

83-531

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
Nov 15 1 20 PM '83
CHARLES STERN
COUNTY CLERK
DEPUT

In the Matter of an Ordinance)
to Implement Planning Commis-)
sion Resolution No. 83-13)
Authorizing an Amendment to)
the Yamhill County Zoning Ordi-)
nance, No. 310, 1982, as Requested)
by Gospel Chapel)

ORDINANCE NO. 359

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board), on the 9th day of November, 1983, sat for the transaction of County business, in special session, Commissioners Robin J. Hamblet, Dave Bishop and Ted Lopuszynski being present.

WHEREAS, Gospel Chapel has applied to the Yamhill County Planning Commission for an amendment to the Yamhill County Zoning Ordinance, No. 310, 1982, to change the Official Zoning Map from "VLDR-1" to "PAI" on a portion of a 4.09 acre parcel in an area designated "Low Density Residential" on the City of Newberg Comprehensive Plan Map; and

WHEREAS, on the 4th day of August, 1983, said request was considered by the Yamhill County Planning Commission at a regularly scheduled session; and

WHEREAS, the Yamhill County Planning Commission approved said request by unanimous vote; and

WHEREAS, said requested amendment is in the best interests of the people of Yamhill County for the reasons stated in the attached Resolution No. 83-13 and Findings adopted by the Yamhill County Planning Commission; NOW THEREFORE

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 and Findings of the Yamhill County Planning Commission for the reasons set forth therein.

DONE at McMinnville, Oregon this 9th day of November, 1983.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



By: Elaine Pearcey
Deputy ELAINE PEARCEY

Robin J. Hamblet
Chairman ROBIN J. HAMBLET

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

ORDINANCE NO. 359

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance, No.) RESOLUTION NO. 83-13
310, 1982 as requested by Gospel Chapel)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 4th day of August, 1983, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Miller, Bunn, Weidemann, Schatz, Stockhoff and Bennette were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning 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 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, No. 310 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 Gospel Chapel 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-1 for a parcel described as being a 4.09 acre tract; and

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

WHEREAS, the Planning Commission, on the 4th day of August, 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 4.09 acre portion of Yamhill County Tax Lot 3207AA-100 as PAI 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 4th day of August, 1983.

AYES: Miller, Bunn, Weidemann, Schatz, Stockhoff and Bennette

NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman on this 6th day of October, 1983.

ATTEST:


Lynn Steiger, Planning Director

YAMHILL COUNTY PLANNING COMMISSION


Dick Sadler, Chairman

Docket: Z-240-83

Request: An amendment to the Yamhill County Zoning Ordinance, No. 310, 1982, to change the official zoning map from "VLDR-1" to "PAI" on a portion of a four point zero nine (4.09) acre parcel in an area designated "Low Density Residential" on the City of Newberg Comprehensive Plan Map and presently zoned "VLDR-1".

Location: Approximately one (1) mile North of the City of Newberg, fronting the West side of Highway 219 (Hillsboro-Silverton Highway), in the Northeast 1/4 of Section 7, T3S-R2W, Tax Lot 3207AA-100.

Applicant: Gospel Chapel.

