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FILED
YAMHILL COUNTY, OREGON
1989 JAN 11 PM 4:09
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

89-012

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Adjust the Zoning Boundary of)
Tax Lots 4320-400, 500, and 800)
to Designate the Entire Parcel)
AF-20 by Authorizing an Amendment) Ordinance 472
to the Yamhill County Zoning)
Ordinance, No. 310, 1982, as)
amended, as requested by Fay)
Miller, Planning Docket Z-7-88)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 11th day of January, 1989, sat for the transaction of County business in special session, Commissioners Ted Lopuszynski, Dave Bishop, and Dennis Goecks being present.

WHEREAS, Tax Lots 4320-400, 500, and 800, constituting a 99 acre parcel, located approximately 1/4 mile south of the City of Dayton, east of Webfoot Road, in the northeast quarter of Section 20 Township 4 South, Range 3 West, is comprised of mixed EF-40 and AF-20 zoning; and

WHEREAS, on the 4th day of January, 1989, a public hearing was held before the Board on the question of whether to grant a zoning boundary adjustment to the owner of said Tax Lots, 4320-400, 500, and 800, pursuant to Section 303.01 (I) of the Yamhill County Zoning Ordinance, No. 310, 1982 as amended; and

WHEREAS the entire 99 acre parcel was Plan-designated Agriculture/Forestry Large Holding; and

WHEREAS, Fay Miller has applied to the Department of Planning and Development for adjustment of the boundary which would result in the parcel being zoned AF-20 in its entirety; and

WHEREAS, the subject parcel has been in a single ownership since the adoption of Ordinance No. 310; and

WHEREAS, notice of the requested zone change has been sent to surrounding property owners and published in a newspaper of general circulation; and

WHEREAS, the proposed adjustment would not reduce in area the predominant zoning on the subject property in that the AF-20 District now consists of 69 acres of the parcel and the proposed adjustment will result in the remaining 30 acres being zoned AF-20; and

WHEREAS, the proposed boundary adjustment will follow existing property lines;

NOW THEREFORE, based upon and for the reasons set forth above and in the attached conclusionary findings for approval, identified as Exhibit "A" and incorporated herein by this reference,

IT IS HEREBY ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. That the Official Zoning map of Yamhill County be and hereby is amended to designate the zoning on Tax Lots 4320-400, 500, and 800 as AF-20 in its entirety, as set forth in the attached sketch map, labeled Exhibit "B" and incorporated herein by this reference.

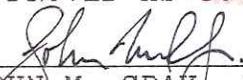
Section 2. This Ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE this 11th day of January, 1989, at McMinnville, Oregon.

ATTEST:

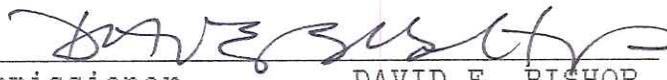
CHARLES STERN
County Clerk

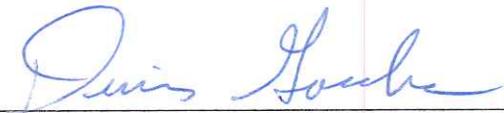
By: 
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:

