

IN THE BOARD OF COUNTY COMMISSIONERS FOR THE STATE OF OREGON

84-389

IN THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Implement Planning Commis-)
sion Resolution 83-16 Authori-)
zizing an Amendment to the Yam-)
hill County Zoning Ordinance)
No. 310, 1982, Requested by)
Gary and Patty Kenner and)
Gene and Bruce Belt)

ORDINANCE NO. 383

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 11th day of July, 1984, sat for the transaction of County business in regular session, Commissioners David E. Bishop, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, pursuant to ORS 215.402 to 215.422 and 1301.01 (C) (8) of the Yamhill County Zoning Ordinance, decisions by the Yamhill County Planning Commission to approve or deny requests for amendment to the Zoning Ordinance are final unless an aggrieved party appeals to the Board within fifteen days, or unless the Board in its discretion elects, pursuant to Section 1301.05 of the Zoning Ordinance to review the decision on its own motion within fifteen days; and

WHEREAS, the Planning Commission has adopted Resolution 83-16 attached hereto as Exhibit "A" and incorporated herein by this reference, as if fully set forth herein, said Resolution approving an amendment to the Zoning Ordinance upon the application of Gary and Patty Kenner and Gene and Bruce Belt; and

WHEREAS, more than fifteen days has elapsed since the decision made April 5, 1984, by the Planning Commission to approve said zone change request and no appeals to or reviews by the Board have been requested, NOW THEREFORE, BASED UPON AND FOR THE REASONS SET FORTH in the attached Resolution No. 83-16,

IT IS HEREBY ORDAINED BY THE BOARD that the official zoning map of the Yamhill County Zoning Ordinance be and hereby is amended, consistent with and as set forth in the attached Resolution No. 83-16 of the Yamhill County Planning Commission, attached hereto as Exhibit "A" and incorporated herein by this reference as if fully set forth herein, to change the zoning on Tax Lots 3503-1000, 3503-1100, and 3503-1200 from "EF-40" to "AF-20" in its entirety.

THIS ORDINANCE being necessary for the health, safety and welfare of the citizens of Yamhill County and an emergency having been declared, shall be effective upon passage hereof.

DONE this 11th day of July, 1984, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

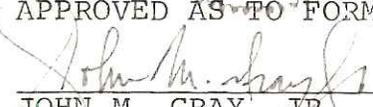

CHARLES STERN
County Clerk

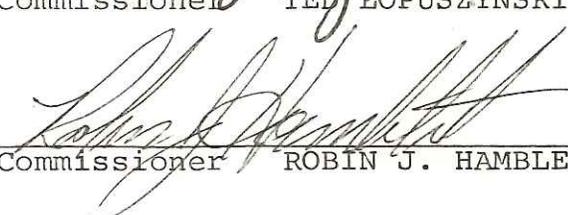

Chairman DAVID E. BISHOP

By: 
Deputy ELAINE PEARCEY


Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:


JOHN M. GRAY, JR.
Assistant County Counsel


Commissioner ROBIN J. HAMBLET

ORDINANCE NO. 383

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,)
Ordinance No. 310, 1982 as requested) RESOLUTION NO: 83-16
 by Gary and Patty Kenner, Gene and)
 Bruce Belt)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 5th day of April, 1984, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Treadway, Bunn, Miller, Philpott, Bennette, Weidemann, Schatz and Sadler were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 on the 1st day of December, 1982, being the Yamhill County Zoning Ordinance text and Official Zoning Map; and

WHEREAS, ORS 215.020 provides that a governing body may create a county planning commission and, pursuant to ORS 215.406, may designate the planning commission to serve as a hearings officer with all the power and duties of a hearing officer as prescribed by ORS 215.010 and 215.402 to 215.422; and

WHEREAS, the Yamhill County Board of Commissioners created the Yamhill County Planning Commission by adoption of an unnumbered Board Order on the 6th day of November, 1957 and designated that planning commission as the hearings body for petitions for amendments to the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 by adoption of Ordinance No. 138 on the 1st day of June, 1977; and

WHEREAS, it appears to the Planning Commission that a petition submitted on behalf of Gary and Patty Kenner, Gene and Bruce Belt has been filed with the Yamhill County Department of Planning and Development, pursuant to Section 1207 of Ordinance No. 310 to amend said Ordinance, and change the Official Zoning Map designation from EF-40/AF-20 to AF-20 for a parcel described as being a 148 acre tract; and

WHEREAS, the Yamhill Planning Advisory Committee reviewed the amendment request at public meeting and recommended approval of the request; and

WHEREAS, the Planning Commission, on the 5th day of April, 1984, held a public hearing as required by ORS 215.223 and 215.416 on the proposed amendment and voted to recommend approval the request based on the findings and conclusions attached hereto as Exhibit "A" and by this reference made a part hereof;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Official Zoning Map be and hereby is amended to show the Zoning Designation on a 148 acre portion of Yamhill County Tax Lot 3503-1000, 1100, and 1200 as AF-20 as shown on the sketch plan attached hereto as Exhibit "B" and by this reference made a part hereof.