Findings of Fact

1. The applicant has requested a zone change on a 3.09 acre portion of the subject property from VLDR-1 to PAI to allow for establishment of a church. The property is located within the Newberg Urban Growth Boundary and is designated LDR on the City Comprehensive Plan Map. The City zone that corresponds to the LDR plan designation allows for churches as a conditional use.
2. There is currently a dwelling located on the subject property. The dwelling and one acre would remain in the VLDR-1 zone and the remaining 3.09 acres would be used for church facilities and parking.
3. The zone change is necessary to accommodate relocation of the Gospel Chapel from its present location within the City of Newberg to the subject property. The present church location has inadequate parking space and facilities for general church functions. Presently the church must rent another church's facility one evening a week and has temporarily discontinued some classes normally provided through the church.
4. The subject property is located at the intersection of State Highway 140 and County Road No. 62. The applicant has indicated that the access way would be off of the State Highway (see attached sketch map).
5. Land uses on surrounding properties include rural residences small-scale farm operations and a church. The North Valley Friends Church is located across the State Highway and abutting the southeastern edge of the subject property.
6. The only County zoning district which allows for churches is the PAI District. All PAI zoned land within the County is devoted to existing uses and is not available for further development, other than for normal expansion of existing uses.
7. At the present time the existing dwelling on the property is served by a 4" water line from Oliver Springs, a City of Newberg water supply. The applicant has petitioned the City of Newberg for an additional water hook-up for the proposed church site; however, the City Comprehensive Plan states that water shall not be provided outside the Newberg City Limits. The applicant has indicated that whether or not City water becomes available to the proposed church site, development of the site for the church will be pursued. A possible remedy that the applicant would pursue, if no other method of obtaining City water becomes available, would be to transfer the existing water hook-up from the dwelling on the property to the proposed church facility.

8. The following public agency comments have been received:
- a) County Engineer - No conflicts with Road Department's interest.
 - b) County Sanitarian - A septic approval was granted on the parcel for no more than 200 people.
 - c) Oregon Department of Transportation - The property was visited and it was determined that site access could not be made via the County Road. There is no problem with obtaining site access onto the State Highway since this is not a restricted access area. An approach road permit must be obtained from the O.D.O.T. and the point of access will be designated at that time.
 - d) City of Newberg, Planning Director - There is no authorization to provide City water for Gospel Chapel at this time. The water hook-up which provides water to the existing house cannot be used to provide water for the church. The City is looking at possible expansion of water hook-ups outside of the City limits, but presently the Comprehensive Plan states that water shall not be provided outside the City limits and there is certainly nothing that would authorize use of City water to the Gospel Chapel.
 - e) City of Newberg, Director of Public Works - There is some possibility that the City Council will reconsider the option of providing water connections outside the City limits, but within the urban growth boundary, to generate capital investment funds (see letter dated 7/26/83).
9. The Newberg/Dundee PAC considered the application at their July 27, 1983 meeting and voted unanimously to recommend approval of the request.

Conclusionary Findings

Approval

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

1. The request is consistent with those County goals and policies that concern urban containment and recognition of lands within established urban growth boundaries as the appropriate location for urban development, in that the subject property lies within the Newberg Urban Growth Boundary. Further, the subject property is City plan designated LDR and churches are allowed as a conditional use in the City zone that corresponds to the LDR plan designation and, therefore, the request is consistent with the City of Newberg Comprehensive Plan.
2. There is a demonstrated need for the request in that:
 - a) The proposed zone change would allow for relocation of an existing church facility.
 - b) The existing church facilities, located within the City of Newberg, have inadequate parking space for church members and the proposed site will resolve this problem; and
 - c) Because the existing church facilities are not of sufficient size to handle general functions of the church, additional church facilities must be rented on a weekly basis and important church classes have had to be temporarily discontinued. Development of the church on the subject property will provide the applicant with sufficient area to accommodate general church functions without having to rent additional facilities or without compromising basic church functions.
3. The requested zone change is timely considering the following:
 - a) The subject property is located within the Newberg Urban Growth Boundary, adjacent to an existing church. Further, the City zone that corresponds to the plan designation on the property allows for churches as a conditional use.
 - b) State Highway 140 abuts the property and the Oregon Department of Transportation has indicated that there will not be

a problem in obtaining an approach road permit from the State for purposes of providing access to the church.

c) A site approval for installation of an on-site septic system was granted for the parcel to serve the proposed church.

d) A City of Newberg water line currently serves the parcel and there is at least a possibility that the church will be granted a hook-up or that the existing hook-up can be transferred to the church. In any event, since the water service is currently provided to the site by way of a 4" water line, approval of the requested zone change will not necessitate the costly extension of public services to an area not currently provided with such services.

4. Although there are other PAI zoned properties within the County, the lands are committed to existing public assembly uses and are not available for new and different development.

