

81-236

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

File
FILED
YAMHILL COUNTY, OREGON
MAY 15 2 23 PM '81
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Amendment)
to Ordinance No. 234, Taking)
an Exception to Statewide Goals)
3 and 4 for Certain Properties,)
and Amending a Plan Designation)
and Zoning District for Certain)
Excepted Properties)

ORDINANCE NO. 266

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon (the Board), on the 6th day of May, 1981, sat for the transaction of County business, Commissioners Colin Armstrong, Ted Lopuszynski and Robin Hamblet being present.

WHEREAS, the Board enacted the Yamhill County Comprehensive Plan, 1974, Ordinance No. 62, on the 25th day of September, 1974; and

WHEREAS, the Board amended the Yamhill County Comprehensive Plan Map and Official Zoning Map by Ordinance No. 234, adopted by the Board on the 23rd day of April, 1980; and

WHEREAS, Exhibit A of Ordinance 234 provided the justification for an exception to LCDC's Statewide Planning Goals No. 3 and No. 4 taken for property not given Forest or Agriculture protective plan and zone designations; and

WHEREAS, the Yamhill County Planning Commission held a public hearing on April 16, 1981, and recommended that an exception be taken to Statewide Planning Goals No. 3 and No. 4 for property identified on the maps attached hereto and incorporated herein as "Exhibit A - Mekkers Exception" and "Exhibit B - Gaston Exception;" and

WHEREAS, the Yamhill County Planning staff, the Yamhill County Planning Commission and the Board have examined the Mekkers and Gaston Exceptions Areas and determined that the Plan Map and/or Zone Map designation should be changed for certain acreages.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS for Yamhill County Ordains as Follows:

SECTION 1 -- Exhibit A (Exceptions Rstatement II) of Ordinance No. 234 is hereby amended to incorporate the exception areas attached hereto and incorporated herein as "Exhibit A--Mekkers Exception" and "Exhibit B--Gaston Exception."

SECTION 2 -- The Official Zoning Map of the Yamhill County Zoning Ordinance and the map of the Yamhill County Comprehensive Plan are hereby amended as shown on the maps as "Exhibit B."

SECTION 3 -- An exception to LCDC's Statewide Planning Goals No. 3 and No. 4 is hereby taken for the property identified in "Exhibit A" and "Exhibit B."

SECTION 4 -- That "Exhibit A" and "Exhibit B" are hereby adopted as findings and justification for the amendments set forth in Sections 1 and 2 above.

SECTION 5 -- This Ordinance being necessary for the health, safety and welfare of the people of Yamhill County, and the Board of Commissioners having declared an emergency to exist, it shall be effective upon the approval hereof.

DATED this 6th day of May, 1981, in McMinnville, Oregon.

ATTEST:
CHARLES STERN, County Clerk

by Patricia A. Mullen
PATRICIA A. MULLEN

YAMHILL COUNTY BOARD OF COMMISSIONERS

Colin Armstrong
Chairman COLIN ARMSTRONG

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Robin Hamblet
Commissioner ROBIN HAMBLET

APPROVED AS TO FORM:

Daryl S. Garrettson
DARYL S. GARRETTSON
County Counsel

EXHIBIT A

LCDC GOAL 3 & 4 EXCEPTION STATEMENT MEKKERS AREA

Background

The Mekkers area is comprised of 3 parcels totalling 41 acres and is located at the western edge of the Urban Growth Boundary adopted by the City of McMinnville. The area is designated for "Very Low Density Residential" (VLDR) on the Yamhill County Comprehensive Plan. Since portions of the area are productive agricultural and forest soils, an exception to the State LCDC Goals 3 & 4 is necessary.

During the time the County developed exception statements for rural nonfarm and nonforest lands, the subject property was proposed for inclusion within the McMinnville Urban Growth Boundary, thereby, placing it in an urbanizable lands status. However, a request for land partitioning in this area has occurred prior to final County adoption of the McMinnville UGB; thus making it necessary to examine this area now.

The County's rationale and general findings for taking exception to the LCDC Goals 3 & 4 are included in the Exception Statement and Exception Statement II adopted as part of the County Comprehensive Plan. These statements form the basis of the exception procedure and criteria and are hereby made a part of this report.

Discussion

This study area is comprised of three parcels totalling 41 acres. It is topographically characterized by rolling hills of moderate-to-steep slopes, and is trisected by two principal drainageways. Approximately 70% of the soils on these parcels are typed Class 6 by the Soil Conservation Service, with the remaining 30% roughly divided between Classes 3 & 4. The parent geologic material underlying this study area is a mixture of recent basalts and marine sediments that can be encountered at very shallow depths.

