

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

FILED  
YAMHILL COUNTY, OREGON  
96 JUN 21 AM 11:29  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the )  
Yamhill County Comprehensive Plan (1974) to )  
Change the Designation from Agriculture/Forestry )  
Small Holding to Very Low Density Residential and )  
Amending the Official Zoning Map from )  
Agriculture/Forestry Small Holding (AF-10) to )  
VLDR 2.5 (Very Low Density Residential) on )  
a 9.6 acre parcel known as Tax Lot 3214-1700; )  
Applicant Hedwig Stang; Planning Docket )  
PAZ-01-96; and Declaring an Emergency. )

ORDINANCE 611

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 19, 1996 Commissioners Robert Johnstone and Dennis L. Goecks being present, Commissioner Thomas E.E. Bunn excused.

WHEREAS, on March 19, 1996 the Department of Planning and Development received an application by Hedwig Stang ("applicant"), Planning Docket PAZ-01-96, to change the comprehensive plan designation from Agriculture/Forestry Small Holding to Very Low Density Residential, and to amend the Official Zoning Map from Agriculture/Forestry Small Holding(AF-10) to VLDR 2.5 (Very Low Density Residential) on a 9.6 acre parcel known as Tax Lot 3214-1700; and

WHEREAS, on May 2, 1996 the Yamhill County Planning Commission held a public hearing to consider the application and voted 7-1 to recommend approval of the comprehensive plan and zoning amendments; and

WHEREAS, on June 5, 1996, the Board held a public hearing on the application at which testimony and evidence was received, and following the close of the hearing and the record, the Board deliberated and voted 2-0 (Commissioner Bunn excused) to tentatively approve the application for the comprehensive plan amendment and zone change and directed staff to prepare an ordinance and findings in support of approval; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference provide justification for approval of the application for the amendment to the Yamhill County Comprehensive Plan, Plan Map, and Official Zoning Map of Yamhill County and that approval thereof is in the best interests of the citizens of Yamhill County; Now Therefore,

96-396 INDEXED

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Comprehensive Plan and Plan Map (1974) are hereby amended as specified in the attached Exhibit "B", made part of this ordinance by reference, to reflect a plan designation of "Very Low Density Residential" described and shown in Exhibit "B".

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "Very Low Density Residential (VLDR-2.5)".

Section 3. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 4. 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 19<sup>th</sup> day of June, 1996.



By: Carol Ann White  
Deputy CAROL ANN WHITE

YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone  
Chairman ROBERT JOHNSTONE

Not Available for Signature  
Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

Dennis L. Goecks  
Commissioner DENNIS L. GOECKS

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**EXHIBIT "A"****ORDINANCE 611****TENTATIVE APPROVAL BY BOARD OF COMMISSIONERS: June 5, 1996****FINAL ADOPTION BY BOARD OF COMMISSIONERS: June 19, 1996****DOCKET:** PAZ-01-96.**REQUEST:** Zone change from Agriculture/Forestry Small Holding(AF-10) to Very Low Density Residential (VLDR-2.5); Comprehensive Plan map amendment from Agriculture/Forestry Small Holding to Very Low Density Residential.**APPLICANT:** Hedwig Stang, represented by her son Ron Stang.**TAX LOTS:** 3214-1700.**LOCATION:** 33025 NE Old Parrett Mountain Road.**REVIEW CRITERIA:** Section 1208 of the Yamhill County Zoning Ordinance.**FINDINGS:****A. Background Facts**

1. Lot Size: 9.6 acres excluding the roadway.
2. Access: Old Parrett Mountain Road.
3. On-Site Land Use: The parcel is on a west facing slope. The parcel contains a residence on the west side of the parcel. The remainder of the property contains an orchard.
4. Surrounding Land Use and Zoning: Adjacent parcels to the north and east are zone AF-10 Agriculture/Forestry Small Holding. Land to the west is generally zoned AF-10 Agriculture/Forestry Small Holding. The exception to this is a triangular section of approximately three acres that is zoned VLDR-2.5 Very Low Density Residential. Land to the south is zoned VLDR 2.5 and AF-20 Agriculture/Forestry. Land in the area contains rural residential and small farm/forestry uses. The small farm uses include livestock and orchards.
5. Water: The area is within a Groundwater Limited Area. This limits the ability to obtain water rights for irrigation but does not prevent use of groundwater for domestic purposes.

6. Sewage Disposal: Individual on-site septic systems would be required.
7. Fire Protection: Newberg Rural Fire District.
8. Taxes: The properties are not receiving a farm or forestry deferral.
9. Soils: Sheet 23 of the Soil Survey shows that 70% of the parcel consists of Laurelwood silt loam (LuC, LuD) with slopes of 3 to 20 percent. Twenty percent consists of Jory Clay Loam (JrC) with 7 to 12 percent slopes. These two soil types are rated with an agricultural capability class of III, and the soil type is considered to be high-value farmland. The remaining ten percent is a mixture of Jory and Laurelwood on 30-60 percent slopes with an agricultural capability of class VI. These soils are not considered high-value farmland. The forest productivity capability of all these soils is between 155 to 160 cubic feet per acre per year of wood fiber.
10. Previous Actions: The subject property is made up of Lot 3 and 4 of the Chehalem Uplands No. 1 subdivision. This subdivision was platted on March 6, 1911.
11. Other Factors: The existing zone on the property allows "*Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section.*" A dwelling is a permitted use in this zone. Since the lots were created by the Chehalem Uplands No. 1 subdivision, each lot could have a single family dwelling established. Therefore, Lot 4 could be developed with a single family residence without any additional land use approval.
12. Exceptions: The subject parcel and area to the north, east and west were all granted an exception from the statewide planning goals protecting farm and forestry uses (Goals 3 and 4). The area was granted an exception and plan designated AFSH Agriculture/Forestry Small Holding by Exceptions Statement II. This document was adopted by the Board of Commissioners April 23, 1980. The land to the south was also granted an exception at the same time but was plan designated to a higher density of development as VLDR Very Low Density Residential.

