

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

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FOR THE COUNTY OF YAMHILL

CHARLES STERN
COUNTY CLERK

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

DEPUTY

In the Matter of an Ordinance Amending the)	
Yamhill County Zoning Map to Change, on)	
Tax Lot 3324-7600, the Zoning Map)	
Designation From AF-10 (Agriculture/Forestry)	ORDINANCE 604
Small Holding) to VLDR-2.5 (Very Low)	
Density Residential/2.5 Acre Minimum Lot)	
Size); Planning Docket Z-1-96; Applicant)	
Gale L. Miller; and Declaring an Emergency.)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on March 20, 1996 Commissioners Robert Johnstone, Thomas E. E. Bunn, and Dennis L. Goecks, being present.

WHEREAS, on January 18, 1996, Gale L. Miller ("Applicant") applied to the Department of Planning and Development for a zone map amendment from AF-10 (Agriculture/Forestry Small Holding) to VLDR-2.5 (Very Low Density Residential/2.5 acre minimum lot size) on a 8.6 acre parcel known as Tax Lot 3324-7600, identified on the attached Exhibit "B"; and

WHEREAS, on March 7, 1996 the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to approve the requested zone change; and

WHEREAS, on March 20, 1996, the Board held a public hearing on the application and voted unanimously to implement the Planning Commission approval of the zone change application by amending the Official Zoning Map from AF-10 to VLDR-2.5 (Very Low Density Residential/2.5 acre minimum lot size) on the subject parcel; and

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

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Official Zoning Map of Yamhill County is hereby amended to reflect a zoning designation of VLDR-2.5 on the 8 acre parcel known as Tax Lot 3324-7600 identified on Exhibit "B".

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Section 2. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

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, is effective upon passage.

DONE at McMinnville, Oregon this 20th day of March, 1996.

ATTEST

CHARLES STERN
County Clerk

By: Carol Ann White
Deputy CAROL ANN WHITE

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone
Chairman ROBERT JOHNSTONE

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

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EXHIBIT "A"
Ordinance 604**PLANNING COMMISSION APPROVAL: March 7, 1996****ADOPTION OF ORDINANCE BY BOARD OF COMMISSIONERS: March 20, 1996****DOCKET:** Z-1-96.**REQUEST:** Zone change from AF-10, Agriculture Forestry Small Holding to VLDR-2.5, Very Low Density Residential, 2.5 acres minimum lot size.**APPLICANT:** Gale L. Miller.**TAX LOT:** 3324-7600.**LOCATION:** 23655 NE Dayton Avenue, between Newberg and Dundee, just south of Highway 99W.**LOT SIZE:** 8 acres.**COMPREHENSIVE****PLAN DESIGNATION:** VLDR, Very Low Density Residential.**FINDINGS:****A. Background Facts.**

1. Access: Dayton Avenue.
2. On-Site Land Use: The parcel is level and primarily in pasture or grass. There is a residence and pole barn on the southern portion of the property.
3. Surrounding Land Use: The surrounding area is primarily residential in character, with some small-scale farm uses. There are houses on all the adjacent lots. The area south of Dayton Avenue, across from the subject parcel, has been developed into subdivision lots with an average lot size of 2.5 acres. Parcels on the north side of Dayton Avenue are generally larger, ranging from approximately 4 to 12 acres in size.
4. Surrounding Zoning: Land to the north and east is zoned AF-10. Land to the west and south is zoned VLDR-2.5.
5. Water: A community water system (Dayton Avenue Water Line) serves the existing residence on the parcel. No information has been provided as to whether additional hook-ups are available. There is an additional community water system (Hidden

Meadows Water District) serving the subdivisions to the south, but conditional use approval would be required to extend water lines from this system to the subject parcel.

6. Sewage Disposal: The property was denied for a standard septic system, and a capping fill system was installed to serve the existing dwelling. The Sanitarian has indicated that there is a high seasonal water table in the area. This could limit the type of septic system that could be used or even prevent installation of any septic system.
7. Previous Actions: Docket PV-503-79 approved a single family residence on the parcel. In 1992 approval was granted to temporarily place a mobile home on the property for the care of a relative with a health hardship. The mobile home has since been removed from the property.

B. Ordinance Provisions and Analysis.

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

"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.*

"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.*"

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

2. The Board finds that YCZO Section 1208.02A is satisfied. A zone change to VLDR is consistent with the Comprehensive Plan designation of VLDR. Comprehensive Plan 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 subdivision, partitioning, or development and by virtue of close proximity to existing urban centers; ..."

The subject property complies with this policy because it is part of a large exception area zoned for residential use located between and in close proximity to Newberg and Dundee. The area is committed to residential use and there are a number of subdivisions in the immediate vicinity.

3. The Board finds that YCZO Section 1208.02B is satisfied because 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.

The subject parcel is part of an exception area located between Newberg and Dundee (Exception area 1.8). The following table shows the zoning designation, the total number of lots within the exception area, and the number of lots that were developed and vacant as of December 31, 1995:

Zone	# of lots	built lots	vacant lots
AF-10	64	44	20
VLDR-5	5	4	1
VLDR-2.5	337	274	63
VLDR-1	138	105	33
Total	544	427	117

This analysis shows that 78% of the existing lots within the exception area are already developed. 81% of the lots that are zoned VLDR-2.5 are developed. (However, it should be noted that several lots in the exception area are large enough to be partitioned, so the supply of vacant lots is potentially higher. If the exception area were to be subdivided to maximum density, there would be 260 total additional lots, including 75 zoned VLDR-2.5. Since there is no way to predict when or if these larger lots will be partitioned, the potential for new lots will not be considered in this analysis of availability and need.)

Information is also available to show the increase in development since 1981, when 63% of the lots zoned VLDR-2.5 were developed. There was no change in the percentage of developed lots in 1986. By 1990, 68% of the lots were developed. This information shows that rural residential growth was relatively slow throughout the 1980's, but has increased substantially from 1990 to 1995 (from 68% developed to 81% developed). The increase in the rate and amount of development, combined with the relatively small number of existing vacant lots might indicate a need for additional VLDR zoned lots in this area.

No information has been provided by the applicant to indicate the existing market demand or availability of VLDR-2.5 zoned properties in the area. In order to get an idea of availability of lots, staff reviewed Tax Assessor records for the Wilderness Canyon, Glen Hollow Estates, and Hidden Meadows subdivisions which are located on the south side of Dayton Avenue, just to the east of the subject parcel. Records show that 49 of the 57 subdivision lots have been sold to private parties. (The remaining 8 lots are owned by development companies or building companies.) Two of the subdivisions were approved in 1991, the third, Glen Hollow Estates, did not receive final approval until June, 1995. Nine of the 13 lots in Glen Hollow Estates have already been sold to private parties. This would tend to indicate that there is a fairly substantial market demand for VLDR lots in the area, as well as illustrating that few lots are available for sale.

The subject parcel is as well suited for residential development as the other available lots in the area. Issues related to suitability will be discussed further in Finding B.5.

4. The Board finds that YCZO Section 1208.02C is satisfied because 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.

The proposed zone change is appropriate because adjacent zoning is VLDR-2.5, and the majority of these lots have already been developed with residences. There are no commercial farm or forest uses in the vicinity that would be impacted by the additional two residential lots that could be created if the zone change is approved.

Changes which have occurred in the vicinity which support the request include the approval, sale and development of the three subdivisions on the south side of Dayton Avenue, as indicated in the previous finding. Usual services such as fire and police protection, schools, telephone and electricity are available to the site. Community water systems serve most of the subdivision lots, and there is water service along Dayton Avenue, and therefore the Board finds that there is water currently available to serve the two additional lots that could be created if this zone change is approved, or the feasibility of individual wells to serve the lots. The Sanitarian has expressed reservations about whether septic systems will be approved on the partitioned lots. In the event septic systems are not allowed, the applicants would not be able to get building permits to develop the lots.

5. The Board finds that YCZO Section 1208.02D is satisfied because other lands in the county already designated for the proposed use are either unavailable or are not as well-suited for the anticipated uses due to location, size, or other factors.

The Board finds that other VLDR designated land is either unavailable or not as well suited for residential development. As indicated in Finding B.3, only 19% of the existing lots in exception area 1.8 which are zoned VLDR-2.5 are currently vacant, the availability of lots appears to be low, and market demand appears to be fairly high. A few of the vacant lots in the vicinity have some limitations on development because of slopes and flood hazards. Other lots, especially along Highway 99W, are somewhat limited for development because there is no local road access (the subject parcel has adequate access from Dayton Avenue). Except for the question of water and septic, as discussed in Finding B.4, the subject parcel does not appear to be any less suitable for residential development than any of the other available lots in the area.

6. The Board finds that YCZO Section 1208.02E is satisfied. The AF-10 and VLDR zones are not subject to Goals 3 and 4. The proposed 2.5 acre minimum lot size is not considered to be an urban scale of development, so Goal 14 does not apply. No other Goals apply to this request, and no exception is required.

CONCLUSIONS:

1. The request is for a zone change from AF-10 Agriculture/Forestry Small Holding to VLDR-2.5 Very Low Density Residential for an eight acre parcel.
2. The request complies with the Comprehensive Plan Goals and Policies and is consistent with the Plan map designation of VLDR, and therefore complies with YCZO Section 1208.02A.
3. The majority of properties zoned VLDR-2.5 in the area are already developed with residences, and there appears to be a market demand for new lots.
4. There is some concern about whether water and sewage disposal would be available to serve the two additional lots that could be created if the zone change is approved. However, these concerns can be adequately addressed through conditions when an application is made to partition the property.
5. The requested use complies with the quasi-judicial zone change standards in YCZO Sections 1208.02B through E.

DECISION:

Based on the above findings, analysis, and conclusions, the request by Gale L. Miller for a zone change from AF-10 to VLDR-2.5 on Tax Lot 3324-7600, is hereby approved.