The Mekkers study area is abutted on three sides by the McMinnville City Limits and is roughly divided into two parts by County Road #436, Squirrel Hill Road. Services to this area include: poor-to-fair water availability for domestic wells, fair soils for subsurface sewage systems, and close proximity to the McMinnville Rural Fire District. Parcel sizes range from 24 acres to 17 acres to 1 acre in size. The one acre parcel and the 24-acre parcel contain dwellings.

Summary

Several factors render the entire Mekkers study area committed to rural residential development. First and foremost is the poor agricultural potential associated with the soils on these parcels; the dominant soil type for the study area, known as Stony Land, graphically characterizes the agricultural limitations facing these newly formed soils. Additionally, these parcels are restricted agriculturally by steep slopes and a segmented terrain that results from the presence of two principal drainageways.

The study area's proximity to the City of McMinnville's City Limits is a further hinderance to any agricultural activities. The sole access to these three parcels is County Road No. 436 which enters from the east through lands contained within McMinnville's city limits that are designated for residential development. Thus, the movement of agricultural equipment and the application of common agricultural practices such as fertilization or spraying would be disruptive and onerous to adjacent urban environs.

A more appropriate use for these parcels would be as a rural residential buffer between McMinnville and the agricultural lands further west. The Mekkers area is considered by Yamhill County to be committed to rural residential use and unusable for long term agricultural or forestry production. This determination is based on the following findings and conclusions.

Findings and Conclusions

1. The area is committed to nonfarm and nonforest uses since it abuts the McMinnville City limits on three sides. The land within the City is designated and zoned for urban residential use. As the City lands are developed, conflicts with agriculture and forestry activities will arise.
2. The majority of the area is SCS Class VI agriculture soils with most of the remainder being Class IV. The soils are stony and generally unproductive for agricultural use. Portions of the area are steep and untillable.
3. The lands are divided into 3 parcels, 24 acres, 17 acres and 1 acre in size. Their size and orientation to City lands result in unavoidable conflicts between urban and resource use.
4. The property has no important relationship to nearby farmland due to steepness of terrain and orientation to City lands.
5. The area can fullfill rural residential development needs without compromising the basic County Goal of urban containment and orderly urban development.
6. The area is favorably located relative to jobs, goods and services of the City of McMinnville.

AF-20

TREES

CITY OF McMINNVILLE

TREES

FIELD

4524-900
16.9 AC.

EF-40

4524-1000
23.47 AC.

4524-100
1.24 AC.

VLDR-2 1/2

FIELD

FIELD

CITY OF McMINNVILLE

FIELD

EF-40

EXHIBIT B.

GOAL EXCEPTION STATEMENT

GASTON AREA

Introduction

The Gaston Urban Growth Boundary is being revised to exclude five parcels south of Olsen Road. The desire to have their parcels excluded from the UGB was expressed by the property owners at the March 5th Yamhill County Planning Commission meeting. At that meeting the Commission recommended that the five parcels be removed from the UGB and redesignated from "LDR" to "AFSH" on the County Comprehensive Plan and rezoned from "VLDR-1" to "AF-10."

Since the properties were within the UGB when Yamhill County adopted Exception statements for all other rural residential lands, the designation of these parcels as non-farm or non-forest land has not been justified relative to State Goal requirements. Pursuant to the rationale and findings made in the Exceptions Statement and Exceptions Statement II adopted by the Yamhill County Board of Commissioners, it is necessary to take an exception to lands designated "AFSH" and zoned "AF-10" that contain productive farm or forest soils.

The subject parcels with Tax Lot Numbers 2402-1400, 2402-1500, 2402-1600, 2402-1800 and 2402-1900 are considered by Yamhill County to be developed and irrevocably committed to nonfarm or nonforest uses. The following findings and conclusions specifically identify the level of commitment for the five parcels.

Findings

1. The 24-acre area includes five (5) parcels. Individual parcel sizes are 0.85 acre, 2.9 acres, 5.1 acres, 5.6 acres and 9.8 acres. Each parcel contains a dwelling unit.
2. The soils on these properties are SCS Class III for agriculture and Class 2 for forest production. Existing uses are family gardens and some livestock. No extensive farm or forest uses occur on these parcels.
3. The parcels are located on the south side of a narrow valley that rises steeply north and south to extensive farm and forest lands. The existence of Olsen Road, an active drainageway and steep terrain at the northern edge of these parcels act as physical barriers to minimize potential conflicts with future adjacent urban uses to the north and farm and forest activities to the south.
4. The parcels are served by County Road 271, Olsen Road, which is paved and provides access to Highway 47 one-half mile to the east.

5. The parcels are currently served by individual wells for domestic water and by individual septic tanks. The area will eventually be served by L.A. Water Cooperative for improved domestic water service.

