

FILED
YAMHILL COUNTY, OREGON

96 JUN 21 AM 11: 28

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 |) | |
| the Official Zoning Map from |) | ORDINANCE 612 |
| Agriculture/Forestry Small Holding (AF-10) to |) | |
| VLDR 2.5 (Very Low Density Residential) on |) | |
| a 10 acre parcel known as Tax Lot 3219-2300; |) | |
| Applicant Douglas S. Jones; Planning Docket |) | |
| Z-03-96; and Declaring an Emergency. |) | |

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 April 8, 1996 the Department of Planning and Development received an application by Douglas S. Jones ("applicant"), Planning Docket Z-03-96, to amend the Official Zoning Map from Agriculture/Forestry Small Holding (AF-10) to VLDR 2.5 (Very Low Density Residential) on a 10 acre parcel known as Tax Lot 3219-2300; and

WHEREAS, on June 6, 1996 the Yamhill County Planning Commission held a public hearing to consider the application, received testimony, and following the close of the hearing and the record, voted unanimously to approve the zoning amendments; and

WHEREAS, on June 19, 1996, the Board considered the adoption of an ordinance to implement the planning commission's approval of the zone change; 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 Official Zoning Map of Yamhill County and that approval thereof 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 as specified in the attached Exhibit "B" to reflect a zoning designation of "Very Low Density Residential (VLDR-2.5)".

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 19 day of June, 1996.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



Robert Johnstone
Chairman ROBERT JOHNSTONE

By: Care Ann White
Deputy CAROL ANN WHITE

Not Available in 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

H:\ADMIN\PINKST\LU\96.174

EXHIBIT "A"
Ordinance 612

PLANNING COMMISSION APPROVAL: June 6, 1996

ADOPTION OF ORDINANCE BY BOARD OF COMMISSIONERS: June 19, 1996

DOCKET: Z-03-96.

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: Douglas S. Jones.

TAX LOT: 3219-2300.

LOCATION: 23900 N. Hwy 99W, between Newberg and Dundee, abutting south on Highway 99W.

LOT SIZE: 10 acres.

COMPREHENSIVE PLAN DESIGNATION: VLDR, Very Low Density Residential.

FINDINGS:

A. Background Facts

1. Access: Highway 99W.
2. On-Site Land Use: The parcel is level and primarily in pasture or grass. There is a residence, animal barn and two sheds on the northeastern 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 adjacent lots to the north and south. The area to the east contains an empty lot with a cemetery to the east of it. The area to the west is Highway 99W and Southern Pacific Railroad line. Parcels to the south of the property are generally larger, ranging from approximately 4 to 12 acres in size. Parcels to the north of the property are generally smaller, averaging 1-acre in size.
4. Surrounding Zoning: Land to the north and east is zoned VLDR-2.5. Land to the west and south is zoned AF-10.

5. Water: The subject parcel is served by a well.
6. Sewage Disposal: Septic systems are the only option in this area (see sanitarian's comments).
7. Previous Actions: No documentation of previous actions exists.

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 the proposed zoned change satisfies YCZO Section 1208.02(A). 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 the zone change request satisfies the requirements of YCZO §1208.02(B).

3.1 Regarding the need for additional residential lots in the area, 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.)

3.2 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 1980s, 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.

3.3 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, to the south 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.

3.4 The subject parcel appears to be 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 the zone change request satisfies the requirements of YCZO 1208.02(C).

4.1 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 after this zone change is approved.

4.2 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, but no information has been provided concerning whether additional hook-ups would be 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 the zone change request satisfies the requirements of YCZO 1208.02(D). 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 owner of the subject parcel is negotiating with his neighbor to the south for an 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 the zone change request satisfies the requirements of YCZO 1208.02(E). The subject area is part of an exception Code Area 1.8 which was excepted on April 23, 1980 as part of Yamhill County Ordinance No.234, therefore, the area is 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:

