

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

89-791

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

YAMHILL COUNTY, OREGON
FILED
OCT 25 4 20 PM '89
CHARLES STERN
COUNTY CLERK
DEPUTY

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)
From EF-40 to AF-20 on Approxi-)
mately 158 Acres of an Area Con-)
sisting of 263 Acres Approxi-)
mately Two Miles South of the)
City of Gaston, Identified as)
Tax Lots 2411-901, 1000, 1100,)
1200, 1300, 1400, 1500, 1600,)
1800 and 1900, as Requested by)
Thomas and Pamela Mallen,)
Docket Z-8-89, and Declaring an)
Emergency)

ORDINANCE NO. 495

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on October 25, 1985, in special session, Commissioners Ted Lopuszynski and Dennis L. Goecks being present.

WHEREAS, Thomas and Pamela Mallen have applied to the Department of Planning and Development in order to change the zone map designation from EF-40 to AF-20 on 28.4 acres identified as Tax Lot 2411-1500, and 2411-901; and

WHEREAS, following receipt of the application the Planning Director determined pursuant to Section 1209.03 of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, that it was logical and appropriate to include the following parcels in order to consider whether to change the zone map designation from EF-40 to AF-20, said parcels being identified as Tax Lots 2411-1000, 1100, 1200, 1300, 1400, 1600, 1800, and 1900 and together constituting a mix of 105 acres zoned AF-20 and 129.6 acres zoned EF-40; and

WHEREAS, all owners of the parcels identified above were notified of the prospective consideration of the change in zone map designation and none objected thereto; and

WHEREAS, following the public hearing on October 5, 1989, the Yamhill County Planning Commission voted unanimously to change the zone map designation on all parcels under consideration from EF-40 to AF-20; and

ORDINANCE NO. 495

INDEXED

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 Thomas and Pamela Mallen as extended by the Planning Director 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 1. Based upon the findings of fact and conclusion-ary 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 the entirety of Tax Lots 2411-901, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1800, and 1900 from EF-40 to AF-20 as more particularly described on the attached map identified as Exhibit "B" and incorporated herein by this referen-
ce.

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 25th day of October, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Ted Lopuszynski
Chairman TED LOPUSZYNSKI
DATE: 10-25-89

By: Elaine Pearcey
Deputy ELAINE PEARCEY

(not available for signature)
Commissioner DAVID E. BISHOP
DATE: _____

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

Dennis L. Goecks
Commissioner DENNIS L. GOECKS
DATE: 10-25-89

Exhibit "A"

Docket: Z-6-89

Request: A request for a zone change from EF-40 to AF-20 on approximately 158 acres of a total 263 acres consisting of 9 parcels.

Location: Approximately 2 miles south of the City of Gaston on both sides of Goodin Creek Road, Tax Lots 2411-901, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1800 & 1900.

Applicant: Thomas & Pamela Mallen.

FINDINGS OF FACT

1. The applicants have requested a zone change from EF-40 to AF-20 on a 28.4 acre parcel, Tax Lot 2411-1500 and 901. In addition to the applicant's tax lot, the Planning Director has determined, pursuant to Section 1209.03 of the Zoning Ordinance, that it is appropriate to include an additional 235 acres in eight (8) ownerships. The owners of these tax lots have been notified, and none has objected to being in the re-zone area.
2. The subject area consists of nine parcels totaling approximately 263 acres. The parcels are in nine (9) separate ownerships. Of the total 263 acres, 158 acres are zoned EF-40 and 105 acres are zoned AF-20. Of the nine parcels, one parcel is approximately 17 acres in size. Five parcels are 20 to 26 acres in size, and three parcels are 40 acres or larger. Of the three largest parcels, the 42 acre parcel (Tax Lot 1300) is approximately 85 percent in the EF-40 zoning district, the 40 acre parcel (Tax Lot 1000) is approximately 60 percent in the AF-20 zoning district, and 52 acre parcel (Tax Lot 1800) is approximately 80 percent in the AF-20 zoning district.
3. There are presently 12 dwellings located on the subject 263 acres. Of these, seven (7) are standard construction dwellings, all built prior to countywide zoning in 1976. The other five (5) dwellings are legally placed mobile homes.

