



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

02/28/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment  
DLCD File Number 013-10

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 11, 2011

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

Cc: Ken Friday, Yamhill County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist

Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

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

In person  electronic  mailed

DATE  
DEPT OF  
FEB 22 2011  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **Yamhill County**

Local file number: **Z-05-10**

Date of Adoption: **February 10, 2011**

Date Mailed: **February 18, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 11/17/2010

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".  
To change the zoning on a 161 acre property from exclusive farm use to a mixture of farm and forestry use.

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

Plan Map Changed from:

to:

Zone Map Changed from: **EF-80 Exclusive Farm**

to: **AF-80 Agriculture/Forestry**

Location: **Directly east of Meadow Lake /Puddy Gulch Road**

Acres Involved: **161**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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. 013-10 (18615) [16523]

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

---

Local Contact: **Ken Friday**

Phone: (503) 434-7516 Extension: 3630

Address: **525 NE Fourth St.**

Fax Number: 503-434-7544

City: **McMinnville**

Zip: 97128

E-mail Address: [fridayk@co.yamhill.or.us](mailto:fridayk@co.yamhill.or.us)

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **3/4 - 1/2 x 11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

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 EF-80, Exclusive Farm Use )  
to AF-80, Agriculture/Forestry, Applicant Frank Walker Representing the ) Ordinance 861  
James J. Evans Revocable Trust, Tax Lot 3515-1000, Planning Docket Z-05-10, )  
and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 10, 2011, Commissioners Leslie Lewis and Kathy George being present, and Commissioner Mary P. Stern being excused.

IT APPEARING TO THE BOARD that Frank Walker representing the James J. Evans Revocable Trust applied for a zone change from EF-80, Exclusive Farm Use to to AF-80, Agriculture/Forestry for Tax Lot 3515-1000, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on January 6, 2011, then voted unanimously to approve the application. That decision has not been appealed. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in Exhibit "A," the Findings for Approval, hereby incorporated into this Ordinance by this reference. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately. A map is appended as Exhibit "B".

DONE this 10th day of February, 2011, at McMinnville, Oregon.

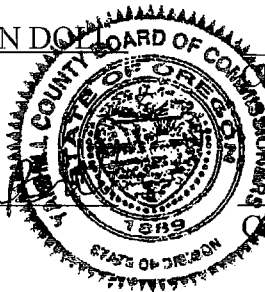
ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

(Excused)

REBEKAH STERN DOUGLASS  
County Clerk

MARY P. STERN  
Chair

By *Deborah M. Britt*  
Deputy Anne Britt



*Leslie J. Lewis*  
Commissioner

LESLIE LEWIS

APPROVED AS TO FORM:

*Rick Sanai*  
Rick Sanai  
County Counsel

*Kathy George*  
Commissioner

KATHY GEORGE

**DOCKET NO.:** Z-05-10

**REQUEST:** Zone change from EF-80, Exclusive Farm use to AF-80, Agriculture/Forestry.  
**APPLICANTS:** Frank Walker and Associates

**OWNERS:** James J. Evans Revocable Trust

**TAX LOT:** 3515-1000

**LOCATION:** Located east of the intersection of Old Moores Valley and Puddy Gulch Road,  
Yamhill

**AREA SIZE:** 160.3 acres

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

**FINDINGS FOR APPROVAL (Exhibit "A"):**

A. Background Facts

1. Lot Size: Approximately 160.3 acres.
2. Access: Puddy Gulch Road borders the property along the northern property line and Meadow Lake Road borders the western property line. The existing access road is along Meadow Lake Road.
3. On-Site Land Use: Due to the size of the property, the area proposed for rezoning is diverse. The land contains hillsides with uneven topography. The southern end of the property is at 300 feet in elevation and gently slopes up to the north. About half way up the parcel it starts to slope steeply up to 600 feet in elevation, near the center of the land, then it drops down and then back up to 700 feet at the northern end of the parcel. The use appears to be forested areas with a few open areas.
4. Surrounding Zoning and Land Use: Land along the northern and eastern property lines are zoned AF-80 Agriculture/Forestry. Land to the west is zoned EF-80 Exclusive Farm use. Property along the southern boundary line is zoned AF-40 Agriculture/Forestry.
5. Water: An on-site well would be required for any residential use.
6. Sewage Disposal: An on-site subsurface system would be required for any residential use.
7. Soils: Soils on the subject site includes Peavine, Panther, Chehalem, Shale and Willakenzie. Approximately ten percent of the property is high-value farmland.

