

FILED

YAMHILL COUNTY, OREGON

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-269

FOR THE COUNTY OF YAMHILL

1994 MAY -5 AM 11: 38

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 EF-40 to )  
VLDR 2.5 on a Portion of Tax Lot )  
4318-2400, Applicant Larry Turner, )  
Docket Z-2-94, Declaring an )  
Emergency )

ORDINANCE 571

DEPUTY

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. Larry Turner has applied to the Department of Planning and Development to change the zone map designation on that portion of Tax Lot 4318-2400 shown on the attached Exhibit "B" from EF-40 to VLDR 2.5, the property being located inside the urban growth boundary of the City of Dayton.

B. The subject parcel 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 that portion of Tax Lot 4318-2400 identified on the attached Exhibit "B" as VLDR 2.5.

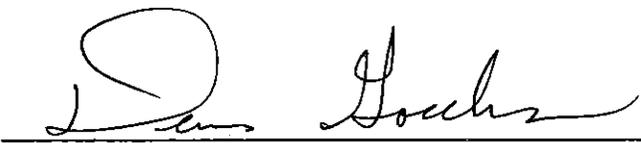
Section 2. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

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

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

The seal of the Yamhill County Board of Commissioners is circular, featuring a central emblem surrounded by the text "BOARD OF COMMISSIONERS" and "YAMHILL COUNTY OREGON".  
CHARLES STERN  
County Clerk  
BY   
Deputy County Clerk Ann White

  
Chairman DENNIS L. GOECKS

  
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

  
JOHN M. GRAY, JR.  
Yamhill County Counsel

  
Commissioner DEBI OWENS

EXHIBIT "A" - FINDINGS FOR APPROVAL  
Ordinance 57

DATE OF BOARD  
HEARING AND  
FINAL ADOPTION:

May 4, 1994

DATE OF PLANNING  
COMMISSION HEARING:

April 7, 1994

DOCKET:

Z-2-94

REQUEST:

Zone change for approximately 12 acres from EF-40 Exclusive Farm Use to VLDR-2 $\frac{1}{2}$  Very Low Density Residential, 2 $\frac{1}{2}$ -acre minimum lot size

APPLICANT:

Larry Turner

TAX LOT:

A portion of 4318-2400

LOCATION:

North of and adjacent to Highway 18 and south of and adjacent to Fletcher Road, inside the Dayton UGB (14030 Fletcher Road).

COMPREHENSIVE PLAN DESIGNATION:

The west 10± acres 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 Dayton Urban Growth Boundary (UGB) and is designated "Residential" and "Open Space" on the 1979 city Plan.

FINDINGS FOR APPROVAL:

A. Background Facts

1. Lot Size: The subject tax lot is 22.8 acres. The request applies to about 12 acres of this.
2. Access: Fletcher Road, a paved county road
3. On-Site Land Use: The applicant indicated that the property contains about 14 acres of hazelnut orchard, four acres of woodlot, three acres of unused pasture, and a two-acre homesite. Most of the hazelnuts are on the portion of the property not subject to this request. The woodlot is mostly on a slope leading to a creek, which is in the UGB.
4. Surrounding Land Use: The area is mostly in farm and residential use. The farm use in the area is predominantly hazelnuts and field crops. The area north of Fletcher Road is in rural residential use with some small livestock operations. The city limits of Dayton are about 1000 feet southeast of the property across Highway 18.
5. Surrounding Zoning: Land to the north and east is zoned VLDR-2 $\frac{1}{2}$ . To the south across Highway 18, land is designated VLDR-2 $\frac{1}{2}$  and LDR-9000 Low Density Residential. Land to the west is EF-40 Exclusive Farm Use.
6. Taxes: Farm deferral
7. Water: The existing dwelling is served by the city of Dayton. Additional hook-ups may not be available; if this is the case, wells would be required.

8. Sewage Disposal: On-site systems would be required.

9. Previous Actions: None

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 county Comprehensive Plan policies has been identified. Regarding the Dayton Comprehensive Plan, a portion of the property is designated "open space." This is the banks of the creek on the west end of the subject portion of the parcel. This area is fairly steeply sloped and is unlikely to be developed. The requested zone change should not conflict with the Dayton Comprehensive Plan.

3. Regarding criterion (b), the applicant indicated there is a "critical shortage of buildable land in the one to five acre sizes" (Exhibit A, page A-5). This demand is reported to be driven at least in part by families that wish to have animals that are not permitted inside cities.