4. Through the conditional use process, one (1) additional principal dwelling could be established in the area, subject to loss of a farm deferral status, resulting in a total of 13 dwellings (1 dwelling per 20.23 acres). By the approval of the zone change to AF-20, a total of two (2) additional dwellings could be established in the area, without losing the farm deferral status. This would bring the total number of dwellings to 14 (1 dwelling per 18.78 acres).
5. The subject 263 acres are characterized by pastures and hay fields, small woodlots and some rural residential uses. Goodin Creek Road follows the Gooding Creek running through the center of the valley. The subject parcels slope down toward the roadway and the creek. At some places the slope of the properties is moderate to severe.
6. The parcels are accessed by Goodin Creek Road (County unpaved road) and Phillips Road (County paved road).
7. The elevation in the subject area range from 200 feet to 400 feet above the sea level. The soils of the subject area are Willakenzies Silty Loam Class III and IV agricultural soils, with slopes between 2 to 30%. These soils are woodland site Class 2 for Douglas Fir production. Small inclusions of other Class II, III and IV agricultural soils are also present. These soils are not classified for wood production.
8. All parcels in the subject area are on farm deferral status for tax purposes.
9. The subject area is served by Yamhill County roads and Sheriff, Gaston School District, Gaston and Yamhill Rural Fire Districts, PGE Electricity and Continental Telephone. Water is provided by individual wells. Sewer service is provided by individual septic systems.
10. The subject area is bordered on the north by properties that are zoned EF-40. The area to the east and south is zoned AF-10 and the area to the west is zoned AF-20.
11. The area to the east is part of the Yamhill Heights Subdivision created in 1912. The area to the south is the Upper Phillips Road area currently zoned AF-10. Both areas are part of exception code area 2.2 which were found to be committed to residential development during the countywide exceptions process in 1979-1980.

12. The characteristics of the subject area are more in keeping with the purpose and scope of the AF-20 zoning district than with the EF-40 zoning district in that the area consists of a narrow valley floor and foothills surrounding the valley with concentration of woodland and pastures.
13. The Director of Public Works Department has indicated that the department has reviewed the file and finds no conflicts with department interests.
14. There have been no letters received in opposition to this application.

