

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

INDEXED

89-929

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

YAMHILL COUNTY CLERK
DEC 27 4 57 PM '89
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
Amending the Zone Map of the)
Yamhill County Zoning Ordi-)
nance, No. 310, 1982, as)
amended, to Change the Zone)
Map Designation from AF-10 to)
VLDR-2 1/2, On Approximately)
21.25 Acres, Identified as)
Tax Lots 4428-3101, 4428-3200,)
4428-3300, 4428BC-2100, and a)
Portion of Tax Lot 4428-3400,)
Located South of the City of)
McMinnville on Booth Bend)
Road, Immediately South of)
Three Mile Lane, as Requested)
by Arlen Berkey and Blair)
Moss, Docket Z-9-89, and)
Declaring an Emergency)

ORDINANCE 496

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on December 27, 1989, Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, Arlen Berkey and Blair Moss have applied to the Department of Planning and Development for a change in the Zone Map designation from AF-10 to VLDR-2 1/2 on twenty acres identified as Tax Lots 4428-3101, 4428-3200, 4428-3300, Plan-designated "Very Low Density Residential (VLDR); and

WHEREAS, following receipt of the application, the Planning Director, pursuant to Section 1209.03 of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, determined that it was appropriate to include Tax Lots 4428BC-2100 and a portion of Tax Lot 4428-3400, approximately 1.25 additional acres for consideration as part of this requested Zone Map amendment; 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 a properly noticed public hearing on December 7, 1989, having heard no testimony in opposition to the proposed zone change, the Yamhill County Planning Commission voted unanimously to change the Zone Map designation on all parcels under consideration from AF-10 to VLDR-2 1/2; 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 Blair Moss 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 conclusive 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 for all of Tax Lots 4428-3101, 4428-3200, 4428-3300, 4428BC-2100, and that portion of Tax Lot 4428-3400 that had not previously been zoned VLDR-2 1/2 from AF-10 to VLDR-2 1/2, 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.

DONE at McMinnville, Oregon this 27th day of December, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

(not available for signature)
Commissioner DAVID E. BISHOP

FORM APPROVED BY:
Timothy S. Sadlo
TIMOTHY S. SADLO
Assistant County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

ORDINANCE 496

FINDINGS OF FACT

1. The applicants have requested a zone change from AF-10 to VLDR-2 1/2 on approximately 20 acres, in two different parcels, plan designated VLDR. The tax lot numbers involved are 4428-3101, 3200 and 3300.
2. Upon review of the application, the Planning Director determined that a portion of Tax Lot No. 4428-3400 and all of 4428BC-2100 needed to be added to the application, as per Subsection 1209.02 of the Yamhill County Zoning Ordinance, No. 310, 1982 (as amended).
3. The subject parcels are located south of the City of McMinnville. They are bounded by Highway 99W to the northwest, Morgan Lane to the north and east and Booth Bend Road to the south. The proposed parcels would have access onto either Booth Bend Road or Morgan Lane. (See attached map).
4. The subject property contains three houses on four separate lots. The smallest of these lots is 0.82 acres, and the largest is 10.25 acres. The property immediately to the west of the subject parcels contains 18 acres zoned VLDR-2 1/2. Presently on the land zoned VLDR-2 1/2 there are eight houses on nine different parcels. Four of these parcels are less than one acre in size.
5. The elevation of the subject parcels is 150 feet above mean sea level. None of the area included in the application is in the 100 year floodplain, and there are no apparent drainage problems.
6. The applicants have indicated that the subject parcels have been used for grass seed production and pasture.
7. The subject property was plan designated VLDR under Exceptions Statement II by the Board of Commissioners on April 23, 1980.
8. The soils on the subject property are Woodburn Silt Loam with slopes of 0 to 7 percent and Amity Silt Loam with slopes of 0 to 2 percent. Both of these soils are rated as Class II agricultural soils.

