

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

91-584

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1991 AUG 22 PM 3:14
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
Amending the Zone Map of the)
Yamhill County Zoning Ordinance,)
No. 310, as amended, to Change)
the Zone Map Designation from)
VLDR-2.5 to VLDR-1 on Approx-)
imately 4 Acres Identified)
as Tax Lot 4307-1500 Southwest)
of the City of Lafayette as)
Requested by James Sloss,)
Planning Docket Z-05-91, and)
Declaring an Emergency)

ORDINANCE NO. 525

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on August 21, 1991, Commissioners Dennis L. Goecks and Debi Owens being present.

WHEREAS, James Sloss has applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 4307-1500 from VLDR-2.5 to VLDR-1; and

WHEREAS, on July 25, 1991 the Yamhill County Planning Commission held a public hearing on the application and voted unanimously to approve the application; and

WHEREAS, the Yamhill County Zoning Ordinance No. 310, as amended, provides that a decision of the Yamhill County Planning Commission is final if no appeal is taken to the Board of Commissioners within 15 days following the decision of the Planning Commission; and

WHEREAS, no appeal has been taken from the decision of the Planning Commission; and

WHEREAS, on August 21, 1991 the Board met to consider implementation of the Planning Commission's decision by adoption of this ordinance; and

WHEREAS, based upon the findings of fact and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference, the Board finds that the application as requested should be granted and the zone map designation on the property should be changed; NOW, THEREFORE,

ORDINANCE 525
August 21, 1991

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Based upon the findings of fact and conclusions of the Department of Planning and Development staff attached hereto as Exhibit "A" and by this reference incorporated herein, the official zoning map of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby amended to change the zone map designation on Tax Lot 4307-1500 from VLDR-2.5 to VLDR-1 as more particularly described on the attached map identified as Exhibit "B", and incorporated herein by this reference.

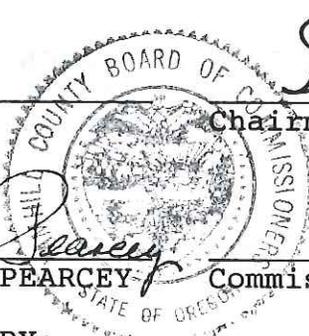
Section 2. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective upon passage.

DONE at McMinnville, Oregon this 21st day of August, 1991.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Dennis L. Goecks
Chairman DENNIS L. GOECKS

By: *Elaine Pearcey* (not available for signature)
Deputy ELAINE PEARCEY Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

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

Debi Owens
Commissioner DEBI OWENS

STAFF REPORT
YAMHILL COUNTY PLANNING COMMISSION
July 25, 1991

DOCKET: Z-5-91

APPLICANT: James Sloss

REQUEST: The applicant has requested a zone change from VLDR-2 1/2 to VLDR-1 in an area plan-designated Very Low Density Residential.

LOCATION: Approximately three-quarters mile south of Highway 99W on the east side of Locks Road.

TAX LOT: 4307-1500

REVIEW CRITERIA: Section 1208 of the Yamhill County Zoning Ordinance

EXHIBITS: A. Application as submitted
B. Public notice

COMMENTS: None received at the time of this report.

FINDINGS:

A. Background Facts

1. Parcel Size: 4 acres
2. Access: Locks Road
3. On-site Land Use: There is currently one dwelling on the property.
4. Surrounding Land Use: The area to the north is committed to rural residential use. There is a dwelling adjacent on the east side of the subject property, but most of the surrounding area to the south, east and west is in farm use. There is a county park at the end of Locks Road approximately one-quarter mile away.
5. Surrounding Zoning: VLDR-2 1/2 to the north and east, a mix of EF-40 and AF-20 on other sides. There are several lots to the north, along Locks and Locks Loop Roads, zoned VLDR-1.
6. Soils: According to sheet 27 of the Yamhill County Soil Survey, the subject property is composed of Woodburn silt loam soils with a 0 to 7 percent slope. Table 8 of the survey indicates this soil has severe limitations on septic

systems. A County Sanitarian agreed with this position, but stated measures can be taken to allow placement.

7. Water: On-site well. There is no water district currently serving the site.
8. Sewage Disposal: On-site subsurface systems would be required for any additional development.
9. Other Services: Electric, gas, telephone, fire suppression, law enforcement, and emergency medical services are all available to the site.
10. The applicant has stated in section A of the supplemental questionnaire (Exhibit A) that his intent is to add one additional homesite on the property.

