

file.

FILED

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

84-480

FOR THE COUNTY OF YAMHILL

1984 OCT -2 AM 10:48

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS CHARLES STERN
COUNTY CLERK

In the Matter of an Ordinance to)
 Implement Planning Resolution No.)
 84-22 and Authorizing an Amend-)
 ment to the Yamhill County Compre-)
 hensive Plan Map, Ordinance No. 62,) ORDINANCE NO. 386
 1974, to Change the Plan Map Desig-)
 nation From Public Facilities to)
 Parks and Recreation on Approximately)
 Five Acres of Tax Lot 5512-300, Re-)
 quested by Yamhill County)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 26th day of September, 1984, sat for the transaction of County business, in special session, Commissioners David E. Bishop, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, Yamhill County has made application to the Department of Planning and Development for an amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan Map designation from Public Facilities to Parks and Recreation on approximately five acres of a 42 acre tract known as Tax Lot 5512-300; and

WHEREAS, on July 19, 1984, the Yamhill County Planning Commission voted unanimously to recommend to the Board that the Comprehensive Plan Map be amended as requested by the applicant for the reasons set forth in the attached Exhibit "A"; and

WHEREAS, on August 15, 1984, the Board held a public hearing on the question of whether to amend the Yamhill County Comprehensive Plan Map as requested by the applicant and voted unanimously to amend said Plan Map as requested, for the reasons set forth in the attached Exhibit "A" constituting the findings of fact and conclusionary findings for approval;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Yamhill County Board of Commissioners as follows:

Section 1. The Yamhill County Comprehensive Plan Map, Ordinance No. 62, 1974, be and hereby is amended to change the Plan Map designation on a 5 acre portion of a 42 acre tract known as Tax Lot 5512-300, more particularly identified on the attached Exhibit "B" from Public Facilities to Parks and Recreation for the reasons set forth in the attached findings of fact and conclusionary findings for approval, identified as Exhibit "A" 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 immediately upon passage hereof.

DONE this 26th day of September, 1984, at McMinnville, Oregon.

ATTEST:
CHARLES STERN
County Clerk

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:
John M. Gray Jr.
JOHN M. GRAY, JR.
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

David E. Bishop
Chairman DAVID E. BISHOP

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET

ORDINANCE NO. 386

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,)
No. 310, 1982 as requested by)
Yamhill County

RESOLUTION NO. 84-22

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 19th of July, 1984 sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Bennette, Miller, Philpott, Schatz, Treadway and Weidemann were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, No. 310 in 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 hearings 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 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 Yamhill County 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 Public Works/Safety (PWS) for a parcel described as being a 5 acre tract; and

WHEREAS, the McMinnville Planning Advisory Committee reviewed the amendment request at a public meeting and approved the request; and

WHEREAS, the Planning Commission, on the 19th of July, 1984 held public hearing as required by ORS 215.223 and 215.416 on the proposed amendment and voted to approve 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 5 acre portion of Yamhill County, Tax Lot 5512-300 as Parks, Recreation, Open Space (PRO) 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.

Such amendment is to be done in conjunction with a Comprehensive Plan map change from Public Facilities to Parks and Recreation recommended by the Planning Commission to be approved by the Board of Commissioners for the same area.

DONE this 19th day of July, 1984

AYES: Bennette, Miller, Philpott, Schatz, Treadway and Weidemann.

NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman this 19th day of July, 1984

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION



Lynn Steiger
Planning Director



Dick Sadler, Chairman

Findings of Fact

1. The Whiteson Landfill is under postclosure requirements of the Department of Environmental Quality. An element of those requirements is to provide rip-rap protection of an area of severe streambank erosion where the site abuts the South Yamhill River.
2. The South Yamhill River lacks adequate public access for water-based recreational uses: fishing, hunting, and recreational boating. The closest public boat landing to the site is Kiwanis Park, sixteen (16) river miles downstream.
3. The acknowledged Comprehensive Plan identifies the development of water-based recreational facilities as an area of need within Yamhill County (see Goals and Policies identified in the applicant's justification).
4. The project has been coordinated with DEQ, ASCS, SWCD, State Fish and Wildlife and the State Marine Board. A grant of \$10,150 has been awarded by the State Marine Board and State Fish and Wildlife is contributing \$7,920 in materials to the project, together with engineering assistance on the ramp project. A separate grant has been requested through SWCD/ASCS for the bank stabilization work.
5. The statement of justification addresses the pertinent criteria as required by the amendment process.
6. Staff has not received any adverse comments regarding the proposal. The following agencies have reviewed the request and have not found any conflicts with their interests:
 - DEQ
 - State Fish & Wildlife
 - S.W.C.D.
 - County Environmental Health
 - DLCD was notified on June 12, 1984, and we have not received any comments.

Decision-Making Criteria

Section 1201.02 Review Criteria

- B. 1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
2. That there is an existing, demonstrable need for the particular uses proposed for the property once the zone is changed, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand for any goods or services which such uses will provide and the presence or absence and location of other such uses or similar uses in the area;
3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
4. That there are no other lands in the County already zoned for the proposed uses, or, if there are such lands, that they are either unavailable or unsuitable due to location, size or other factors.

Conclusionary Findings

1. The applicant has demonstrated that the proposal is consistent with the acknowledged goals and policies of the Comprehensive Plan; see item #1 in the statement of justification.

