

89-227

FILED  
YAMHILL COUNTY OREGON  
1989 APR -6 AM 11:43  
CHARLES STERN  
COUNTY CLERK

IN 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 an Ordinance	)	
Amending the Zone Map of the	)	
<u>Yamhill County Zoning Ordinance,</u>	)	
<u>No 310, 1982, as Amended, to</u>	)	
Change the Zone Map Designation	)	
From VLDR 2.5 to VLDR-1 on Ap-	)	ORDINANCE 482
proximately 6 Acres Identified	)	
as Tax Lot 4307-1000, Southeast	)	
of the City of Lafayette, as	)	
Requested by Ben Bunn, Planning	)	
Docket Z-9-88, and Declaring an	)	
Emergency	)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 29, 1989 in special session, Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, Ben Bunn has applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 4307-1000 from VLDR-2.5 to VLDR-1; and

WHEREAS, on March 2, 1989, the Yamhill County Planning Commission held a public hearing on the application and voted four to two to approve the application and thereafter, because five affirmative planning commission votes are necessary to approve a zone change, they voted unanimously to recommend that the Board consider the application at a public hearing; and

WHEREAS, on March 29, 1989 the Board held a public hearing in Room 32 of the Yamhill County Courthouse to consider the application; and

WHEREAS, following the public hearing, the Board found that a zone map amendment as requested was in the best interest of the citizens of Yamhill County for the reasons set forth in the findings of fact and conclusionary findings attached as Exhibit "A"; Now, Therefore

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the official zone map of the Yamhill County Zoning Ordinance, No. 310, 1982 as amended is

hereby amended to change the zone map designation on Tax Lot 4307-1000 from VLDR-2.5 to VLDR-1 as more particularly described on the attached map identified as Exhibit "B" and incorporated herein by this reference.

Section 2. 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 5th day of April, 1989.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

By: *Carol Ann White*  
Deputy CAROL ANN WHITE

APPROVED AS TO FORM BY:

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



*Ted Lopuszynski*  
Chairman TED LOPUSZYNSKI

Date: 4-6-89

*David E. Bishop*  
Commissioner DAVID E. BISHOP

Date: 4-5-89

*Dennis L. Goecks*  
Commissioner DENNIS L. GOECKS

Date: 4/5/89

## EXHIBIT "A"

## ORDINANCE 482

FINDINGS OF FACT

1. The applicant has requested a zone change from VLDR-2.5 to VLDR-1 on approximately six acres that are Plan-designated Very Low Density Residential. The approximate six acre property consists of three parcels of approximately 1 acre, 3 acres, and 2.5 acres. Additionally, Tax Lot 4307-1001 which was partitioned from the subject property in 1974 (Planning Docket P-367-74) is approximately .8 acre.

2. There are presently two dwellings on the subject six acre property. One dwelling is located on the 1 acre parcel and one dwelling is located on the 3 acre parcel. The remaining 2.5 acre parcel is vacant at this time.

3. The subject property is located less than 1000 feet south-east of the city limits and urban growth boundary of the City of Lafayette on the east side of Locks Road, a paved county road.

4. Public facilities or services provided to the property include electric power through PGE, telephone through Continental Telephone, fire protection by the Dayton Rural Fire Protection District and road access by county road. Water is presently provided by two wells, one of which produces nine gallons per minute. Individual septic systems serve the two existing dwellings on the property.

5. The subject property and surrounding area was included in the Exceptions Code Area 4.8 (Lafayette). According to Exceptions Statement II, adopted in 1980 as supplementary findings for the taking of an exception to Statewide Goals, "The entire Lafayette study area is committed to rural residential development. The study area is generally characterized by fair or better water availability, predominantly fair soil suitability for septic systems and good roads."

