

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 Upholding the Planning)	
Commission’s Decision to Approve Planning)	
Docket SDR-10-22; Site Design Review for)	
New Winery and Tasting Room; Tax Lots 2432-)	Board Order 22-291
00900, 2429-00200, 2429-00700, 2429-01001,)	
and 2429-01100; Applicant: Mount Richmond)	
Vineyard LLC)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on September 15, 2022, Commissioners Lindsay Berschauer, Casey Kulla, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

A. WHEREAS, The applicants, Mount Richmond Vineyard LLC, applied for a site design review for a new winery and tasting room on a tract with at least 15 acres of vineyard; and

B. WHEREAS, The Planning Commission issued a decision letter approving the application on July 8, 2022; and

C. WHEREAS, The Planning Commission’s decision was appealed and considered by the Board at a hearing held on August 18, 2022; and

D. WHEREAS, Following deliberation, the Board voted unanimously to uphold the Planning Commission’s decision, deny the appeal, and approve the application; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket SDR-10-22 is hereby approved.

Section 2. The findings and conditions attached as Exhibit A, and incorporated herein by reference, are hereby adopted in support of this Order.

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DONE this 15th day of September, 2022, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk



Lindsay Berschauer
Chair LINDSAY BERSCHAUER

By: *Caroline Rook*
Deputy Carolina Rook Commissioner CASEY KULLA

FORM APPROVED BY:
Mary Starrett
Commissioner MARY STARRETT

Jodi M. Gollehon
Jodi M. Gollehon
Assistant County Counsel

EXHIBIT A

Board Order 22- 291
Supplemental Findings in Support of a Decision
Affirming Planning Commission Decision Approving
Docket No. SDR 10-22 and Conditions of Approval

FINDINGS OF FACT:

A. Background Facts

1. The subject parcel (Tax Lot 2432-00900) is approximately 37.5 acres located at the junction of NW Gerrish Valley and Northwest Pike Rd. The property is zoned Exclusive Farm Use ("EF")-40 and is currently planted with 25 acres of vineyard. Water is provided by the City of Yamhill municipal water system and the property will be served by on-site systems. The site plan for the application shows the proposed access for the winery and tasting room is off of Pike Road approximately 1,070 feet southeast of the junction of NW Gerrish Valley Road/ NW Kykendall Road and NW Pike Rd.
2. Mount Richmond Vineyard, LLC ("Applicant") filed an application for site design review for a new winery and tasting room on a tract with at least 15 acres of vineyard (permitted use winery).
3. The surrounding properties are also located in the Exclusive Farm use, EF-80 zone. The predominant use in the area is farm uses with rural residential uses dotted throughout. Immediately west of the subject parcel and across NW Gerrish Valley Rd. is a tract of land owned by Bailey Nurseries. The four parcels consist of approximately 234.06 acres and houses a large commercial nursery. To the south and across NW Pike Rd. are parcels that are devoted to farm uses in the form of grass seed and hay production as well as grazing lands for cattle. These properties vary in size from 16 to 32 acres. Immediately east of the subject property are Tax Lots 2432-00600 and 2432-00601 which were created through a partition subject to Measure 37 claim, Docket M37-11-04. While a homesite has not been established on Tax Lot 2432-00601, a subsequent Measure 49 claim approved a homesite for this parcel. Tax Lot 2432- 00700 is to the north of the subject parcel and has a single-family dwelling located on site.
4. The subject parcel is proposed to have the winery and tasting room located onsite over 200 feet from all property lines. A tract of land composed of Tax Lots 2429-00200, 2429-00700, 2429-01001, and 2429-01100 is under the same ownership as the Tax Lot 2432-00900. This tract is located to the north of the subject Tax Lot and is approximately 293.78 acres in size with approximately 200 acres of vineyards planted on site. This tract is not contiguous to the subject parcel as it is separated by intervening ownership. In total, the applicant owns more than 331 acres in the subject area. A non-farm dwelling was approved for Tax Lot

2429-01100 with an address of 21701 NW Gerrish Valley Road. Tax Lot 2429-01001 has an agricultural building addressed as 21300 NW Gerrish Valley Road. Septic records indicate that Tax Lot 2429-00700 had a homesite with an address of 20370 NW Gerrish Valley Road.

