

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-519

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1994 AUG -3 PM 3:30
CHARLES STERN
COUNTY CLERK

In the Matter of an Ordinance)
Amending the Yamhill County)
Comprehensive Plan Map and)
Zoning Map, to Change, on a)
2.25 Acre Portion of Tax Lot)
2322-3000 the Plan Map)
Designation From "Public")
to "Very Low Density Residential")
and the Zone Map Designation)
from "PAI Public Assembly/
Institutional" to "VLDR-5 Very Low)
Density Residential"; Docket)
PAZ-2-94; Applicant Laurie Totten;)
and Declaring an Emergency.)

ORDINANCE 576

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in regular session on August 3, 1994, Commissioners Dennis L. Goecks, Ted Lopuszynski, and Debi Owens being present.

WHEREAS, on April 18, 1994, Laurie Totten ("Applicant") applied to the Department of Planning and Development for a Comprehensive Plan Map amendment from "Public" to "Very Low Density Residential" and a Zone Map amendment from "PAI Public Assembly/Institutional" to "VLDR-5 Very Low Density Residential" on a 2.25 acre portion of Tax Lot 2322-3000 identified on the attached Exhibit "B"; and

WHEREAS, on June 2, 1994, the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to recommend to the Board that the Comprehensive Plan Map and Official Zoning Map be amended to grant the application; and

WHEREAS, on July 13, 1994, the Board held a public hearing on the application and voted unanimously to grant tentative approval to the application; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the approval of the application; and

WHEREAS, the attached Exhibit "A" demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan Map and the Official Zoning Map of Yamhill County are in the best interests of the citizens of Yamhill County; NOW THEREFORE,

94-519

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Yamhill County Comprehensive Plan Map is hereby amended as specified in the attached Exhibit "B", incorporated into this ordinance by reference, to reflect a plan map designation of "Very Low Density Residential" for the 2.25 acre portion of Tax Lot 2322-3000 identified on Exhibit "B".

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of VLDR-5 Very Low Density Residential on the 2.25 acre portion of Tax Lot 2322-3000 identified on Exhibit "B".

Section 3. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

Section 4. 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 at McMinnville, Oregon this 3rd day of August, 1994.



ATTORNEY
~~CHARLES STERN~~
County Clerk

By: Jaynie Mitchell
Deputy JAYNIE MITCHELL

FORM APPROVED BY:
John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks
Chairman DENNIS L. GOECKS

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Debi Owens
Commissioner DEBI OWENS

cc\qlu94215.002

EXHIBIT "A"

ORDINANCE NO. 576

DOCKET: PAZ-2-94

REQUEST: Comprehensive Plan map amendment from Public to Very Low Density Residential and zone change from PAI Public Assembly/Institutional to VLDR-5 Very Low Density Residential

APPLICANT: Laurie Totten

TAX LOT: A portion of 2322-3000

LOCATION: North of and adjacent to the intersection of Bald Peak and Holly Hill Roads

REVIEW CRITERIA: Section 1208 of the Yamhill County Zoning Ordinance

FINDINGS:

A. Background Facts

1. **Lot Size:** The tax lot is 2.25 acres. The request involves about two acres.
2. **Access:** Bald Peak Road, a county road.
3. **On-Site Land Use:** The property is wooded on the east and north sides. There is an old, unused school house near the middle of the property. The portion of the parcel subject to this request is triangular, bounded on the southwest by Bald Peak Road and on the east by Holly Hill Road.
4. **Surrounding Land Use:** Surrounding property is a mixture of farm, forest, and rural residential use. Land to the north, south, and west is in mixed farm and woodlot use with several of the parcels containing dwellings. East of Holly Hill Road, the properties are in rural residential use, with some of these lots containing small farms and woodlots.
5. **Surrounding Zoning:** Adjacent property to the east is an area zoned VLDR-5 Very Low Density Residential. The remainder of the neighboring properties are zoned AF-20 Agriculture/Forestry. There is other land up Bald Peak and Holly Hill Roads zoned VLDR-1 and VLDR-5 that is not adjacent to the subject property (see map in Exhibit B).
6. **Water:** The applicant indicated there is a community water line along the front of the property, and a well.
8. **Sewage Disposal:** The applicant indicated there is a septic system on the property although there are no county records showing this.
9. **Fire Protection:** Newberg Rural Fire District.
10. **Taxes:** Tract land (market value).
11. **Previous Actions:** None.

