

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FILED
YAMHILL COUNTY, OREGON

83-281

FOR THE COUNTY OF YAMHILL

JUL 12 10 35 AM '83

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
to Implement Planning Commission)
Resolution No. 83-5 Authorizing)
an Amendment to the Yamhill County)
Zoning Ordinance, No. 310, 1982,)
requested by Glenn H. Eagon, Lee)
H. Grabner, and Frances J. Collier)

ORDINANCE NO. 346

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board) on the 15th day of June, 1983, sat for the transaction of County business, in special session, Commissioners Robin J. Hamblet, Dave Bishop, and Ted Lopuszynski 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 §1301.05 of the Zoning Ordinance to review the decision on its own motion within fifteen days, and

WHEREAS, the Planning Commission has adopted a Resolution approving an amendment to the Zoning Ordinance upon the application of the above named person(s), a copy of said Resolution being attached hereto and by this reference incorporated herein as if fully set forth herein, and

WHEREAS, more than fifteen days have elapsed since this decision was announced by the Planning Commission 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,

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 of the Yamhill County Planning Commission.

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 15th day of June, 1983 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Robin J. Hamblet
Chairman ROBIN J. HAMBLET

By: *Elaine PEARCEY*
Deputy ELAINE PEARCEY

DAVE BISHOP
Commissioner DAVE BISHOP

APPROVED AS TO FORM:

By: *John M. Gray, Jr.*
JOHN M. GRAY, Jr.
Assistant County Counsel

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

In the Matter of an Amendment to the)
 Yamhill County Zoning Ordinance,) RESOLUTION NO. 83-5
 Ordinance No. 310, 1982 as requested)
 by Glenn H. Eagon, Lee H. Grabner,)
 and Frances Collier)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 19th day of May sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Treadway, Bunn, Miller, Stockhoff, Grimm, Weidemann, Schatz, Bennette 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 Glenn Eagon, Lee Grabner and Frances Collier 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 VLDR-2½ to VLDR-1 for a parcel described as being 7.4 acre tract; and

WHEREAS, the Planning Commission, on the 19th day of May held a 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 7.4 acre portion of Yamhill County Tax Lots 4428-600, 700, 900 and 1000 as VLDR-2½ 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 19th day of May, 1983.

AYES: Treadway, Bunn, Weidemann, Grimm, Miller, Schatz, Stockhoff,
Bennette, Sadler

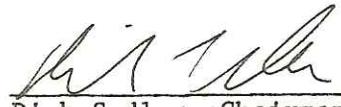
NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman on this 19th day of May, 1983.

ATTEST:

 Lynn Steiger
 Planning Director

YAMHILL COUNTY PLANNING COMMISSION

 Dick Sadler, Chairman

3. Docket: Z-234-83
 Request: An amendment to the Yamhill County Zoning Ordinance, Ordinance No. 83, 1976 to change the official zoning map from VLDR-2½ to VLDR-1 on a 7.4 acre tract in an area designated "Low Density Residential" on the Comprehensive Plan map.
- Applicant: Glenn H. Eagon
 Lee H. Grabner
 Frances J. Collier