B. Procedural Findings

1. On March 21, 2022, Applicant filed its Land Use Application with Yamhill County for a site design review for a winery.
2. Staff issued a staff report on June 15, 2022. The staff report is attached as Exhibit A-1.
3. On July 7, 2022, the Planning Commission held a hearing on the application, and approved the application in a decision letter dated July 15, 2022.
4. On July 21, 2022, Michael Kimbrell filed an appeal of the decision.
5. A public hearing was scheduled before the Board of County Commissioners on August 18, 2022.
6. The Board of County Commissioners held a public hearing on August 18, 2022. The Board accepted testimony from Applicant and from Mr. Kimbrell, closed the record, and deliberated. During the hearing, Mr. Kimbrell raised a procedural issue related to the representation of Applicant in front of the Planning Commission by counsel that had represented Mr. Kimbrell in the past. Mr. Kimbrell argued that due to this conflict he had not had a chance to be represented at the Planning Commission stage. The Board considered Mr. Kimbrell argument and found that while there may have been a procedural error before the Planning Commission, Applicant was now represented by a different counsel and the public hearing before the Board of Commissioners offered Mr. Kimbrell a chance to be heard on all of his arguments against the application. Thus the Board concluded that to the extent there had been a procedural error before the Planning Commission, it had been cured by the evidentiary hearing before the Board on August 18, 2022 and Mr. Kimball's participation in such hearing. After considering the evidence before it, the Board unanimously affirmed the Planning Commission's decision approving the application for a site design review for a winery. The Board directed staff and county counsel to prepare findings of fact and conclusions to document the decision, and on ___, 2022, the Board adopted the presented findings of fact and conclusions of law.

C. Substantive Findings

1. The applicable approval criteria and review standards are set forth in YCZO 402.02(H), 1101.02, and ORS 215.452.
2. YCZO 402.02(H) Permitted Use Winery

Section 402.02(H) of the YCZO lists as a permitted use:

H. Winery, as defined in Section 402.10, subject to Section 1101, Site Design Review.

Senate Bill 841 was passed into law by the legislature on June 28, 2013 and sets the standards for what is allowed for a permitted use winery:

(1) A winery may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213(1)(p) and 215.283 (1)(n) or on land zoned for mixed farm and forest use if the winery produces wine with a maximum annual production of:

(a) Less than 50,000 gallons and:

- (A) Owns an on-site vineyard of at least 15 acres;*
- (B) Owns a contiguous vineyard of at least 15 acres;*
- (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or*
- (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or*

(b) At least 50,000 gallons and the winery:

- (A) Owns an on-site vineyard of at least 40 acres;*
- (B) Owns a contiguous vineyard of at least 40 acres;*
- (C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;*
- (D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or*
- (E) Obtains grapes from any combination of subparagraph (A), (B) (C) or (D) of this paragraph*

(2) In addition to producing and distributing wine, a winery established under this section may:

(a) Market and sell wine produced in conjunction with the winery.

(b) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;*
- (B) Wine club activities;*
- (C) Winemaker luncheons and dinners;*
- (D) Winery and vineyard tours;*
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
- (F) Winery staff activities;*
- (G) Open house promotions of wine produced in conjunction with the winery; and*
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.*

(c) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.

(d) Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsections (5), (6), (7) and (8) of this section.

(e) Host charitable activities for which the winery does not charge a facility rental fee.

(3) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public.

(4) The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

The Board relies on the findings in the staff report included as Exhibit A-1 (p. 5) to find that the proposal satisfies the acreage requirements. There are currently approximately 25 acres of vineyard planted on Tax Lot 2432-00900 and 200 acres of vineyard on the tract of land consisting of approximately 293 acres that are not contiguous to the subject parcel as there is intervening ownership. The application seeks approval for a wine production facility authorized to produce no more than 50,000 gallons of wine per year. With the proposed conditions of approval, the Board finds that ORS 215.452(1) is met and the applicant may carry out the activities specified in ORS 215.452.

3. YCZO 1101.02 Site Design Review

(A) The review of a site development plan shall be based upon consideration of the following:

1. Characteristics of adjoining and surrounding uses;

Regarding standard (1) above, the Board finds that the characteristics of adjoining and surrounding uses have been identified and considered in the staff report and are consistent with Applicant's proposal. In his testimony, Mr. Kimbell argued that a winery should not be

allowed on EFU land and was incompatible with the area. While recognizing Mr. Kimbell's arguments, the Board found that a winery was located in the middle of the subject property and screened by vineyards, topography, and vegetation. The subject property is also surrounded by other agricultural operations and businesses, including a large nursery. The Board found that the characteristics of adjoining and surround uses were adequately considered on the record and therefore Applicant has properly addressed YCZO 1102.02(A)(1).

