BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Comprehensive Plan Amendment from Very Low Density Residential to Commercial and a Zone Change From VLDR-2.5, Very Low Density Residential to NC, Neighborhood Commercial and Imposition of a Limited Use Overlay; Planning Docket PAZ-03-21; Tax Lot 4411-1400; Applicant: David Price; and Declaring an Emergency	)	Ordinance 916

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on July 29, 2021, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

IT APPEARING TO THE BOARD as follows:

A. David Price and Lone Oak Investments requested a plan amendment (from Very Low Density Residential to Commercial) and zone change (from Very Low Density Residential-2.5 to Neighborhood Commercial) for an approximately .35-acre parcel, Tax Lot 4411-1400, located at 3026 Lone Oak Road, McMinnville, to use as part of the applicant's existing Honda dealership;

B. This matter came before the Planning Commision for public hearing on June 3, 2021, without opposition, and the Planning Commission voted 6-0 to recommend approval of the application by the Board of Commissioners; and

C. Following a hearing on this matter on July 15, 2021, the Board voted 3-0 to approve the application. NOW, THEREFORE

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 2. The Comprehensive Plan Map and Zoning Map of Yamhill County are hereby amended to reflect a Plan Map designation of "Commercial" and a Zoning Map designation

of "Neighborhood Commercial" for the approximately .35-acre Tax Lot 4411-1400 identified on the attached Exhibit "B" map, incorporated herein by reference.

Section 3. A Limited Use Overlay District (YCZO section 904) is hereby applied to the subject property, limiting allowed uses to automobile sales and accessory uses.

Section 4. This Ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DONE this 29th day of July, 2021, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

By: Carolina Rook
Deputy Carolina Rook

Chair MARY STARRETT

Commissioner LINDSAY BERSCHAUER

Commissioner CASEY KULLA

FORM APPROVED BY:

Timothy S. Sadlo
Office of County Counsel

Exhibit A
Ordinance 916
Findings of Fact and
Conditions of Approval
Planning Docket PAZ-01-21

DOCKET NO.: PAZ-03-21

REQUEST: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Commercial and a zone change from VLDR-2.5, Very Low Density Residential to NC, Neighborhood Commercial.

APPLICANT: David Price

TAX LOT: 4411-1400

LOCATION: 3026 Lone Oak Road North, McMinnville

CRITERIA: Sections 502, 602, and 1208.02 of the Yamhill County Zoning Ordinance; Comprehensive Plan policies as discussed in these findings; OAR 660-12-0060 Transportation Planning Rule; Section 904, Limited Use Overlay.

I. FINDINGS:

A. Background Facts

1. *Lot size:* Approximately 0.35 acres.

2. *Access:* Lone Oak Road North

3. *On-site Land Use and Request:* The parcel is currently zoned for residential uses and has two existing structures on site. The existing dwelling and accessory structure are in significant disrepair and the property is heavily overgrown with blackberry bramble and nuisance vegetation. The property is located between the north and south bound travel lanes of Oregon Highway 99W. The ODOT right-of-way separates this parcel from the other sections of residentially zoned properties. The applicant is requesting the plan amendment to Commercial, and a zone change to Neighborhood Commercial.

4. *Surrounding Zoning and Land Use:* The parcels to the north, east, and west are zoned Very Low Density Residential, VLDR-2.5. These properties are a part of the St. Joe Orchard Homes subdivision that was platted in 1910 and are largely comprised of residential uses. To the southwest is an area zoned Neighborhood Commercial, NC. Across from Lone Oak Road is the Price Honda Dealership, owned by the applicant. This property was approved for operation of a car dealership under an approval for a special exception in 1980, Docket SE-30-80. North of the subject parcel is an ODOT drainage ditch. North of this ditch lies an ODOT right-of-way (ROW) where the westbound lanes of Highway 99W travel. To

the south of the property there is a steep embankment up to the Northeast-bound lanes of Highway 99W. Further to the south is Bunn Village, comprised of parcels also zoned Neighborhood Commercial. Bunn Village consists of a number of commercial businesses.