**B. Zone Change Review Criteria and Analysis.**

1. The subject 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 in Findings B.2 through B.6, below.

2. The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan as required by YCZO §1208.02 A.

2.1 Comprehensive Plan, Policy (a) of Goal I.B.2, states as follows:

*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 subdivisions, partitioning, or development and by virtue of close proximity to existing urban centers; or in small, limited areas having unique scenic, locational and other suitable site qualities where the anticipated magnitude or density of development is not such as to require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage disposal systems, and possible rural fire protection.*

This area does contain an obvious commitment to rural residential uses and is within close proximity to existing urban centers. The property is part of a subdivision that was platted in 1911. The Board finds that the proposed VLDR 2.5 designation will comply with the above policy.

3. The Board finds that the proposed comprehensive plan and zone change satisfies the requirements of YCZO §1208.02(B), namely 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.

3.1 The applicant indicated that she has owned the property since 1938. Applicant is in her 70's and due to her age she needs to create three parcels out of this 9.8 parcel so that her son and daughter can each have a residence on the property so as to be near her to care for her.

3.2 The proposed use is to allow additional rural residences. This is already an exception area, so no exception is required. The applicant has stated that parcels in this area have been divided and with the high demand for housing, the parcels are getting smaller.

Considering the need for the particular uses and the availability and location of other lands so zoned, south of the subject parcel, across Parrett Mountain Road is an existing area zoned VLDR 2.5 Very Low Density Residential. This area was previously identified as code area 1.13. A study of this area shows a total of 44 parcels, 36 with dwellings and approximately 20 additional lots that could be created by partitioning.

Regarding land in the county east of Newberg, three exception areas exist that have rural residential zoning similar to that requested by the applicant. The exception areas are identified as areas 1.11, 1.12, 1.13 and 1.15. The following is the combined information on these study areas:

Zone	Existing Lots	Developed Lots	Vacant Lots	Potential New Lots
VLDR-1	5	2	3	13
VLDR 2.5	75	65	10	35
AF-10	149	114	35	16

The applicant indicated that there was a high demand for smaller homesite. Similar requests have identified the market demand and have cited the lack of property on the market to satisfy the demand.

4. The Board finds that this request satisfies the requirements of YCZO §1208.02(C). Lands to the south are zoned VLDR-2.5, so the proposed 2.5-acre zoning is in character with the lot size pattern and development in the adjacent areas.

Land 1/4 mile to the east, is zoned AF-20 and currently in small woodlot and agricultural use. Approval of the requested rezone will not cause any conflicts with farming activities on these properties since they are already adjacent to AF-10 zoning.

The most recent change to occur in the area which might support the requested rezone was the platting of the Parrett Mountain Estates subdivision, located directly south of the subject property, in 1990. The number of subdivisions in the area has increased throughout the years. The proposed rezoning would continue this trend of creating 2.5-acre lot subdivisions.

Available services in the area include water from on-site wells, electricity, fire service and road access from Parrett Mountain Road. These services are adequate for the proposed residential uses. There are no sewer services available, so individual septic systems would be required.

5. The Board finds that the application complies with YCZO §1208.02(D). Applicant indicated that there are no other parcels in the county which are zoned for residential use are unavailable and which are as well-suited for her children to reside and care for her.

6. The Board finds that the application complies with YCZO §1208.02(E). As indicated in Finding A.12 above, this property was part of Exception Statement II which was adopted by Yamhill County in 1980. Therefore the property has previously satisfied the requirements of OAR 660-04 for taking an exception to Statewide Planning Goals 3 and 4.

**CONCLUSIONS:**

1. The request is for an amendment to the Yamhill County Comprehensive Plan map from Agriculture/Forestry Small Holding to Very Low Density Residential and a zone change from AF-10 Agriculture/Forestry Small Holding to VLDR-2.5 Very Low Density Residential.

2. The request complies with Section 1208.02 of the YCZO.

**DECISION:**

Based upon the findings and conclusions above and substantial evidence in the record, the application by Hedwig F. Stang in PAZ-01-96 for the amendment to the Yamhill County Comprehensive Plan, Plan Map, and Official Zoning Map of Yamhill County to change the comprehensive plan designation to "Very Low Density Residential" and the zoning designation to "VLDR-2.5" is hereby approved.

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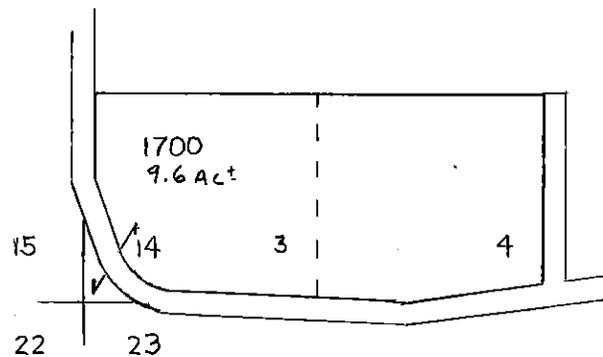
EXHIBIT "B" FOR ORDINANCE NO. 611

PLAN AMENDMENT/ZONE CHANGE

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

JUNE 19, 1996

TO CHANGE THE PLAN DESIGNATION FROM AFSH TO VLDR  
AND THE OFFICIAL ZONING MAP FROM AF-10 TO VLDR 2.5



- SCALE 1" = 400'
- CHANGE APPLIES TO TAX LOT 3214-1700, DESCRIBED ABOVE
- MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT