

File

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance to)
Amend the Yamhill County Compre-)
hensive Plan, 1974, as it Relates) ORDINANCE NO. 94
to the Designation of Certain)
Areas as Park.)

WHEREAS, the Board of Commissioners enacted Ordinance No. 62 on the 25th day of September, 1974, adopting the Yamhill County Comprehensive Plan, and

WHEREAS, the Yamhill County Planning Department has requested a review of the Yamhill County Comprehensive Plan of 1974, with regard to the areas designated on the Plan Map as "Park"; and

WHEREAS, the Plan does not differentiate between those areas intended to be acquired for a park and those areas which have been acquired and are presently in public ownership; and

WHEREAS, it would be in the best interest of the people of Yamhill County to have the Yamhill County Comprehensive Plan differentiate between existing Parks and proposed Parks; and

WHEREAS, the Yamhill County Planning Advisory Committees and the Yamhill County Planning Commission reviewed the proposed amendment and recommended approval to the Board of Commissioners; and

WHEREAS, the Board of Commissioners on the 19th day of May, 1976, held a public hearing as required by ORS 215.060 on the proposed Plan map amendment and on the 9th day of June, 1976, at a continuance of said public hearing voted to approve the proposed amendment to the Comprehensive Plan map, basing their decision on the following reasons and conclusions:

1. There is presently a conflict between the Comprehensive Plan Map designations of the property described in the application and the official zone map for the same property.
2. As to the property described in the application, there was a mistake in the existing Comprehensive Plan Map because:
 - a. The property is private property and was designated "Park" in the existing plan only to show the prospective use for the land.
 - b. The Comprehensive Plan is the controlling land use document in Yamhill County, and an Oregon Supreme Court case, which was decided after the Plan was adopted, held that the Zoning Ordinance must seek to immediately implement the provisions of the Plan.

- c. It does not appear to the Board of Commissioners at this time that there will be in the foreseeable future any funds available to purchase private land for park purposes. Such funds have not been budgeted by Yamhill County nor are they presently available to the County for the immediate purchase of property for parks.
- d. No detailed study has been undertaken by the Board of Commissioners at this time or by the Yamhill County Park and Recreation Board Advisory Committee on the need, suitability or availability of the property described in this application for public park purposes and such a study should be undertaken before the property is purchased in order to prioritize the public purchase of the property when money for parks is budgeted or becomes available from other sources.
- e. The property described in the application identifies parcels within the County that because of their scenic quality, location, or present use are potential park sites for the future and this inventory is preserved by the application, as proposed, since almost all this same property is included in the text of the Plan as a map of proposed park sites and therefore the policy of the Plan that Yamhill County seek to offer greater opportunities for water-based recreation and that Yamhill County encourage the location of urban parks in scenic areas continues to be the policy of the Board of Commissioners and is not changed by approval of this application.
- f. Private owners of land should not be required to hold their property in trust for a public park until funds become available for the purchase of the land. It is appropriate to identify and inventory proposed park sites but a designation as "park" on the Plan Map, because it is the controlling land use document in the County, is so restrictive as to provide very limited use of that land and such a designation should not be imposed unless the County is ready, willing and able to pay for it.

NOW THEREFORE,

IT IS HEREBY ORDAINED that those areas in private ownership designated "Park" on the Yamhill County Comprehensive Plan map which areas are described on a map identified as "Schedule A of Ordinance #94" which map by this reference is made a part hereof and which map is on file in the Yamhill County Clerk's Office, be and hereby are amended as shown on said map.

IT IS FURTHER HEREBY ORDAINED that the map identified as "proposed park sites, Schedule B of Resolution 76-1" which map is on file in the Yamhill County Clerk's Office and which by this reference is made a part hereof by and hereby is made a part of the Yamhill County Comprehensive Plan to be inserted between pages #178 and #179 of the Plan as "Plate 12".

This Ordinance shall be in force and effect from and after the 9th day of June, 1976.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Ted Lopuszynski
Chairman /s/ Ted Lopuszynski

Patricia A. Mullen
Patricia A. Mullen
Deputy

Colin Armstrong
Commissioner /s/ Colin Armstrong

APPROVED AS TO FORM:

[Signature]
Robert S. Willoughby, Legal Counsel
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Commissioner /s/ Morris Majors