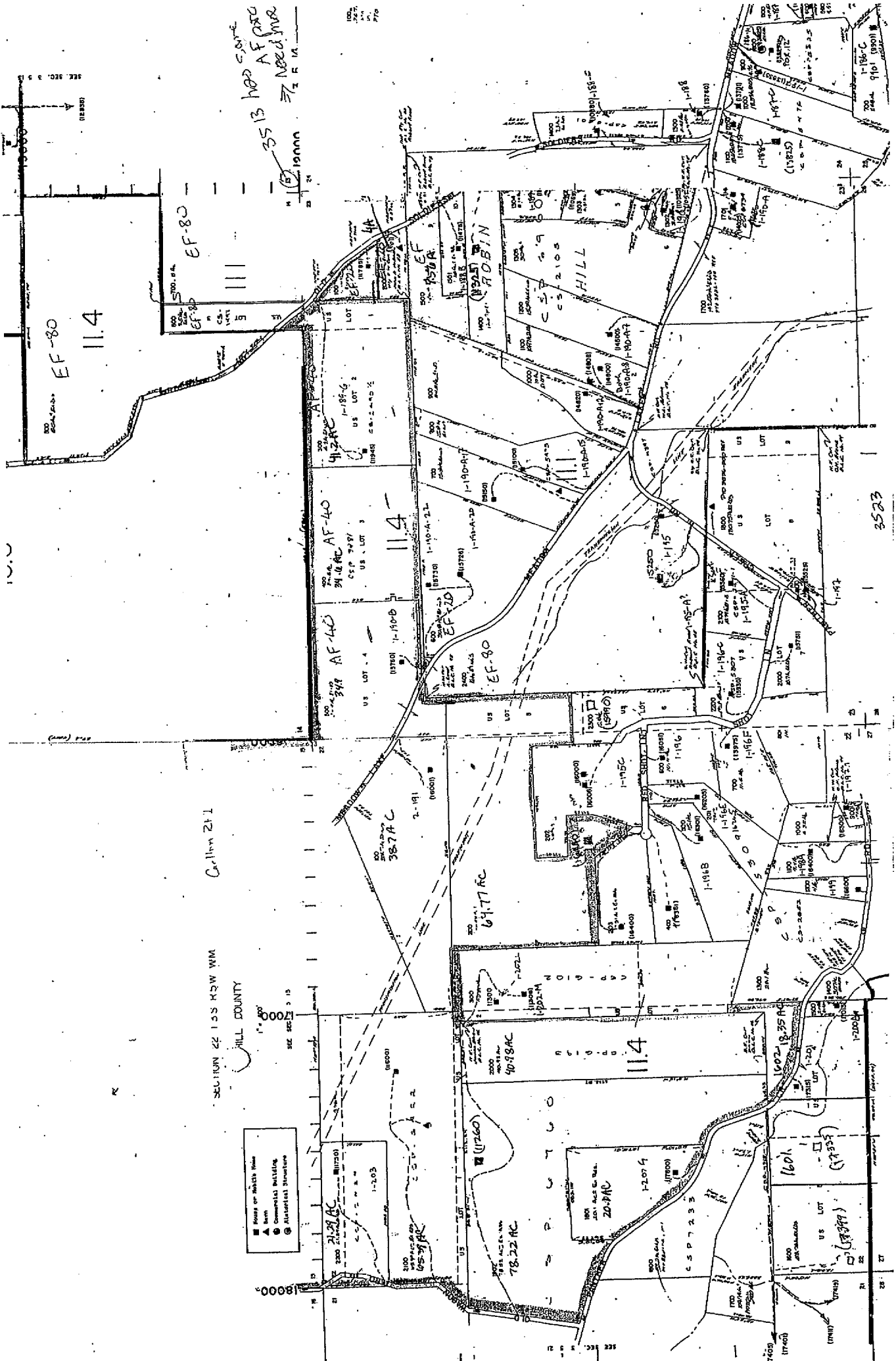
Time: 4:13:04 PM

Date: 10/3/2006

The following values are the rounded calculations of the selected area...

ID KEY	LAYER	Soil Name	Soil Type	Min Slope	Max Slope	Acres
R3523	00100	WILLAKENZIE	SILTY CLAY LOAM, 2 36	20	30	3.56
R3523	00100	WILLAKENZIE	SILTY CLAY LOAM, M 36	7	20	1.65
						-----
						5.21
R3523	00200	WILLAKENZIE	SILTY CLAY LOAM, 2 36	20	30	2.77
R3523	00200	WILLAKENZIE	SILTY CLAY LOAM, M 36	7	20	1.35
						-----
						4.12
R3523	01500	WILLAKENZIE	SILTY CLAY LOAM, 2 36	20	30	3.96
R3523	01500	WILLAKENZIE	SILTY CLAY LOAM, M 36	7	20	5.94
						-----
						9.89

Disclaimer: Information is based on NRCS soil information & Yamhill County Tax Assessment data. This information is provided for land use planning purposes only. Yamhill County is not responsible for map errors, omissions, misuse, or misinterpretation. Percent and total calculations are based on precise geometric calculations and may be rounded to the nearest significant digit.



3513 HED CASE  
 AF PAC  
 NEED MR  
 R 14

EF-80  
 11.4

Callon 21-1

SECTION 22 15S R34W W1M

HILL COUNTY

1" = 6000'  
 SEE SEC 23 15  
 SEE SEC 23 15

■ House or other bldg  
 ▲ Barn  
 ● Metal building  
 ○ Metal structure

18000

3523

18000

## IV. Comments Received

Note: There have been no  
comments received as of  
October 25, 2006