

file

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YAMHILL COUNTY OREGON  
1984 OCT -2 AM 10:48  
CHARLES STERN  
COUNTY CLERK

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

84-481

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance to )  
Implement Planning Commission )  
Resolution 84-22, Authorizing an )  
Amendment to the Official Zoning )  
Map of the Yamhill County Zoning )  
Ordinance, No. 310, 1982, to )  
Change the Official Zoning on a )  
5 Acre Portion of a 42 Acre Tract )  
Known as Tax Lot 5512-300 From )  
PWS to PRO as Requested by Yam- )  
hill County )

ORDINANCE NO. 387

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 to change the Official Zoning Map from PWS to PRO on a 5 acre portion of a 42 acre tract known as Tax Lot 5512-300, more particularly identified on the attached Exhibit "B" in conjunction with a requested Plan Map amendment; and

WHEREAS, on July 19, 1984, the Yamhill County Planning Department voted unanimously to allow the request by the applicant for said zone change for the reasons set forth in Resolution 84-22, and the attached Exhibit "A", constituting the findings of fact and conclusionary findings for approval; and

WHEREAS, on August 15, 1984, the Board held a public hearing on the question of whether to grant said zone change request by the applicant and voted unanimously to allow said amendment for the reasons set forth in the attached Resolution 84-22, and the findings of fact and conclusionary findings set forth in the attached Exhibit "A" and incorporated herein by this reference;

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

Section 1. The Official Zoning Map of the Yamhill County Zoning Ordinance, No. 310, 1982, be and hereby is amended to change the official zoning on a 5 acre portion of a 42 acre tract known as Tax Lot 5512-300 as more particularly identified on the attached Exhibit "B" from PWS to PRO, for the reasons set forth in the attached Resolution 84-22 and the findings of fact and conclusionary findings for approval set forth in the attached Exhibit "A", 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:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

Chairman DAVID E. BISHOP

By: Elaine Pearcey  
Deputy ELAINE PEARCEY

Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:

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

Commissioner ROBIN J. HAMBLET

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