2. Economic factors relating to the proposed use;

Regarding standard (2) above, the staff report found that no economic issues had been identified that would prevent Applicant from completing the proposed development. The County's Comprehensive Plan calls for preserving agriculture and forestry as a dominant role in the County's economy while increasing economic diversification and employment. The Board adopts by reference the staff's findings found on page 5 of the staff report. The Board finds that Applicant's proposal is consistent with YCZO 1102.02(A)(2).

3. Traffic safety, internal circulation and parking;

Regarding standard (3) above, the staff report found that the proposed winery and tasting room on Tax Lot 2432-00900 will use an existing gravel driveway approximately 1,070 feet southeast of the junction of NW Gerrish Valley Road/ NW Kykendall Road and NW Pike Road and is approximately 380 feet to the northwest of the driveway that serves Tax Lot 2429-00700. The application notes that the NW Pike Rd. is listed as a major collector in the Yamhill County Transportation System Plan (TSP).

The applicant intends to develop an approximately 8,000 square foot winery, wine storage, and tasting room structure. The amended narrative states that 2,000 of those square feet will be committed to the tasting room. Approximately 1,000 square feet of the tasting room will be accessible to the public. The remaining square footage would be used by staff for service, and storage to support tasting room activities. Given the size of the tasting facility and pursuant to the standards outlined in YCZO Section 1007.00, it is required that 10 parking spaces be provided to serve the tasting room and an additional 8 spaces for the number of workers on maximum working shift. A total of 18 parking spaces will be required to comply with Section 1007 of the YCZO. The applicant noted that the total number of parking spaces may shift depending on the actual square footage of tasting room at the time of application for building permits and that the total number of parking spaces will conform to the standards of Section 1007.

The applicant intends to install an asphalt driveway to provide access to the proposed Development and noted that the access will provide adequate turn around space for emergency vehicles. The applicant indicated that the relocated entrance to the property was approved by Yamhill County public works in accordance with Permit No, A-78-21, dated November 3, 2021.

Mr. Kimbrell argued that the proposed design for the use would cause a dangerous entrance on Pike Rd. due to the speed of traffic on the road. Records indicate that the proposed entrance to the property was reviewed and approved by Yamhill County public works in accordance with Permit No. A-78-21 dated November 3, 2021. The Board explained that the record did not support Mr. Kimbell's concerns and instead indicated that adequate approvals had been sought and obtained to ensure the safety and adequacy of access to the proposed winery.

The Board adopts the findings from the staff report at pages 5-6 and finds that, with the proposed conditions of approval, the parcel contains enough area to provide sufficient on-site parking and internal circulation; and finds that this standard is met.

4. Provisions for adequate noise and/or visual buffering from noncompatible uses;

With regard to standard (4) above, the application does not approve concerts, and a condition of approval proposes to restrict the outdoor amplification of music or sound from occurring in conjunction with the tasting room or winery. While farming activities on-site, i.e., growing and harvesting of grapes, will generate noise typical of farm uses, such noise is expected in the farm zone, is seasonal, and is compatible with surrounding uses.

The site plan that was noticed to surrounding property owners showed that the proposed location of the structure is in excess of two hundred feet from all property lines. While the site plan does not provide a specific setback from all property lines, staff noted that the proposed building envelope will be centered east to west on the portion of the property that measures approximately 1,270 feet east to west. The envelope will be centered on the portion of the property that measures approximately 1,180 feet north and south. By staff's measure, an approximately 8,000 square foot structure centered as described above would be able to achieve setbacks to all property lines that are a minimum of 500-feet. As the crow flies, the closest residence to the proposed development is in excess of 700 feet to the northeast. In addition to these setbacks, the location of the winery will be surrounded by the 25 acres of planted vineyard. The property has also been fenced from surrounding properties and 400 cypress trees have been planted along the parcel's east and north borders as additional future visual and sound barrier.

The Board agrees with the staff report's findings at pages 6-7 and finds that there will be adequate noise and visual buffering from adjoining properties.

5. Retention of existing natural features on site;

Regarding standard (5) above, no natural features will be disturbed beyond the areas necessary for construction of the winery and tasting room structure. The balance of the parcel is dedicated to farm uses in the form of vineyard.

