FILED
YAMHILL COUNTY, OREGON
FEB 21 1 23 PM '90
CHARLES STERN
COUNTY CLERK
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

90-121

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 Change the Zone Map Designation from AF-20 to VLDR 2.5 on the Northern 30 Acres of Tax Lot 3323-2900, One half Mile North of the City of Dundee, As Requested by Robert P. F[illegible]	)	ORDINANCE NO. 502

[illegible] under the forest deferral program.

4) The entire parcel is part of the Fruitland Subdivision platted July 7, 1909.

5) The subject parcel and surrounding area was included in Exceptions Code Area 1.8 (Newberg-Dundee). According to Exceptions Statement II, adopted April 23, 1980 as supplementary findings for the taking of an exception to statewide goals, "The entire Newberg-Dundee study area is committed to rural residential development." In addition, "The entire area is located in a rural fire district, exhibit good roads, has fair or better water availability, and most of the soils are fair suitability for septic systems."

6) The subject parcel is south of Vine Maple Drive and there is presently a 40 foot wide platted road bounding the north side of the subject property.

7) The southern 20 acres of the subject property and parcels to the south of this lot are zoned VLDR-1. The northern

"It is imperative that tests of existing stream pollution be compared with State and/or Federal standards before any rezoning takes place. A written opinion from an expert geologist should also be obtained about possible well contamination before any such rezoning."

15) The following Public Agency comments have been received:

Public Works: We have reviewed this file and find no conflicts with our interests. The access road to the subject parcel is not county maintained. VLDR-1 development densities would probably require road improvements and a road maintenance agreement between adjoiners.

Sanitation: Soil Conservation Service soils map indicates the proposal is JRF, which means steep slopes are prevalent. These slopes will make standard site evaluations quite difficult. Larger parcel sizes, such as 5 acre minimum, would have a much greater chance of standard septic approvals.

DECISION MAKING CRITERIA

The Planning Commission's decision must be based upon consideration of the zone change criteria set forth in Section 1208 of the Yamhill County Zoning Ordinance No. 310, 1982 (as amended). The specific review criteria is listed below.

1208.02 Review Criteria

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1209.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates the following:

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 uses 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 (OAR's) for exceptions, if applicable.

FINDINGS OF CONCLUSION

Approval

The following findings of conclusion can be made for approval of the application.

1) The zone change request to amend the zoning on the subject property from AF-20 to VLDR-2 1/2 is consistent with the comprehensive plan in that the property is plan designated VLDR, which provides for residential development of up to one dwelling per acre. Further, the property was included in the Exceptions Code Area 1.8 and, through the 1979-80 exceptions process, the VLDR plan designation was found to be appropriate for the subject property and surrounding area, and was acknowledged by LCDC.

   As noted above and in Findings of Fact 5, the subject parcel and surrounding area was plan designated VLDR under the exceptions criteria. Therefore, the area is consistent with rural area development goals and policies in that the county recognizes such lands as the appropriate and desired location for rural residential development.

2) As indicated in findings of fact #8, over 65% of the VLDR- 2 1/2 available in this area has been developed.

3) Approval of the request is appropriate in that it will allow for increased development of an area which was deemed to be committed to rural residential development through the exceptions process, thereby providing for efficient utilization of land adjacent to the City of Dundee.

The proposed zone change can also be considered appropriate for the area considering that:

a. The proximity to the City of Dundee and development of adjacent rural residential land limit the subject parcels potential as a viable farm or forest use.

b. Existing dwellings on adjacent lands are served by on-site septic systems and wells. Through the exceptions process it was determined that the area exhibited reasonable water availability and generally fair soil suitability for septic systems. As such, development of the subject property will not require the costly extension of urban facilities or services, but instead can be accommodated on an individual parcel basis.

c. It has been County practice in the past to grant those requests which bring zoning into conformance with the Comprehensive Plan map designation, particularly in VLDR areas. In that the subject property is plan designated VLDR, approval of the zone change to VLDR- 2 1/1 will be consistent with previous County actions.

4) Although other VLDR- 2 1/2 zoned land exists in the county availability of such lands for development is somewhat limited. Further, the subject property is suitable for VLDR-2 1/2 zoning considering the existing development availability, the existing public services, and the compatible nature of the proposed development with adjacent rural residential uses.