5. *Water:* The application indicates that the well that served the property previously has been decommissioned. Any future use that would require water would require drilling a new well.

6. *Sewage Disposal:* The applicant notes that the septic system that previously served the property has since been decommissioned.

7. *Soils:* The Yamhill County Soil Survey shows the entire parcel is composed of Amity Silt Loam (Am).

9. *Fish and Wildlife:* The property is not identified as being on any county adopted fish and wildlife habitat plan.

10. *Overlay Districts:* None.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The types of permitted uses in the Neighborhood Commercial Zone are provided in YCZO Section 602 as follows:

A. Automobile service station;
B. Automobile repair garage;
C. Drive-in restaurant, restaurant, or refreshment stand;
D. Food store, maximum floor area of two thousand (2,000) square feet;
E. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
F. Accessory uses;
G. Temporary structures as may be required during construction of an authorized permanent
structure. Such temporary structure shall be removed upon final inspection of the permanent
structure by the Building Inspector.
H. Community or municipal water supply system;
I. Community or municipal sewer system; and
J. Signs, pursuant to the sign provisions set forth in Section 1006
K. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section
1014. Site design review is not required for the accessory dwelling unit

The applicants request is for the Price Honda dealership located on the adjacent lot across Lone Oak Road to utilize the subject parcel to allow for an employee-accessed display parking lot. While this use is not specifically outlined in the permitted uses listed for the

Neighborhood Commercial zone, this use would be accessory to the existing car dealership on Tax Lot 4411-2200. This approval requires Site Design Review prior to establishment of uses accessory to the existing car dealership.

2. The Plan Amendment portion of the request must comply with the Yamhill County Comprehensive Plan, the Oregon Revised Statutes and the Oregon Administrative Rules, which will be addressed throughout these findings.

3. The zone change portion of the request must comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

   (A) The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

   Regarding criterion (A) above, since an exception to Statewide Planning Goals 3 and 4 has already been taken for the subject parcel, Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. Other Plan goals and policies which may be pertinent are addressed on pages 7-35 of the application narrative and are incorporated here by reference.

   (B) There is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.

   Regarding the demonstrable need for the proposed use, criterion (B), the applicant submitted a land inventory showing properties zoned VLDR 1, VLDR 2.5, and NC. This inventory shows that there are 7 properties zoned Neighborhood Commercial consisting of a total of 26.62 acres. Properties that are in the VLDR zone make up approximately 8,840 acres. Based on these numbers, the applicant asserts, and the county accepts, that the rezoning of this .35-acre parcel would have a negligible effect on the land inventory of Very Low Density Residential parcels as it would account for a .00339% reduction of lands zoned VLDR. In the alternative, the addition of .35 acres to the Neighborhood Commercial land inventory would increase it by 1.1%. The applicant argues that the very small number of parcels and acreage committed to Neighborhood Commercial uses is indicative of the few alternatives that would meet the need that is presented as part of this application. Elaborating on that point, the applicant notes that the requested zone change applies to this very specific parcel which is orphaned from surrounding properties that are more appropriately zoned for residential uses. The applicant makes the case that the proposed Neighborhood Commercial designation would create more applicable and suitable criteria for the subject parcel than the existing VLDR designation. The unique location of this property has resulted in the .35-acre parcel that is bound on both sides by Highway 99. The existing ODOT right-of-way, small parcel size, and its location being segregated from other properties zoned for residential uses

makes this property not well suited for residential uses as provided for under the current plan designation and zone. The applicant asserts that the location was so undesirable for residential uses that the existing residence and shop building was abandoned years ago and is now in complete disrepair. The county accepts the applicant's evidence and conclusions in this regard.

