

FILED
YAMHILL COUNTY, OREGON
1989 FEB 23 PM 3:00
CHIEF CLERK
COUNTY CLERK

WULXSA

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

89-123

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 Lot 4635-900 to Designate)
the Entire Parcel AF-20 by)
Authorizing an Amendment to the) Ordinance 478
Yamhill County Zoning Ordinance,)
No. 310, 1982, as amended, as)
requested by Bonnie S. Briscoe,)
Planning Docket Z-1-89)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 22nd day of February, 1989, sat for the transaction of County business in special session, Commissioners Ted Lopuszynski, Dave Bishop, and Dennis Goecks being present.

WHEREAS, Tax Lot 4635-900, constituting a 40 acre parcel, located approximately 6 miles north of the City of Sheridan, west Thompson Mill Road, in the southwest quarter of Section 35 Township 4 South, Range 6 West, is comprised of mixed EF-40 and AF-20 zoning; and

WHEREAS, on the 15th day of February, 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 Lot, 4635-900, pursuant to Section 303.01 (I) of the Yamhill County Zoning Ordinance, No. 310, 1982 as amended; and

WHEREAS the entire 40 acre parcel was Plan-designated Agriculture/Forestry Large Holding; and

WHEREAS, Bonnie S. Briscoe 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 29 acres of the parcel and the proposed adjustment will result in the remaining 11 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 Lot 4635-900 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 22nd day of February 1989, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: Elaine Pearcey
Deputy ELAINE PEARCEY

DAVE BISHOP
Commissioner DAVID E. BISHOP

APPROVED AS TO FORM BY:

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

Dennis Goecks
Commissioner DENNIS GOECKS

a:z-7-880R.472

EXHIBIT "A"

FINDINGS OF FACT

1. The applicant has requested to change the zoning on the 40 acre subject property from an EF-40/AF-20 mix to entirely AF-20.
2. The entire 40 acre subject property is plan designated Agriculture/Forestry Large Holding.
3. Approximately 29 acres of the property are zoned AF-20 and the remaining 11 acres are zoned EF-40.
4. The proposed zone alignment follows existing property lines and will result in a single zoning district on the property.
5. In viewing the property and comparing zoning lines with an aerial photo, there is virtually no difference in terrain, land use, vegetation, etc., between the EF-40 and AF-20 portions of the property. The property characteristics are clearly reflective of AF-20 property throughout the County.
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 amendment set forth in Section 303.01(I) of the Zoning Ordinance, as follows:

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 or 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 Agriculture/Forestry Large Holding, and because this plan designation applies 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 designation on the property.
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 73% of the property (29 out of 40 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 to entirely AF-20, the zone boundary 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.

MB:bh
a:Z-1-89.ExA

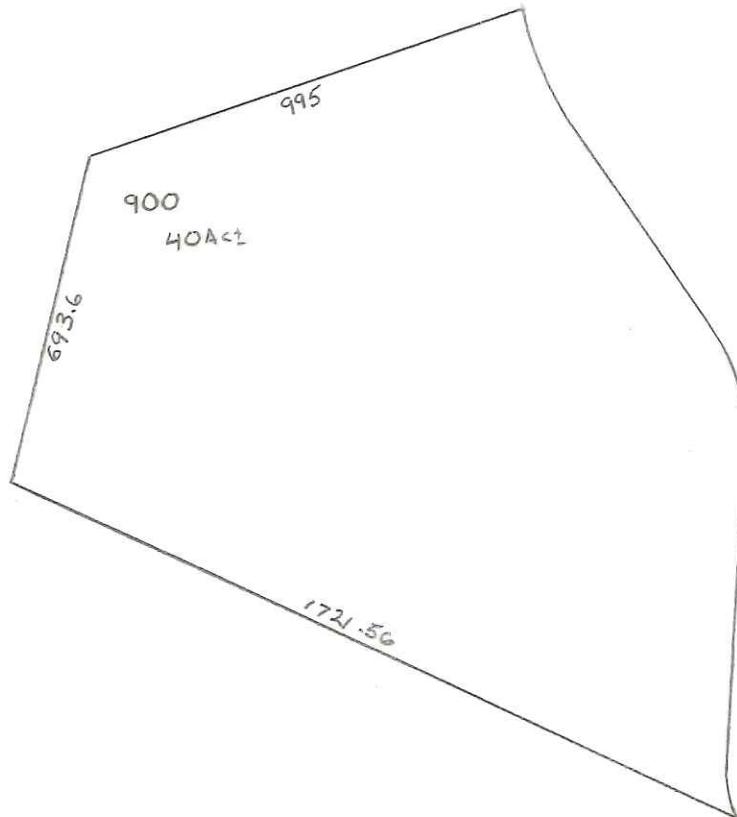
EXHIBIT "B" FOR ORDINANCE NO: 478

FILM 48 PAGE 417

ZONE MAP AMENDMENT
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
FEBRUARY 22, 1989

TO CHANGE THE OFFICIAL ZONING MAP

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



SCALE 1 INCH = 400 FEET

Change applies to the total portion of Tax Lot No. 4635-900

Map prepared by the Yamhill County Planning Department