6. Land to the north and south of the subject property is zoned VLDR-2.5. Land to the east and west is zoned EF-40 or AF-20. However, approximately 50 acres lying west of Locks Road that are currently zoned EF-40 or AF-20 are Plan-designated VLDR. The existing VLDR-2.5 zoning generally lies east of Locks Road. If the acreage currently Plan-designated VLDR and zoned EF-40/AF-20 were rezoned in the future, an additional 10 to 45 dwellings could potentially be established in the area. Within 500 feet of the subject property there are six parcels of one acre or less in size, all of which contain dwellings. Abutting the subject property to the east is a 130 acre parcel that is cultivated and in recent years has been planted in grain and clover.

EXHIBIT "A" - Ordinance 482

Page 1

7. Within a one quarter mile radius of the subject property, there are six parcels of 1 acre or less, nine parcels of 1 to 2.5 acres, two parcels of 2.5 to 5 acres and two parcels containing just over 5 acres each.

8. There are approximately 110 acres of undeveloped VLDR-1 land in the county outside of urban growth boundaries. However, nearly all of undeveloped VLDR-1 property is adjacent to Newberg or Dundee. There is virtually no undeveloped VLDR-1 land in the county outside the Newberg-Dundee area.

9. Since 1982, the Board has approved two similar zone change requests. These are identified as Planning Docket Z-1-88 in which a 15 acre parcel near Newberg was rezoned from VLDR-2.5 to VLDR-1 and Z-234-83 in which a 7 acre parcel south of McMinnville was similarly rezoned.

10. Section 502.01 of the Zoning Ordinance provides that "the purpose of the VLDR district is to provide for medium to high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan."

11. The County Sanitarian has commented that the soils maps indicate the parcel consists of Dayton/Amity and Woodburn soil profiles. All three have varying degrees of water table problems associated with them. Approvals in one acre parcels may be very difficult.

#### CONCLUSIONARY FINDINGS FOR APPROVAL

The Board finds that the approval of the application is appropriate for the following reasons:

1. The request to amend the zoning on the subject property from VLDR-2.5 to VLDR-1 is consistent with the Comprehensive Plan in that the property is Plan-designated VLDR, which provides for rural residential development on parcels from one acre to five acres. Further, the property was included in Exceptions Code Area 4.8 and through the 1979-80 Exceptions process, the VLDR Plan designation was found to be appropriate for the subject property and surrounding area and was acknowledged as such by LCDC. With regard to specific rural area development goals and policies, in that the subject property is Plan-designated VLDR and the county recognizes such lands as the appropriate and desired location for rural residential development, the proposed zone change is consistent with rural area development goals.

2. Because virtually no undeveloped VLDR sites are available in the Lafayette, Dayton, or McMinnville areas, there is an existing demonstrable need for one acre rural residential dwelling sites within the subject area.

EXHIBIT "A" - Ordinance 482

Page 2

3. Approval of the request is appropriate in that it will allow for increased development of an area which was deemed to be committed to rural residential development through the Exceptions process, thereby providing for efficient utilization of rural land adjacent to the City of Lafayette. Further, the property is located in an area where there are six dwelling sites of approximately one acre within 500 feet of the subject property and therefore development of the property into one acre parcels would not be inconsistent with the existing development pattern in the area.

4. Because of the size of the subject property, its proximity to the Lafayette city limits and the large number of surrounding parcels less than 2.5 acres, the subject property is not likely to be productively used for agricultural uses. Further, because of the surrounding development pattern, the proposed re-zoning will not conflict with surrounding agricultural activities.

5. The VLDR-1 designation is appropriate because it will only allow an increase of three dwellings over the density now allowed. An increase of three dwellings in an area that has the potential for 45 new dwellings is relatively insignificant.

