

YAMHILL COUNTY  
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CHARLES STERN  
COUNTY CLERK  
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

90-064

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 From VLDR- )  
2.5 to VLDR-1 on Approximately )  
2.53 Acres Identified as Tax )  
Lot 4307-601 Southeast of the )  
City of Lafayette as Requested )  
by David Bunn, Planning Docket )  
Z-10-89, and Declaring an )  
Emergency )

ORDINANCE NO. 501

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on January 24, 1990, Commissioners David E. Bishop, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, David Bunn has applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 4307-601 from VLDR-2.5 to VLDR-1; and

WHEREAS, on January 4, 1989 the Yamhill County Planning Commission held a public hearing on the application and voted unanimously to approve the application; and

WHEREAS, Yamhill County Zoning Ordinance provides that a decision of the Yamhill County Planning Commission is final if no appeal is taken to the Board of Commissioners within 15 days following the decision of the Planning Commission; and

WHEREAS, no appeal has been taken from the decision of the Planning Commission; and

WHEREAS, on January 24, 1990, the Board held a public hearing to consider adopting an ordinance to implement the Planning Commission's decision of January 4, 1990; and

WHEREAS, based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and incorporated herein by this reference, the Board finds that the amendment as requested should be made; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. 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 4307-601 from VLDR-2.5 to VLDR-1 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 24th day of January, 1990.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk



By: Elaine Searcy  
Deputy

David E. Bishop  
Chairman DAVID E. BISHOP  
Date: 1-24-90

Dennis L. Goecks  
Commissioner DENNIS L. GOECKS  
Date: 1/24/90

APPROVED AS TO FORM BY:

John M. Gray, Jr.  
JOHN M. GRAY, JR.  
Yamhill County Counsel

Ted Lopuszynski  
Commissioner TED LOPUSZYNSKI  
Date: 1-24-90

EXHIBIT "A"

STAFF REPORT

Yamhill County Planning Commission  
Docket No. Z-10-89  
January 4, 1990

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Docket: Z-10-89

Applicant: David Bunn

Request: The applicant has requested a zone change from VLDR-2 1/2 to VLDR-1 on a 2.53 acre parcel, plan designated VLDR.

Tax Lot: 4307-601 (formerly 4307-600)

Location: The parcel is located 1/10 mile east of the City of Lafayette on the south side of Highway 99 West.

FINDINGS OF FACT

1. The applicant has requested a zone change from VLDR-2 1/2 to VLDR-1 on Tax Lot No. 4307-600, plan designated VLDR. Since the time the application was submitted, the tax lot number has changed from 4307-600 to 4307-601 due to a readjustment of common boundary.
2. The subject parcel is located approximately 500 feet east of the city limits/UGB of Lafayette. The property is triangular in shape with the northern side bounded by Highway 99W and the southern side bounded by Locks Loop Road. The proposed parcel would have access onto Locks Loop Road.
3. The subject parcel currently has no dwellings on the property. With the current zoning in the area, one single family dwelling would be allowed on the parcel. The impact of the proposed zone change would be a potential increase of one or possibly two additional single family dwellings.
4. Presently there are 4 parcels with dwellings on them within 800 feet of the proposed zone change.
5. The soil on the proposed zone change is Woodburn silt loam with slopes of between 0 and 7 percent.
6. From State Watermaster's records and previous testimony, the well depths for this area are between 70-135 feet with water production between 5 to 20 gallons per minute.
7. The subject property and the area to the south was included in Exceptions Code Area 4.8 (Lafayette). According to Exceptions Statement II, adopted in 1980 as supplementary findings for the taking of an exception to statewide goals, "the entire Lafayette study area is committed to rural residential development. The study area is generally characterized by fair or better water availability, predominantly fair soil suitability for septic systems, and good roads."

EXHIBIT "A"  
ORDINANCE NO. 501

STAFF REPORT  
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8. Public facilities or services provided to the property include electric power through PGE, telephone through Continental, fire protection by the Dayton Rural Fire District and road access by County roads. Water to the subject property would be provided by a well. Sewage disposal would be provided by an individual on-site septic system.
9. Land to the north, east and southeast is zoned EF-40; land to the south is a mixture of VLDR-2 1/2 and VLDR-1. The predominance of the VLDR-2 1/2/VLDR-1 zoning is located to the east of Locks Loop Road (approximately 53 out of 60 acres); however, there are more than 50 acres lying west of Locks Road that are plan designated VLDR but are zoned EF-40/AF-20. If that acreage is rezoned in the future, an additional 10 to 45 dwellings could potentially be established in the area.
10. There have been three zone change requests from VLDR-2 1/2 to VLDR-1 approved for the area along Locks Road during 1989. The amount of VLDR-1 property in this area is approximately 24 acres. Currently there are three dwellings located on this 24 acres.
11. In the county there are approximately 130 acres of undeveloped VLDR-1 land outside of UGB's. There is virtually no undeveloped VLDR-1 land in the county outside of the Newberg/Dundee area, aside from that previously mentioned in Finding 10.
12. Section 502.01 of the Zoning Ordinance provides that "the purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan." Therefore, the zone change is consistent with the Comprehensive Plan.
13. The following public agency comments have been received:  
  
Public Works: "We have reviewed this file and find no conflicts with our interests; any new road approaches will required a permit from this office."  
  
Sanitation: "A review of our files do not indicate that a site evaluation and or a permit has been issued on this tax lot."

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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 Zoning Ordinance. The specific review criteria is listed below.