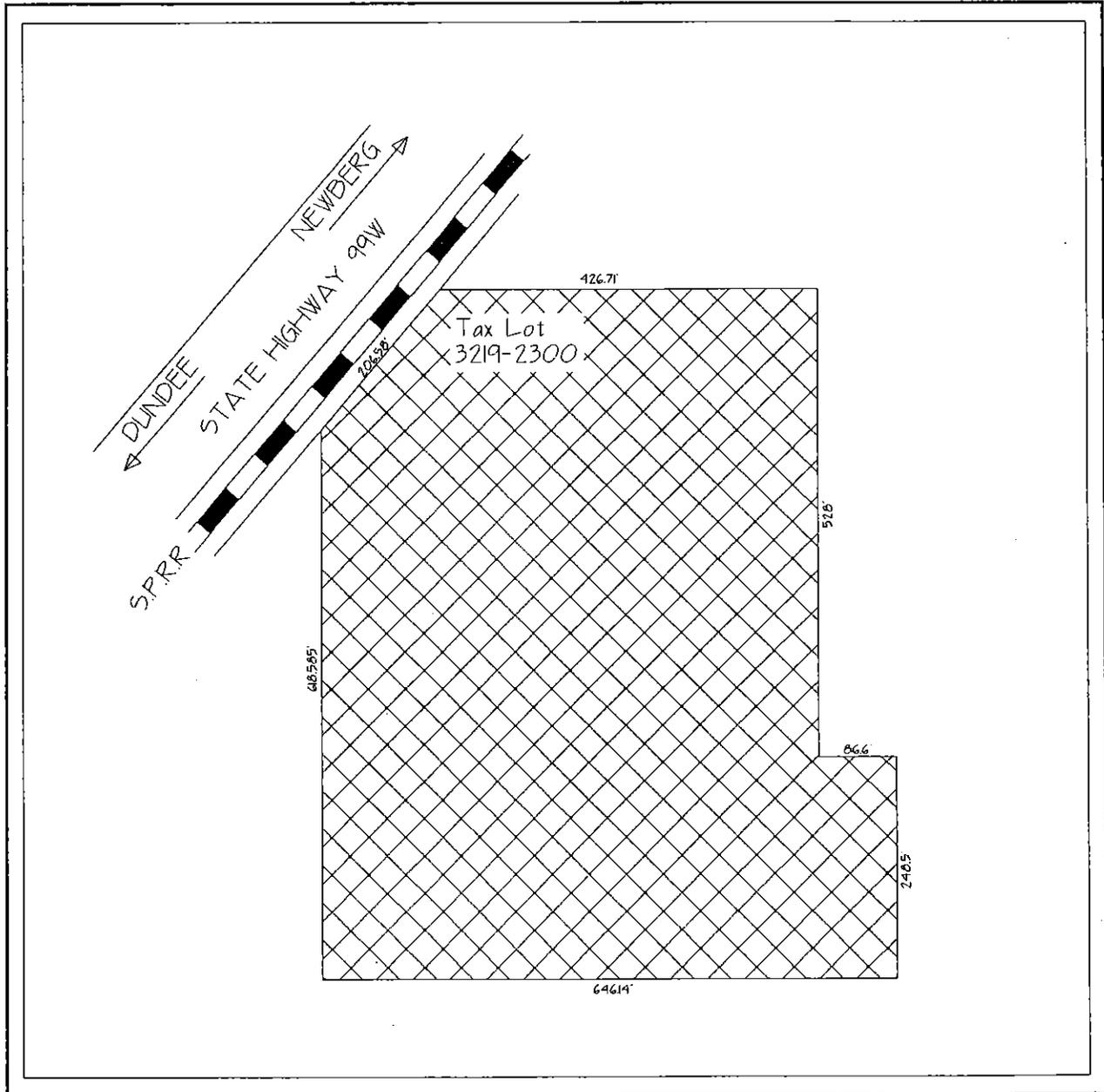
1. The request is for a zone change from AF-10 Agriculture/Forestry Small Holding to VLDR-2.5 Very Low Density Residential for a 10-acre parcel.
2. The request complies with the Comprehensive Plan Goals and Policies and is consistent with the Plan map designation of VLDR.
3. The majority of properties 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 three additional lots that could be created if the zone change is approved. These concerns can be addressed when an application is made to partition the property.

DECISION:

Based on the above findings, analysis, and conclusions, the Board approves the request by Douglas S. Jones for a zone change from AF-10 to VLDR-2.5 on Tax Lot 3219-2300.

F:\PLANNING\SHARE\Z\Z-3-96.SR
F:\admin\pinkst\lu\96.175

ZONING MAP AMENDMENT
TO CHANGE THE ZONING MAP DESIGNATION
FROM "AF-10" AGRICULTURE/FORESTRY SMALL HOLDING
TO "VLDR-2 1/2" VERY LOW DENSITY RESIDENTIAL DISTRICT



NOT TO SCALE



AREA SUBJECT TO
ZONE MAP AMENDMENT

PREPARED BY YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
MARTIN CHROUST-MASIN, ASSOCIATE PLANNER

Exhibit "B"
Ordinance 612