6. Problems that may arise due to development within potential hazard areas;

Regarding standard (6) above, the property is not within the Floodplain Overlay District or any other hazard area.

7. Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.

Regarding standard (7) above, notice was mailed to surrounding property owners and referral agencies. During the initial comment period staff office did not receive any comments or recommendations from vicinity property owners other than the request for hearing from Michael Kimbrell. Mr. Kimbrell's concerns were addressed during the August 18 Board of Commissioners' hearing. Specifically, the Board adopts findings in response to Mr. Kimbrell's arguments in Section B(6) ("Procedural Findings) and Section C(3) ("Characteristics of adjoining and surrounding uses" and "Traffic safety, internal circulation, and parking").

First,

The Board listened to Mr. Kimbrell's concerns but found that the issues that Mr. Kimbrell raised did not outweigh the substantial evidence in the record supporting approval of the proposed winery.

DECISION:

The Board affirms the Planning Commission's decision, approving the site design review for permitted use winery application. The Board finds that applicant's proposal complies with the applicable criteria in the YCZO as discussed above and affirms the approval of the site design review for permitted use application subject to the following conditions.

CONDITIONS:

1. The development shall substantially conform to the site map submitted with the application. The winery facility shall be a minimum of 100 feet from all property lines.
2. Pursuant to ORS 215.452(1)(a), the winery shall produce no more than 50,000 gallons of wine annually.
3. The winery and tasting room shall conform to the applicable standards of ORS 215.452 which includes the following:

1. (a) Market and sell wine produced in conjunction with the winery.

(b) Conduct operations that directly related to the sale (b) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;*
- (B) Wine club activities;*
- (C) Winemaker luncheons and dinners;*
- (D) Winery and vineyard tours;*
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
- (F) Winery staff activities;*
- (G) Open house promotions of wine produced in conjunction with the winery; and*
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.*

(c) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection. (d) Host charitable activities for which the winery does not charge a facility rental fee.

2. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public.

3. The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

- 4. "Agri-tourism or other commercial events" per subsection (2)(d) or OS 215.452 are not authorized without additional approval. "Agri-tourism or other commercial events" include outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings, and other events at which the*

promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

5. All required building, plumbing, septic and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
6. Prior to issuance of building permits, the water supply and access shall be required to meet the Yamhill Fire Department standards and conditions.
7. The applicant shall provide and maintain parking in conformance with Section 1007.02 of the Yamhill County Zoning Ordinance. Parking shall not be permitted on the street or public right-of-way.
8. The applicant shall obtain all permits required by the Department of Environmental Quality (DEQ), the Oregon Liquor Control Commission (OLCC), and the Oregon Department of Agriculture (ODA).
9. The use of outdoor amplified music or sound is not permitted.
10. The use may have one on-premises sign of not more than 24 square feet pursuant to Section 1006 of the YCZO, subject to permit approval.
11. Any artificial lighting which may be provided shall be placed, shielded or deflected so as not to shine or create glare onto adjacent dwellings or create excessive glare along adjacent roads.
12. Prior to issuance of building permits, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

“The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law.”
13. The construction of any additional structures for use as part of the winery or tasting room, or substantial modification to the footprint of the proposed winery or tasting room or change in use of the current structures shall require the submission and approval of a site design review application.

14. Prior to operation of the winery, the applicant shall provide to the Planning Director a copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or a statement that water is supplied from a public or private water provider, along with name, contact information, and a copy of the service contract of the water provider; or proof from the Oregon Water Resource Department that the water to be used is from a source that does not require a water right.
15. This approval shall expire one year from the date of this letter unless the use has been initiated.
16. Modification of any of the above conditions requires approval under Section 1101.02 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the Yamhill County Zoning Ordinance.

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

DATE: June 15, 2022

HEARING DATE: July 7, 2022

DOCKET NO.: SDR-10-22

REQUEST: A site design review application for a new winery and tasting room on a tract with at least 15 acres of vineyard.