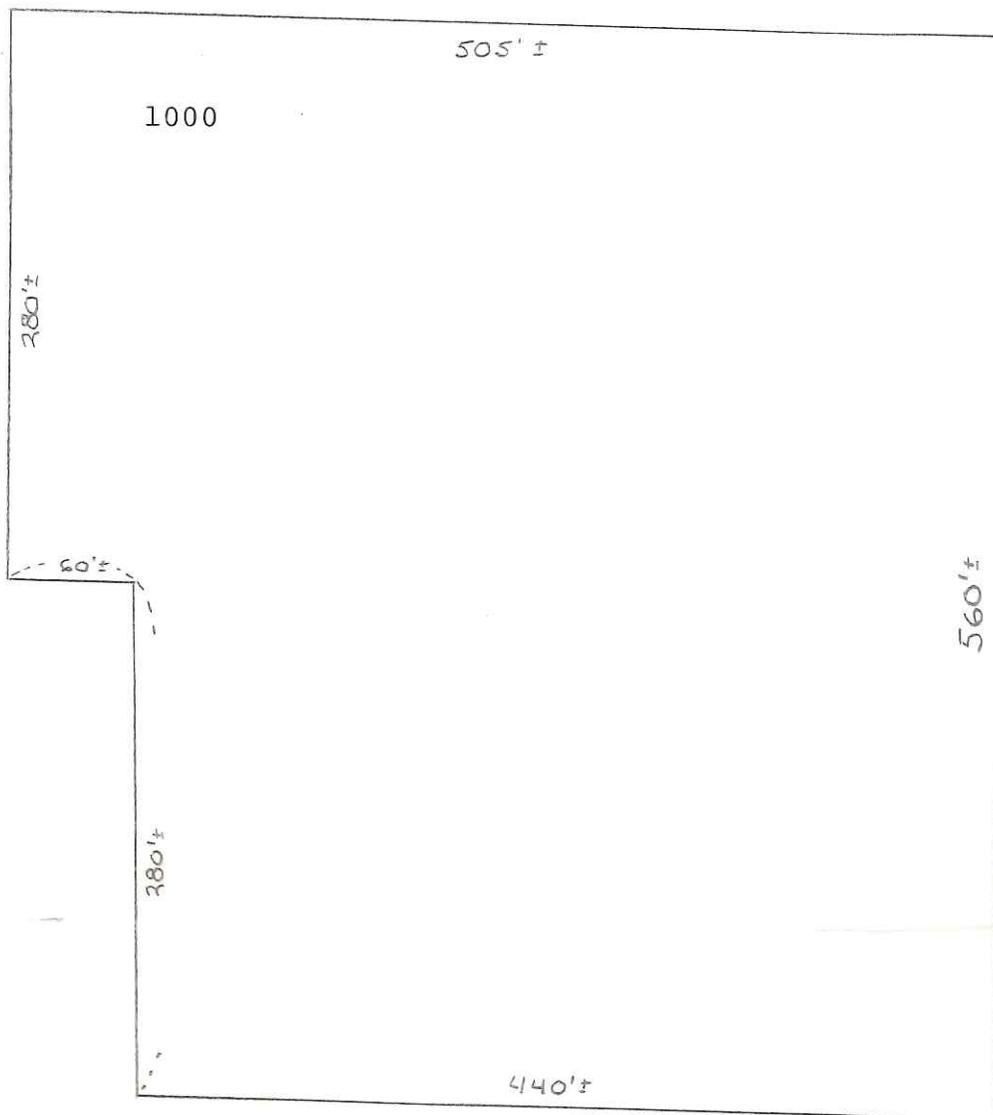
6. Sufficient public facilities currently exist to support rural residential development of the property. By previous Board direction, the Planning Director will consider imposing restrictions on the ability of applicants to partition the property based upon the availability of a suitable water supply, if he believes capacity is insufficient.

7. Even though this rezoning will allow one acre parcels subject to reasonable partitioning requirements, the Board finds that the resulting one acre parcels constituting the subject of this application will retain their rural residential character. Specifically, the Board finds that rural residential development of the parcel does not constitute an urban use within the meaning of Statewide Planning Goal 14.

EXHIBIT "B" FOR ORDINANCE NO: 482

ZONE MAP AMENDMENT  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
APRIL 5, 1989

TO CHANGE THE OFFICIAL ZONING MAP  
FROM VLDR-2½ to VLDR-1



Note : Not to Exact Scale

Change applies to the total portion of Tax Lot No. 4307-1000

Map prepared by the Yamhill County Planning Department.