8. Fire Protection: Yamhill Rural Fire District.
9. Taxes: 125.3 acres is receiving farm deferral and 35 acres is receiving forest deferral.
10. Overlay Zones: None of the property is within the 100-year floodplain.
11. Previous land use actions: There were no previous land use actions. The only permit in the file is a site evaluation approval for a single family dwelling.
12. Previous Zoning: Prior to December 29, 1993, the property was zoned AF-20. Prior to 1993 the EF-40 zone was assigned to property in the valley while the AF-20 was assigned to the forested hillsides. All of the square mile identified as Section 15 of Township 3 South, Range 5 West was zoned AF-20. On December 29, 1993, the entire parcel was rezoned to EF-80 Exclusive Farm Use.

B. Ordinance Provisions and Analysis

1. The decision to approve the requested zone change is based on the Board finding that the request complies with the review criteria found in Section 1208.04 of the Yamhill County Zoning Ordinance, as follows:

**Review Criteria for Amendments to or within Exclusive Farm Use and 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 criterion (A), as shown on the attached contour map, the southern part of the property is at 300 feet in elevation and gently slopes up to the north. About half way up the parcel it starts to slope steeply up to 600 feet in elevation, near the center of the land, then it drops down and then back up to 700 feet at the northern end of the parcel. The property fits within the description of “. . . *foothill and ridgetop holdings above flat terrace and valley floor commercial agricultural areas, and below the contiguous timberlands of the Coast Range.*” The use appears to be forested areas with a few open areas.
3. Regarding criterion (B), as mentioned above, the subject parcel is a mixture of farm and forest use. While it was not as apparent on the 2005 aerial photo, the 2009 air photo shows that the majority of the property is planted to trees. While the site visit was limited to the roads bordering the property, the site visit did confirm that much of the southern area appears to be replanted. Based on the air photo and site visit it appears that well over 50% of the property is forested. The zone change from an exclusive farm zone to an agriculture and forestry zone would more accurately reflect the current use of the property.
4. Regarding criterion (C), as indicated in Finding A.12, prior to December 29, 1993, the entire parcel was zoned AF-20, therefore the request is consistent with criterion 1208.04(C).
5. Regarding criterion (D), as indicated in Finding A.9 and A.12, the property is in a mixed use related to deferral. Since the parcel has both farm and forest deferral; the zoning existing prior to December 29, 1993, was the mixed use zoning of AF-20; and the property has soils capable for both farm and forest use; it is appropriate to find that Goals 3 and 4 related to the protection of farm and forest use, respectively, can not be applied on their own and the property should be moved back to a mixed use zone. Therefore, the request is consistent with criterion 1208.02(D).
6. The AF-80 zone that exists to the east is approximately 900 acres in size. The additional 160 acres will result in an AF-80 area of approximately 1,060 acres, well above the 160-acres required by 1208.04(E).
7. The request would not change the minimum lot size as it would still be 80-acres. The request satisfies criterion 1208.04(F).
8. The consultant, in an abundance of caution, has addressed all of the criteria from Section 1208 of the Yamhill County Zoning Ordinance. Since the property had been zoned AF-20 prior to December 29, 1993, the applicable criteria is found in 1208.04. Therefore, only the criteria of 1208.04 has been considered with this staff report. Recently, in the decision *Bardolf v. Yamhill County* (LUBA No 2010-069), LUBA found that the Board of County Commissioners appropriately rejected a petitioners' interpretation that 1208.03 and 1208.04 both apply to a zone change request. This decision to affirm the Yamhill County interpretation was issued on December 14, 2010. Since this decision was made a month after the application was submitted

it is understandable that the consultant provided the additional findings.

## **CONCLUSIONS**

1. The request is for a zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture/Forestry Use. The total area proposed to be rezoned is approximately 160.3 acres.
2. The zone change is appropriate in that the parcel is a mixture of farm and forestry uses. Neither the farm zone, nor the forestry zone alone would be appropriate for this area.
3. The request complies with the criteria listed in Section 1208.04 of the Yamhill County Zoning Ordinance.
4. The proposed designation is appropriate for the existing and intended use of the property.