This resolution shall be in force and effect from and after the date the change is properly recorded on the Official Zoning Map. The Yamhill County Planning Director be and hereby is directed and authorized to amend said Official Zoning Map in conformance with this Ordinance.

DONE this 5th day of April, 1984.

AYES: Schatz, Weidemann, Bennette, Philpott, Miller, Bunn, Treadway
Sadler

NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman on this 19th day of April, 1984.

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION


 Lynn Steiger
 Planning Director

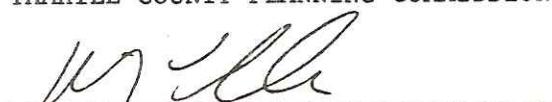

 Dick Sadler, Chairman

EXHIBIT "A"

Findings of Fact

1. The applicant has requested to change the zoning on the subject property from an EF-40/AF-20 mixture to entirely AF-20.
2. The subject property is 148 acres and includes 3 tax lots under 2 ownerships. Approximately 84 acres of the subject property are zoned EF-40 and the remaining 64 acres are zoned AF-20.
3. The EF-40/AF-20 District boundary on the property generally follows vegetation lines, with the EF-40 zoned area being relatively cleared and the AF-20 zoned area wooded. The zoning pattern on the surrounding area is consistent with the EF-40/AF-20 zoning pattern which exists throughout the County. In general AF-20 zoned lands are wooded, or otherwise uncleared and steep; EF-40 zoned lands are predominantly cleared and cultivated.
4. There is currently a dwelling, a barn and shop located on the subject property. The applicant has indicated that approximately 23 acres of the property have been farmed in the past; however, because of steep slopes, rocky soil and wet areas, crop production has not been profitable or continuous.
5. During 1979 and 1980 approximately 20,000 to 25,000 fir trees were planted on the subject property, thereby significantly reducing the number of acres of the property that are now cleared. Additionally, through natural seeding, fir trees have begun to grow over some of the remaining cleared area.
6. The soils on the subject property are predominantly Peavine silty clay loam with slopes of between 2 to 30 percent. These soils are generally agricultural Class IV and VI and all soils on the property are woodland site class 2 for Douglasfir production.
7. Surrounding parcels range in size from 2 acres to over 100 acres. Parcels generally conform to the minimum parcel size standards of the AF-20 and EF-40 Districts. Land uses on nearby properties include timber production, livestock grazing, pasture and hay production, and grain production.
8. A 62 acre parcel abutting the subject property on the southeast was rezoned from EF-40/AF-20 to entirely AF-20 in 1983 (Z-246-83).
9. The following public agency comments have been received:
 - a) SWCD - No conflict with Districts' interests.
 - b) County Engineer - No conflicts with Road Department's interest.
 - c) County Sanitarian - No conflicts with Department's interests.
10. The Yamhill PAC reviewed the application at their meeting of March 22, 1984 and unanimously recommended approval of the application based upon the conclusion that the land was unsuitable for commercial crop production but was highly suitable for the production of Douglas fir.

Conclusionary Findings

Approval

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

1. The proposed zoning boundary realignment is consistent with the Comprehensive Plan in that the Comprehensive Plan Map designation of "AFLH" applies to both the EF-40 and AF-20 Districts. Further, both the EF-40 and AF-20 Districts are considered agriculturally protective and, therefore, the proposed realignment would not be inconsistent with County agricultural policies.
2. There is an existing, demonstrable need for the proposed zone realignment considering that the EF-40 District is intended to preserve and maintain the production of crops while the AF-20 District is intended to preserve and maintain the production of crops and forest products; and further considering that due to the planting of 20,000 to 25,000 Douglas fir trees and the natural seeding of the property to fir trees, the subject property more nearly meets the intent and purpose of the AF-20 District rather than the EF-40 District.
3. The proposed zone realignment is timely considering the following changes that have occurred on the subject property and the surrounding area since the Official Zoning Map was adopted in 1976:
 - a) 20,000 to 25,000 Douglas fir trees have been planted on the subject property, thereby significantly reducing the number of acres of the property that are now cleared or are suitable for preservation for crop production. Additionally, through natural seeding fir trees are encroaching into part of the remaining cleared area and, therefore, the amount of land that is suitable for crop production is being further reduced and replaced with lands under timber production.

Recommendation

Based on findings of fact and conclusionary findings for approval, the staff recommends approval of the request.

EXHIBIT "B"

