

INDEXED IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
YAMHILL COUNTY, OREGON

90-162

FOR THE COUNTY OF YAMHILL

MAR 16 9 27 AM '90

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
to Adjust the Zoning Boundary)
of Tax Lots 2408-300, 500, 600,)
and 2417-300 to Designate the)
Entirety AF-20 by Authorizing an) ORDINANCE 504
Amendment to the Yamhill County)
Zoning Ordinance, No. 310, 1982,)
As Amended, as Requested by George)
Sanders and Steve Matiaco, Planning)
Docket Z-01-90)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on March 14, 1990, Commissioners David E. Bishop, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, Tax Lots 2408-300, 500, 600, and 2417-300 constitute an approximate 284.3 acres located approximately five miles north of the City of Yamhill on the west side of Williams Canyon Road and are comprised of mixed EF-40 and AF-20 zoning; and

WHEREAS, on the 7th day of March, 1990 a public hearing was held before the Board on the question of whether to grant a zoning boundary adjustment to George Sanders and Steve Matiaco, owners of said tax lots, pursuant to Section 303.01(I) of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended; and

WHEREAS, all of said tax lots are Plan-designated "Agricultural/Forestry Large Holding"; and

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

WHEREAS, Tax Lots 2403-300, 500, 600, and 2417-300 each individually meet the criteria set forth in Section 303.01(I) as set forth in the attached Exhibit "A"; and

WHEREAS, notice of the requested zone change has been sent to surrounding property owners and published in a newspaper of general circulation; and

WHEREAS, AF-20 zoning constitutes at least 55% of each tax lot and the readjustment would not reduce the predominant zoning district which exists on the three tax lots; and

WHEREAS, the proposed boundary adjustment will follow existing property lines; NOW THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. Based upon the findings of fact and conclusion-ary findings for approval attached hereto as Exhibit "A" and incorporated herein by this reference, the official zoning map of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby amended to designate the zoning on Tax Lots 2408-300, 500, 600, and 2417-300 as AF-20 in the entirety as set forth on the attached map labeled 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 be effective upon passage hereof.

DONE this 14th day of March, 1990 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

By: Elaine Pearcey
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:
John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

David E. Bishop
Chairman DAVID E. BISHOP
Date: 3-16-90

Dennis L. Goecks
Commissioner DENNIS L. GOECKS
Date: 3/14/90

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI
Date: 3-14-90

Docket: Z-01-90

Applicant: George Sanders and Steve Matiaco represented by Frank Walker and Associates

Request: For a zone change from a mixture of EF-40/AF-20 to entirely AF-20 zoning on a total of approximately 284.3 acres

Tax Lots: 2408-300, 500 and 600

Location: Approximately five miles north of the City of Yamhill on the west side of Williams Canyon Road

Zoning Designation: A mixture of AF-20 Agriculture/Forestry and EF-40 Exclusive Farm Use

Exhibits: A. Application as submitted
B. Notice sent to surrounding property owners

Comments Received: Mr. and Mrs. Richard Bodeen visited the Planning Department and voiced an objection to the rezoning of the property to a 20 acre minimum. They own 280 acres immediately to the west of the subject parcel. They object because they feel the intention is to divide the land into 20-acre homesites and feel that residential use and forest management are not compatible, primarily because of fire danger.

FINDINGS:

A. Background Facts

1. The entire 284.3 acre subject property is designated Agriculture/Forestry Large Holding on the Comprehensive Plan map.
2. Approximately 184 acres of the property are zoned AF-20, and the remaining 100 acres are zoned EF-40.
3. The proposed AF-20 zone alignment follows existing property lines and would result in a single zoning district on the property.
4. Presently the majority of the subject parcel is in forestry use with a mixture of Douglas fir and scrub oak.
5. According to the Soil Survey of Yamhill County, the predominant soil type on the subject parcel is Willakenzie silty clay loam with slopes up to 30 percent. Soils of this type are rated as Class IV agricultural soils and Woodland Group 2, indicating high relative productivity.

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6. Notice of the requested zone change has been sent to surrounding property owners and published in a newspaper of general circulation.

