

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

83-379

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
to Implement Planning Commission )  
Resolution 83-8, Authorizing an )  
Amendment to the Yamhill County )  
Zoning Map, Requested by Frank )  
DeBenedetti )

ORDINANCE NO. 351

YAMHILL COUNTY  
OCT 5 11 35 AM '83  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on the 10 day of August, 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 Section 1301.05 of the Zoning Ordinance to review the decision on its own motion, within fifteen days; and

WHEREAS, Frank DeBenedetti has filed an application with the Yamhill County Planning Department to change the zoning on a 35.34 acre tract, requesting that the zoning designation for the parcel be changed from "AF-10" to "VLDR-2 1/2"; and

WHEREAS, on July 7, 1983, the Yamhill County Planning Commission held a public hearing and voted to approve the change in zoning on the 35.34 acre tract, said decision being reflected in the attached Resolution and Findings, which are by this reference incorporated herein as if fully set forth herein; and

WHEREAS, pursuant to Section 1301.05 the Yamhill County Board of Commissioners has elected to review this decision on its own motion; and

WHEREAS, on August 10, 1983, the Yamhill County Board of Commissioners held a public hearing to consider this request and determined to sustain the action of the Planning Commission in said zone change;

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 to reflect the change in zoning on the subject tract from "AF-10" to "VLDR-2 1/2", consistent with and as set forth in the attached Resolution and Findings 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 to exist, shall be effective upon passage hereof.

DONE this 10th day of August, 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:

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

*Ted Lopuszynski*  
Commissioner TED LOPUSZYNSKI

ORDINANCE NO. 351

In the Matter of an Amendment to the )  
Yamhill County Zoning Ordinance, ) RESOLUTION NO. 83-8  
Ordinance No. 310, 1982 as requested )  
by Frank DeBenedetti )

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 7th day of July, 1983, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Sadler, Schatz, Weidemann, Bennette, Stockhoff, Miller, Bunn and Treadway 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 Frank DeBenedetti 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 AF-10 to VLDR-2½ for a parcel described as being a 35.34 acre tract; and

WHEREAS, the Newberg Planning Advisory Committee reviewed the amendment request at a public meeting and recommended denial of the request; and

WHEREAS, the Planning Commission, on the 7th day of July, 1983, 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 35.34 acre portion of Yamhill County Tax Lots 3209-4600 and 4700 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 7th day of July, 1983.

AYES: Bunn, Treadway, Stockhoff, Bennette, Sadler

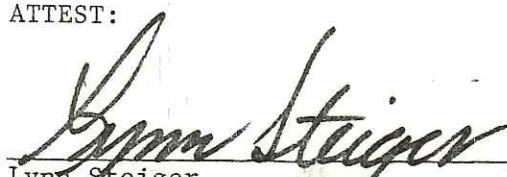
NAYES: Weidemann, Miller, Schatz

ABSTENTIONS: \_\_\_\_\_

Approved by the Chairman on this 7th day of July, 1983.

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION

  
Lynn Steiger  
Planning Director

  
Dick Sadler, Chairman

EXHIBIT A

Docket: Z-237-83  
Request: An amendment to the Yamhill County Zoning Ordinance, No. 310, 1982 to change the official zoning map from "AF-10" to "VLDR-2 1/2" on a thirty-five point thirty-four (35.34) acre parcel in an area designated "Very Low Density Residential" on the Comprehensive Plan Map and presently zoned "AF-10."  
Location: Approximately one-tenth (1/10) mile Northeast of the City of Newberg, East of County Road No. 55 in the Southeast 1/4 of Section 9, T3S-R2W, Tax Lot 3209-4600 and 4700.  
Applicant: Frank DeBenedetti.

