

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

1993 JUN 30 PM 2:46

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN  
COUNTY CLERK

IDENTITY

In the Matter of an Ordinance )  
 Amending the Yamhill County )  
 Zoning Map to Change, on a )  
 Portion of Tax Lots 4306-1301 and )  
 1500, the Zone Map Designation )  
 from LDR-9000 (Low Density Resi- )  
 denital to VLDR-1 (Very Low )  
 Density Residential/1 Acre Minimum )  
 Lot Size); Docket Z-3-93; )  
 Applicants Stanley and Tandra Hill; )  
 and Declaring an Emergency. )

ORDINANCE 557

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on June 30, 1993, Commissioners Debi Owens, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, on Stanley and Tandra Hill ("Applicants") applied to the Department of Planning and Development for a zone map amendment from LDR-9000 (Low Density Residential/9000 square foot minimum) to VLDR-1 (Very Low Density Residential/1 Acre Minimum Lot) on a portion of 11.73 acres on parcels known as Tax Lots 4306-1301 and 1500 identified on the attached Exhibit "B"; and

WHEREAS, on June 3, 1993, 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 June 30, 1993, the Board held a public hearing on the application and voted unanimously to implement the Planning Commission's approval of the zone change application by amending the Official Zoning Map from LDR-9000 to VLDR-1 (Very Low Density Residential/1 acre minimum lot size) on 9 acres of the 11.73 acre parcels known as Tax Lots 4306-1301 and 1500, identified on the attached Exhibit "B"; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the approval of the application; 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 as specified in the attached Exhibit "B", to reflect a zoning designation of VLDR-1 on a 9 acre portion known as Tax Lots 4306-1301 and 1500, identified on Exhibit "B".

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

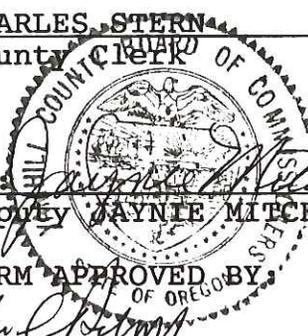
Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE at McMinnville, Oregon this 30th day of June, 1993.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk



By: Jaynte Mitchell  
Deputy

FORM APPROVED BY  
John C. Pinkstaff  
JOHN C. PINKSTAFF  
Yamhill County Counsel

Debi Owens  
Chairman DEBI OWENS  
Date: 6/30/93

Dennis L. Goecks  
Commissioner DENNIS L. GOECKS  
Date: 6/30/93

Ted Lopuszynski  
Commissioner TED LOPUSZYNSKI  
Date: June 30, 1993

cc\qlu93180.001

**ORDINANCE 557**  
**Exhibit "A"**

**DOCKET:** Z-3-93

**REQUEST:** Zone change from LDR-9000 to VLDR-1 Very Low Density Residential, one-acre minimum lot size

**APPLICANT:** Stanley and Tandra Hill

**TAX LOT:** Portions of tax lots 4306-1301 and 1500

**LOCATION:** 13430 Stoller Road, Lafayette

**COMPREHENSIVE PLAN DESIGNATION:**  
VLDR Very Low Density Residential

**FINDINGS:**

**A. Background Facts**

1. **Lot Size:** The combined area of the subject tax lots is 11.73 acres. The request applies to a portion of this lot totalling about nine acres.
2. **Access:** Stoller Road, a county road.
3. **On-Site Land Use:** The subject portions of the parcels are covered with underbrush and trees. There appears to be no farm use existing on these lots. The parcels slope down to the east into Henry Creek.
4. **Surrounding Land Use:** Land adjacent to the subject parcels are in various farm uses. These uses include orchards, vegetables, and pasture. Land to the west is developed to an urban scale and is inside the city limits of Lafayette.
5. **Surrounding Zoning:** Adjacent land to the south and west is inside the Lafayette city limits and is zoned for urban uses. All other property is zoned EF-40 Exclusive Farm Use.
6. **Soils:** Sheet 27 of the Yamhill County Soil Survey indicates; 60 percent of the soils on the subject nine acres are comprised of Woodburn silt loam with 0 to 7 percent slopes (WuB), 30 percent of the soils are Amity silt loam with 0 to 2 percent slope (Am), and 10 percent are terrace escarpments (Te). These soils have an agricultural class of II, II and VI respectively.
7. **Taxes:** Tract land.
8. **Water:** City of Lafayette.

9. Previous Actions: On tax lot 4306-1301, a partitioning was approved under Docket P-66-91, to separate the property into three parcels.

**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. The Board finds that the proposed change satisfies YCZO 1208.02(a) and is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan as follows.

The 1976 Comprehensive Plan Map indicated the land is plan designated VLDR Very Low Density Residential. The smallest minimum lot size for VLDR is VLDR-1, or one acre. The present zoning on the subject property is LDR-9000 Low Density Residential, which allows a lot size of 9,000 square feet, which is a smaller lot size than allowed in the VLDR-1.