B. Ordinance Provisions and Analysis

1. The Board of Commissioners' decision must be based upon the criteria for a zone boundary amendment set forth in Section 303.01 (I) of the Zoning Ordinance as follows:
 - (a) The boundary adjustment is consistent with the Comprehensive Plan Map designation existing on the parcel;
 - (b) The predominant zoning district includes at least 55 percent of the subject property, and the readjustment will not reduce in area the predominant zoning district which exists on the subject property;
 - (c) The boundary adjustment shall follow existing or proposed property lines, public roads, or rivers; and
 - (d) The boundary adjustment shall result in a single zoning district for the existing parcel or proposed parcels.
2. As stated in Background Fact 1, the Comprehensive Plan Map designation for the entire property is Agriculture/Forestry Large Holding, and because this plan designation applies to both the EF-40 and AF-20 districts, the proposed adjustment to make the entire property zoned AF-20 is consistent with the Comprehensive Plan Map designation on the property. Therefore, the request is consistent with Criterion 1 above.
3. As stated in Background Fact 2, 184 acres of approximately 284 acres is presently zoned AF-20. This means that over 65 percent of the subject parcel is in the AF-20 zoning district. Therefore, the request meets the requirement of Criterion 2 above in that the predominant zoning district is at least 55 percent of the subject property and will not reduce in area the predominant zoning district.
4. In that the property will be rezoned entirely to AF-20, the zone boundary will follow existing property lines and will result in a single zoning district for the entire property, the subject request is consistent with Criterion 3 and 4 above.

CONCLUSIONS:

1. The request is for a zone map amendment from a mixture of AF-20/EF-40 to entirely AF-20.

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2. The predominant zoning on the subject property is AF-20.
3. The request is consistent with the criteria of Section 303.01 of the Yamhill County Zoning Ordinance for a zone map amendment.

RECOMMENDATION:

Based on the above findings and conclusions, the staff recommends approval of the application by Frank Walker and Associates for a zone boundary amendment on Tax Lots 2408-300, 500, and 600.

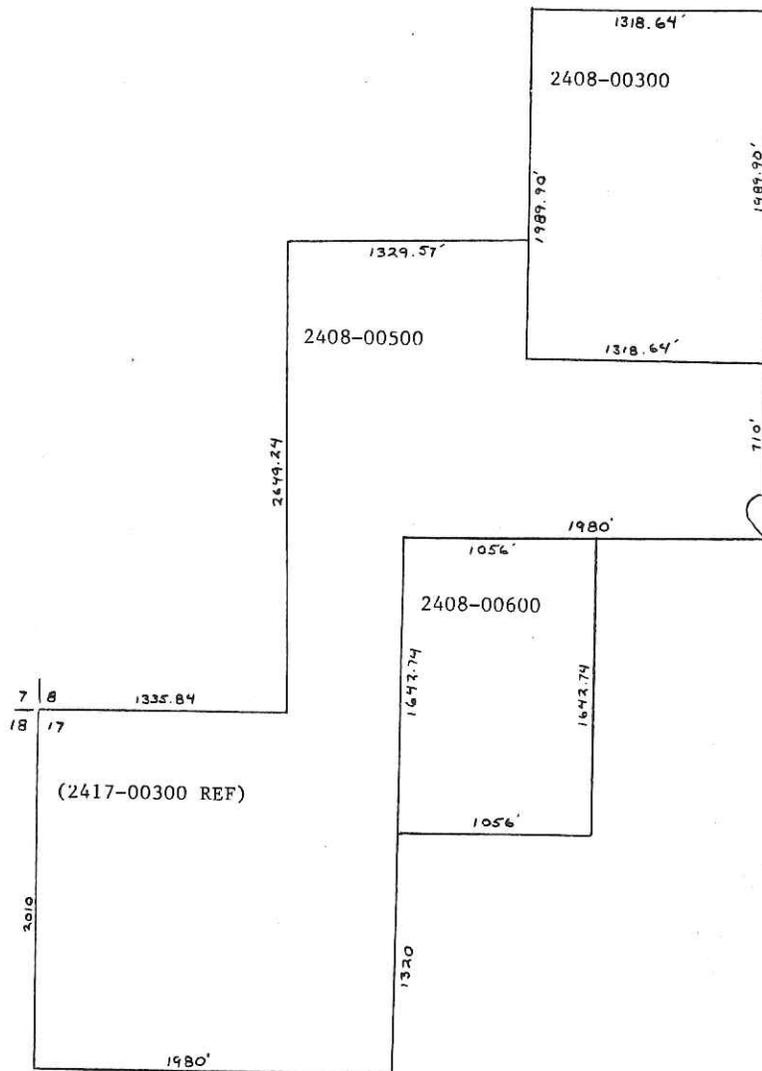
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EXHIBIT "B" FOR ORDINANCE NO: 504

ZONE MAP AMENDMENT
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
March 14, 1990

TO CHANGE THE OFFICIAL ZONING MAP
FROM AF-20 AND EF-40 TO AF-20



Note : Not to Exact Scale

Change applies to the total portion of Tax Lot No. 2408-00300, 00500, 00600 and 2417-00300 REF.

Map Prepared by the Yamhill County Planning Department