APPLICANT: Adam Campbell for Mount Richmond Vineyard LLC

OWNER: Mount Richmond Vineyard LLC

OPPONENT: Michael Kimbrell

TAX LOTS: 2432-00900, 2429-00200, 2429-00700, 2429-01001, and 2429-01100

LOCATION: 21300, 20370, and 21701 NW Gerrish Valley Rd., Yamhill

ZONE: EF-80, Exclusive Farm Use District

CRITERIA: Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance*.
ORS 215.452

COMMENTS: *Yamhill County Public Works:* No comments received to date.
Yamhill County Public Health: No comments received to date.
TVFR: No comments received to date.
Department of Agriculture: No comments received to date.
Soil and Water Conservation District (SWCD): No comments received to date.
Yamhill County Sanitarian: See comments received 4/28/22.
Oregon Department of Environmental Quality (DEQ): No comment received to date.
Oregon Department of Transportation (ODOT): No comments received to date.
Water Master: No comments received to date.
Michael Kimbrell, 9030 NW Pike Rd., Yamhill: See comments and request for hearing received on May 9, 2022
Don & Judy Leidy and Brian & Linda Rindels, 20330 NW Bishop-Scott Rd., Yamhill, OR 97148: See comments received on 5/21/22.
Robert K. Matteri, MD, 8831 NW Pleasant Smith Rd., Yamhill: See comments received on 5/23/22.
Nicole Watson, P.O. Box 3492, Hillsboro: See comments received on 5/31/22.

EXHIBITS:

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

2. Request for Hearing
3. Application
 - a. Amended Application Narrative submitted by applicant 5/19/2022
4. Public Notice
5. Public Agency Reports
6. Comments Received prior to 7/7/2022 Planning Commission Hearing

FINDINGS:

A. Background Facts

1. *Parcel Size:* Staff notes that Tax Lot 2432-00900 is approximately 37.5 acres and is currently planted with 15 acres of vineyard.
2. *Access:* The subject parcel is located at the junction of NW Gerrish Valley and Northwest Pike Rd. The site plan shows the proposed access for the winery and tasting room is off of Pike Road approximately 1,070 feet southeast of the junction of NW Gerrish Valley Road/ NW Kykendall Road and NW Pike Rd.
3. *On-site Land Use:* Tax Lot 2432-00900 is approximately 37.5 acres in size and as of the writing of this staff report is planted with 25 acres of vineyard. In addition to the vines, the property is currently also planted with in row cover crop of crimson clover. The subject parcel is proposed to have the winery and tasting room located onsite over 200 feet from all property lines. A tract of land composed of Tax Lots 2429-00200, 2429-00700, 2429-01001, and 2429-01100 is under the same ownership as the Tax Lot 2432-00900. This tract is located to the north of the subject Tax Lot and is approximately 293.78 acres in size with approximately 200 acres of vineyards planted on site. This tract is not contiguous to the subject parcel as it is separated by intervening ownership. In total, the applicant owns more than 331 acres in the subject area. A non-farm dwelling was approved for Tax Lot 2429-01100 with an address of 21701 NW Gerrish Valley Road. Tax Lot 2429-01001 has an agricultural building addressed as 21300 NW Gerrish Valley Road. Septic records indicate that Tax Lot 2429-00700 had a homesite with an address of 20370 NW Gerrish Valley Road.
4. *Surrounding Land Use and Zoning:* The surrounding properties are also located in the Exclusive Farm use, EF-80 zone. The predominant use in the area is farm uses with rural residential uses dotted throughout. Immediately west of the subject parcel and across NW Gerrish Valley Rd. is a tract of land owned by Bailey Nurseries. The four parcels consist of approximately 234.06 acres and houses a large commercial nursery. To the south and across NW Pike Rd. are parcels that are devoted to farm uses in the form of grass seed and hay production as well as grazing lands for cattle. These properties vary in size from 16 to 32 acres. Immediately east of the subject property are Tax Lots 2432-00600 and 2432-00601 which were created through a partition subject to Measure 37 claim, Docket M37-11-04. While a homesite has not been established on Tax Lot 2432-00601, a subsequent Measure 49 claim approved a homesite for this parcel. Tax Lot 2432-00700 is to the north of the subject parcel and has a single-family dwelling located on site. Staff

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notes that while a second dwelling was not observed during a site visit, county records indicate that Tax Lot 2432-00700 was approved for a secondary farm help dwelling in 1994 through Docket FD-04-94. These two parcels appear to be in farm use in the form of grass seed and hay production.