The request is for the expansion of the NC zone, which the applicant states is a "logical designation and compatible development to its adjacent parcel." In addition to being compatible with this adjacent parcel, it would also be a logical attachment to the existing Neighborhood Commercial district of Bunn Village.

The applicant notes that if approved, this request would allow for the Honda dealership to increase its display and inventory parking area. At present the Honda dealership is leasing a small sliver of ODOT land adjacent to the north boundary of the subject parcel. The applicant states that, should this application be approved, it will allow the ownership of the Price Honda Group to invest in site improvements, landscaping, and minimal development. This will initially consist of removal of nuisance structures and overgrown vegetation. The applicant also asserts that it will actively engage ODOT to maintain its portion of the ROW to a higher landscape standard that will be set if this application is approved and notes that these improvements will result in, "an enhanced new entry into McMinnville, an asset to the Price Honda Dealership and for Yamhill County".

Regarding the importance of such uses to the local economy and in response to Goal F- Economic Development, the applicant states that while, "the remapping of this .3-acre parcel will not change the economic fortunes of Yamhill County… the expansion of the commercial development of the Bunn Village commercial center and specifically the Price Honda Dealership will support the employment base existing within the Bunn Village Commercial area." The county agrees.

(C) The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.

A portion of criterion (C) requires that the applicant establish that the proposed change is appropriate considering the surrounding land uses, the density, and pattern of development in the area. The surrounding area is made up of rural residential and commercial uses. The properties that are in residential use lie to the north, east, and west of the subject parcel, separated from the subject parcels by two two-lane highway rights-of-way. The parcel size in this area ranges from .28 acres to 14.1 acres. Dwelling density throughout the area largely conform to the standards of the VLDR zone. These residential uses lie outside of the existing ODOT rights-of-way and are contiguous to other residential uses.

Unlike these other parcels, the subject .35-acre parcel is located between the lanes of Highway 99W and has no residential uses contiguous to it. The parcel is flanked by ODOT right-of-way and is the northeast terminus of the island of properties created by the split of the lanes of Highway 99W. The pattern of development in the area contiguous to this property has favored commercial development, a zoning that only allows for residential uses in conjunction with a permitted use. The only use contiguous to the subject parcel is the Price Honda Dealership. These parcels share common frontage on Lone Oak Road.

While the proposed use does not require the extension of most utilities and services, the applicant has provided a service letter analyzing the available services to the subject parcel. The letter is Exhibit 10 of the application materials and is incorporated herein by reference. The letter states that a site visit was performed by Newberg Surveying on October 29, 2020, and observed that no public utilities are currently servicing this parcel. The letter notes that the on-site well and septic systems, "are in the process of being decommissioned or have already been decommissioned per jurisdictional requirements." No utilities other than overhead power and telecom lines were observed along Lone Oak Road. The southbound lanes of Highway 99W have drainage culverts as well as a marked natural gas line located in the right-of-way.

An applicant for subsequent development will be required to address other services needed such as septic and site drainage through the Site Design Review process.

(D) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*

As stated above, the application notes that there are seven tax lots comprising approximately 26.62 acres of property zoned NC in the County. The applicant notes that the application is not for a commercial use looking for a location on which to be developed. Instead, the applicant's commercial use already exists at a location adjacent to the subject property, which is unsuitable for residential uses given its size and location in a median strip of a four-lane highway. The applicant asserts that the location, size, and existing right-of-way make this parcel better suited for the proposed use than the current residential uses allowed under the VLDR zoning. The county concurs. The proposed use would change the zoning to Neighborhood Commercial, remove this parcel from its orphan zoning status, and allow for a more compatible and appropriate use.

(E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

The county finds that the amendment is consistent with the current Oregon Administrative Rules for exceptions, to the extent those rules are applicable. The county is approving what amounts to a mapping correction to allow the applicant

to expand its business onto an adjacent substandard residential parcel that is not well-suited for use as a residential purposes, and for which no service extensions are required or sought.