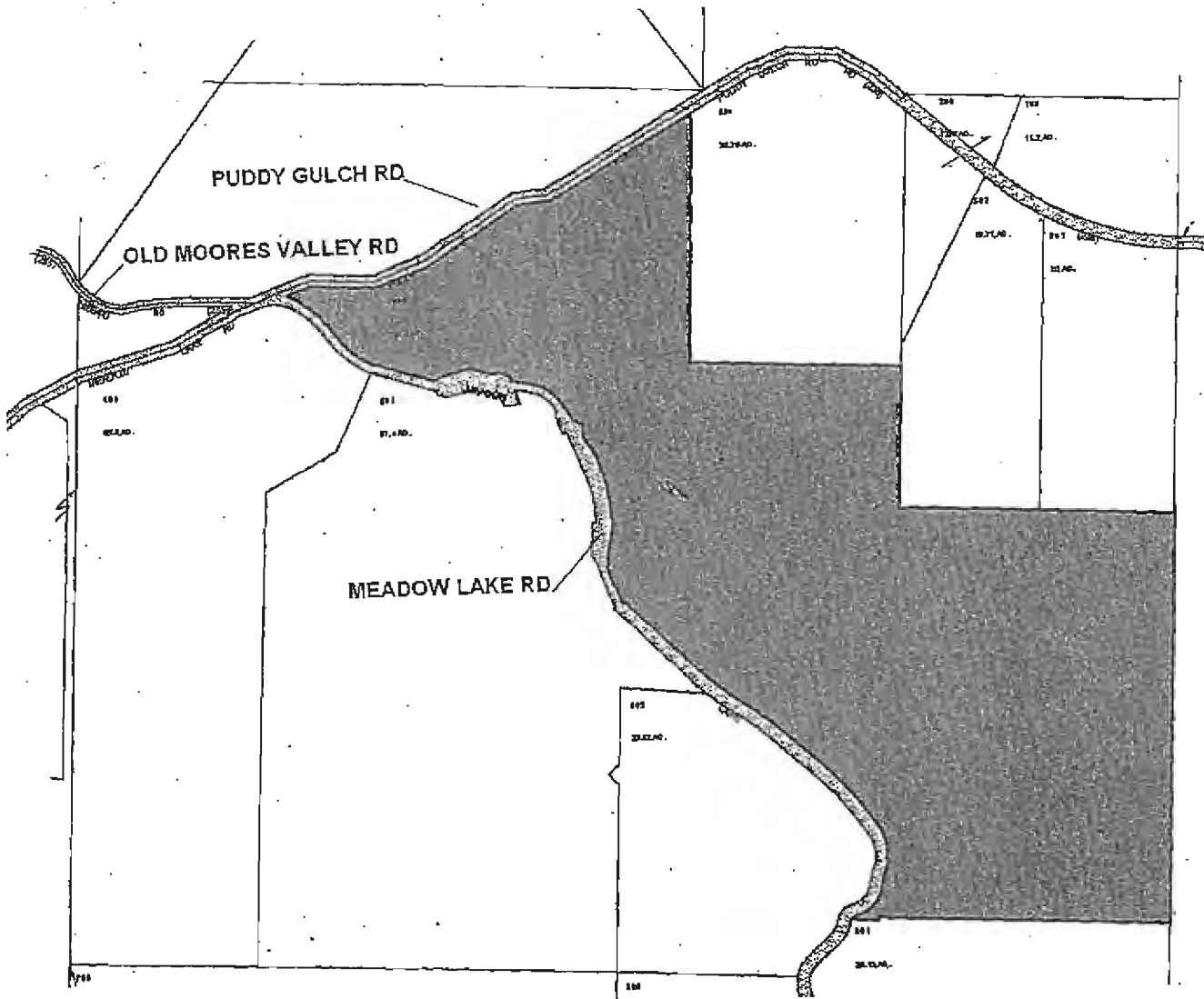
## **DECISION:**

The request by Frank Walker, representing the James J. Evans Revocable Trust, for a zone change from EF-80, Exclusive Farm Use to AF-80, Agriculture/Forestry Use on the 160.3 acres identified as Tax Lot 3515-1000, is hereby approved.