B. Ordinance Provisions and Analysis

1. Section 1208.02 of the Yamhill County Zoning Ordinance provides criteria for quasi-judicial review of requests for zone boundary amendments. These criteria are:
 - (a) The proposed change is consistent with the goals, policies, and other applicable provisions of the Comprehensive Plan;
 - (b) 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) 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) The other lands in the county already designated for the proposed uses are either unavailable or not as well suited for the anticipated uses due to location, size, or other factors.

- (e) The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

These criteria are addressed in Findings 2 through 6, below.

2. Regarding the Comprehensive Plan, the subject site is part of a 116-acre area designated on the Comprehensive Plan map as Very Low Density Residential. This designation allows VLDR-1 zoning. Regarding rural development Plan goals, Goal I.B.1 states:

To provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development.

The residential area in which the property is located is not adjacent to the city limits of Lafayette, and is already committed to residential use on parcels of one acre or more. Additionally, the site is near the end of Locks Road, a dead-end road, so any urban development from Lafayette would need to first contend with the residential use to the north. For these reasons, the requested use would not compromise urban containment or orderly urban growth.

3. Regarding the need for the proposed zone change, the applicant cited recent developments in the area on land zoned VLDR-1 (section I of the supplemental questionnaire). He also relied upon the need for varied types of housing in the area, including acreage homesites. Other land designated Very Low Density Residential in the vicinity of Lafayette includes an area between Abbey Road and Mineral Springs Road.
4. Regarding Criterion (c) above, the area surrounding the site is currently in rural residential use. Regarding changes in the area, there have been zone change approvals in 1988 (one) and 1989 (three) that resulted in about 25 acres being redesignated VLDR-1. None of these are adjacent to the subject site, but nearly half of the residentially zoned land along Locks and Locks Loop Roads is now zoned with a one-acre minimum lot size.

Water and sewage disposal facilities will need to be provided on-site. There is no reasonable expectation that city water or sewer services will be extended to the area in

the near future. There is some concern about the soil suitability for on-site sewage disposal (Finding A.6), but each potential lot would be required to have a favorable evaluation by the County Sanitarian prior to partitioning, so this concern is addressed through normal channels. Soil conditions and well-septic setback requirements may limit the density of development allowed on the property.

5. Regarding (d) above, there are in fact other lands in the vicinity that could absorb residential development. The request, however, would result in a maximum of only three additional dwellings, and the applicant has stated he in fact only intends one more. Sewage disposal limitations will also likely limit future development. The nature of the request is such that there will be little off-site impacts and the result would not conflict with the intent of the ordinance.
6. Regarding Oregon Administrative Rules, Section 660-04-018 applies. That section requires that uses in exception areas justified by physical development and/or irrevocable commitment to nonresource use be limited to the following:
 - (a) Uses which are the same as the existing types of land use on the exception site; or
 - (b) Rural uses which meet the following requirements:
 - (A) The rural uses are consistent with all other applicable Goal requirements; and
 - (B) The rural uses will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-04-028; and
 - (C) The rural uses are compatible with adjacent or nearby resource uses.
 - (c) Changes to plan or zone designations are allowed consistently with subsections (a) or (b) of this section, or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.

The subject request appears to be in compliance with (a) above. The area is already committed to rural residential use, and much of the area is currently zoned VLDR-1.

STAFF CONCLUSIONS:

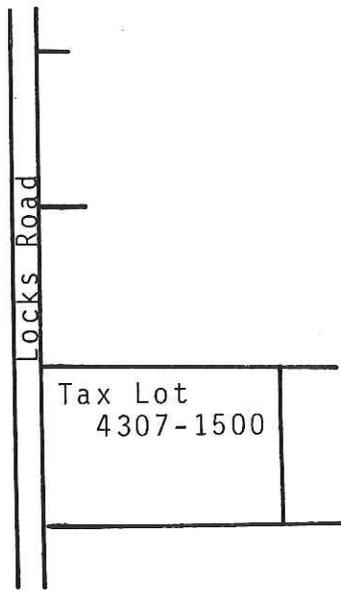
1. The request is consistent with the intent of the goals and policies of the Comprehensive Plan in that approval of the zone change will not compromise urban containment or orderly urban development.
2. The Comprehensive Plan map designation for the property is Very Low Density Residential, and no amendment to the Plan is required for this zone change.
3. The area in the vicinity of the request is characterized by small-acreage ownerships with rural public services available. The request is appropriate for the area.
4. Soil suitability and well-septic setback requirements may limit the residential density of the area to less than one dwelling per acre.
5. The request is consistent with the Oregon Administrative Rules that govern zoning of exception areas.

EXHIBIT B

ORDINANCE 525

ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
AUGUST 21, 1991

TO CHANGE THE OFFICIAL ZONING MAP
FROM VLDR-2.5 to VLDR-1



Scale 1" = 400'



Map prepared by the Planning Department