C. Goal 12 (Transportation Rule) Provisions and Analysis

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:

   (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:

   (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
   (b) Amending the TSP [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,
   (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

   (2) A plan or land use regulation amendment significantly affects a transportation facility if it:

   (a) Changes the functional classification of an existing or planned transportation facility;
   (b) Changes standards implementing a functional classification system;
   (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
   (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

2. Regarding (1) and (2), the request is for a plan/amendment zone change, so the above administrative rules apply. A traffic analysis prepared by Kittelson & Associates and submitted by the applicant as Exhibit 11 is incorporated here by reference. Their analysis focuses on the two sections of Oregon's Transportation Planning Rule that apply to amendments to zoning designations as provided above. The first step in assessing any amendment's potential traffic impact is to compare the trip generation potential to the "reasonable worst-case" development allowed under the current zoning. In this case, the identified worst-case development scenario in the VLDR-2.5 zone is one residential home. The request for zone change identifies the proposed use as a parking area that would be used exclusively for storage of vehicles being displayed for sale. It is estimated that this use would not result in increased trip generation over the volume created by a single-family residence (the vehicles will already be visiting the existing car dealership). Even so, it is

appropriate to also consider the trip generation potential for those uses permitted in the Neighborhood Commercial zone. These uses include but are not limited to an automobile repair garage, automobile service station, drive-in restaurant or refreshment stand, and food store. The trip generation of these uses would exceed the number of trips associated with a single-family home. As such, the applicant is proposing a trip cap to be imposed as a condition of approval to limit the trip generation to the levels associated with a single-family residence. The analysis included used information presented in the Trip Generation Manual, 10th Edition to present the proposed trip cap to conform with the trip generation of a residence. The applicant argues that the trip cap would keep the trip generation at or under the level in the existing zoning and as such, "no additional analysis is necessary to conclude that the proposal does not "significantly affect" the transportation system."

Land Use	ITE Code	Size	Total Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total Trips	In	Out	Total Trips	In	Out
Single Family Home	210	1 home	9	1	0	1	1	1	1
Proposed Trip Cap			9	1	0	1	1	1	1

The county finds that a trip caps are difficult to enforce, and would not relieve the applicant of the need to addressing the Transportation Planning Rule. The county nevertheless concludes that it is the existing business that generates trips, and there is no basis for concluding that an expanded sales and storage lot for the existing use of the size contemplated would generate a significant number of additional trips. A Limited Use Overlay is being imposed, to ensure that additional findings will be required if an application is submitted for any uses other than automobile sales and uses accessory to the existing automobile sales uses taking place just across Lone Fir Road from the subject property.

II. DECISION:

1. The request is for a Comprehensive Plan amendment from Very Low Density Residential to Commercial and a zone change from VLDR-2.5, Very Low Density Residential to HC, Highway Commercial.

2. The proposed zone change is consistent with Comprehensive Plan goals and policies. With conditions, the proposed use would be compatible with surrounding uses.

