

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

Supplemental Board Order Correcting a Scrivener's Error)
in Ordinance 756, a Comprehensive Plan Amendment from)
EF-80 Exclusive Farm Use to AF-10 Agriculture)
Small Holding for Tax Lot 4409AD-800, Address) BOARD ORDER 05-177
3810 NE Grandhaven Drive, McMinnville, Yamhill)
County, Applicant Susan Hutchings, Docket Z-02-04,)
and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 16, 2005, Commissioners Mary P. Stern, ~~Leslie Lewis~~, and Kathy George being present.

IT APPEARING TO THE BOARD that Susan Hutchings applied to the Department of Planning (Planning Docket Z-02-04) for a Comprehensive Plan map amendment from EF-80 Exclusive Farm Use to AF-10 Agriculture Forestry Small Holding for a property located at 3810 NE Grandhaven Drive, McMinnville, tax lot 4409AD-800, and

IT APPEARING TO THE BOARD that the Matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on February 3, 2005, which voted 5-0 to recommend approved of the application; the Board adopted Ordinance 756 approving the application on February 23, 2005, and

IT APPEARING TO THE BOARD that Bruce Johnson Esq., counsel for adjoining property owners, noted a scrivener's error in the Findings accompanying Ordinance 756 and requested a correction. The applicant was contacted, and has no objection to this change. NOW, THEREFORE,

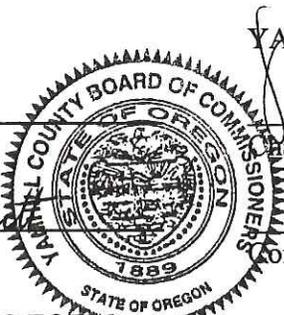
IT IS HEREBY ORDERED BY THE BOARD, that the sentence "The northern boundary also has a 16.5 foot right of way but this is not planned to be used as the access" be omitted from the Findings section A.1 of Ordinance 756, as this was an error.

DONE this 16th day of March, 2005, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

Jan Coleman
County Clerk



Mary P. Stern
Chair MARY P. STERN

Unavailable for signature

By *Anne Britt*
Deputy Anne Britt

Commissioner LESLIE LEWIS

APPROVED AS TO FORM

Kathy George
Commissioner KATHY GEORGE

rick sanai
Rick Sanai, Assistant County Counsel

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 a Comprehensive Plan Amendment from)
EF-80 Exclusive Farm Use to AF-10 Agriculture)
Small Holding for Tax Lot 4409AD-800, Address) ORDINANCE 756
3810 NE Grandhaven Drive, McMinnville, Yamhill)
County, Applicant Susan Hutchings, Docket Z-02-04,)
and Declaring an Emergency)

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IT APPEARING TO THE BOARD that Susan Hutchings applied to the Department of Planning (Planning Docket Z-02-04) for a Comprehensive Plan map amendment from EF-80 Exclusive Farm Use to AF-10 Agriculture Forestry Small Holding for a property located at 3810 NE Grandhaven Drive, McMinnville, tax lot 4409AD-800, and

IT APPEARING TO THE BOARD that the Matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on February 3, 2005, which voted 5-0 to recommend approved of the application; NOW, THEREFORE,

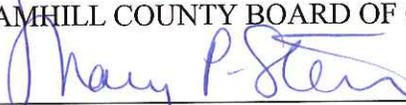
IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been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

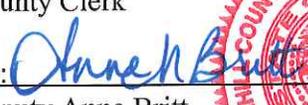
DONE this 23rd day of February, 2005, at McMinnville, Oregon.

