

INDEXED

FILED
YAMHILL COUNTY, OREGON
1988 APR 28 PM 2:24
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

88-211

FOR THE COUNTY OF YAMHILL

FILM 46 PAGE 1187

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. 464
 From VLDR-2.5 to VLDR-1 on)
 Approximately 15 Acres Identified)
 as Tax Lot 3218AB-1800, Northeast)
 of the City of Newberg, as Re-)
 requested by Oxberg Properties,)
 Planning Docket Z-1-88, and De-)
 claring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on April 27, 1988, in special session, Commissioners Ted Lopuszynski, Donald D. Porter, and David E. Bishop being present.

WHEREAS, Oxberg Properties, Inc., has applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 3218AB-1800, from VLDR-2.5 to VLDR-1; and

WHEREAS, following a public hearing on April 7, 1988, the Yamhill County Planning Commission voted unanimously to change the zone map designation on Tax Lot 3218AB-1800 from VLDR-2.5 to VLDR-1; 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 Oxberg Properties, Inc., 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 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 3218AB-1800 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.

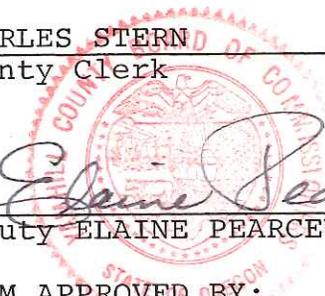
Section 2. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County and an emergency having been declared to exist, shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 27th day of April, 1988.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



By: Elaine Pearcey
Deputy ELAINE PEARCEY

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

Ted Lopuszynski
Chairman TED LOPUSZYNSKI
Date: 4-27-88

Donald D. Porter
Commissioner DONALD D. PORTER
Date: 4/27/88

David E. Bishop
Commissioner DAVID E. BISHOP
Date: 4-27-88

EXHIBIT "A"
ORDINANCE 464

FILM 46 PAGE 1189

FINDINGS OF FACT

1. The applicant has requested a zone change from VLDR 2 1/2 to VLDR 1 on 15 acres that is presently plan designated VLDR.
2. The subject property is the acreage remaining from a 50 acre ownership that was divided into 28, 1 acre lots and one 2 1/2 acre lot through lot size averaging. Under the lot size averaging provisions, the 15 acre property could not be further divided as long as it is zoned VLDR 2 1/2.
3. The property is adjacent to the northeast boundary of the Newberg Urban Growth Boundary and city limits. The property is accessed by Crestview Drive and Bird Haven Loop.
4. The property is surrounded by lands that are zoned VLDR 2 1/2 and plan designated VLDR. Zoning on adjacent lands within the City of Newberg is R-1. Lot sizes to the north and east are generally 1 acre in size; to the west and southwest lots are at urban densities and to the south lots are 10 acres.
5. The subject property and surrounding area was included in Exceptions Code Area 1.4 (North Newberg). According to Exceptions Statement II, adopted in 1980 as supplementary findings for the taking of an exception to statewide goals, "the entire North Newberg study area is committed to rural residential development. It is generally characterized by fair or better water availability, fair to good soil suitability for septic systems and good roads."
6. Since 1981, there have been 15 new dwellings established in Code Area 1.4. Additionally, 65 acres were rezoned from AF-10 to VLDR 2 1/2 based upon findings that there was a need for small acreage, rural residential lots in the Newberg area.
7. There are over 300 acres of VLDR 1 zoned land in the Newberg area; much of it within the Newberg Urban Growth Boundary. A quick survey indicated that there are less than 30 acres of undeveloped VLDR 1 zoned lands in the Newberg area, outside the Urban Growth Boundary. Within the County as a whole there are less than 100 acres of undeveloped VLDR 1 zoned land. It does not appear that any of the undeveloped VLDR 1 land in the County has been recently subdivided and is now available for sale in one acre lots.
8. Public facilities or services provided to the property include electric power through PGE, telephone through GTE, fire protection by the Newberg Rural Fire District, and road access by County and public roads. Water is to be provided by Oxberg Water Company, and sewer service by individual septic systems.
9. Since 1982, the Planning Commission has approved all zone change requests for higher density zoning in VLDR plan designated areas. The primary concern with each of the previously approved zone changes in VLDR areas has been the adequacy of facilities available to support increased development.
10. 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." Because the VLDR plan designation applies to the VLDR 5, VLDR 2 1/2 and VLDR 1 zoned districts, the Department of Land Conservation & Development has agreed that Yamhill County may rezone such lands to higher densities without notifying the DLCD and without taking a new exception.

11. At this writing, no public agency comments have been received regarding the application.
12. The Newberg/Dundee PAC considered the application at their meeting of March 30, 1988. Their recommendation will be reported at the public hearing.

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 VLDR 2 1/2 to VLDR 1 is consistent with the Comprehensive Plan in that the property is plan designated VLDR, which provides for residential development on parcels of from 1 acre to 5 acres. Further, the property was included in Exceptions Code Area 1.4 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 demonstrable need for 1 acre, rural residential sites as follows:

The character of the Oxberg Lakes Estates development adjacent to the City of Newberg is that of extremely high quality residential lots highly protected by location and restrictive covenants from inappropriate forms of residential development. This development provides in Newberg a much needed and unique opportunity for the purchase of lots upon which more expensive homes can be built within an environment suitable to such type of residential dwellings. There is no comparable subdivision in the Newberg area which provides the combination of amenities available to the owners of lots in Oxberg Lakes Estates Division I, Phases I and II. The developer is currently experiencing a high rate of demand for residential lots currently available for sale in Phase II of the development. The developer anticipates that Phase II of the development will be nearly or completely sold by the end of 1988.

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 rural land adjacent to the City of Newberg. Further, the property is bordered by one acre rural residential lots on the north and east and lies adjacent to city residential development to the west and southwest and, therefore, the zone change to VLDR 1 would allow for development consistent with the type, density and pattern of development already occurring in the area.

The proposed development can also be considered appropriate for the area based upon existing and anticipated services. Water will be provided by Oxberg Water Company; County and public roads provide access to the site; and major utilities (electricity and telephone) are present in the area; and the soils in the area have been found to be appropriate for installation of individual septic systems.

4. Although other VLDR 1 zoned lands exist in the County, there are less than 30 areas of undeveloped VLDR 1 zoned land in the Newberg area, outside of the Urban Growth Boundary. In reviewing the 30 acres of undeveloped VLDR 1 zoned land in the Newberg area, it appeared that none of it was presently subdivided into one acre lots and being made available for development. Further, the subject property is very well suited for VLDR 1 zoning considering the existing development pattern and density or surrounding properties, soil suitability for septic system installation, water 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 uses.