Conclusions

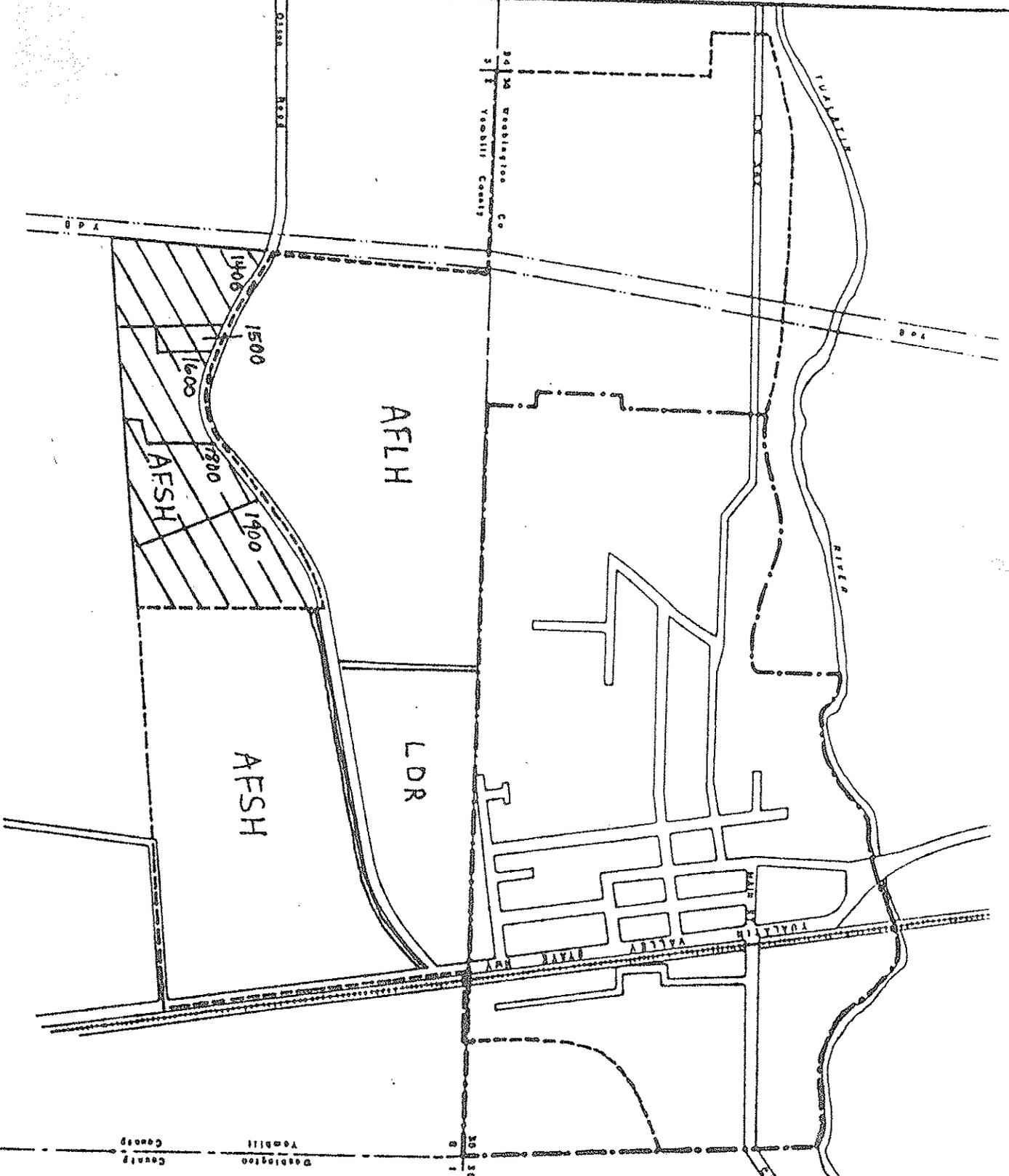
Based on the above findings, the following conclusions can be made:

1. The small size, steep slopes and existing dwellings result in little or no potential for agricultural or forestry uses for these 5 parcels. The parcels are already established in rural residential uses.
2. The establishment of an AFSH Plan-Designation and an AF-10 zone is consistent with the existing density and will result in no higher residential development or additional service demands.
3. These 5 parcels, while included in the Gaston UGB are identified as "developed" in the Gaston Comprehensive Plan and are not considered as available for future urban development.
4. An exception to Statewide Goals #3 and #4 is justified, as these parcels are already committed to rural residential uses.

Actions

So that the excepted parcels are consistent with the County Plan-Designations and Zoning Districts utilized for lands committed to rural residential use, the following actions are taken:

1. Tax Lots #2402-1400, 1500, 1600, 1800 and 1900 are hereby changed from a Very Low Density Residential (VLDR) Plan-Designation to an Agriculture/Forestry Small Holding (AFSH) Plan-Designation.
2. Tax Lots #2402-1500, 1600, 1800 and 1900 are hereby changed from a Very Low Density Residential-1 (VLDR-1) Zoning District to an Agriculture/Forestry-10 (AF-10) Zoning District.