The Board finds that the current zoning was a mistake because it allows a lot size smaller than allowed by the smallest zoning district under the original VLDR comprehensive plan designation. The Board finds that in order to correct the mistake it is necessary to change the zoning district to VLDR-1, which conforms to the VLDR comprehensive plan designation.

Regarding Comprehensive Plan goals and policies, 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 Board finds that the proposed zone change is within an area plan designated for such use and would correct a mapping mistake. The Board identifies no conflict with Comprehensive Plan policies.

3. The Board finds that the proposed change satisfies YCZO 1208.02(b) and 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, as follows.

The Board finds that the need relevant to this request is related to the requirements of the applicant. The applicants desire to pasture livestock on the property. The present zoning does not allow livestock as a permitted use. The zoning requested allows livestock in restricted numbers.

4. The Board finds that the proposed change satisfies YCZO 1208.02(c) and 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, as follows.

As noted in Finding A.4, the surrounding property is predominantly in farm use. Approval of this zone change would allow establishment of livestock and farm uses similar to that of the surrounding area. Additionally, the request would limit the creation of parcels to one acre or greater instead of the 9,000 square foot lot size presently on the subject parcel. Lessening the ability for development in the area would help to prevent conflicts with neighboring farmers

5. The Board finds that the proposed change satisfies YCZO 1208.02(d) and 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.

Regarding criterion (d), see Finding B.3, above.

6. The Board finds that the proposed change satisfies YCZO 1208.02(e), and that the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

No exception is required.

**CONCLUSIONS:**

1. The request is for a zone change from LDR-9000 Low Density Residential to VLDR-1 Very Low Density Residential.

2. The request complies with the Comprehensive Plan Goals and Policies and is consistent with the Plan map.

3. The requested use is appropriate for the area considering the level of services needed and available, and considering surrounding development.

**DECISION:**

Based on the above findings, analysis, and conclusions, the Board approves the request for a zone change for a portion of Tax Lots 5625-1301 and 1500.

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EXHIBIT "B" FOR ORDINANCE NO: 557

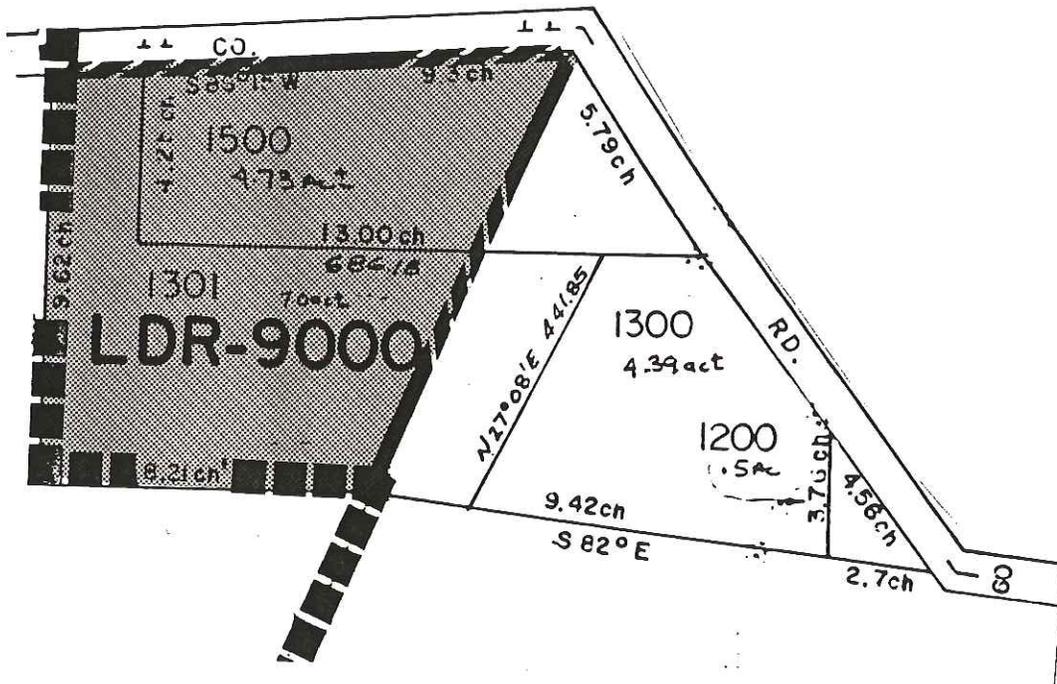
ZONE MAP AMENDMENT

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

JUNE 30, 1993

TO CHANGE THE OFFICIAL ZONING MAP

FROM LDR-9000 TO VLDR-1



Change applies to the shaded portion of tax lot no. 4306-1301 and 1500.  
Map prepared by the Yamhill County Department of Planning and Development