CONCLUSIONARY FINDINGS

Approval

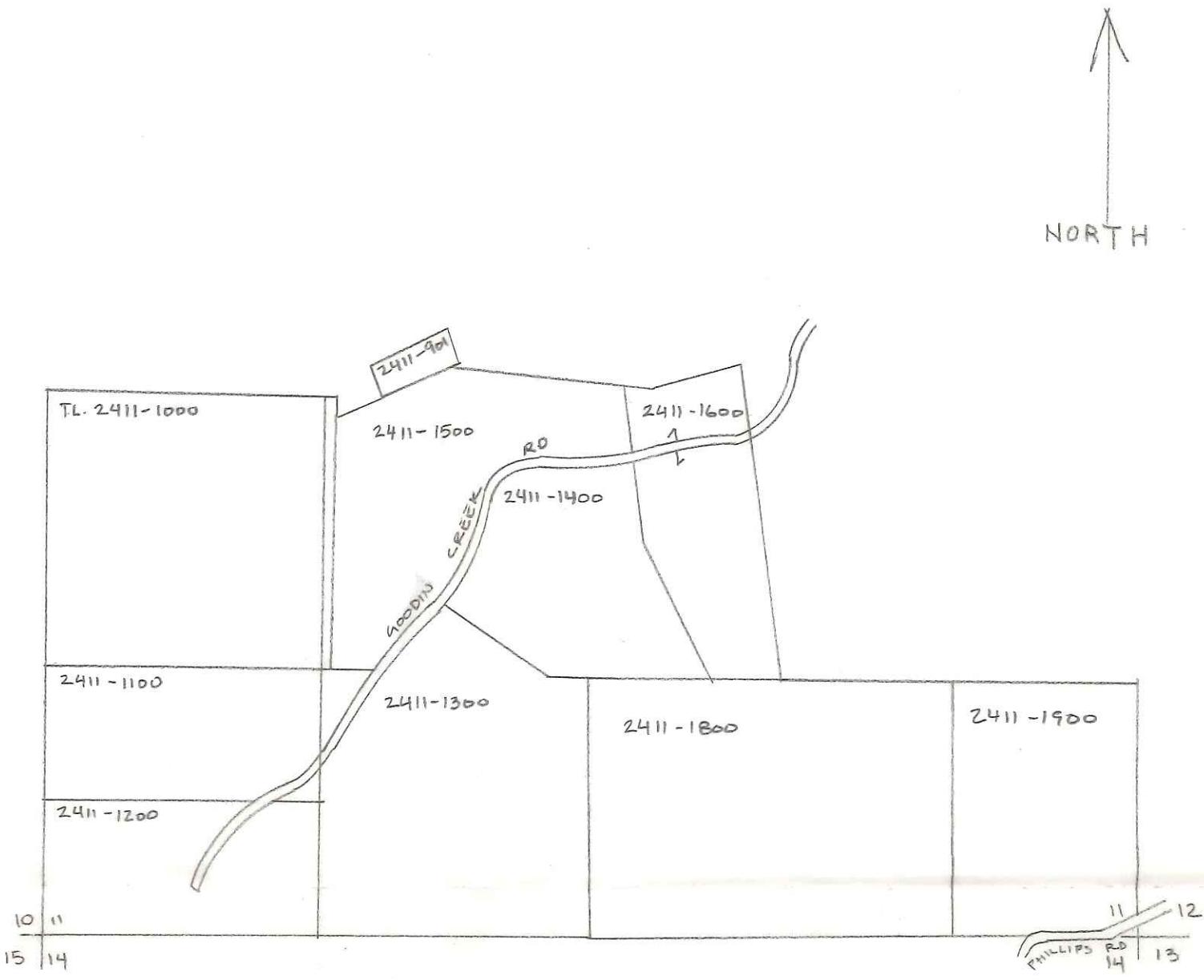
The following conclusionary findings are adopted by the Board of Commissioners for approval of the application:

1. The request to amend the zoning on the subject area from EF-40 to AF-20 is consistent with the Comprehensive Plan in that the area is plan-designated Agriculture/Forestry large holding, which provides for agricultural and forestry uses on all parcels in the area. No goal exceptions are required by this action.
2. Two thirds (2/3) of the parcels in the subject area are 26 acres or less in size and only one third (1/3) of the parcels are 40 acres or more. This action would allow the existing 20 acre parcels to be in harmony with the purpose and scope of the AF-20 zoning district. Further, two of the three parcels which are 40 acres or larger would qualify for AF-20 zoning as a matter of right under Section 303.01 of the zoning ordinance which allows boundary readjustments to the predominant zoning of a given tax lot under certain circumstances.
3. Approval of the request is appropriate because the surrounding land uses are characterized as 20 acre pastures and woodlands with moderate sloping, indicating predominantly Class III and IV soils. This action will allow realignment of the zoning boundaries and will allow the land to be appropriately used in accordance with the purpose and scope of the AF-20 zoning district. All the services and utilities are presently available in the area and an increase in the demand for such services is not anticipated at this time.

4. The subject area is suitable for AF-20 zoning considering the parcel sizes, the land use characteristics, physical land characteristics, development pattern, and the relatively minor impact on the adjacent lands of increasing dwelling density by potential development by not more than one dwelling.
5. Given the existing use and character of the parcels, AF-20 zoning, rather than EF-40, is appropriate for the subject properties, and the properties subject to this action should have been designated AF-20 when originally zoned.

ZONING MAP AMENDMENT
EXHIBIT "B" ORDINANCE NO.: 495
YAMHILL COUNTY BOARD OF COMMISSIONERS
TO CHANGE THE ZONING DISTRICT DESIGNATION
FROM "EF-40" TO "AF-20" FOR THE FOLLOWING
TAX LOTS: 2411-1000, 1100, 1200, 1300, 1400,
1500, 901, 1600, 1800, 1900.

October 25, 1989



The zone change includes total acreage of above mentioned tax lots.
Sketch prepared by Yamhill County Department of Planning and Development.