City of
GASTON
 Urban Growth Boundary
 April 20, 1981

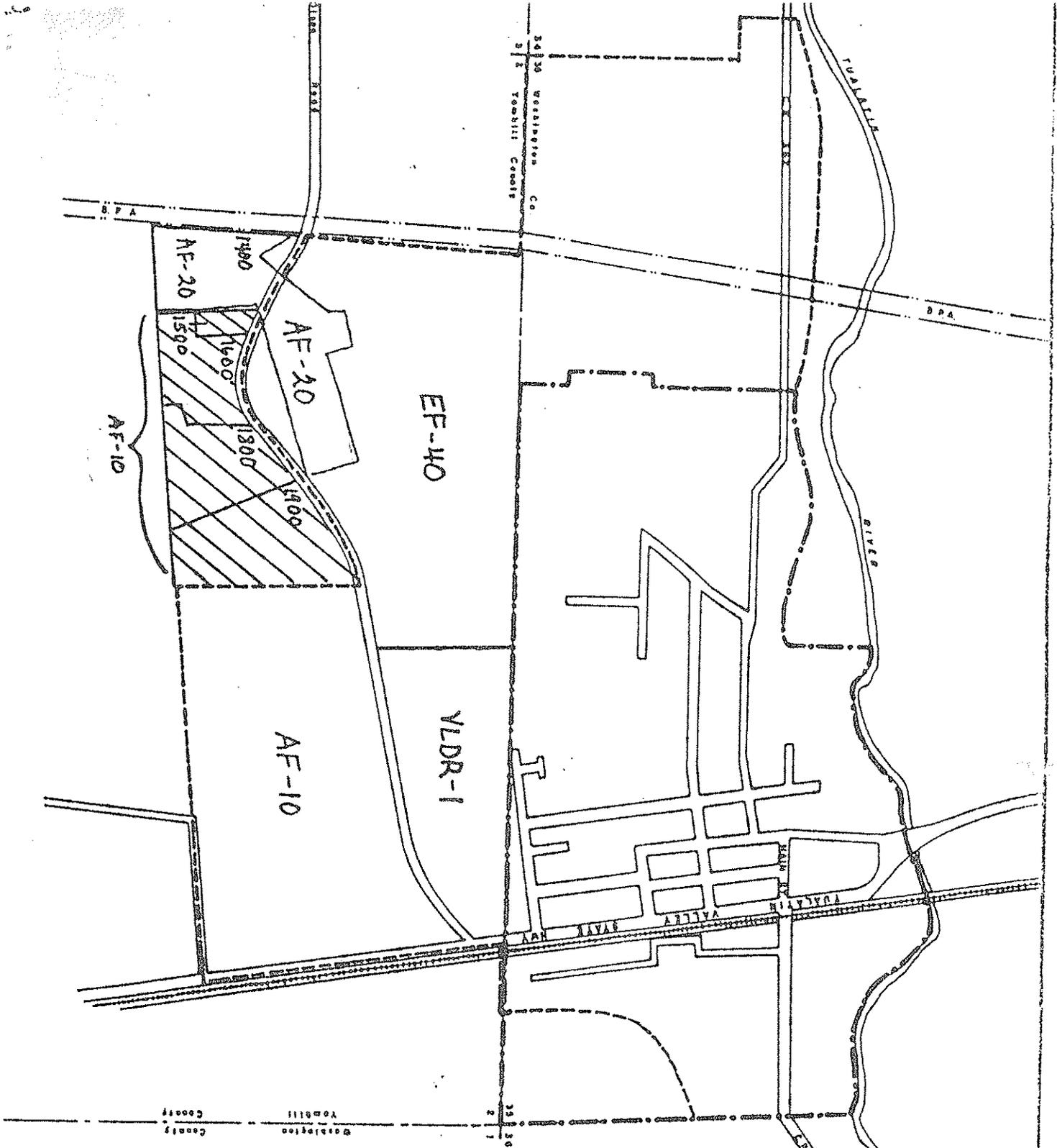
--- Urban Growth Boundary
 --- City Limits

YAMHILL COUNTY
PLAN DESIGNATIONS
T2S, RAW, SECTION 2

5/6/81



SCALE: 1" = 700' app.

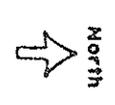


City of
GASTON
 Urban Growth Boundary
 April 20, 1981

Urban Growth Boundary
 City Limits

YAMHILL COUNTY
ZONING DISTRICTS
T25, RAW, SECTION 2

5/6/81



SCALE: 1" = 700'±