5. *Water:* The applicant has indicated that water is provided by the City of Yamhill municipal water system.
6. *Sewage Disposal:* The application notes that the use will be served by on-site systems. The county Sanitarian notes that a site-evaluation and Authorization Inspection will be required if the proposed use is approved.
7. *Fire Protection:* Yamhill Fire.
8. *Previous Actions:* Tax Lot 2429-01100 was approved for a Nonfarm Dwelling in 1993 through Docket C-33-93.
9. *Overlay Districts:* The property is not located in any other overlay district.
10. *Explanation of the request:* The applicant is requesting site design review approval for the construction of a new winery and a tasting room on a parcel with more than 15 acres of grapes planted.

B. Ordinance Provisions and Analysis

Section 402.02(H) of the Yamhill County Zoning Ordinance (YCZO) lists as a permitted use:

H. Winery, as defined in Section 402.10, subject to Section 1101, Site Design Review.

SENATE BILL 841 (ORS 215.452)

Senate Bill 841 (SB 841) was passed into law by the legislature on June 28, 2013. This bill amended what is allowed for a permitted use winery. The applicable changes are as follows:

(1) A winery may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213(1)(p) and 215.283 (1)(n) or on land zoned for mixed farm and forest use if the winery produces wine with a maximum annual production of:

(a) Less than 50,000 gallons and:

- (A) Owns an on-site vineyard of at least 15 acres;*
- (B) Owns a contiguous vineyard of at least 15 acres;*
- (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or*
- (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or*

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(b) At least 50,000 gallons and the winery:

- (A) Owns an on-site vineyard of at least 40 acres;*
- (B) Owns a contiguous vineyard of at least 40 acres;*
- (C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;*
- (D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or*
- (E) Obtains grapes from any combination of subparagraph (A), (B) (C) or (D) of this paragraph.*

(2) In addition to producing and distributing wine, a winery established under this section may:

(a) Market and sell wine produced in conjunction with the winery.

(b) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;*
- (B) Wine club activities;*
- (C) Winemaker luncheons and dinners;*
- (D) Winery and vineyard tours;*
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
- (F) Winery staff activities;*
- (G) Open house promotions of wine produced in conjunction with the winery; and*
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.*

(c) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

- (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or*
- (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.*

(d) Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsections (5), (6), (7) and (8) of this section.

(e) Host charitable activities for which the winery does not charge a facility rental fee.

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

- (3) *A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public.*
- (4) *The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.*

There are currently approximately 25 acres of vineyard planted on Tax Lot 2432-00900 and 200 acres of vineyard on the tract of land consisting of approximately 293 acres that are not contiguous to the subject parcel as there is intervening ownership. The application seeks approval for a wine production facility authorized to produce no more than 50,000 gallons of wine per year.

C. Site Design Review

1. Section 1101.02(A) of the YCZO governs site design review.

Review of a site development plan shall be based upon consideration of the following:

Section 1101.02(A)(1): Characteristics of adjoining and surrounding uses;

Regarding standard (1) above, the characteristics of adjoining and surrounding uses have been identified in section A.4 of this report.

2. *Section 1101.02(A)(2): Economic factors relating to the proposed use;*

Regarding standard (2) above, there have been no identified economic issues that would prevent the applicant from completing the proposed development. Agriculture and forestry play a dominant role in the County's economy, and the County's Comprehensive Plan calls for preserving that role while increasing economic diversification and employment. The applicant's proposal appears to comply with that goal.

3. *Section 1101.02(A)(3): Traffic safety, internal circulation and parking;*

Regarding standard (3) above, the proposed winery and tasting room on Tax Lot 2432-00900 will use an existing gravel driveway that is approximately 1,070 feet southeast of the junction of

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

NW Gerrish Valley Road/ NW Kykendall Road and NW Pike Road and is approximately 380 feet to the northwest of the driveway that serves Tax Lot 2429-00700. The application notes that the NW Pike Rd. is listed as a major collector in the Yamhill County Transportation System Plan (TSP).

The applicant intends to develop an approximately 8,000 square foot winery, wine storage, and tasting room structure. The amended narrative states that 2,000 of those square feet will be committed to the tasting room. Approximately 1,000 square feet of the tasting room will be accessible to the public. The remaining square footage would be used by staff for service, and storage to support tasting room activities. Given the size of the tasting facility and pursuant to the standards outlined in YCZO Section 1007.00, it is required that 10 parking spaces be provided to serve the tasting room and an additional 8 spaces for the number of workers on maximum working shift. A total of 18 parking spaces will be required to comply with Section 1007 of the YCZO. The applicant notes that the total number of parking spaces may shift depending on the actual square footage of tasting room at the time of application for building permits and that the total number of parking spaces will conform to the standards of Section 1007.

