

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS 000381

In the Matter of a Amending the Yamhill County Zoning)
Ordinance §502.03(K) to Allow Parks as a Conditional Use) ORDINANCE 741
in Very Low Density Residential zones, Docket G-01-04)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on May 25, 2004, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

IT APPEARING TO THE BOARD that the Planning Director asked the Planning Commission to consider adding parks as add a conditional use in Very Low Density Residential zoning districts;

IT APPEARING TO THE BOARD that the Matter was heard by the Yamhill County Planning Commission on April 1, 2004, at a duly noticed public hearing . The Commission heard testimony and considered the evidence (there being no opponents), deliberated and voted 6-0 to approve the application. This approval was not appealed to the Board of Commissioners. The Board held a public hearing May 13, 2004, and no-one opposed the application. The Board voted 3-0 to approve the change and directed staff to prepare an ordinance and findings. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that YCZO §502.03(K) is hereby amended to add the following language as a conditional use:

Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves.

This amendment is based on the findings attached and by this reference incorporated into this ordinance.

DONE this 25th day of May, 2004, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN

County Clerk

By Carol White
Deputy Carol White

APPROVED AS TO FORM:

Rick Sanai

Kathy George
Chair KATHY GEORGE

Mary P. Stern
Commissioner MARY P. STERN

Leslie Lewis
Commissioner LESLIE LEWIS



B.O.04-302

HEARING DATE: Planning Commission - April 1, 2004
Board of Commissioners - May 13, 2004

DOCKET NO.: G-01-04

REQUEST: An amendment to add Section 502.03(K) to the Yamhill County Zoning Ordinance. The amendment would add the following use as a conditional use in the Very Low Density Residential zoning district:

Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves.

APPLICANT: Yamhill County

REVIEW CRITERIA: Section 1207 of the Yamhill County Zoning Ordinance; ORS 215 and 197.

FINDINGS:

A. Background

The Planning Director received a request to develop a park with ballfields on property within the VLDR Very Low Density Residential zone. While parks are allowed within the AF-10 Agriculture/Forestry Small Holding zone as a permitted use, they are not allowed as either a permitted or conditional use within the VLDR Very Low Density Residential zone. Since recreational uses are encouraged in the comprehensive plan it appears to be an oversight not to allow parks in the VLDR zone at least as a conditional use. Therefore, the Planning Director decided to forward this proposed amendment.

B. Zoning Ordinance Provisions and Analysis

1. Section 1207.02 of the YCZO contains the review criteria pertinent to the proposed zoning ordinance text amendments, stating:

A legislative amendment shall satisfy all applicable requirements of this ordinance in addition to the following:

- A. *An amendment to the text of this ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director.*

*Exhibit "A"
Ordinance 741
B.O.-04-302*

B. *The amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this ordinance, and with federal, state, or local government statutes, rules and regulations.*

2. Regarding criterion (A), the Planning Director has identified a need to amend the text of the YCZO to add the option of applying for a park as a conditional use in the VLDR Very Low Density Residential zone.

3. Regarding criterion (B), Section IV, Goal 1 directs the county:

To provide adequate recreational opportunities in both the rural and urban environments to meet existing and projected needs.

Allowing the opportunity for a park to be developed in the rural residential zone is in compliance with this goal. The proposed amendment is consistent with Comprehensive Plan policies, state statutes and administrative rules.

CONCLUSION:

1. The proposal is to amend the text of the Yamhill County Zoning Ordinance to allow parks to be a conditional use in the Very Low Density Residential zone.
2. The proposed text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.
3. The proposed amendment complies with Comprehensive Plan goals and policies, state statutes and administrative rules.

DECISION:

YCZO §502.03(K) is hereby amended to add the following language as a conditional use in VLDR zones:

Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves.

*Exhibit "A"
Ordinance 741
B.O. 04-302*