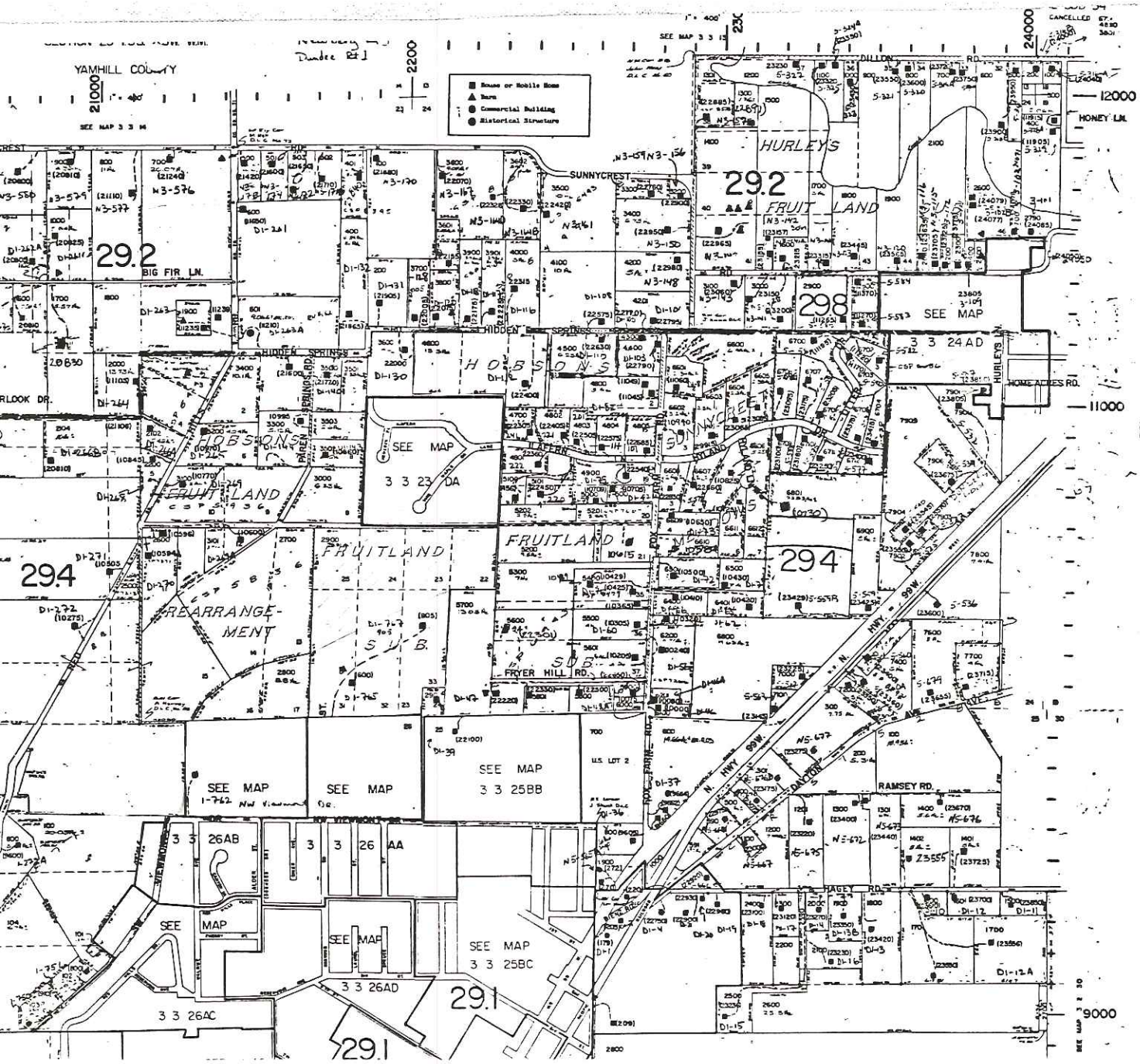
5) The requested zone change is consistent with the current Oregon Administrative Rules for exceptions (OAR 660-04-018). The area is currently plan designated "Very Low Density Residential" (VLDR). This plan designation would allow a residential density greater than one dwelling per 2 1/2 acres. Exception Code Area 1.8 (Newberg-Dundee) of which the subject property is a part, was approved as a "committed" exception. The proposed use is for acreage

homesites, which is a rural use, and the density proposed is a rural density. Although community water may ultimately be provided to the subject property, community water is provided to rural parcels and farms throughout the county, and is a typical rural amenity in the county. Community sewer is a more urban application, and it is not anticipated that the subject property will be served by community sewer (see Finding of Fact 5). The rural use proposed is consistent with all goal requirements to which exception has not been taken, and in particular Goal 14, as explained in these findings. As shown by the findings and attached maps, the uses proposed for the subject property will not commit adjacent or nearby resource land to non-resource use. All adjacent land is either included in VLDR exception areas or is currently built to residential uses, and rural residential densities. The area to the north is built to one dwelling per 2 1/2 acre density; to the east, to one house per 2 1/2 acres; to the south, the area is not built but is zoned VLDR 1 acre. The area to the west is not built, but is part of the same exception area as the subject parcel.

