

FILED

84-493

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 Commis-)
sion Resolution 84-21 Authori-)
zing an Amendment to the Yam-)
hill County Zoning Ordinance)
No. 310, 1982, Requested by)
Motorola C & E, Inc.)

ORDINANCE NO. 389

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, Motorola C & E, Inc. has applied to the Yamhill County Department of Planning and Development to change the official zoning on Tax Lot 2231-1800 from AF-20 to PWS on a 2.19 acre portion of said tax lot as more fully identified on the attached Exhibit "B", to allow for expansion of an existing radio communications facility; and

WHEREAS, on the second day of August, 1984, the Yamhill County Planning Commission unanimously recommended said zone change based upon the reasons set forth in the attached Planning Commission Resolution 84-21 and the findings of fact and conclusionary findings attached thereto; and

WHEREAS, on the 22nd day of August, 1984, the Board held a public hearing on the question of whether to grant said application and voted unanimously to allow such amendment in conjunction with the Comprehensive Plan map change from Agriculture/Forestry Large Holding to Public Facilities

NOW THEREFORE, based upon and for the reasons set forth in the attached Resolution, findings of fact and conclusionary findings, 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, December, 1982, be and hereby is amended to change the official zoning on Tax Lot 2231-1800 from AF-20 to PWS on a 2.19 acre portion of said tax lot as more particularly identified on the attached Exhibit "B" incorporated herein by this reference, for the reasons set forth in the attached findings of fact and conclusionary findings 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:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

David E. Bishop
Chairman DAVID E. BISHOP

By: *Elaine Pearcy*
Deputy ELAINE PEARCEY

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

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

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET

RESOLUTION

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance, No.) RESOLUTION NO. 84-21
310, 1982, as requested by Motorola)
C & E, Inc.)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 2nd day of August, 1984, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Treadway, Schatz, Miller, Bennette, Philpott 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 Motorola C & E, Inc., 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 Agriculture Forestry Large Holding (AF-20) to Public Works/Safety (PWS) for a parcel described as being a 2.19 acre portion of a 6.6 acre tract; and

WHEREAS, the Planning Commission, on the 2nd day of August, 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 2.9 acre portion of Yamhill County Tax Lot 2231-1800 as Public Works/Safety (PWS) 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 Agriculture Forestry Large Holding to Public Facilities recommended by the Planning Commission to be approved by the Board of Commissioners for the same area.

DONE this 2nd day of August, 1984

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

NAYES: _____

ABSTENTIONS: _____

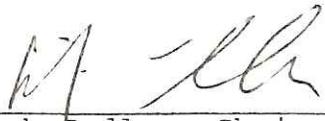
Approved by the Chairman on the 2nd day of August, 1984.

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION



Lynn Steiger
Planning Director



Dick Sadler, Chairman

EXHIBIT "A"

Findings of Fact

1. The applicant has requested a plan amendment/zone change on a two point nineteen (2.19) acre portion of the six point sixty (6.60) acre subject property to allow for updating and expansion of an existing communication facility.
2. The subject property was purchased by the applicant as an operating radio communications site in 1974. There is currently a 12' by 10' block building used for housing radio equipment and 2 antenna poles located on the subject property. The subject property fronts Mountain Top Road and has electric power provided to it.
3. The radio communications facility will consist of a 280 square foot building and a 160 foot high radio tower.
4. The applicant has indicated that the purpose of the radio communication facility is to provide service to police, fire and medical units as well as to public utilities and private businesses. The applicant has operated a similar service on the property for 10 years and indicates that there is now a need to update and expand the facility to meet the communication demands of today.
5. The subject property is presently used as a radio communications station and for pasture.
6. The soils on the subject property are Agricultural Class III, Laurelwood silt loam.
7. The adjacent land to the east is zoned PWS and is currently used for radio communication purposes. Other zoning in the area is predominantly AF-20.
8. Land uses on nearby parcels include radio communication facilities, rural residential development and farm uses. Those properties devoted to farm use include hay and pasture production and woodlots.
9. Although there are several PWS zoned sites in the County, they are all devoted to existing uses and are unavailable for further development.
10. State law provides that utility facilities may be established in any area zoned for exclusive farm use (ORS 215.283). However, the County Zoning Ordinance only allows for establishment of a utility facility within the PWS District.
11. The following public agency comments have been received:
 - A. County Engineer - No conflicts with the Road Department's interests.
 - B. County Sanitarian - No conflicts with Environmental Health's interests.
 - C. City of Newberg - No conflicts with the City's interests.
 - D. SWCD - No conflicts with the District's interests.
 - E. Newberg Fire District - No conflicts with the District's interests.
12. The Newberg/Dundee PAC will consider the application at their meeting of July 25, 1984. Their recommendation will be reported at the public hearing.

Approval

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

1. The facility is consistent with the applicable goals and policies of the County Comprehensive Plan in that:
 - a. All necessary services and utilities are currently provided to the site; therefore, the proposed radio communication facility will not require the extension of urban services to the site; and
 - b. The amount of Agricultural Class III land being taken out of potential production is very small considering that the applicant only proposes construction of a 280 square foot building and a radio tower; therefore, the remainder of the property can continue to be used as it is presently without interference.
2. There is an existing, demonstrable need for the proposed amendment considering that the proposed land use is a necessary expansion and updating of an existing radio communication facility on the subject property. The applicant has indicated that there is now a need to update and expand the existing facility to meet the communication demands of today, and approval of this amendment would help accommodate such an expansion.
3. The requested amendment is timely in that the existing communication facility on the property has been owned and operated by the applicant for 10 years and in order to keep pace with changing communication technology, the existing facility now needs to be updated and expanded. The requested amendment will allow for such an expansion.
4. Although there are other PWS zoned sites in the County. Those sites are devoted to existing uses and, therefore, are not available for further development. Further, in that there are existing radio communication facilities nearby and on the subject property and because the subject property abuts an existing, developed PWS zoned site, the proposed amendment appears compatible with surrounding land uses and serves as a logical site for expansion of the existing communication facility.
5. In that State law provides that Counties may allow utility facilities and other associated PWS uses within exclusive farm use areas, and because the proposed facility falls within the category of uses that State law provides for, no exception is necessary for the proposed use.

