

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

91-634

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
Amending the Zone Map of the)
Yamhill County Zoning Ordinance,)
No. 310, as Amended, to Adjust)
the Zoning Boundary of Tax Lot)
2512-400 and 2512-403 in its)
Entirety as AF-20)
as Requested by Leonard, Virginia)
and Donald Koberstein,)
Planning Docket Z-07-91; and)
Declaring an Emergency)

ORDINANCE 526

FILED
YAMHILL COUNTY, OREGON
1991 SEP 12 AM 11:55
CHARLES STERN
COUNTY CLERK
AFFIDAVIT

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on September 11, Commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

WHEREAS, Leonard, Virginia and Donald Koberstein ("Applicants") have applied to the Department of Planning and Development to change the zone map designation from a mixture of EF-40 (Exclusive Farm Use) and AF-20 (Agriculture/Forestry Use) to entirely AF-20 (Agriculture/Forestry Use) on Tax Lots 2512-400 and 2512-403; and

WHEREAS, the area requested for zone change (herein "subject parcel") consists of Tax Lots 2512-400 and 2512-403 which are two (2) 40-acre parcels on the south side of Ford Road approximately six miles northwest of the City of Yamhill, and are comprised of mixed AF-20 and EF-40 zoning as set forth and more particularly identified on the map attached as Exhibit "B", which is incorporated into this ordinance by reference; and

WHEREAS, the comprehensive plan map designation on the subject parcel is AFLH (Agriculture/Forestry Large Holding); and

WHEREAS, approval of the application would allow the subject parcel to be zoned AF-20 in its entirety; and

WHEREAS, on September 4, 1991 a public hearing was held before the Board and the Board voted unanimously to approve a zoning boundary adjustment on the tax lots from the mix of AF-20/EF-40 to AF-20 in entirety as requested by the owners of the subject parcel, pursuant to Section 303.01(I) of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended; and

WHEREAS, the application meets the criteria under Section 303.01(I) as set forth in the attached Exhibit "A" which is incorporated into this ordinance by reference; and

WHEREAS, notice of the requested zone change has been sent to surrounding property owners in conformance with law and has been published in a newspaper of general circulation and no comments in favor or opposed to the request have been received; and

WHEREAS, the boundary readjustment is consistent with the Comprehensive Plan Map designation existing on the subject parcel; and

WHEREAS, AF-20 is the predominant zoning and constitutes approximately 75% of the current zoning of Tax Lot 2512-400 and approximately 87.5% of Tax Lot 2512-403, and the readjustment would not reduce in area the predominant zoning district which exists on the subject parcel; and

WHEREAS, the proposed boundary readjustment would follow existing property lines; and

WHEREAS, the proposed boundary readjustment would result in a single zoning district for the subject parcel; and

WHEREAS, based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and incorporated herein by this reference, the Board finds that the boundary adjustment as requested should be made; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the official zone map of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, is hereby amended to designate the zoning on Tax Lot 2512-400 as AF-20 in its entirety and to designate the zoning on Tax Lot 2512-403 as AF-20 in its entirety, as more particularly identified on the map attached as Exhibit "B", and hereby incorporated into this ordinance 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 11th day of September, 1991.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Dennis L. Goecks
Chairman
DENNIS L. GOECKS
Date: 9-11-91

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY, Commissioner

Ted Lopuszynski
TED LOPUSZYNSKI
Date: Sept 11, 1991

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel
Q3025.11

Debi Owens
Commissioner
DEBI OWENS
Date: 9-11-91

EXHIBIT "A"
ORDINANCE 526

Board of Commissioners Approval: September 4, 1991

DOCKET: Z-07-91

REQUEST: Zone change from a mixture of AF-20 Agriculture/Forest Use and EF-40 Exclusive Farm Use to entirely AF-20 Agriculture/Forestry Use.

APPLICANT: Leonard and Virginia Koberstein,
and Donald Koberstein

TAX LOTS: 2512-400 and 403

LOCATION: Approximately six miles northwest of the City of Yamhill south of Ford Road

FINDINGS

A. Background Facts

1. Parcel Size: 80 acres (two 40-acre parcels)
2. Access: A private access to Ford Road
3. On-site Land Use: The applicant has indicated that the property is used for pasture and woodlot production.
4. Zoning: Approximately 70 acres (87.5%) is currently zoned AF-20 and 10 acres (12.5%) is currently zoned EF-40. The Comprehensive Plan designation for the entire property is Agriculture/Forestry Large Holding.
5. Surrounding Land Use: The area is characterized by a mix of cultivated agriculture, grazing, woodlot and forestry use.

B. Decision-making Criteria

The Board's decision must be based upon consideration of the criteria set forth in Section 303.01(I) of Yamhill County Zoning Ordinance 468 and Section 303.01(I)(2) of Yamhill County Zoning Ordinance 492, amending Ordinance 468. The ordinance provides for zone change from a mixture of AF-20 and EF-40 to entirely AF-20 and requires approval by the Yamhill County Board of Commissioners, under Section 303.01(I). The proposed zone change must comply with the following criteria:

1. The boundary readjustment must be consistent with the Comprehensive Plan Map designation existing on the parcel;

2. The predominant zoning district includes at least 55% of the subject property, and the readjustment will not reduce in area the predominant zoning district which exists on the subject property.

3. The boundary readjustment shall follow existing or proposed property lines, public roads, or rivers; and

4. The boundary readjustment shall result in a single zoning district for the existing parcel or proposed parcels.

C. Conclusionary Findings for Approval

The following conclusionary findings for approval of the application are hereby adopted by the Board.

1. The Board finds that the request is in compliance with the requirements of Section 303.01(I) 1. The Comprehensive Plan Map designation for the entire property is Agriculture/Forestry Large Holding. The proposed adjustment to designate the entire property as AF-20 is consistent with the Comprehensive Plan Map designation on the property.

2. The Board finds that the request is in compliance with the requirements of Section 303.01(I) 2. The proposed zone boundary adjustment will not reduce in area the predominant zoning currently existing on the subject property in that the AF-20 district now applies to 75% of Tax Lot 2512-400 and to 87.5% of Tax Lot 2512-403, and the proposed adjustment will result in the remainder of the subject property also being zoned AF-20.

3. The Board finds that the request is in compliance with the requirements of Section 303.01(I) 3. The entire property will be rezoned to AF-20 so that the zone boundary will follow existing property lines.

4. The Board finds that the request is in compliance with Section 307.01(I) 4. The boundary readjustment will result in a single zoning district for the subject parcel.

Based upon the above findings, the Board finds that the request complies with Section 303.01(I) of the Yamhill County Zoning Ordinance, and approves of the application.

Q13025.wfn