9. Land uses to the north and east of the subject property consist of rural residential dwellings and small scale agricultural operations. Land situated to the south is engaged in large scale agricultural use. Nearby uses within the McMinnville city limits include residential subdivisions, a mobile home park and commercial activity.
10. Surrounding lands are zoned VLDR-2 1/2 and EF-40.
11. There are approximately 3,792 acres of property zoned VLDR-2 1/2 in the county. Of this amount, 495 acres are adjacent to the City of McMinnville's Urban Growth Boundary. Currently nearly 70 percent of the potential VLDR-2 1/2 building sites around the city have dwellings constructed on them, including all of the residential property to the south of the City of McMinnville.
12. Well log records for the area indicate well depths of between 90' to 125' and yields of between 20 to 30 gallons per minute. The State Watermaster has indicated that yields of over 15 gallons per minute are more than adequate for residential use.
13. The Public Services and Utilities in the area include the Yamhill County Sheriff and Public Works Departments, McMinnville Rural Fire and School Districts, General Telephone of the Northwest and McMinnville Electric.
14. The impact of the proposed zone change on the dwelling density in the area would be a potential increase of seven dwellings.
15. The following public agency comments have been received:
 - A. McMinnville Fire Department - We have reviewed the file and find no conflicts with our interests.
 - B. Sanitation - A site evaluation approval has been given on the western end of Tax Lot 4428-3300. The soil varies from Woodburn to Amity type profiles on the same parcel. Approvals may vary from standard to alternative sandfilters and/or possibly even denial for on-site sewage disposal systems if the zone change is approved. An alternative sandfilter was approved and installed on the eastern portion of the proposed zone change parcel.

FINDINGS OF CONCLUSION FOR APPROVAL

1. The zone change request to amend the zoning on the subject property from AF-10 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 4.10 as a "committed exception" 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 7, 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. There is an existing demonstrable need for 2 1/2 acre residential dwelling sites. As indicated in Finding 11 above, approximately 70 percent of the 495 acres of VLDR-2 1/2 adjacent to the City of McMinnville's Urban Growth Boundary has been built upon. Further, there is essentially no undeveloped land of this type available immediately south of the City of McMinnville.
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 McMinnville.

The proposed zone change is also appropriate for the area considering that:

- a. The subject property is bordered by the City of McMinnville and developed rural residential land zoned VLDR-2 1/2, thereby limiting its potential as farm land.
- 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 fair water suitability and fair to poor 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.