SKETCH PLAN FOR COMPREHENSIVE PLAN AMENDMENT
EXHIBIT "B" FOR ORDINANCE NO. 388

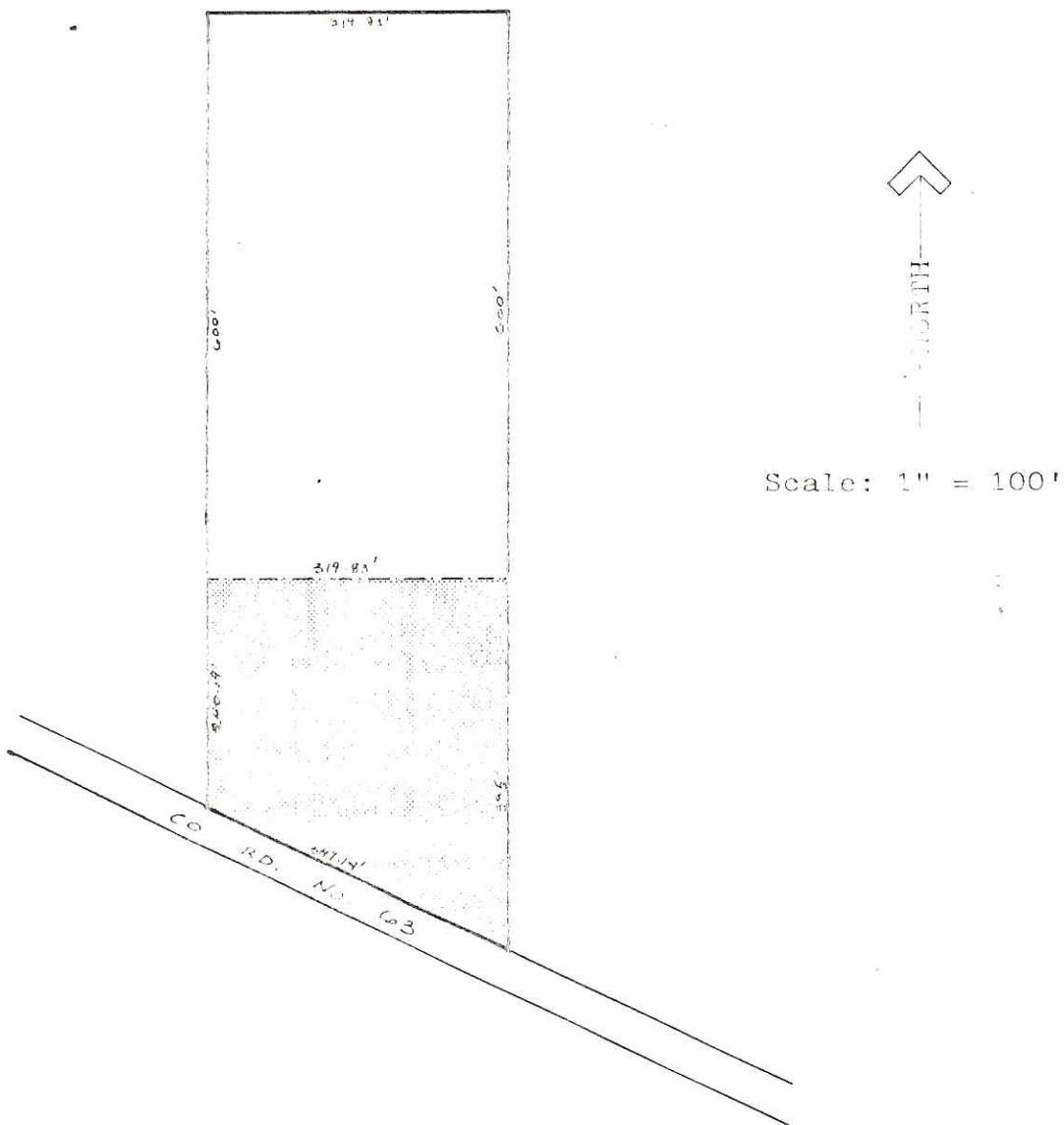
TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION
FROM "Agriculture/Forestry-Large Holding"
TO "Public Facilities"

SKETCH PLAN FOR OFFICIAL ZONING MAP AMENDMENT
EXHIBIT "B" FOR ORDINANCE NO. 389
TO CHANGE THE OFFICIAL ZONING MAP
FROM "AF-20" TO "PWS"

ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
September 26, 1984

Applicant: Motorola C & E, Inc.
Address: 1170 Chess Drive
Forest City, CA 94404
Telephone: (415) 349-3111
Tax Lot No.: 2231-1800
Docket No.: PA-137-84/Z-253-84

Change applies to shaded portion of taxlot 2231-1800



Sketch prepared by Yamhill County Department of Planning
and Development.