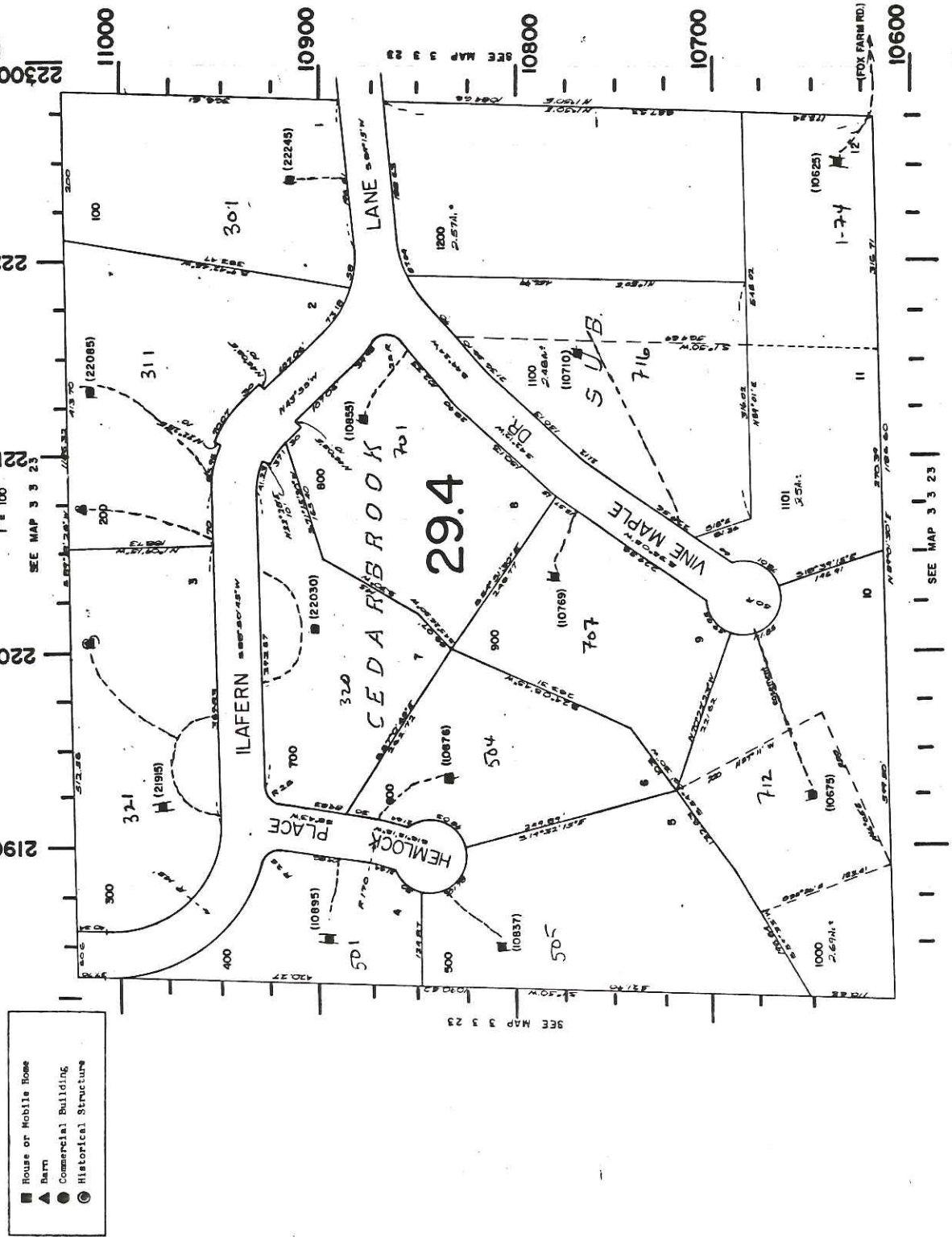
a:z-3-89.ord

Attachment 1 to Exhibit "A"