"Exhibit B"

EXHIBIT MAP FOR ORDINANCE NO. 861  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 10, 2011  
DOCKET Z-05-10, REQUEST FOR A ZONE CHANGE FROM  
EF-80 EXCLUSIVE FARM TO AF-80 AGRICULTURE/FORESTRY



CHANGE APPLIES TO THE ABOVE PORTION OF TAX LOT 3515-1000 AS IDENTIFIED ABOVE.  
APPROXIMATE SCALE - 1 INCH = 800 FEET

B.O. 11-78

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 EF-80, Exclusive Farm Use )  
to AF-80, Agriculture/Forestry, Applicant Frank Walker Representing the ) Ordinance 861  
James J. Evans Revocable Trust, Tax Lot 3515-1000, Planning Docket Z-05-10, )  
and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 10, 2011, Commissioners Leslie Lewis and Kathy George being present, and Commissioner Mary P. Stern being excused.

IT APPEARING TO THE BOARD that Frank Walker representing the James J. Evans Revocable Trust applied for a zone change from EF-80, Exclusive Farm Use to to AF-80, Agriculture/Forestry for Tax Lot 3515-1000, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on January 6, 2011, then voted unanimously to approve the application. That decision has not been appealed. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in Exhibit "A," the Findings for Approval, hereby incorporated into this Ordinance by this reference. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately. A map is appended as Exhibit "B".

DONE this 10th day of February, 2011, at McMinnville, Oregon.

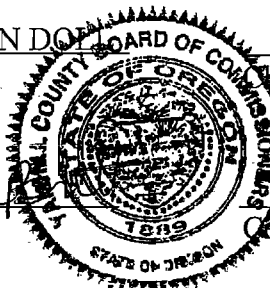
ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

(Excused)

REBEKAH STERN DOOR County Clerk

MARY P. STERN

By Deputy Anne Britt



Commissioner

LESLIE LEWIS

APPROVED AS TO FORM:

Rick Sanai County Counsel

Commissioner KATHY GEORGE

KATHY GEORGE

**DOCKET NO.:** Z-05-10

**REQUEST:** Zone change from EF-80, Exclusive Farm use to AF-80, Agriculture/Forestry.  
**APPLICANTS:** Frank Walker and Associates

**OWNERS:** James J. Evans Revocable Trust

**TAX LOT:** 3515-1000

**LOCATION:** Located east of the intersection of Old Moores Valley and Puddy Gulch Road,  
Yamhill

**AREA SIZE:** 160.3 acres

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

**FINDINGS FOR APPROVAL (Exhibit "A"):**

A. Background Facts

1. Lot Size: Approximately 160.3 acres.
2. Access: Puddy Gulch Road borders the property along the northern property line and Meadow Lake Road borders the western property line. The existing access road is along Meadow Lake Road.
3. On-Site Land Use: Due to the size of the property, the area proposed for rezoning is diverse. The land contains hillsides with uneven topography. The southern end of the property is at 300 feet in elevation and gently slopes up to the north. About half way up the parcel it starts to slope steeply up to 600 feet in elevation, near the center of the land, then it drops down and then back up to 700 feet at the northern end of the parcel. The use appears to be forested areas with a few open areas.
4. Surrounding Zoning and Land Use: Land along the northern and eastern property lines are zoned AF-80 Agriculture/Forestry. Land to the west is zoned EF-80 Exclusive Farm use. Property along the southern boundary line is zoned AF-40 Agriculture/Forestry.
5. Water: An on-site well would be required for any residential use.
6. Sewage Disposal: An on-site subsurface system would be required for any residential use.
7. Soils: Soils on the subject site includes Peavine, Panther, Chehalem, Shale and Willakenzie. Approximately ten percent of the property is high-value farmland.

8. Fire Protection: Yamhill Rural Fire District.
9. Taxes: 125.3 acres is receiving farm deferral and 35 acres is receiving forest deferral.
10. Overlay Zones: None of the property is within the 100-year floodplain.
11. Previous land use actions: There were no previous land use actions. The only permit in the file is a site evaluation approval for a single family dwelling.
12. Previous Zoning: Prior to December 29, 1993, the property was zoned AF-20. Prior to 1993 the EF-40 zone was assigned to property in the valley while the AF-20 was assigned to the forested hillsides. All of the square mile identified as Section 15 of Township 3 South, Range 5 West was zoned AF-20. On December 29, 1993, the entire parcel was rezoned to EF-80 Exclusive Farm Use.