EXHIBIT "A"

2. The applicant has demonstrated that there is a lack of adequate public access to the South Yamhill River, and that the public recreational need is identified within the fabric of the acknowledged Comprehensive Plan.
3. The proposal is being coordinated with the final closure of the Whiteson Sanitary Landfill and with a variety of State and federal agencies. The timeliness of the proposal is characterized by their cooperative assistance in both dollars and materials.
4. Yamhill County does not own, and is not in a position to purchase, other lands on the South Yamhill River. There are no publicly owned facilities on the river above Kiwanis Park at River Mile #5.

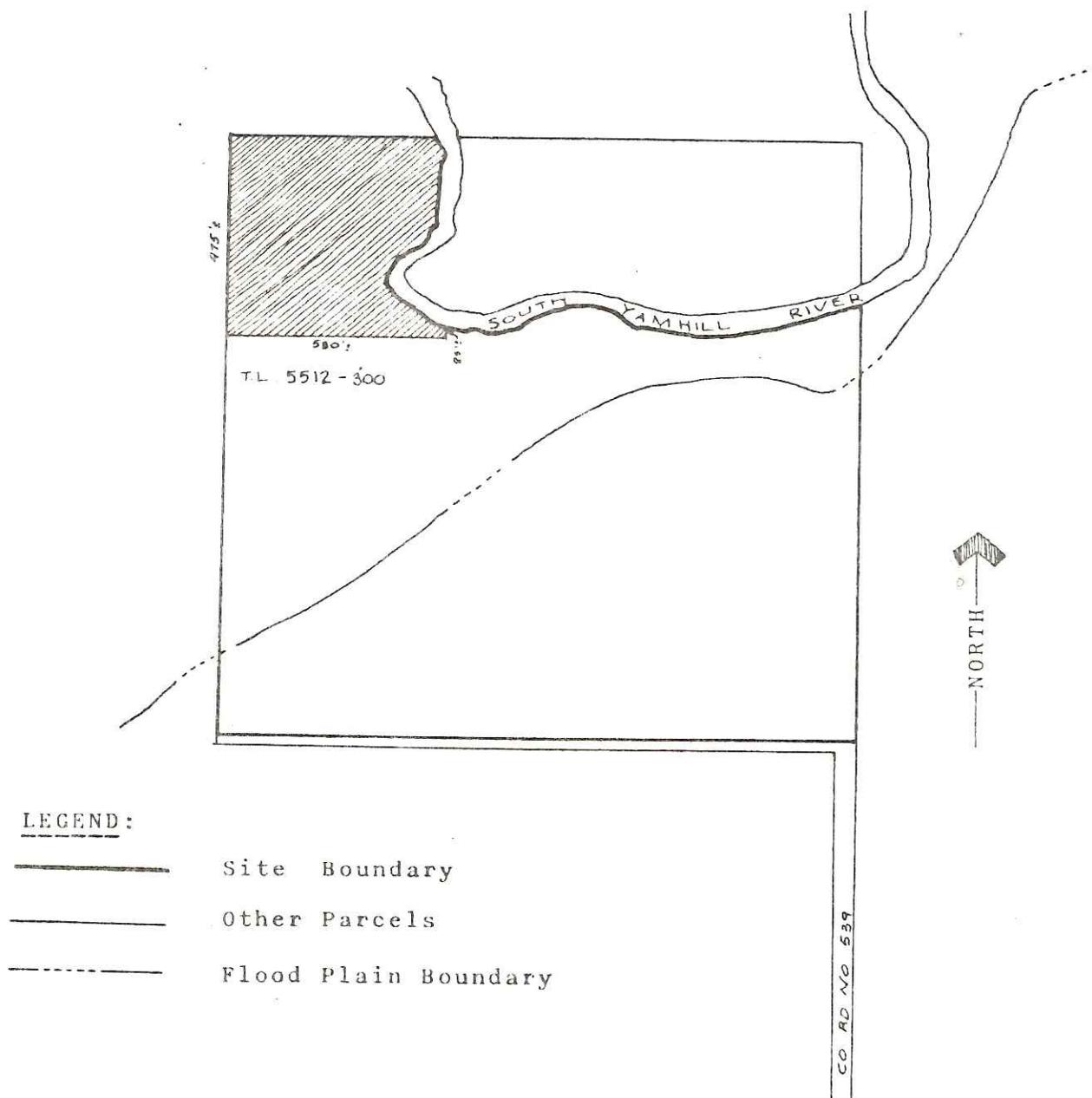
EXHIBIT "B"

SKETCH PLAN FOR COMPREHENSIVE PLAN AMENDMENT
SKETCH PLAN FOR OFFICIAL ZONING MAP AMENDMENT
EXHIBIT "B"

TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION
FROM "Public Facilities" TO "Parks and Recreation"
TO CHANGE THE OFFICIAL ZONING MAP
FROM "PWS" TO "PRO"

Applicant: Yamhill County
Address: 5th & Evans
McMinnville, OR 97128
Telephone: 472-9371
Tax Lot: 5512-300
Docket No.: PA-138-84/Z-254-84

Change applies to shaded portion of Tax Lot 5512-300



Sketch prepared by Yamhill County Department of Planning & Development.