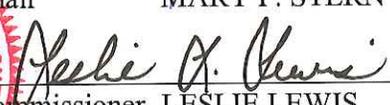
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

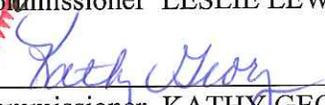
Jan Coleman
County Clerk


Chair MARY P. STERN

By: 
Deputy Anne Britt


Commissioner LESLIE LEWIS

APPROVED AS TO FORM:


Commissioner KATHY GEORGE


Rick Sanai, Assistant County Counsel

Exhibit "A"

HEARING DATE: February 3, 2005

DOCKET NO.: Z-02-04

REQUEST: Zone change from EF-80 Exclusive Farm Use to AF-10 Agriculture Forestry Small Holding. The property is within the Urban Growth Boundary of the City of McMinnville

APPLICANT: Susan Hutchings

TAX LOTS: 4409AD-800

LOCATION: 3810 NE Grandhaven Drive, McMinnville

CRITERIA: Sections 402 and 1208.02 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan;

COMPREHENSIVE

PLAN DESIGNATION: FUL, Future Urbanizable Land

FINDINGS:

A. Background Facts

1. **Lot size and Access:** The property is one acre in size and has an easement that connects with Grandhaven Drive. The northern boundary also has a 16.5 foot right of way but this is not planned to be used as the access.
2. **On-Site Land Use:** The parcel is primarily an open field. The property owner also owns the adjacent one acre site to the west of the subject property. This one acre site is developed with a single family dwelling.
3. **Surrounding Land Use:** The surrounding lots are developed with single family residences on generally one to fifteen acre lots. The only exception to this is a parcel to the northwest that is over 140 acres and is in farm use. This larger farm parcel is outside of McMinnville's Urban Growth Boundary (UGB).

B.O.05-112

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4. Surrounding Zoning: All of the surrounding area is zoned EF-80, Exclusive Farm use. The subject property and property to the south, east and west is all within McMinnville's UGB. McMinnville's city limits are approximately 1,000 feet to the southwest and a 1/4 of a mile to the south, along Grandhaven Drive.
5. Water: The lot will be served by a well.
6. Sewage Disposal: Septic systems will be supplied.
7. Fire Protection: The parcel is served by the McMinnville Fire District.
8. Previous Actions: A property line adjustment was completed between the applicant's two parcels, Tax Lots 4409AD-500 and 800. This was processed through Docket L-35-99 and simply squared up the boundaries between the two lots.
9. Explanation of the request: The applicant desires to have approval for a single family dwelling on the vacant one-acre parcel. The applicant visited with city of McMinnville staff and they indicated that, due to its location, it is unlikely that it will be taken into the city limits in the near future. Because of this, the applicant decided to try to rezone the property.
10. The property is not within the Flood Hazard Zone or Airport Overlay Zone.

B. Ordinance Provisions and Analysis

1. A request for a quasi-judicial zone map change must comply with the standards and criteria in Section 1208.02 of the Yamhill County Zoning Ordinance (YCZO), as follows :
 - (A) *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
 - (B) *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.*
 - (C) *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.*

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- (D) *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.*
- (E) *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

2. Regarding criterion (A), Comprehensive Plan policies that may be applicable include:

Policy (c) of Goal I.A.1: Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.

A one acre lot size is often considered to be an urban scale of development. Since Tax Lot 4409AD-800 is inside the urban growth boundary of McMinnville, the scale of the proposed zone change complies with this policy.

Policy b. of Goal I.A.1: Yamhill County will seek to establish a general commitment by all providers of urban services that no subdivision of lands in designated urban areas on the Plan Map will be permitted without the provision of urban services commensurate with the location, nature and scale of the proposed development, recognizing the overall capital program for community services and the ultimate net cost to the community of the services to be provided.

According to the McMinnville Urban Growth Management Agreement, lands within the UGB but outside the city limits shall be designated as FUL (Future Urbanizable Lands) on the county Comp Plan Map. Policy I.A.1.b. requires urban services at a scale appropriate to the nature of the development. In this case, there is the potential for one additional residence on an existing one acre lot. Water to serve the lot could be provided by a well. Individual septic systems and drainfields are proposed, but city approval is required prior to installation of a septic system inside the UGB. Consequently, if the city feels that it would be more appropriate for the lots to connect to city sewer, the county will not issue septic permits but require connection to city sewer..