B. Ordinance Provisions and Analysis

1. The subject request must comply with the standards and criteria in the Yamhill County Zoning Ordinance (YCZO), Section 1208.02. The provisions are as follows:

- (a) The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.
- (b) There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.
- (c) The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.
- (d) Other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.
- (e) The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

These criteria are addressed, respectively, in Findings B.2 through B.6, below.

2. The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan as required by YCZO 1208.02(a) as follows.

The request is for an amendment to the Yamhill County Comprehensive Plan map to change about two acres from Public to Very Low Density Residential and a zone change for the same property from PAI Public Assembly/Institutional to VLDR-5 Very Low Density Residential.

Regarding Comprehensive Plan goals and policies, Policy (a) of Goal I.B.2 states:

Yamhill County will continue to recognize that the appropriate location of very low density residential development is in designated large areas where commitments to such uses have already been made through existing subdivisions, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage disposal systems, and possible rural fire protection.

The request is in an area that has existing small lots. There is an existing large exception area adjacent to the east. The request is consistent with the intent of this policy.

3. The Board finds that there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone, as required by YCZO 1208.02(b). The zone change would result in the improvement of a vacant, abandoned property.

4. The Board finds that the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district, as required by YCZO 1208.02(c) as follows:

Regarding the density and pattern of development, see the findings in Section A above. Five-acre zoning in the vicinity is in character with the lot size pattern existing in the area. The amendment is appropriate, considering surrounding land uses and the pattern of development in the area.

Regarding availability of services, the subject parcels are in an area designated by the Oregon Department of Water Resources as a Groundwater Limited Area. This designation limits the availability to obtain water rights, but domestic use of groundwater is exempt from the water rights requirement. The property already has a well. The road system is adequate for an additional dwelling. Power, telephone, and emergency services are provided in the area.

5. The Board finds that other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors, as required by YCZO 1208.02(d) as follows.

Because this land is already developed, it is well-suited to the proposed zoning. Rezoning undeveloped property would be less preferable because such land is more likely to be used for farm or forest production. The property is well-suited for the proposed use.

6. The Board finds that the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable, as required by YCZO 1208.02(e) as follows:

The property has already been excepted from statewide resource planning goals, based upon physical development (a school). Therefore, this does not need to be justified. Zoning of exception areas is regulated, however. Oregon Administrative Rules Section 660-04-018(2) states in relevant part:

"Physically Developed" and "Irrevocably Committed" Exceptions to goals other than Goals 11 and 14. Plan and zone change designations shall limit uses to:

- (a) Uses which are the same as the existing types of land use on the exception site;
or
- (b) Rural uses which meet the following requirements:
 - (A) The rural uses are consistent with all other applicable goal requirements;
 - (B) The rural uses will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-04-020 through 660-04-022; and
 - (C) The rural uses are compatible with adjacent or nearby resource uses.

This request must comply with subsection (b) of this rule. Regarding (A), there are no identified Goal 5 resources on or near the site, and it is not in a designated natural hazard area as protected by Goal 6. Other statewide goals do not apply. Regarding (B), the property is adjacent to an existing exception area on the east side, and bounded by a well-travelled county road (Bald Peak Road) on another. The parcels on the north are smaller than 10 acres and either already have dwellings or are surrounded by residential development, so one additional dwelling should not commit this land to non-resource use. For these same reasons, the new residential use is compatible with nearby uses, as required in criterion (C).

Therefore, the amendment is consistent with the Oregon Administrative Rule requirements for zoning of exception areas.

