

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL  
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED  
JUN 25 1982  
2 43 PM '82

82-278

CHARLES STERN  
COUNTY CLERK  
DEPUTY

In the Matter of an Ordinance Vacating )  
the Plat of Riverside Garden Tracts, of )  
Record in Cabinet A, Folder 4, Yamhill )  
County Plat Records. )

ORDINANCE NO. 297

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon (the Board), on the 30th day of June, 1982, sat for the transaction of County business in regular session, Commissioner Ted Lopuszynski, Robin J. Hamblet and Colin Armstrong being present.

WHEREAS, on May 11, 1982, Mr. John Otting, as the sale owner of the Riverside Garden Tracts, petitioned the Board to vacate said plat in accordance with ORS Chapter 92.234; and

WHEREAS, the Board ordered a review of the said plat in accordance with ORS Chapter 92.225; and on May 26, 1982, set a public hearing date of June 30, 1982, at which time the requested plat vacation would be considered; and

WHEREAS, the owner of record, Mr. John Otting, was noticed of the public hearing thirty (30) days in advance; and the public roadway was posted, noticing all interested parties of the request and consideration to vacate said plat; and

WHEREAS, a review of the Riverside Garden Tracts, dated June 25, 1982, concludes that in accordance with the review procedure as set forth under ORS Chapter 92.225 the plat is deemed to be undeveloped; and

WHEREAS, the said plat is not consistent with the Comprehensive Plan Designation of the City of McMinnville, nor with the Urban Growth Boundary provisions; and

WHEREAS, the said plat is not consistent with the Yamhill County Plan and EFU Zoning District designation of EF-40 and AF-20; and

NOW THEREFORE, IT IS HEREBY ORDAINED by the Board as follows:

1. For the reasons outlined above and the findings of fact, as contained in the staff memorandum of June 25, 1982, and hereafter referred to as "Exhibit A", the lots and roadways platted and dedicated in the Riverside Garden Tracts for public use are hereby vacated.

THE BOARD FURTHER ORDAINS that, This Ordinance being necessary for the preservation of the health, welfare and safety of the citizens of Yamhill County and an emergency being declared to exist, shall be effective upon the passage hereof.

DONE this 30th day of June , 1982, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

*Ted Lopuszynski*  
CHAIRMAN TED LOPUSZYNSKI

*Elaine Pearcey*  
Elaine Pearcey  
Deputy

*Robin J. Hamblet*  
COMMISSIONER ROBIN J. HAMBLET

APPROVED AS TO FORM  
BY:

*Colin Armstrong*  
COMMISSIONER COLIN ARMSTRONG

*Daryl S. Garrettson*  
Daryl S. Garrettson  
County Counsel

EXHIBIT "A"

STAFF MEMORANDUM  
YAMHILL COUNTY PLANNING DIRECTOR  
JUNE 25, 1982  
YAMHILL COUNTY COURTHOUSE  
MCMINNVILLE, OREGON 97128

Docket No: SV-3-82  
Request: A petition by the owner of the Riverside Garden Tracts; an 18 lot subdivision platted on September 27, 1909 and of record in Cabinet A, Folder 4, Yamhill County Plat Records, to vacate said subdivision for the purpose of annexation into the City of McMinnville. The subdivision is partially within the City of McMinnville UGB and designated as Industrial on the McMinnville Comprehensive Plan and zoned EF-40 and AF-20 on the County Zoning Map.  
Location: Approximately 1½ miles East of the City of McMinnville adjoining State Highway 18 on the South; Tax Lot 4427-200.  
Applicant: Mr. John H. Otting

Findings of Fact

1. ORS 92.225 provides the basis for review to determine if there is a need for revision or vacation of an undeveloped subdivision.
2. In accordance with the provisions of ORS 92.225 (4) thirty (30) day notice was provided to the property owner, Mr. John Otting, of the public hearing to consider vacation of the subject plat. John and Shirley Otting, 700 Pittock Bldg., Portland, Oregon are listed as the sole owners of the 136.85 acre parcel, according to the deed and mortgage records of Yamhill County.
3. The subject property was reviewed on June 22, 1982 by County Staff and the following was observed:
  - a. Public roadways have not been developed into the subdivision to access parcels, nor has construction been initiated.
  - b. neither domestic nor industrial water facilities have been constructed to service the platted area. A domestic well services a singular farm dwelling located on the subject property.
  - c. There are no sanitary sewerage facilities on the subject property. A subsurface sewage system services a singular farm dwelling located on the subject property.