3. Criterion (B), requires a finding that there is an existing, demonstrable need for the uses that would be allowed by the zone change, which in this case is one additional rural residential lot. The Board so finds. The subject parcel is almost entirely surrounded by one to fifteen acre lots that are developed with single family dwellings. Additionally, to the south are the city limits of McMinnville. The property within the city is zoned for residential use. However, the residential uses within the city are located on lots that are substantially smaller than one-acre. Because the applicant is applying for the AF-10 zone, this will be the primary zone to compare availability. However, since the applicant's parcel is one-acre, a review of available VLDR-1 properties will also be evaluated.

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A review of the map surrounding McMinnville shows that there are no undeveloped VLDR-1 lots located adjacent to the city limits. Further out in the county are exception areas with AF-10 zones. An area north and south of Brentano Lane has 16 AF-10 lots and 14 of them are developed. Areas around St. Joe's and Riverside Drive contain a total of 21 lots, 12 of which have been developed with single family dwellings. One of these 21 lots appears to be able to be divided. Based on this analysis, there are no undeveloped VLDR-1 lots within close proximity to the city and the potential for 12 AF-10 parcels (considering existing undeveloped parcels and those that *could* be divided.)

4. Regarding criterion (C), the surrounding area is a mixture of residential and small farm uses. Since the subject parcel will be changed to a rural residential zone, that change allows small farm uses in character with the surrounding area. In addition, the existing one acre lot size is consistent with the surrounding parcel sizes, which vary from 1 acre to around 15 acres in size.

Changes in the form of higher density residential development are gradually occurring in the area, as evidenced by the construction of Grandhaven School in the area and 7,000 to 8,000 square foot lot size residential development a short distance to the south.

Utilities and services are all available to serve the new residences that would be allowed by the zone change.

5. As to criterion (D), the Board finds other residentially zoned lands are either unavailable or not as well suited for the development. As indicated in finding B.3., the ability of the request to demonstrate compliance with this criterion depends upon whether all residentially zoned land is considered, or whether the analysis is limited to rural residential lands. Neither the county or any of its cities have run out of vacant residentially zoned lands. However, there is no - zero - vacant VLDR-1 zoned land in the McMinnville area.
6. Regarding criterion (E), the parcel is an exception area, so Goals 3 and 4 do not apply. The proposal is for a 10 acre minimum lot size. This is not defined as an urban scale of development but even if it was the parcel is already within the urban growth boundary. Therefore, Goal 14 does not apply. No other Goals apply to this request, and no exception is required.

LIMITED USE OVERLAY

Based on comments submitted by the City of McMinnville, the Planning Commission required placement of a limited use overlay zone with the following condition:

Tax Lot 4409AD-800 is required to use the 30-foot wide easement to Grandhaven Drive for access and the location of the dwelling shall be approved by the City of McMinnville to assure that said dwelling will not interfere with future urban development of this property.

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CONCLUSIONS:

1. The request is for a zone change from EF-80 to AF-10 Agriculture/Forestry Small Holding.
2. The zone change request complies with the Comprehensive Plan Goals and Policies and is consistent with the Plan map designation of Future Urbanizable Land.
3. The zone change request complies with Section 1208.02 of the Yamhill County Zoning Ordinance.

