

FILED

1994 MAY -5 AM 11: 38

FOR THE COUNTY OF YAMHILL

94-268

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN  
COUNTY CLERK

In the Matter of an Ordinance )  
 Amending the Zone Map of the )  
 Yamhill County Zoning Ordinance, )  
 as amended, to Change the Zone )  
 Map Designation from AF-20 to )  
 VLDR 5 on Tax Lot 5625-1100 and a )  
 Portion of Tax Lot 5625-1200, )  
 Applicants Albert and Janice )  
 Williams, Docket Z-1-94, )  
 Declaring an Emergency. )

ORDINANCE 570

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in regular session on May 4, 1994, commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Albert and Janice Williams have applied to the Department of Planning and Development to change the zone map designation on Tax Lot 5625-1100 and that portion of Tax Lot 5625-1200 shown on the attached Exhibit "B" from AF-20 to VLDR 5, the property being located inside the urban growth boundary of the City of Sheridan.

B. The property subject to the application has an "Urban" comprehensive plan map designation sufficient to allow a zone map designation of VLDR without a comprehensive plan map amendment.

C. On April 7, 1994 the Yamhill County Planning Commission held a public hearing on the application and unanimously voted to approve the zone change as requested.

D. Section 1300 of the Yamhill County Zoning Ordinance, No. 310 as amended, provides that a decision of the Planning Commission to approve a zone change is final unless appealed to the Board or ordered to be reviewed by the Board within 15 days of notice of the decision. Since no appeal was filed and the Board did not order review, the Planning Commission's April 7, 1994 decision to approve the application is final subject to enactment of an implementing ordinance by the Board.

E. The Board finds the decision of the Planning Commission is appropriate for the reasons contained in the findings for approval attached as Exhibit "A"; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Based on the findings for approval set forth in Exhibit "A", which is incorporated into this ordinance by reference, the official zoning map of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby amended to designate the zoning on Tax Lot 5625-1100 and that portion of Tax Lot 5625-1200 identified on the attached Exhibit "B" as VLDR 5.

Section 2. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DONE at McMinnville, Oregon this 4th day of May, 1994.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



By: *Carol Ann White*  
Deputy Carol Ann White

*Dennis L. Goecks*  
Chairman DENNIS L. GOECKS

*Ted Lopuszynski*  
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

*John M. Gray, Jr.*  
JOHN M. GRAY, JR.  
Yamhill County Counsel

*Debi Owens*  
Commissioner DEBI OWENS

EXHIBIT "A" - FINDINGS FOR APPROVAL  
Ordinance 570

DATE OF BOARD  
HEARING AND

FINAL ADOPTION: May 4, 1994

DATE OF PLANNING  
COMMISSION HEARING:

April 7, 1994

DOCKET:

Z-1-94

REQUEST:

Zone change for approximately six acres from AF-20  
Agriculture/Forestry to VLDR-5 Very Low Density  
Residential, five-acre minimum lot size

APPLICANT:

Albert G. and Janice I. Williams

TAX LOT:

5625-1100 and a portion of 5625-1200

LOCATION:

Approximately one-half mile north of Highway 18 on the  
west side of Cherry Hill Road, Sheridan

COMPREHENSIVE PLAN DESIGNATION:

The north portion of the property is designated  
"Agriculture/Forestry Large Holding" on the county  
Plan map and is not subject to this request. The rest  
of the property is within the Sheridan Urban Growth  
Boundary and is designated "Future Residential" on the  
city Plan.

FINDINGS FOR APPROVAL:

A. Background Facts

1. Lot Size: The subject tax lots total 8.85 acres. The request applies to about six acres of this. The lots are part of a 24-acre parcel that includes Tax Lots 5626-4100 and 4200.
2. Access: A private road that connects to Cherry Hill Road, a paved county road
3. On-Site Land Use: The applicant indicated that the property is sheep pasture, but the herd was not present at the time of the application. Tax Lot 1100 contains a pond. The parcel also contains a dwelling and a slaughterhouse on land not subject to this request.
4. Surrounding Land Use: The area is a mix of farm and forest use. The predominant farm use in the area is livestock, although there are large cultivated fields to the east. The city limits of Sheridan are about 400 feet west of the property.
5. Surrounding Zoning: Land to the north is zoned AF-20. The east side is bordered by VLDR-5 on the south and AF-20 on the north. All land to the south is VLDR-5. The west is bordered by VLDR-5 on the north and south with HI Heavy Industrial between.
6. Taxes: Farm deferral
7. Water: A well is proposed.
8. Sewage Disposal: An on-site system would be required.