B. Ordinance Provisions and Analysis

1. The decision to approve the requested zone change is based on the Board finding that the request complies with the review criteria found in Section 1208.04 of the Yamhill County Zoning Ordinance, as follows:

**Review Criteria for Amendments to or within Exclusive Farm Use and 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 criterion (A), as shown on the attached contour map, the southern part of the property is at 300 feet in elevation and gently slopes up to the north. About half way up the parcel it starts to slope steeply up to 600 feet in elevation, near the center of the land, then it drops down and then back up to 700 feet at the northern end of the parcel. The property fits within the description of “. . . foothill and ridgetop holdings above flat terrace and valley floor commercial agricultural areas, and below the contiguous timberlands of the Coast Range.” The use appears to be forested areas with a few open areas.
3. Regarding criterion (B), as mentioned above, the subject parcel is a mixture of farm and forest use. While it was not as apparent on the 2005 aerial photo, the 2009 air photo shows that the majority of the property is planted to trees. While the site visit was limited to the roads bordering the property, the site visit did confirm that much of the southern area appears to be replanted. Based on the air photo and site visit it appears that well over 50% of the property is forested. The zone change from an exclusive farm zone to an agriculture and forestry zone would more accurately reflect the current use of the property.
4. Regarding criterion (C), as indicated in Finding A.12, prior to December 29, 1993, the entire parcel was zoned AF-20, therefore the request is consistent with criterion 1208.04(C).
5. Regarding criterion (D), as indicated in Finding A.9 and A.12, the property is in a mixed use related to deferral. Since the parcel has both farm and forest deferral; the zoning existing prior to December 29, 1993, was the mixed use zoning of AF-20; and the property has soils capable for both farm and forest use; it is appropriate to find that Goals 3 and 4 related to the protection of farm and forest use, respectively, can not be applied on their own and the property should be moved back to a mixed use zone. Therefore, the request is consistent with criterion 1208.02(D).
6. The AF-80 zone that exists to the east is approximately 900 acres in size. The additional 160 acres will result in an AF-80 area of approximately 1,060 acres, well above the 160-acres required by 1208.04(E).
7. The request would not change the minimum lot size as it would still be 80-acres. The request satisfies criterion 1208.04(F).
8. The consultant, in an abundance of caution, has addressed all of the criteria from Section 1208 of the Yamhill County Zoning Ordinance. Since the property had been zoned AF-20 prior to December 29, 1993, the applicable criteria is found in 1208.04. Therefore, only the criteria of 1208.04 has been considered with this staff report. Recently, in the decision *Bardolf v. Yamhill County* (LUBA No 2010-069), LUBA found that the Board of County Commissioners appropriately rejected a petitioners' interpretation that 1208.03 and 1208.04 both apply to a zone change request. This decision to affirm the Yamhill County interpretation was issued on December 14, 2010. Since this decision was made a month after the application was submitted

it is understandable that the consultant provided the additional findings.

