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)

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  _X_ 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: _X_

DLCD File No.: 012-04 (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: 

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**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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

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J:\pa\paa\forms\noticead.fim  revised: 7/29/99
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, Clerk
Leslie Lewis, Chair
Board of Commissioners

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,
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 6th day of December, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: Deput) Anne Britt

APPROVED AS TO FORM:

Rick Sanai, Assistant County Counsel

F:\Users\sanair\LUTadicFinalVersion.wpd
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).


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.


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.


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 valleyfloor 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.

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.

End
EXHIBIT "B" FOR ORDINANCE No. 799

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

Legend

\[
\text{T. L. 3523-100}
\]

\[
\text{T. L. 3523-200}
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\[
\text{T. L. 3523-1500}
\]

ORDINANCE No.: 799
EXHIBIT "B"

Prepared by 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 rezone their property in conjunction with this application (See attached consent form).


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

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

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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.


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.


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:*
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.
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
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.
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

APPLICANT
Catherine A. Wright
Drabkin, Tankersley & Wright

LEGAL OWNER (IF DIFFERENT)
Tadic Vicky A.

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
R3523-100 (neighboring parcel; see Exhibit B)
Zone EF-20
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 [X] No

6. How will water be provided? [X] 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
- [ ] Fish or wildlife habitat
- [ ] Soil limitations for building or septic
- [ ] Steep slopes

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.

Applicant's signature: Vicky Ann Tadic  
Date: 8/21/06

Property owner's signature (if different):

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

F:\Share\FORMS\PLANNING\LANDUSE\WPD
FORM # LU-027
REVISED: 2/5/03 ** 15:15:32
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).
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.”
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 R 3523-100, 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 8th 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.

Sandra L. Kinion

NOTARY PUBLIC FOR OREGON

OFFICIAL SEAL

SANDRA L. KINION
NOTARY PUBLIC - OREGON
COMMISSION NO. 965665
MY COMMISSION EXPIRES DECEMBER 18, 2008
**Department of Planning and Development**

525 NE 4th Street, McMinnville, Oregon 97128

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<td>Tax Lot #(s):</td>
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**Date:** 8/22/06

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**LAND USE**

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

**No:** 64139

**By:** Lowie

**TOTAL PAID:** 1086.00

**Credit Card**

**Check #:** 6089

**Ref#**

**Appr#**

F:\Share\FORMS\ACCTG\REC\#46\WPD ** FORM 46 ** 05/04/06 * 01:22 PM
II. Public Notice
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.

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.

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]
VICINITY MAP

LOCATION OF PROPERTY
III. Exhibits
The following values are the rounded calculations of the selected area...

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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.
IV. Comments Received
Note: There have been no comments received as of October 25, 2006