Findings of Facts

1. The applicant has requested a zone change from "AF-10" to VLDR-2 1/2" on two tax lots which total thirty-five point thirty-four (35.34) acres (See attached map).
2. There are currently no dwellings on the subject property. The property has been farmed in the past and presently is in grass.
3. The property abuts the northeast border of the Newberg Urban Growth Boundary. County Road No. 55, a paved road, abuts the western edge of the property and Southern Pacific Railroad tracks form the southern property line.
4. The subject property and surrounding county lands are plan designated "VLDR". This area was included in Code Area one point four (1.4) (North Newberg) and was excepted during the County Exceptions Process. According to the Exceptions Statement II, "The entire North Newberg study area is committed to rural residential development. It is generally characterized by fair or better water availability, fair to good soil suitability for septic systems and good roads. The study area consists predominantly of parcels ten (10) acres or less in size and has four (4) existing subdivisions which comprise over fifty (50) percent of the total parcels."
5. Lands abutting the subject property and located within the Newberg Urban Growth Boundary are City Plan designated "Low Density Residential". The minimum lot size allowed in the City zone which corresponds to the "LDR" plan designation is seven thousand five hundred (7,500) square feet.
6. Lands zoned "VLDR-2 1/2" abut the subject property on the north and south. "AF-10" zoned lands abut the property on the east and west. Within the abutting "VLDR 2 1/2" zoned areas, sixty-three (63) percent of the parcels are developed with approximately sixty (60) dwellings on ninety-four (94) parcels.
7. Soils on the subject property are agricultural Class II Woodburn silt loam with slopes of between 0 to 12%.
8. If the subject property was developed to the highest density allowed in the "VLDR-2 1/2" District, fourteen (14) principal dwellings could be established. The applicant has indicated that thirteen (13) parcels would be created resulting in a potential traffic increase in the area of seventy-eight (78) trips per day and resulting in approximately twenty-six (26) students being added to local schools.
9. Land uses on surrounding properties include rural residential development and limited small scale farming. Within the City Limits of Newberg the predominant land use is residential subdivisions.
10. There are over three hundred sixty (360) acres of "VLDR-1" zoned land in the Newberg area and over one thousand two hundred (1,200) acres of "VLDR 2 1/2" zoned land. Although much of the "VLDR 2 1/2" zoned land is developed, a quick survey indicated that there are at least seventeen (17) parcels over ten (10) acres in size, eight (8) parcels twenty (20) acres in size and one (1) parcel fifty (50) acres in size within the "VLDR-2 1/2" zoned areas.

## 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 "AF-10" to "VLDR-2 1/2" is consistent with the Comprehensive Plan in that the property is plan designated "VLDR," which provided for residential development on parcels from between one (1) to five (5) acres. Further, the property was included in Code Area 1.4 and, through the exceptions process, the "VLDR" plan designation was found to be appropriate for the subject property and surrounding area.

With regard to specific rural area development goals and policies, in that the subject property is plan designated "VLDR" and the County recognizes such lands as the appropriate and desired location for rural residential development, the proposed zone change would be consistent with rural area development goals.

2. Approval of the request would allow for increased development of an area which was deemed to be committed to rural residential development through the Exceptions Process, thereby providing for efficient utilization of land adjacent to the City of Newberg. Further, since the subject property is bordered on two (2) sides by rural residential subdivisions zoned "VLDR 2 1/2" and borders the Newberg Urban Growth Boundary on another side, use of the property as a farm unit would be severely limited and would not be a realistic use of the land.
3. The proposed zone change is timely considering the following:
  - A. The subject property is bordered by developed, rural residential subdivisions zoned "VLDR 2 1/2" on two (2) sides and by the City of Newberg Urban Growth Boundary on another side thereby limiting its potential as commercial farm land.
  - B. Existing dwellings on adjacent lands are served by on-site septic systems, wells and community water and, through the exceptions process, it was determined that the area exhibited fair or better water availability and fair to good soil suitability for septic systems. As such, development of the subject property would not require the costly extension of urban facilities or services, but instead could be accommodated on an individual parcel basis.
  - C. There is a paved County Road abutting the entire western edge of the property and, through the subsequent subdivision process, any additional right-of-way required by the County Engineer must be dedicated. Further, through the Exceptions Process, the roads in the area of the subject property were found to be of good quality.
4. Although other "VLDR-2 1/2" zoned lands exist in the County, the subject property is also suitable for "VLDR-2 1/2" zoning considering the existing development pattern and density on surrounding properties, area suitability for septic tank installation, water availability, the existence of good access and the compatible nature of the proposed development with adjacent rural and urban residential development.

EXHIBIT B