DECISION:

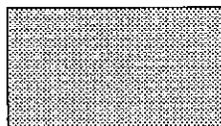
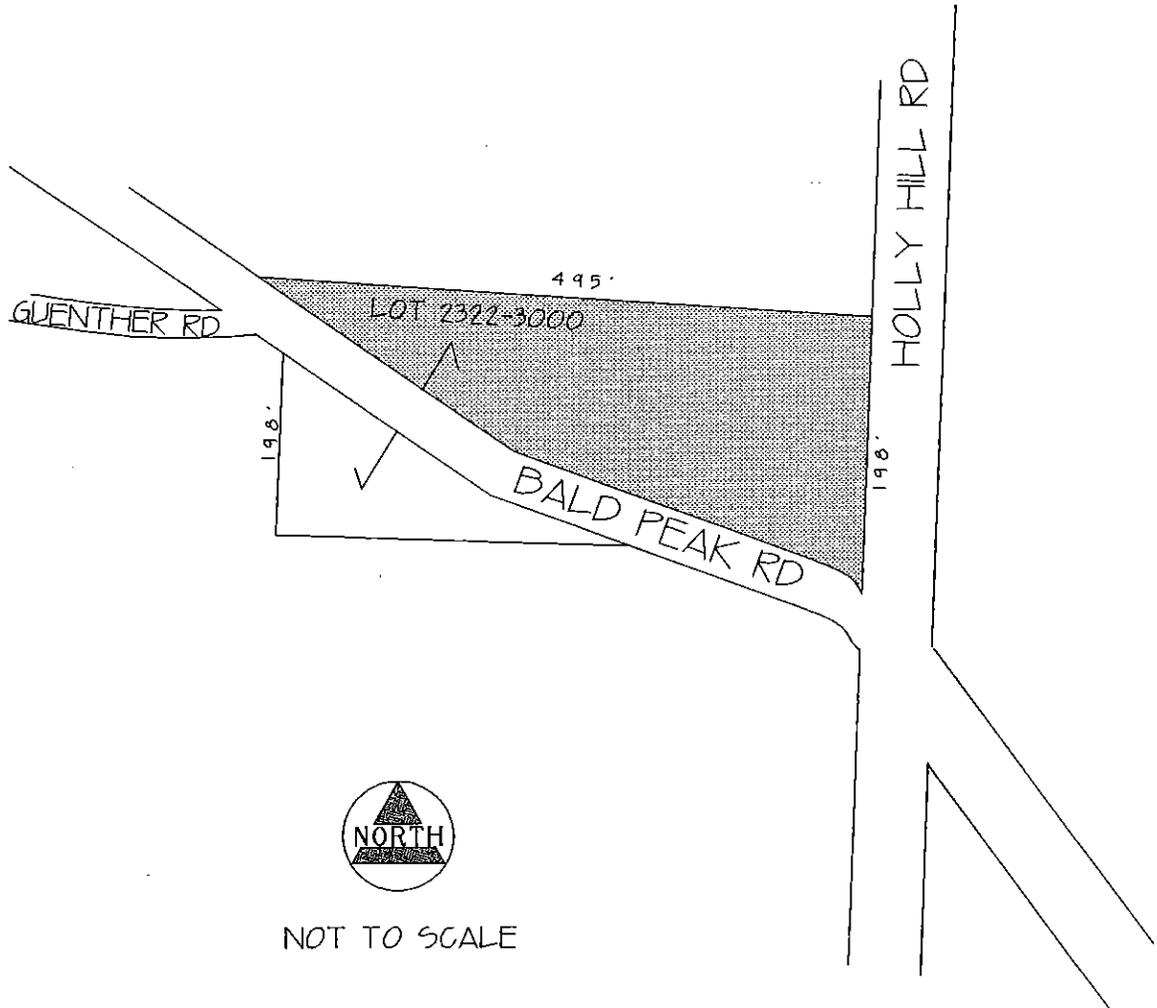
The Board hereby approves the request by Laurie Totten for a Comprehensive Plan map amendment and zone change for a portion of Tax Lot 2322-3000.

H: \ADMIN\PINKSTJ\LU94.215

EXHIBIT "B" FOR ORDINANCE No. 576

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT
TO CHANGE THE COMPREHENSIVE PLAN MAP
DESIGNATION FROM
"PUBLIC"

TO "VERY LOW DENSITY RESIDENTIAL" AND
THE ZONE FROM "PAI" PUBLIC ASSEMBLY/INSTITUTIONAL
TO "VLDR-5" VERY LOW DENSITY RESIDENTIAL



AREA SUBJECT TO COMPREHENSIVE
PLAN AND ZONE MAP AMENDMENT