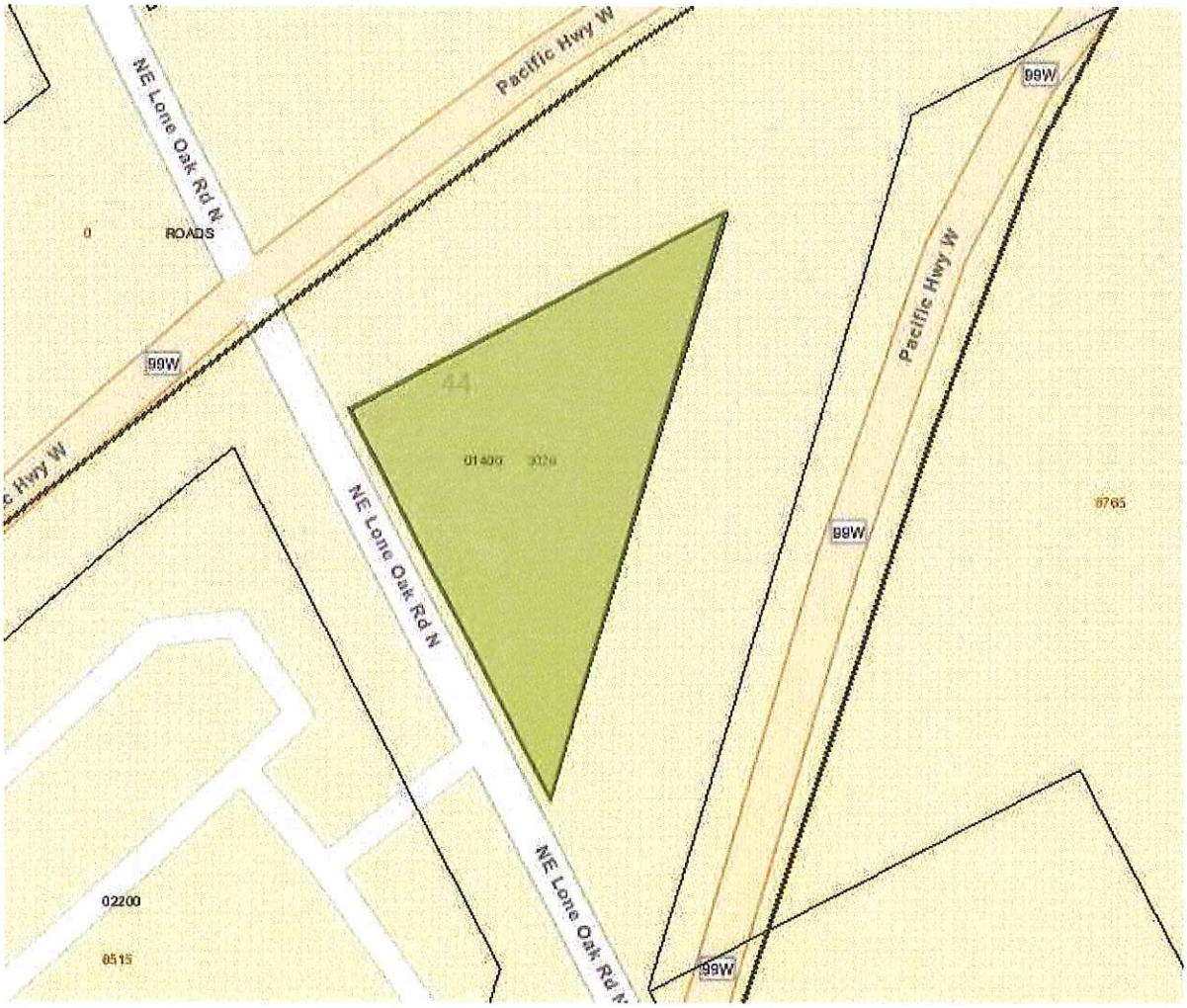
3. The applicant has demonstrated that the use complies with the Transportation Planning Rule in that it will not have a significant effect on transportation facilities in the area.

III. CONDITIONS OF APPROVAL

1. An application for site design review shall be submitted by the applicant and approved by the county prior to establishment of the proposed use.

2. A Limited Use Overlay District (YCZO section 904) is hereby applied to the subject property, limiting allowed uses to automobile sales and accessory uses. *END*

EXHIBIT B -MAP FOR ORDINANCE 916
ADOPTED BY THE YAMHIILL COUNTY BOARD OF COMMISSIONERS JULY 29, 2021
FOR A PLAN AMENDMENT FROM
VERY LOW DENSITY RESIDENTIAL
TO
COMMERCIAL
AND
ZONE CHANGE FROM
VLDR-2.5, VERY LOW DENSITY RESIDENTIAL
TO
NC, NEIGHBORHOOD COMMERCIAL



CHANGE APPLIES TO TAX LOT 4411-1400 AS HIGHLIGHTED ABOVE.