Findings of Fact

1. The applicant has requested a zone change from VLDR-2½ to VLDR-1 on 4 tax lots which total 7.4 acres (see attached map). The 4 tax lots are under 3 ownerships.
2. There are currently 3 dwellings located on the subject property.
3. The subject property is located southeast of the City of McMinnville adjacent to the south side of Highway 18 and abutting the east and west sides of Lawson Lane.
4. The property is part of a subdivided, VLDR-2½ zoned area in which parcel sizes range from 1/4 acre to 3.4 acres. The VLDR-2½ zoned area totals approximately 19.58 acres and within this area there are 13 parcels under 10 ownerships. 5 of the parcels are less than 1 acre in size and only 2 of the parcels are larger than 2½ acres.
5. The subject property and surrounding area is plan designated "LDR"; however, because the location of the McMinnville Urban Growth Boundary was unknown at the time the County Exceptions Process was going on, the area was never excepted. In order to see how the subject property and surrounding area compared with excepted lands throughout the County, a worksheet similar to those used in the Exceptions Process has been completed (see Attached).
6. The soils on the subject property are agricultural Class II, Woodburn silt loam.
7. Land uses on surrounding properties include rural residential dwellings and small scale agricultural operations. Nearby uses within the McMinnville City Limits include residential subdivisions, a mobile home park, and commercial uses.
8. Surrounding lands are zoned VLDR-2½ and EF-40.
9. There are approximately 382 acres of VLDR-1 land outside of U.G.B.'s within the County. Approximately 360 acres are in the Newberg/Dundee area. There are no VLDR-1 lands outside of the McMinnville U.G.B. and within the McMinnville area.
10. Well log records for the area indicate well depths of between 71' and 120' and yields of between 12 to 60 gallons per minute. Most wells are between 90' to 100' deep and most wells yield 20 gallons per minute. The State Watermaster has indicated that such yields are more than adequate for domestic consumption.
11. The potential impact of the proposed zone change on the dwelling density in the area would be an increase of 4 dwellings. Further, if the entire VLDR-2½ zoned area were rezoned to VLDR-1, there would be a potential increase of 7 dwellings in the area.
12. The County Sanitarian has indicated that the overall septic feasibility for the area is good.
13. The County Engineer has reviewed the proposal and has found no conflicts with the Road Department's interests.
14. The Oregon Department of Transportation has reviewed the proposal and has found no conflicts with the Department's interests.
15. The McMinnville PAC will consider the application at their May 18, 1983 meeting. Their recommendation will be reported at the public hearing.

16. The applicant has submitted an application for amending the zone classification on the subject property from VLDR-2½ to VLDR-1; however, the applicant has not submitted information which specifically addresses the amendment criteria set forth in the Zoning Ordinance.

Decision-Making Criteria

The Planning Commission's decision must be based upon consideration of the amendment review criteria set forth under Section 1207 of the Zoning Ordinance.

Conclusionary Findings

Approval

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

1. The zone change request to amend the zoning on the subject property from VLDR-2½ to VLDR-1 is consistent with the Comprehensive Plan in that the property is plan designated "LDR", which provides for residential development of between 3 to 6 dwellings per acre. Further, even though the area has not been excepted, evaluation of the subject property and surrounding area based upon exceptions criteria indicates that the area would be deemed to be developed. The request would be consistent with rural area development goals and policies in that the area is plan designated "LDR" and the County recognizes such lands as the appropriate and desired location for rural residential development. Further, the area is already considered developed and is serviced by individual wells and on-site septic systems and the area has fair to better water availability and good soils for septic systems and, therefore, approval of the zone change request and potential increase of four dwellings in the area would not require the costly extension of urban facilities or services.
2. Approval of the request would allow for increased development in the area, thereby providing for efficient utilization of already developed land near the City of McMinnville. Further, approval of the zone change would provide the McMinnville area with at least a small amount of VLDR-1 zoned land.
3. The proposed zone change is timely considering the following:
 - (a) The overall dwelling density for the area is already greater than 1 dwelling per 2½ acres in that there are 11 dwellings in a 19.48 acre area, amounting to a dwelling density of 1 dwelling per 1.78 acres;
 - (b) The development pattern of the area is such that, through use of the exceptions criteria, the area is considered developed with a rural residential density percentage of 56.2 percent;
 - (c) Of the 13 parcels in the surrounding VLDR-2½ zoned area, only 2 are over 2½ acres in size. There are 5 parcels of less than 1 acre in size;
 - (d) There is an existing County Road which serves the area (County Road No. 197, Lawson Lane). The County Engineer has reviewed the zone change request and has found no conflicts with the Road Department's interests;
 - (e) Existing dwellings are served by on-site septic systems and wells and the soils in the area are generally favorable for septic systems. Further, well log records indicate fair to better water availability for domestic water supply.
4. Although other VLDR-1 zoned lands exist in the County, the subject property is also suitable for VLDR-1 zoning considering the development pattern and density on surrounding properties, area suitability for septic tank installation and domestic wells, efficient land use of an already developed area, and the relatively minor impact on the adjacent lands (potential development of not more than 4 dwellings). Additionally, at the present time, there are no VLDR-1 lands in the McMinnville area, outside of the McMinnville U.G.B., and this proposal would provide some VLDR-1 land for the McMinnville area.

LEGEND:

Applicant's property

Other properties

Zoning district boundary

Creek

Flood hazard area

Vegetation

Orchard

Exist. structures

○ Exhibit B



Scale: 1"=400'

Docket No: Z-254-83

