

87-562

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FILED
YAMHILL COUNTY, OREGON
1987 SEP 25 PM 3:36
CHARLES STERN
COUNTY CLERK
DEPUTY

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

In the Matter of an Ordinance to)
Change the Zone Designation on a)
30.34 Acre Parcel Identified as)
Tax Lot 3209-5500 from AF-10 to)
VLDR-2 1/2, by Authorizing an) ORDINANCE 451
Amendment to the Official Zoning)
Map of Yamhill County, Requested)
by George & Anita McKay, and)
Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 23rd day of September, 1987, sat for the transaction of county business in special session, Commissioners David E. Bishop, Ted Lopuszynski, and Donald D. Porter being present.

WHEREAS, George and Anita McKay have applied to the Yamhill County Department of Planning and Development to change the official zoning designation from AF-20 to VLDR-2 1/2 on a 30.34 acre parcel identified as Tax Lot 3209-5500, more particularly identified on the attached Exhibit "B"; and

WHEREAS, Tax Lot 3209-5500 is currently designated "Very Low Density Residential" on the Comprehensive Plan Map; and

WHEREAS, ORS 215.110 and the Yamhill County Zoning Ordinance, No. 310, 1982, Section 1301.01(C) provides that the Planning Commission's determination to approve a zone change is final unless it is appealed to the Board, or unless the Board elects to review the decision on its own motion; and

WHEREAS, on September 3rd, 1987, the Yamhill County Planning Commission held a public hearing in Room 32 of the Yamhill County Courthouse to consider said application and voted 9 to 0 to allow the application; and

WHEREAS, a public hearing was held in Room 32 of the Yamhill County Courthouse on September 23, 1987, to consider an ordinance to implement the decision of the Planning Commission to allow said application; and

WHEREAS, the findings of fact and conclusionary findings for approval are sufficient to justify the approval of said application; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The official zoning map of Yamhill County shall be and hereby is amended to change the zoning designation from "AF-10" to "VLDR-2 1/2" on Tax Lot 3209-5500 as more particularly identified on the attached Exhibit "B".

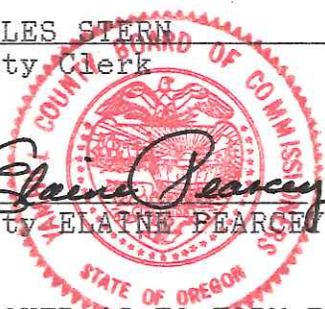
Section 2. The findings of fact and conclusionary findings for approval set forth in the staff memorandum of September 3, 1987, are hereby adopted in support of this action and are attached hereto as Exhibit "A".

Section 3. 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 at McMinnville, Oregon this 23rd day of September, 1987.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



By: Elaine Pearcey
Deputy ELAINE PEARCEY

David E. Bishop
Chairman DAVID E. BISHOP
Date: Sept. 23, 1987

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI
Date: Sept 23 1987

APPROVED AS TO FORM BY:

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

Donald D. Porter
Commissioner DONALD D. PORTER
Date: Sept 23, 1987

EXHIBIT "A"

Docket: Z-3-87
 Request: A zone change from AF-10 to VLDR-2 1/2 in an area Plan designated Very Low Density Residential.
 Location: Approximately 1/4 mile Northeast of the City of Newberg on the East side of Springbrook Road, Tax Lot 3209-5500.
 Applicants: George & Anita McKay.

FINDINGS OF FACT

1. The applicant has requested a zone change from AF-10 to VLDR-2 1/2 on 30.34 acres that is presently plan designated VLDR.
2. The subject property consists of a 10 acre parcel and a 20+ acre parcel that were created by partitioning in 1984 (P-1401-84). There are presently 2 dwellings located on the subject property. The land is not currently in farm use.
3. The property is located approximately 1000 feet northeast of the Newberg Urban Growth Boundary. The property is accessed by both David Lane and Owl Lane, public roads which connect to County roads (Springbrook Rd and Kincaid Rd, respectively).
4. The subject property and lands abutting the site on the north, west and south are plan designated VLDR. This area was included in Exceptions Code Area 1.4 (North Newberg). According to the Exceptions Statement II, adopted as supplementary findings for the taking of an exception to statewide Goals in 1980, "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. The study area consists predominantly of parcels 10 acres or less in size and has 4 existing subdivisions which comprise over 50 percent of the total parcels".
5. Services currently provided to the property include electric power through PGE, telephone service through GTE, the Newberg Public School District 29J, fire protection by the Newberg Rural Fire District, the Yamhill County Sheriff's Department, and access via two public roads with 60 foot rights-of-way. One of the roads is paved, the other is gravel surfaced. Water will be provided by individual wells and sewer service by individual septic systems.
6. A 35.34 acre property abutting the subject property on the Southwest was rezoned from AF-10 to VLDR-2 1/2 in 1983 (Z-237-83; Ordinance No. 351). The property was subdivided into 13 lots in May of 1985 (Country Estates Subdivision). As part of the subdivision process, all 13 lots received septic approvals. Additionally, a test well was drilled near the center of the subdivision to provide a general basis of water information to prospective land purchasers. The well log for the test well indicated a depth of 195' and a yield of 50 gallons per minute.
7. Since subdivision approval in 1985, 5 lots within Country Estates have been sold and 4 have been developed with residences.