10. Previous Actions: Docket P-1092-79 resulted in the subject property being combined with property to the west, creating a 24-acre parcel.

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 C.2 through C.6, below.

2. Regarding Comprehensive Plan goals and policies, the land is currently planned for urban use. Plan Section I.A, "Urban Area Development," Policy 3.b states:

Yamhill County will continue to recognize that the appropriate location of low-density residential development is in areas where adequate access and services to satisfy the scale and ultimate development can and will be provided. Such areas would generally be within, or contiguous with, existing urban centers, but may also be in selected small areas having unique scenic qualities or, where the need may be demonstrated, in selected outlying areas of varying size appropriate site qualities and other supporting services.

The proposed zone change is within an urban area. No conflict with Comprehensive Plan policies has been identified.

3. Regarding criterion (b), the applicant indicated there is no public need for the zone change (Exhibit A, page A-5). The amendment is associated with the needs of the owner rather than the public. There is about 400 acres of land zoned rural residential (AF-10 or VLDR) in the vicinity of Sheridan outside the Urban Growth Boundary. An inventory of residential land inside the UGB and outside the city limits is not available. A study performed in 1990 by the county indicates there were 22 available sites. The study method underestimated the total buildable parcels because it did not consider pre-existing nonconforming lots, but there are probably only a few additional vacant rural homesites in the area.

4. Regarding criterion (c), the request is only about 400 feet from the Sheridan city limits. There has been quite a bit of residential development in the vicinity in recent years, including a manufactured home park just inside the city limits near their land. Land adjacent to three sides is zoned VLDR-5. The zone change would allow one and maybe two new dwellings to be sited on the property.
5. Regarding criterion (d), see Finding B.3, above.
6. Regarding criterion (e), no exception is required.

**CONCLUSIONS:**

1. The request is for a zone change from AF-20 Agriculture/Forestry to VLDR-5 Very Low Density Residential.
2. The property is within the Sheridan Urban Growth Boundary.
3. The request complies with the Comprehensive Plan Goals and Policies and is consistent with the Plan map.
4. The requested use is appropriate for the area considering the level of services needed and available, and considering surrounding development.
5. The City of Sheridan does not object to the request.