4. Regarding criterion (c), the subject property is adjacent to other land with the requested zoning designation. There has been an issue raised concerning the availability of city water for new development on the site, but this should not be a major concern because wells are the typical source of water in the VLDR zones.
5. Regarding (d), the applicant addressed the location aspect of the criterion by pointing out the existing access and the proximity to Dayton. As stated in Finding B.3 above, the applicant also states that there is a shortage of buildable rural residential land.
6. Regarding criterion (e), no exception is required.

**CONCLUSIONS:**

1. The request is for a zone change from EF-40 Exclusive Farm Use to VLDR-2½ Very Low Density Residential.
2. The property is within the Dayton 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.

**DECISION:**

The application is approved as provided in the implementing ordinance.

# YAMHILL COUNTY

## BOARD OF COUNTY COMMISSIONERS

DENNIS L. GOECKS  
CHAIRMAN

TED LOPUSZYNSKI  
VICE CHAIRMAN

DEBI OWENS  
COMMISSIONER

April 5, 1994

Larry Turner  
14030 SE Fletcher Road  
Dayton, Oregon 97114

RE: Planning Docket Z-2-94

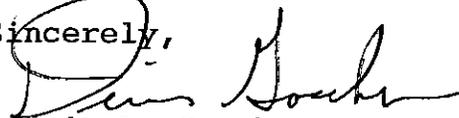
Dear Mr. Turner:

At the April 5, 1994 regular session of the Board of Commissioners, the Board voted to adopt Ordinance 571, implementing the Planning Commission's decision to approve your request for a zone change on a portion of Tax Lot 4318-2400. Approval of the request is based on findings contained in Exhibit "A" of the enclosed copy of Ordinance 571. 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

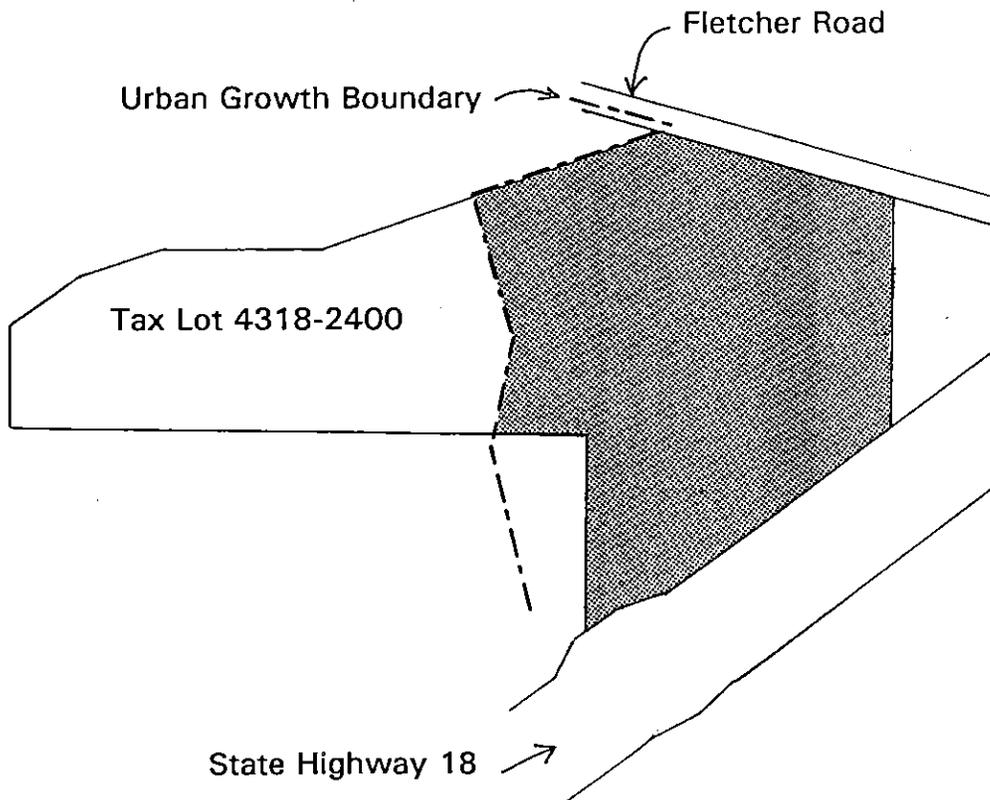
DO-CW:cw  
Enclosure  
cc: Planning Department

# EXHIBIT "B" TO ORDINANCE 571

## ZONING MAP AMENDMENT

TO CHANGE THE ZONE FROM  
EF-40 EXCLUSIVE FARM USE TO  
VLDR-2½ VERY LOW DENSITY RESIDENTIAL  
WITHIN THE DAYTON URBAN GROWTH BOUNDARY

↑  
N  
Scale - 1" = 400'



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