## **CONCLUSIONS**

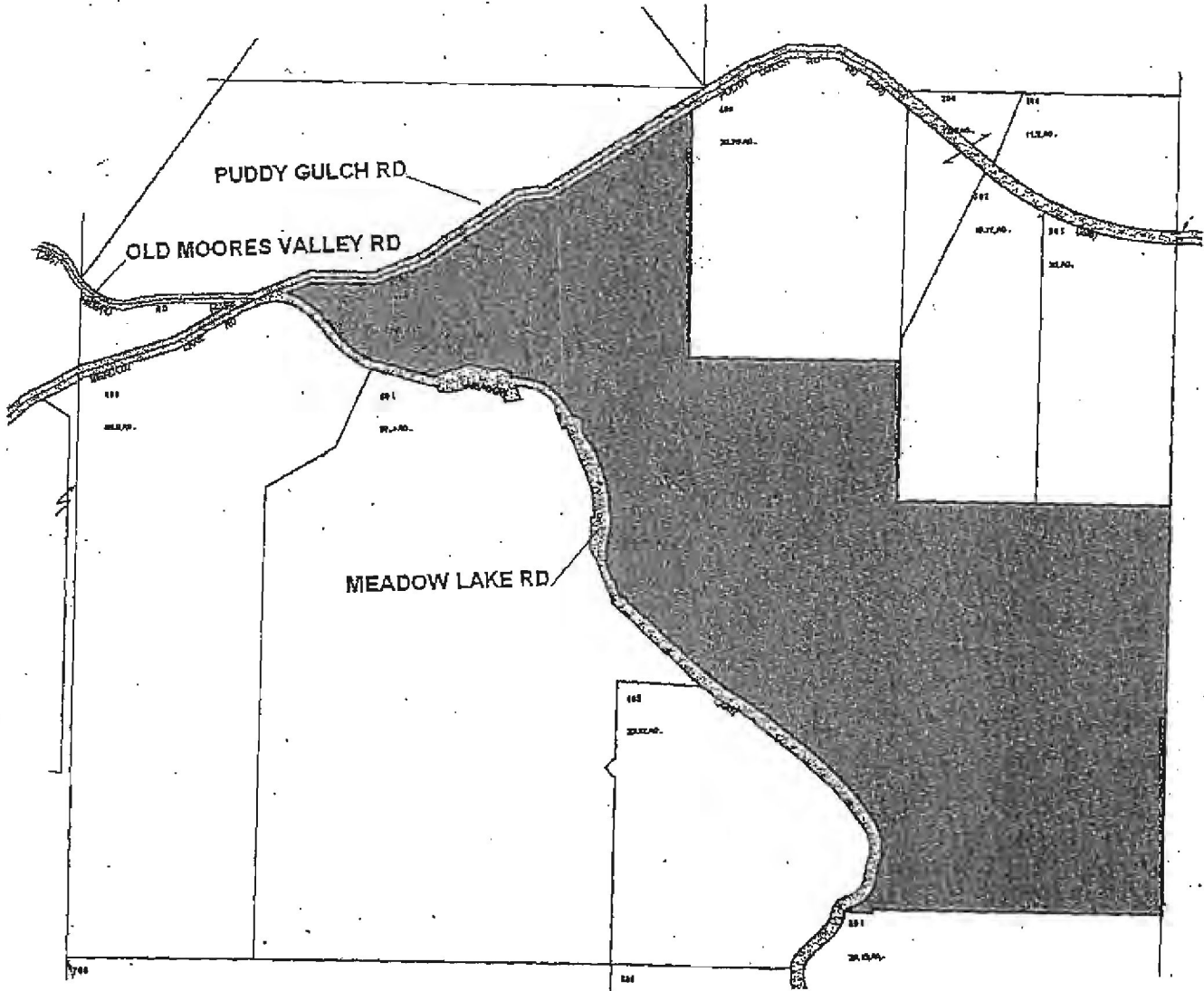
1. The request is for a zone change from EF-80 Exclusive Farm Use to AF-80 Agriculture/Forestry Use. The total area proposed to be rezoned is approximately 160.3 acres.
2. The zone change is appropriate in that the parcel is a mixture of farm and forestry uses. Neither the farm zone, nor the forestry zone alone would be appropriate for this area.
3. The request complies with the criteria listed in Section 1208.04 of the Yamhill County Zoning Ordinance.
4. The proposed designation is appropriate for the existing and intended use of the property.

## **DECISION:**

The request by Frank Walker, representing the James J. Evans Revocable Trust, for a zone change from EF-80, Exclusive Farm Use to AF-80, Agriculture/Forestry Use on the 160.3 acres identified as Tax Lot 3515-1000, is hereby approved.

"Exhibit B"

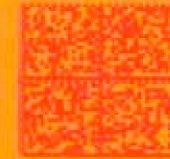
EXHIBIT MAP FOR ORDINANCE NO. 861  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 10, 2011  
DOCKET Z-05-10, REQUEST FOR A ZONE CHANGE FROM  
EF-80 EXCLUSIVE FARM TO AF-80 AGRICULTURE/FORESTRY



CHANGE APPLIES TO THE ABOVE PORTION OF TAX LOT 3515-1000 AS IDENTIFIED ABOVE.  
APPROXIMATE SCALE - 1 INCH = 800 FEET

B.O. 11-78

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



UNITED STATES POSTAGE  
FIRST CLASS  
\$ 01.39<sup>0</sup>  
02 1M  
0004225207 FEB 18 2011  
MAILED FROM ZIP CODE 97128

DEPT OF  
FEB 22 2011  
LAND CONSERVATION  
AND DEVELOPMENT

DLCD  
ATTN:Plan Amendment Specialist  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540