8. Lands zoned VLDR-2 1/2 abut the subject property on the north, west and south. Lands to the east are zoned AF-20 and plan designated AFLH. Within the VLDR-2 1/2 zoned area to the north, west and south approximately 70 % of the parcels are developed.
9. There are over 360 acres of VLDR-1 zoned land in the Newberg area and over 1,200 acres of VLDR 2 1/2 zoned land. Although much of the VLDR 2 1/2 zoned land is developed, a quick survey indicated that there are at least fifteen parcels over ten acres in size, seven parcels 20 acres in size and one parcel 50 acres in size within the VLDR-2 1/2 zoned areas. It is not known how many of the undeveloped parcels are available for sale or suitable for development.
10. At this writing, no public agency comments have been received regarding the application.
11. The Newberg/Dundee PAC considered the application at their meeting of July 22, 1987; however, no quorum was present and, therefore, no official recommendation could be made.

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 AF-10 to VLDR-2 1/2 is consistent with the Comprehensive Plan in that the property is plan designated VLDR, which provides for residential development on parcels of from one to five acres. Further, the property was included in Exceptions Code Area 1.4 and, through the 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. Approval of the request 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 land adjacent to the City of Newberg. Since the subject property is bordered on three sides by VLDR-2 1/2 zoned land and on the west and south by developed subdivisions, use of the property as a farm unit is severely limited and is not a realistic use of the land. Additionally, most services are already available to the site and, therefore, development of the property at VLDR densities will be in accord with existing land uses, planned residential densities and available public services.

3. The proposed zone change is timely considering the following:
- a. The subject property is bordered by developed, rural residential subdivisions that are zoned VLDR-2 1/2 thereby limiting its potential as potential farm land.
 - b. Existing dwellings on adjacent lands are served by on-site septic systems, wells and community water and, through the exceptions process, it was determined that the area exhibited fair or better water availability and fair to good soil suitability for septic systems. As such, development of the subject property will not require the costly extension of urban facilities or services, but instead can be accommodated on an individual parcel basis.
 - c. It has been County practice in the past to grant those requests which bring zoning into conformance with the Comprehensive Plan map designation, particularly in VLDR areas. In that the subject property is plan designated VLDR, approval of the zone change to VLDR-2 1/2 will be consistent with previous County actions.
4. Although other VLDR-2 1/2 zoned lands exist in the County, the availability of such lands for development is not known at this time. Further, the subject property is suitable for VLDR-2 1/2 zoning considering the existing development pattern and density on surrounding properties, area 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 development.

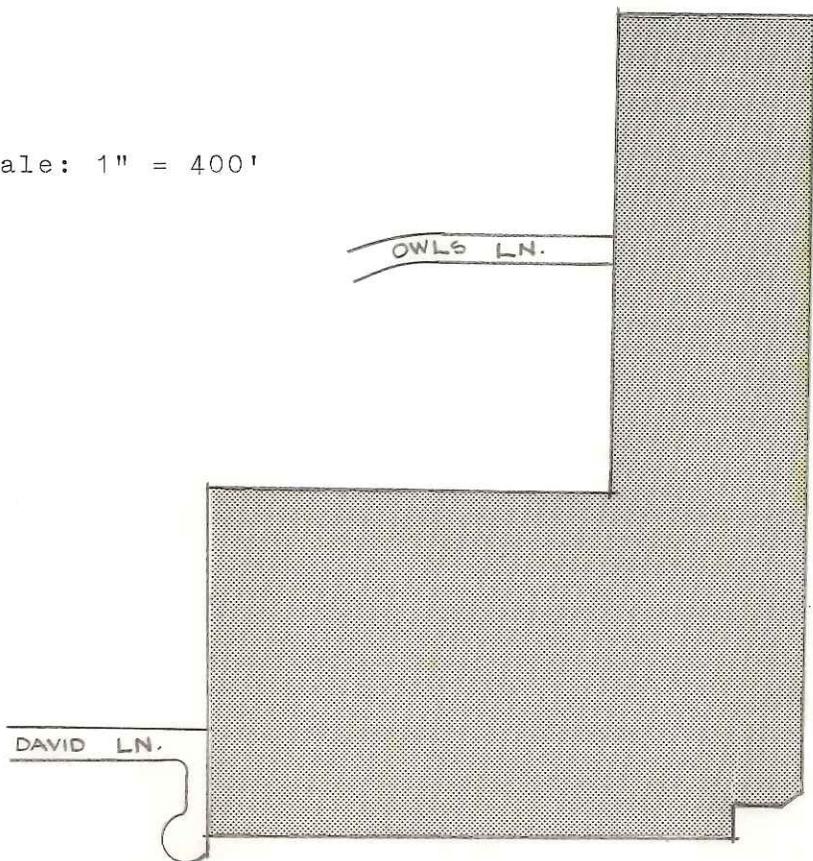
SKETCH MAP FOR COMPREHENSIVE PLAN AMENDMENT
EXHIBIT "B" FOR ORDINANCE NO: 451
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY THE
YAMHILL COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 23, 1987

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TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION
FROM "Agriculture/Forestry Small Holding"
TO "Very Low Density Residential"
TO CHANGE THE OFFICIAL ZONING MAP
FROM "AF-10" TO "VLDR-2 $\frac{1}{2}$ "

Applicant: George & Anita McKay
Address: 29600 N.E. Owls Lane
Newberg OR 97132
Phone: (503) 538-5277
Tax Lot No: 3209-5500
Docket No: Z-3-87

Scale: 1" = 400'



Change applies to entire portion of Tax Lot No: 3209-5500.

Sketch prepared by Yamhill County Department of Planning & Development.