**DECISION:**

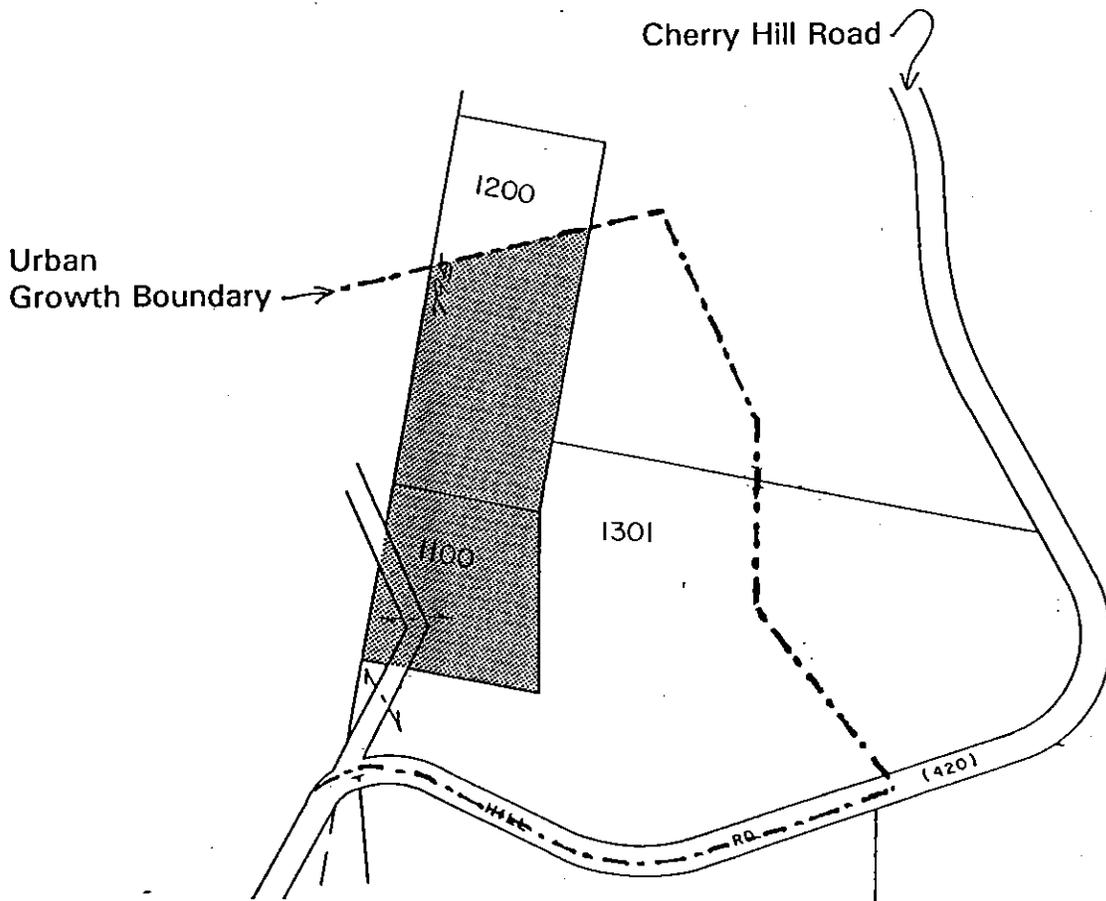
The application is approved as provided in the implementing ordinance.

# EXHIBIT "B" TO ORDINANCE 570

## ZONING MAP AMENDMENT

TO CHANGE THE ZONE FROM  
AF-20 AGRICULTURE/FORESTRY  
VLDR-5 VERY LOW DENSITY RESIDENTIAL  
WITHIN THE SHERIDAN URBAN GROWTH BOUNDARY

▲  
N  
Scale - 1" = 400'



On Map Township 5 South, Range 6 West, Section 25

The zone change applies only to the portion of the property shaded on this map.

Map prepared by Yamhill County Department of Planning and Development

# YAMHILL COUNTY

## BOARD OF COUNTY COMMISSIONERS

DENNIS L. GOECKS  
CHAIRMAN

TED LOPUSZYNSKI  
VICE CHAIRMAN

DEBI OWENS  
COMMISSIONER

April 5, 1994

Albert and Janice Williams  
245 NE Balm Street  
Sheridan, Oegon 97378

RE: Planning Docket Z-1-94

Dear Mr. and Mrs. Williams:

At the April 5, 1994 regular session of the Board of Commissioners, the Board voted to adopt Ordinance 570, implementing the Planning Commission's decision to approve your request for a zone change on Tax Lot 5625-1100 and a portion of Tax Lot 5625-1200. Approval of the request is based on findings contained in Exhibit "A" of the enclosed copy of Ordinance 570. The ordinance was filed with the County Clerk on May 5, 1994, and became final on that date. A copy of the ordinance may also be reviewed in the Planning Department during normal business hours. The Planning Department is located in the basement of the Yamhill County Courthouse at 535 East Fifth, McMinnville.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must usually be filed within 21 days of the date the decision became final. A successful appeal could revoke this approval. You are urged to seek independent legal advice regarding your legal rights and responsibilities.

If you have any questions regarding the county's action, you may contact me or the Planning Department (434-7516).

Sincerely,



Dennis L. Goecks, Chair  
Board of Commissioners

DO-CW:cw  
Enclosure  
cc: Planning Department