

FILED  
YAMHILL COUNTY, OREGON  
1989 MAR 30 AM 11:54  
CHARLES STEIN  
COUNTY CLERK

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON  
**89-209** 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, 1982, as Amended, to )  
Change the Zone Map Designation ) **ORDINANCE NO. 481**  
From AF-10 to VLDR-5 on )  
Approximately 12.4 Acres )  
Identified as Tax Lot 3324-6801, )  
Northwest of the City of Newberg, )  
as Requested by Arlen Berkey, )  
Planning Docket Z-2-89, and )  
Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of County business on March 29, 1989, in special session, Commissioners Ted Lopuszynski, Dennis Goecks, and David E. Bishop being present.

WHEREAS, Arlen Berkey has applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 3324-6801, from AF-10 to VLDR-5; and

WHEREAS, following a public hearing on March 2, 1989, the Yamhill County Planning Commission voted 5 to 2 to change the zone map designation on Tax Lot 3324-6801 from AF-10 to VLDR-5; and

WHEREAS, the Yamhill County Zoning Ordinance No. 310, 1982, as amended, provides that the decision of the Yamhill County Planning Commission on an application for a zone map amendment becomes final unless appealed to the Board of Commissioners; and

WHEREAS, no appeal has been made to the Board of the decision of the Planning Commission to grant the application of Arlen Berkey, and the Board has declined to review the decision of the Planning Commission on the Board's own motion; and

WHEREAS, the Board finds that the findings set forth in the attached Exhibit "A" constitute an adequate basis for approval of the application; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section I. 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 change the zone map designation on Tax Lot 3324-6801 from AF-10 to VLDR-5 as more particularly described on the attached map identified as Exhibit "B" and incorporated herein by this reference.

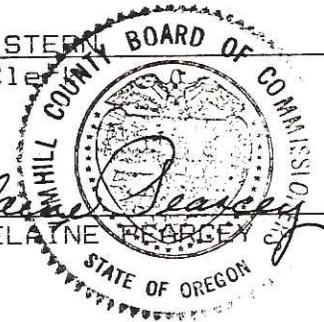
Section 2. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County and an emergency having been declared to exist, shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 29th day of March 1989.

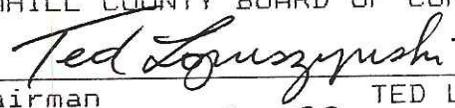
ATTEST:

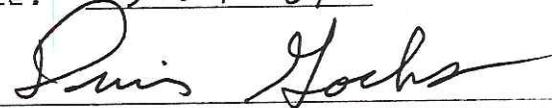
CHARLES STEIN  
County Clerk

By:   
Deputy ELAINE GEORGEY

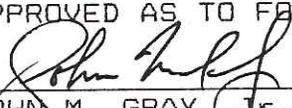


YAMHILL COUNTY BOARD OF COMMISSIONERS

  
Chairman TED LOPUSZYNSKI  
Date: 3-29-89

  
Commissioner DENNIS GOECKS  
Date: 3-29-89

APPROVED AS TO FORM BY:

  
JOHN M. GRAY, Jr.  
County Counsel

  
Commissioner DAVID E. BISHOP  
Date: 3-29-89

a:z-7-88OR.472

EXHIBIT "A"

FINDINGS OF FACT

1. The applicant has requested a zone change from AF-10 to VLDR-5 on a 12.4 acre parcel that is plan designated very low density residential.
2. There are no dwellings on the 12.4 acre parcel; the property has an open pasture on it. The property is on farm deferral for tax purposes.
3. The property is located approximately 1/2 mile west of the Newberg Urban Growth Boundary. The property is accessed by a 30' nonexclusive easement from the westbound lane of State Highway 99W.
4. The property was created in two stages over a period of 8 years. The first division was approved on April 26, 1979 (Docket No. P-919-78). This action divided the property, Tax Lot 6800, into a 20 acre parcel and a 22 acre parcel, Tax Lots 6800 and 6801.  
  