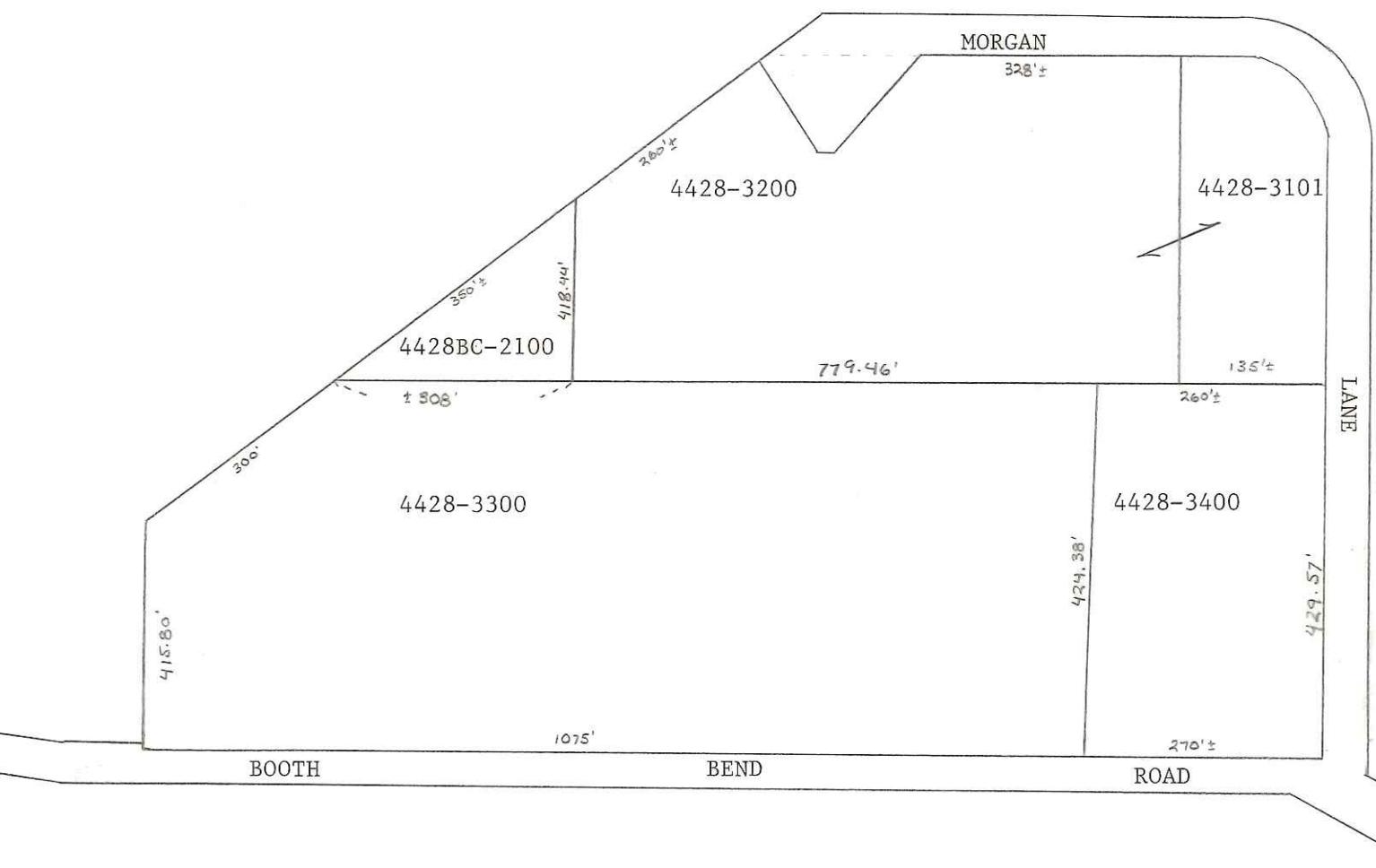
- c. It has been County practice in the past to grant those requests which bring zoning into conformance with the Comprehensive Plan map designation, particularly in VLDR areas. In that the subject property is plan designated VLDR, approval of the zone change to VLDR-2 1/2 will be consistent with previous County actions.
4. Although other VLDR-2 1/2 zoned land exists in the county, availability of such lands for development is somewhat limited next to the City of McMinnville since all of the VLDR-2 1/2 zoned land immediately south of the City has already been developed. Further, the subject property is suitable for VLDR-2 1/2 zoning considering the existing development availability, the existing road access and other public services, and the compatible nature of the proposed development with adjacent rural residential uses.
 5. Partitioning of the undeveloped land could allow for Morgan Lane to become a loop road, connecting back to Booth Bend Road and improving circulation in the area.
 6. The requested amendment is consistent with the current Oregon Administrative Rules for exceptions because the VLDR plan designation was approved as a "committed exception", the VLDR plan designation allows development on smaller parcels than were requested in this application, and the proposed zoning would limit uses to those that are the same (rural residential) as acknowledged for the exception site (OAR 660-04-018).

a:Z-9-89.ord

ZONE MAP AMENDMENT

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
DECEMBER 27, 1989

TO CHANGE THE OFFICIAL ZONING MAP
FROM AF-10 TO VLDR-2½



Note : Not to exact scale

Change applies to the total portion of Tax Lot No. 4428-3101, 3200, 3300 and 4428BC-2100.

Change applies to a portion of 4428-3400

Map prepared by the Yamhill County Department of Planning and Development