

FILED
YAMHILL COUNTY, OREGON
1989 MAR -8 PM 1:42
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

89-149

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance	)	
to Repeal a Plan Amendment and	)	
Zone Map Change Granted by	)	
Ordinance 469, Max and Joyce	)	ORDINANCE 480
Morrow and Fred and Sharon	)	
Harshman, Applicants, Planning	)	
Docket PA/Z-3-88, and Declaring	)	
an Emergency	)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on March 8, 1989 sat for the transaction of county business in special session, Commissioners Ted Lopuszynski, David E. Bishop and Dennis L. Goecks being present.

WHEREAS, on September 21, 1988 the Board enacted Ordinance 469 which granted a plan amendment and zone map change from AFLH/AF-20 to VLDR/VLDR 2 1/2 on Tax Lots 4502-900 and 4502-1000 and a certain portion of Tax Lot 4502-800; and

WHEREAS, on October 13, 1988 the Department of Land Conservation and Development filed a Notice of Intent to Appeal Ordinance 469 to the Land Use Board of Appeals; and

WHEREAS, on October 28, 1988 the applicants filed a Motion to Dismiss the appeal on the basis that the appeal by the Department of Land Conservation and Development was untimely; and

WHEREAS, said Motion to Dismiss was denied by the Land Use Board of Appeals; and

WHEREAS, on November 30, 1988 the Department of Land Conservation and Development filed its Petition for Review of Ordinance 469, assigning as error the county's failure to demonstrate a basis for irrevocable commitment of the subject property sufficient to justify an exception to statewide resource planning goals, and to demonstrate a basis for the compliance of the decision with the county's "public need policy"; and

WHEREAS, neither the applicants nor the county desire to defend the appeal due to the substantial expense involved; and

WHEREAS, on January 11, 1989 the Land Use Board of Appeals remanded Ordinance 469 to the county upon a stipulation by the county, the Department of Land Conservation and Development and the applicants; and

WHEREAS, it is the intent of this ordinance to repeal Ordinance 469 in order that the plan and zone map designation on Tax Lots 4502-900, 4502-1000 and 4502-800 should revert to AFLH/AF-20 as existed prior to the effective date of Ordinance 469 on September 21, 1988; and

WHEREAS, a public hearing was duly noticed and held in Room 32 of the Yamhill County Courthouse on March 8, 1989 on the question of the repeal of Ordinance 469; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. Ordinance 469 adopted September 21, 1988 is hereby repealed.

Section 2. The plan and zone map designation on Tax Lots 4502-900, 4502-1000, and that portion of Tax Lot 4502-800 effected by Ordinance 469 shall revert to plan designation Agriculture-Forestry Large Holding and zone map designation AF-20, as existed immediately prior to enactment of Ordinance 469.

Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 8th day of March, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

By: *Elaine Pearcey*

Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Ted Lopuszynski

Chairman

TED LOPUSZYNSKI

Date: *March 8, 1989*

DAVE BISHOP

Commissioner DAVID E. BISHOP

Date: *MARCH 8, 1989*

Dennis L. Goecks

Commissioner DENNIS L. GOECKS

Date: *3-8-89*