The second division was approved on August 13, 1987 (Docket No. P-29-87). This action divided the property, Tax Lot 6801, into a 12 acre parcel and a 10 acre parcel, Tax Lots 6801 and 6802. Docket P-29-87 was approved with the following condition: "Please be advised that road network plan similar to that attached shall be completed prior to any further partitioning of the property. Please take this into consideration in your development plans."
5. Lands abutting the site to the north, south across State Highway 99W and west are zoned "VLDR-2 1/2." Lands to the east are zoned "AF-10" and "HI." All lands abutting the property are plan designated Very Low Density Residential.
6. The subject property and the surrounding area were included in exceptions code area 1.8 (Newberg-Dundee). According to Exceptions Statement II, adopted as supplementary findings by the County for the taking of an exception to statewide goals in 1980, "The entire Newberg-Dundee study area is committed to rural residential development. The entire area is located in a rural fire district, exhibits good roads, has fair or better water availability, and has mostly fair soil suitability for septic systems. The study area consists predominantly of parcels 10 acres or less in size and has 14 different subdivision clusters which comprise over 80 percent of the total parcels.
7. Services currently provided to the property include electric power through PGE, telephone service through GTE, the Newberg School District, fire protection by Dundee Rural Fire District, Yamhill County Sheriff's Department, Oregon Department of Transportation - Highway Division,, water is to be provided by individual wells. However, the property is abutting Sunnycrest Meadows water system which has a capacity to include more properties on its water system. Waste disposal is to be accommodated by individual septic systems.
8. Within the VLDR-2 1/2 zoned area in the vicinity of the subject property, approximately 90 percent of the parcels are developed.

9. There are over 400 acres of VLDR-1 zoned land in the Newberg area and over 1,200 acres of VLDR 2 1/2 zoned land. Although much of the VLDR 2 1/2 zoned land is developed, a quick survey indicated that there are at least 15 parcels over 10 acres in size, 7 parcels 20 acres in size and 1 parcel 50 acres in size within the VLDR 2 1/2 zoned area. It is not known how many of the undeveloped parcels are available for sale or are suitable for development.

10. The following public agency comments have been received:

A. Sanitation - "A single site evaluation approval for an on-site sewage disposal system was issued on this parcel in July 1987 and is still valid. No other requests have been made."

Also, in a conversation with the sanitarian, it was indicated that Woodburn soils would be more appropriate for installation of the septic system than Amity soils. Amity soils are too flat with a high water table. Therefore, Amity soils would present more difficulties in installation of the septic system.

B. Public Works - "Access to this parcel is not apparent from the information supplied. Future development would have to address emergency vehicle access standards."

C. City of Newberg - "As noted on previous zone change requests of this nature, the City of Newberg is opposed to the continuing re-zoning of parcels in order to accommodate acreage homesites so close to the City.

This proposal, if approved, will affect both Dundee and Newberg; neither city, however, enjoys jurisdiction of this area. The potential demand for City services increases with every development of this type, yet it is uncertain which jurisdiction has the desire or capability to provide services to this area.

Since Dundee and Newberg are so close together, it seems likely that the area in between will eventually be in a city. Traditional urban development will be difficult, if not impossible, if large-lot homesites are already in place. From Newberg's point of view, this parcel should remain intact and in agricultural zoning until such time as it is included in an Urban Growth Boundary.

A second consideration is the lack of access, not only for this parcel, but also for the entire corridor area. Yamhill County, Newberg and Dundee should jointly develop a transportation plan and identify future right-of-way acquisitions. This could be an issue addressed through the management agreement. We will gladly work with you to help resolve this issue.

In summary, the City of Newberg opposes this zone change until such time as this parcel is within an Urban Growth Boundary."

DECISION-MAKING CRITERIA

The Planning Commission's decision must be based upon consideration of the amendment review criteria set forth in Section 1208 of the Zoning Ordinance.

CONCLUSIONARY FINDINGS

Approval

The following conclusionary findings can be made for approval of the application:

1. The request to amend the zoning on the subject property from AF-10 to VLDR-5 is consistent with the Comprehensive Plan in that the property is plan designated VLDR, which provides for residential development on parcels of from one to five acres. Further, the property was included in Exceptions Code Area 1.8 and, through the exceptions process, the VLDR plan designation was found to be appropriate for the subject property and surrounding area, and was acknowledged as such by LCDC.

With regard to specific rural area development goals and policies, in that the subject property is plan designated VLDR and the County recognizes such lands as the appropriate and desired location for rural residential development, the proposed zone change is consistent with rural area development goals.

2. Approval of the request 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 Newberg. Since the subject property is bordered by VLDR-2 1/2 zoned land and by subdivided lands, use of the property as a farm unit is severely limited and is not a realistic use of the land. Additionally, most services are already available to the site and, therefore, development of the property at VLDR densities will be in accord with existing land uses, planned residential densities and available public services.
3. The proposed zone change is appropriate considering the following:
  - a. The subject property is bordered by developed, rural residential subdivisions that are zoned VLDR-2 1/2 thereby limiting its potential as potential farm land.
  - b. Existing dwellings on adjacent lands are served by on-site septic systems, wells and community water and, through the exceptions process, it was determined that the area exhibited fair or better water availability and fair to good soil suitability for septic systems. As such, development of the subject property will not require the costly extension or 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-5 will be consistent with previous County actions.
4. Although other VLDR zoned lands exist in the County, the availability of such lands for development is not known at this time. Further, the subject property is suitable for VLDR-5 zoning considering the existing development availability, the existence of good access roads and other public services, and the compatible nature of the proposed development with adjacent rural and urban residential development.