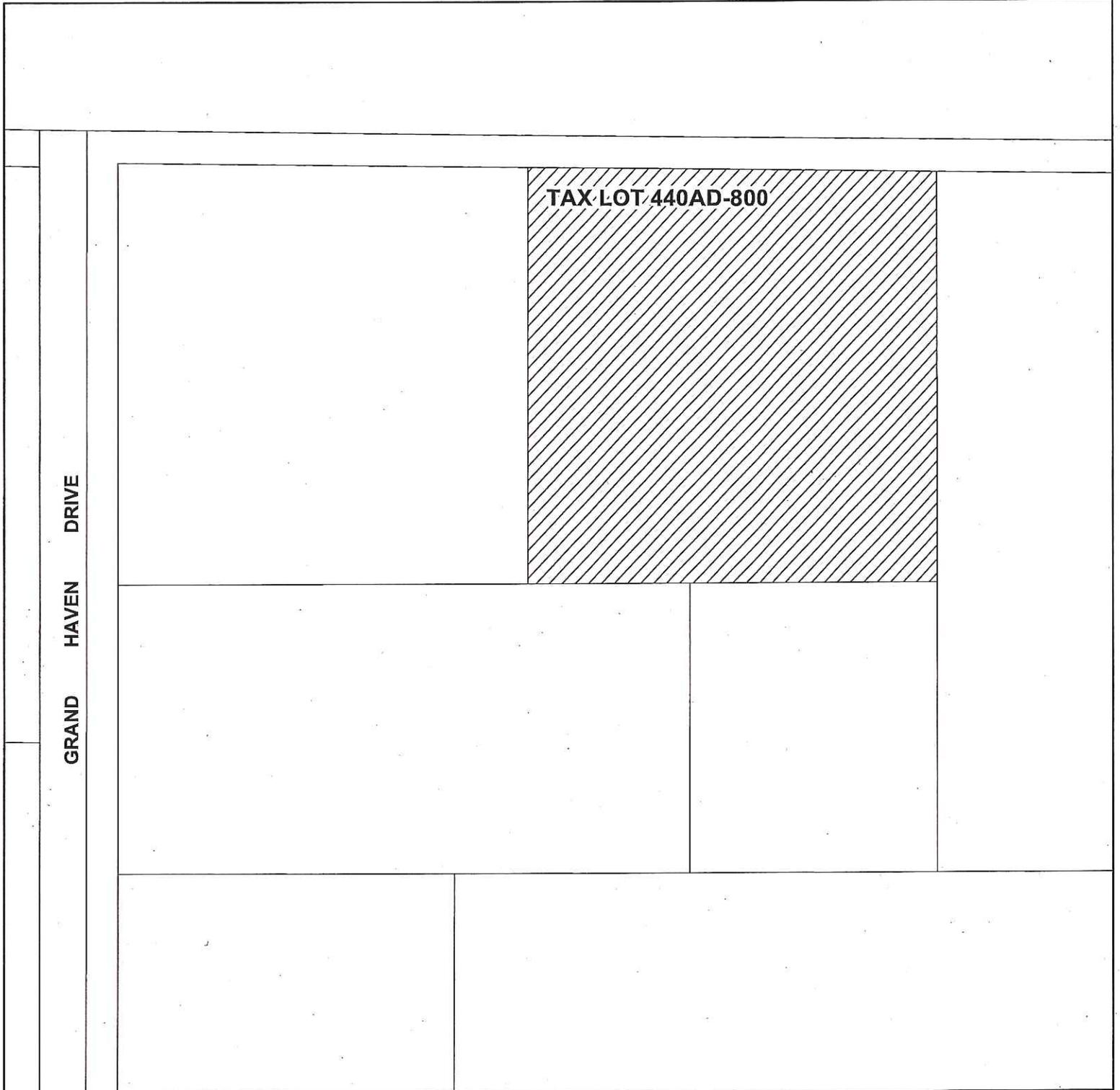
Based on the above findings, analysis, and conclusions, the Board approves approve the request by Susan Hutchings for a zone change from EF-80 to AF-10 Agriculture/Forestry Small Holding with application of a limited use overlay zone which states that:

Tax Lot 4409AD-800 is required to use the 30-foot wide easement to Grandhaven Drive for access and the location of the dwelling shall be approved by the City of McMinnville to assure that said dwelling will not interfere with future urban development of this property.

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ZONE CHANGE FROM EF-80 EXCLUSIVE FARM USE TO
AF-10 AGRICULTURAL/FORESTRY SMALL HOLDING



Legend

 Area Subject to Amendment



ORDINANCE No.: 756

EXHIBIT "B"

DOCKET Z-02-04