1208.02 Review Criteria.

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsections 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 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 request to amend the zoning on the subject property from VLDR-2.5 to VLDR-1 is consistent with the Comprehensive Plan in that the

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property is Plan-designated VLDR, which provides for rural residential development on parcels from one acre to ten acres. Further, the property was included in Exceptions Code Area 4.8 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 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. The applicant has indicated that there is an existing need for one acre, rural residential sites as follows:

The property in question is ideally suited for low density residential use in the one acre size category. To permit this type of use allows beneficial availability of two additional one acre low density residential sites in an area immediately adjacent to the City of Lafayette city limits.

After surveying the general area, we find there is a significant demand for this kind of one acre parcel. There is no harm to agricultural uses in the general surrounding area. Also, surrounding contiguous and adjacent properties are sufficiently small size so as to be in harmony with this zone change request and Yamhill County's Comprehensive Plan.

3. Because there are very few undeveloped VLDR-1 sites available in the Lafayette, Dayton or McMinnville area, there is an existing demonstrable need for one acre rural residential dwelling sites within the subject area.
4. Approval of the request is appropriate in that it will allow for residential development of an area which was deemed to be committed to rural residential development through the exceptions process, thereby providing for efficient utilization of rural land adjacent to the City of Lafayette. Further, the property is located in an area where there are 4 dwelling sites of approximately 1 acre within 800 feet of the subject property and, therefore, development of the property into 1 acre parcels would not be inconsistent with the existing development pattern in the area.
5. Because of the size of the subject property, its proximity to the Lafayette city limits and the large number of surrounding parcels less than 2.5 acres, the subject property is not likely to be productive

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for agricultural uses. Further, because of the surrounding development pattern, the proposed re-zoning will not conflict with surrounding agricultural activities.

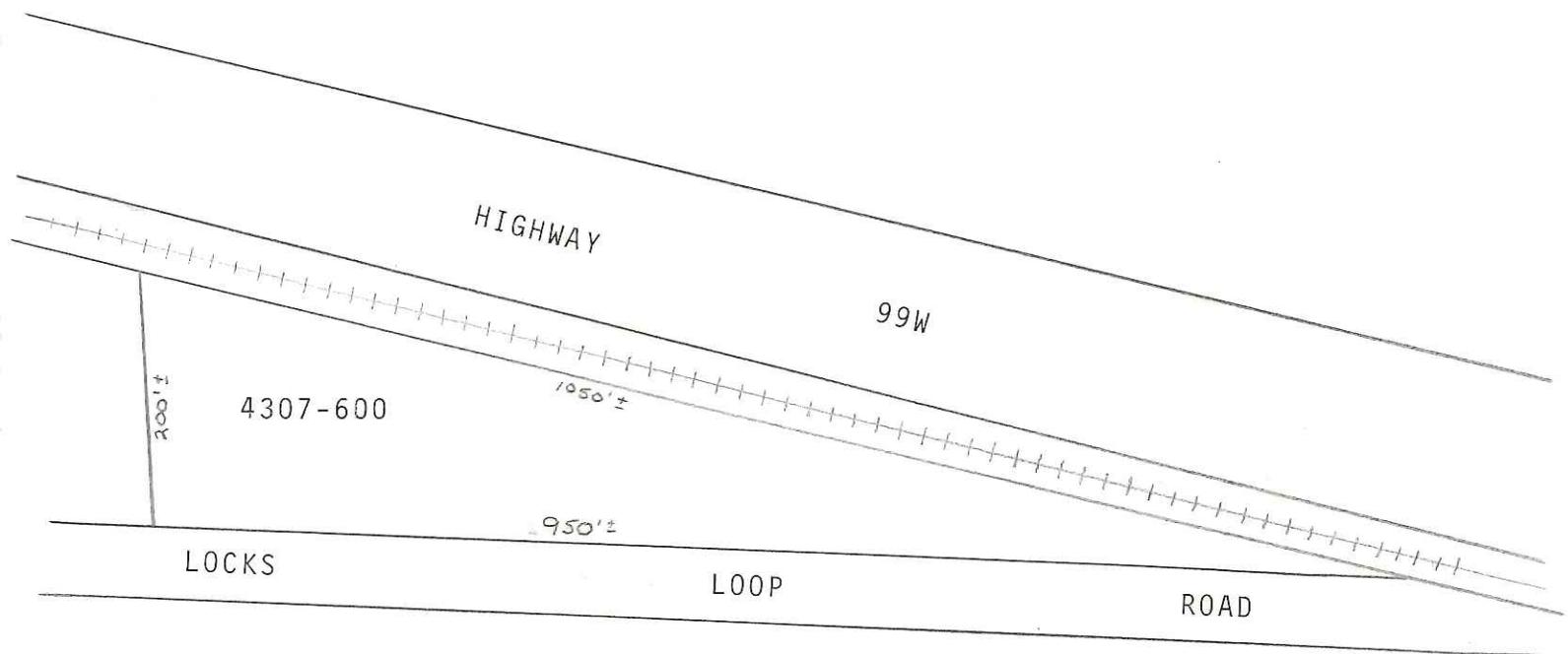
6. Sufficient public facilities currently exist to support rural residential development of the property. By previous Board direction, the Planning Director will consider imposing restrictions on the ability of applicants to partition the property based upon the availability of a suitable water supply, and provision for two drainfield sites on each parcel.
7. The requested zone change is consistent with the Oregon Administrative Rules for exceptions (OAR 660-04-018) because the VLDR Plan designation was approved as a committed rural residential development.

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EXHIBIT "B" FOR ORDINANCE NO: 501

ZONE MAP AMENDMENT  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
JANUARY 24, 1990

TO CHANGE THE OFFICIAL ZONING MAP  
FROM VLDR-2 $\frac{1}{2}$  TO VLDR-1



Note: Not to exact scale

Change applies to the total portion of Tax Lot No. 4307-600

Map prepared by Yamhill County Department of Planning and Development.