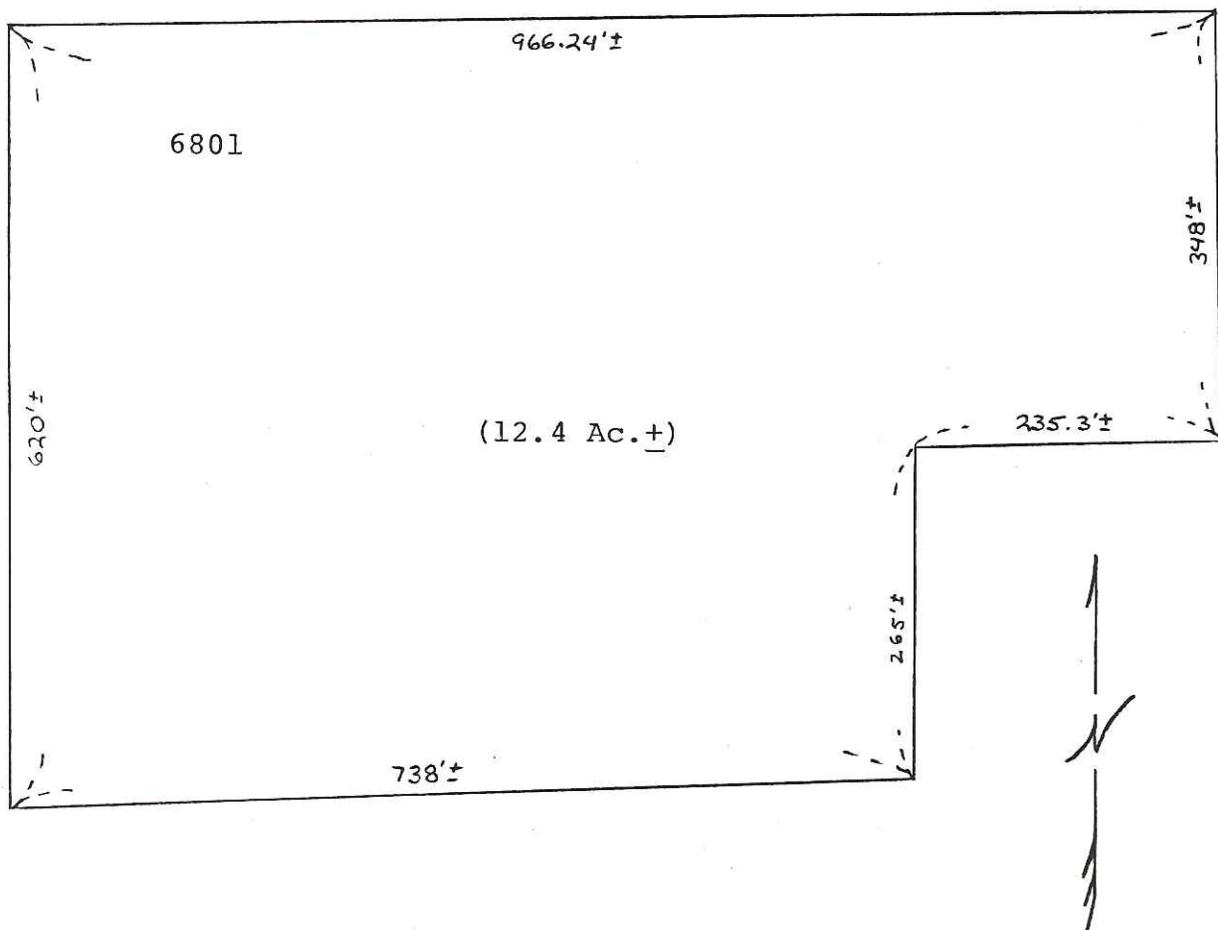
EXHIBIT "B" FOR ORDINANCE NO: 481

ZONE MAP AMENDMENT

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

MARCH 29, 1989

TO CHANGE THE OFFICIAL ZONING MAP  
FROM AF-10 to VLDR-5



Note : Not to exact scale

Change applies to the total portion of Tax Lot No. 3324-6801  
Map prepared by the Yamhill County Planning Department.