JOHN M. GRAY, Jr.
County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS


Chairman TED LOPUSZYNSKI


Commissioner DAVID E. BISHOP


Commissioner DENNIS GOECKS

a:z-7-88OR.472

EXHIBIT "B" FOR ORDINANCE NO: 472

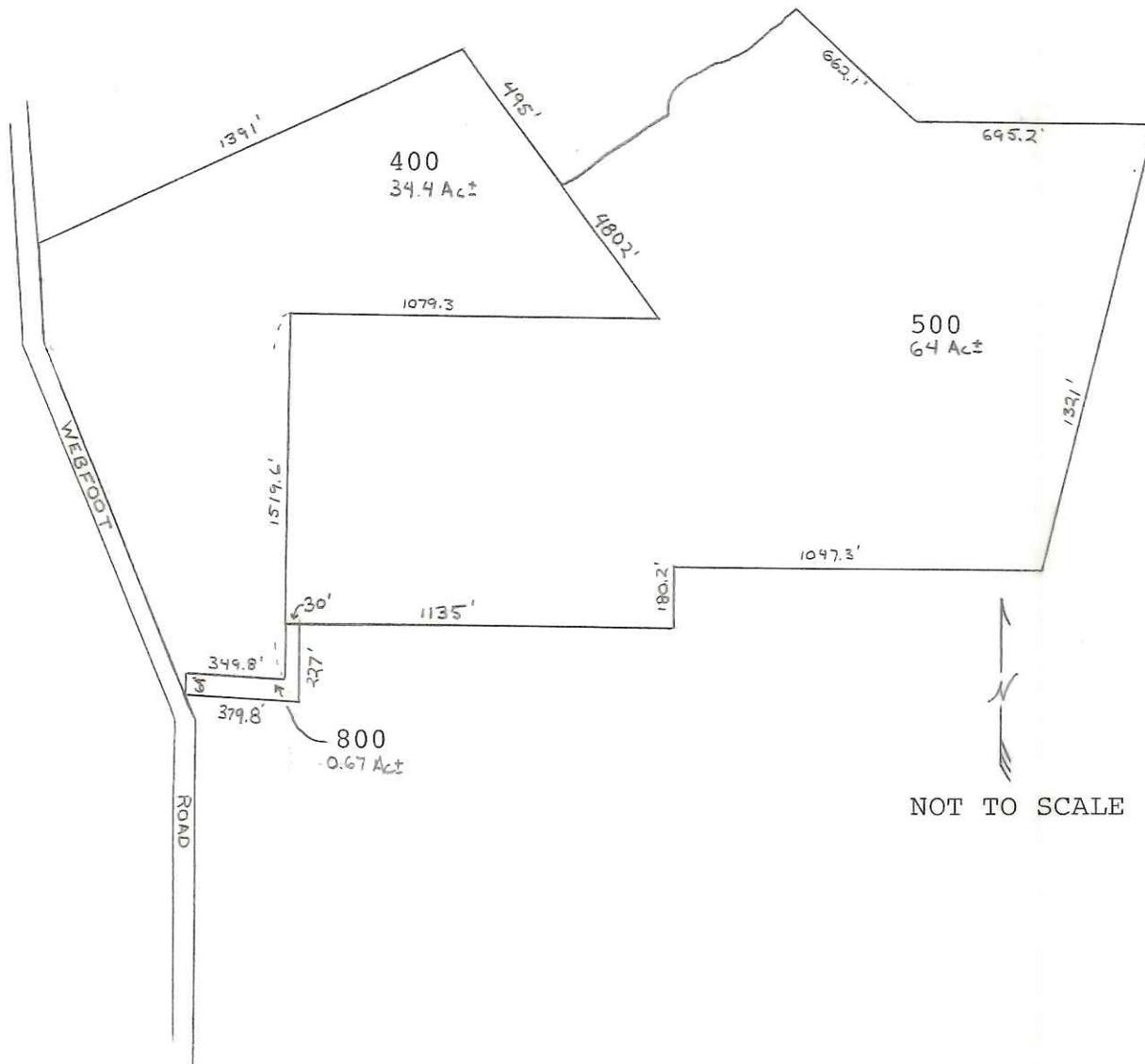
ZONE MAP AMENDMENT

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

JANUARY 4, 1989

TO CHANGE THE OFFICIAL ZONING MAP

FROM AF-20 AND EF-40 TO AF-20



Change applies to the total portion of Tax Lot No. 4320-400 and 500 and 800
Map prepared by the Yamhill County Department of Planning and Development.

STAFF MEMORANDUM
BOARD OF COMMISSIONERS
January 4, 1989
Room 32, Yamhill County Courthouse

Docket: Z-7-88
Request: A zone change from EF-40/AF-20 to entirely AF-20
Location: Approximately 1/4 mile south of the City of Dayton
on the east side of Webfoot Road, Tax Lots 4320-
400, 500, and 800.
Applicant: Fay Miller

FINDINGS OF FACT

1. The applicant has requested to change the zoning on the 99 acre subject property from an EF-40/AF-20 mix to entirely AF-20.
2. The majority of the 99 acre property is plan designated "Agriculture/Forestry Large Holding." The remainder of the property is located within the Dayton Urban Growth Boundary.
3. Approximately 69 acres of the property are zoned AF-20 and the remaining 30 acres are zoned EF-40.
4. The proposed zone alignment will follow the existing property lines of the subject property and will result in a single zoning district for the property.
5. The AF-20 portion of the property is generally wooded or overgrown with brush.
6. Notice of the requested zone change has been sent to surrounding property owners and published in a newspaper of general circulation.

DECISION-MAKING CRITERIA

The Board of Commissioners' decision must be based upon the criteria for a zone boundary adjustment, set forth in Section 303.01 (I) of the zoning ordinance, as follows:

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303.01 I. Where a zoning district boundary divides a parcel which was in single ownership at the date of adoption of this Ordinance, the Board may permit readjustment of that zoning district boundary subject to Section 1403 for Board review and provided that the landowner shall demonstrate the following:

1. That the boundary readjustment is consistent with the Comprehensive Plan Map designation existing on the parcel;
2. That the boundary readjustment shall not reduce in area the predominant zoning district which exists on the subject property;
3. That the boundary readjustment shall follow existing or proposed property lines, public roads, or rivers; and
4. That the boundary readjustment shall result in a single zoning district for the existing parcel of proposed parcels.

CONCLUSIONARY FINDINGS

APPROVAL

The following conclusionary findings can be made for approval of the request:

1. In that the Comprehensive Plan map designation for the entire property is either "Agriculture/Forestry Large Holding" or is "Urbanizable, lying within the Dayton UGB, and because these plan designations apply to both the EF-40 and AF-20 Districts, the proposed adjustment to make the entire property zoned AF-20 is consistent with the Comprehensive Plan map designations on the property.

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2. The proposed zone boundary adjustment will not reduce in area the predominant zoning currently existing on the subject property in that the AF-20 District now applies to 70 percent of the property (69 out of 99 acres) and the proposed adjustment will result in the remainder of the property also being zoned AF-20.
3. In that the property will be rezoned entirely AF-20, the boundary adjustment will follow existing property lines and will result in a single zoning district for the entire property.

RECOMMENDATION

Based upon findings of fact and conclusionary findings for approval, the staff recommends approval of the application.

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