Ordinance 502



Attachment 2
To Exhibit "A", Ordinance 502



Attachment 2 to Exhibit "A", Ordinance 502
Map of 3323 DA, north of
Subject Parcel

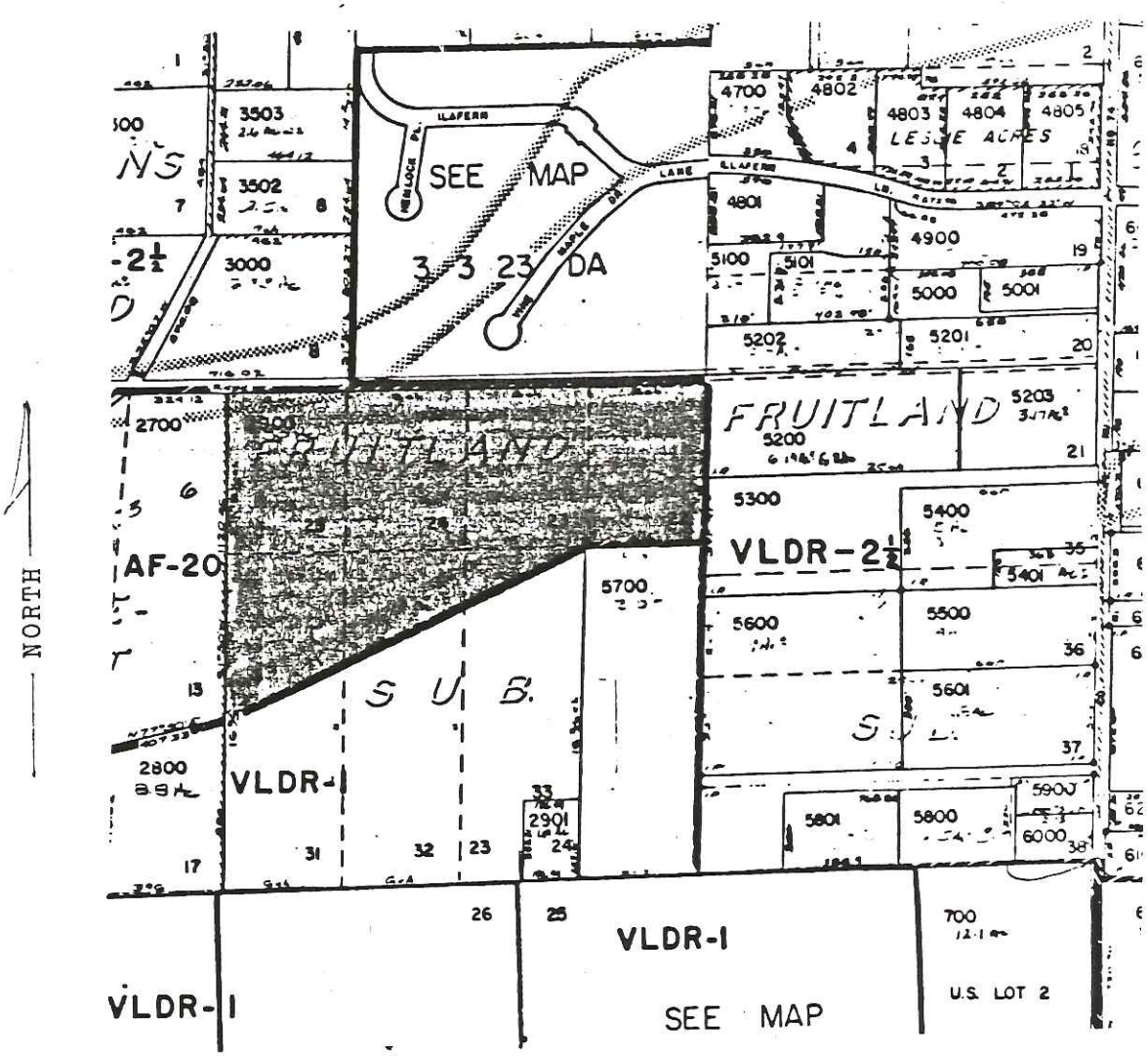
3 3 23DA

YAMHILL COUNTY BOARD OF COMMISSIONERS

EXHIBIT "B" FOR ORDINANCE NO.: 502

TO CHANGE THE ZONING DISTRICT BOUNDARY

FROM "AF-20" TO "VLDR-2½"



Zone Change applies to the shaded portion of T. L. 3323-2900

Map prepared by Yamhill County Department of Planning and Development.