The applicant intends to install an asphalt driveway to provide access to the proposed development. They note that the access will provide adequate turn around space for emergency vehicles. The applicant indicates that the relocated entrance to the property was approved by Yamhill County public works in accordance with Permit No, A-78-21, dated November 3, 2021.

Staff believes that the parcel contains enough area to provide sufficient on-site parking and internal circulation. A condition will be included which requires parking in accordance with Section 1007.02(C) of the YCZO which requires that there is one (1) parking per 100 square feet of tasting room space, plus one (1) space for each employee on a maximum working shift. Additionally, approval of the access will be required by Yamhill Fire.

4. *Section 1101.02(A)(4): Provisions for adequate noise and/or visual buffering from noncompatible uses;*

Regarding standard (4) above, ORS 215.452 requires establishment of a setback of at least 100 feet from the property lines for wineries and public gathering areas unless a variance is granted by the local government. As discussed further in Section 6 of this staff report, the proposed location of the winery and tasting room do not require that a variance to property lines be granted. The site plan that was noticed to surrounding property owners showed that the proposed location of the structure is in excess of two hundred feet from all property lines. While the site plan does not provide a specific setback from all property lines, staff notes that the proposed building envelope will be centered east to west on the portion of the property that measures approximately 1,270 feet east to west. The envelope will be centered on the portion of the property that measures approximately 1,180 feet north and south. By staff's measure, an approximately 8,000 square foot structure centered as described above would be able to achieve setbacks to all property lines that are a minimum of 500-feet. As the crow flies, the closest

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

residence to the proposed development is in excess of 700 feet to the northeast. In addition to these setbacks, the location of the winery will be surrounded by the 25 acres of planted vineyard. The property has also been fenced from surrounding properties and 400 cypress trees have been planted along the parcel's east and north borders as additional future visual and sound barrier.

Additionally, this application does not approve concerts and an additional application and approval would be required for this type of event. A condition of approval will also be established to restrict the outdoor amplification of music or sound from occurring in conjunction with the tasting room or winery. While farming activities on-site, i.e., growing and harvesting of grapes, will generate noise typical of farm uses, such noise is expected in the farm zone, is seasonal, and is compatible with surrounding uses. For these reasons staff has determined that there will be adequate noise and visual buffering from adjoining properties.

5. *Section 1101.02(A)(5): Retention of existing natural features on site;*

Regarding standard (5) above, no natural features will be disturbed beyond the areas necessary for construction of the winery and tasting room structure. The balance of the parcel is dedicated to farm uses in the form of vineyard.

6. *Section 1101.02(A)(6): Problems that may arise due to development within potential hazard areas.*

Regarding standard (6) above, the property is not within the Floodplain Overlay District or any other hazard area.

7. *Section 1101.02(A)(7): Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

Regarding standard (7) above, notice was mailed to surrounding property owners and referral agencies. During the initial comment period our office did not receive any comments or recommendations from vicinity property owners other than the request for hearing from Michael Kimbrell. These concerns are addressed under Section D below.

D. Comments received from surrounding property owners

a. Comments in opposition of the application

The Planning Department mailed notices to surrounding property owners regarding the proposed request. A request for a hearing before the Planning Commission was submitted by Michael Kimbrell to the Planning Department on May 9, 2022. The concerns expressed by Mr. Kimbrell focused on access and proximity of the proposed use to his residence which borders the subject parcel.

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The comments received from Mr. Kimbrell state that, “the design will cause a dangerous entrance on Pike Rd.” and that “Again people will die with this placement of entrance below hill with 70-80 mph traffic.” As addressed elsewhere in this report, staff notes that the proposed access for the winery and tasting room is off of Pike Road approximately 1,070 feet southeast of the junction of NW Gerrish Valley Road/ NW Kykendall Road and NW Pike Rd. Records indicate that the proposed entrance to the property was reviewed and approved by Yamhill County public works in accordance with Permit No, A-78-21 dated November 3, 2021.

As addressed in Section 4 above, the proposed development will have a setback in excess of 500 feet from all property lines. Mr. Kimbrell’s home is the closest residence to the proposed development and is more than 700 feet away. As noted elsewhere in this staff report, the proposed development exceeds those setback requirements for permitted use wineries that are established by the state of Oregon through ORS 215.452. The site plan shows that the use will be screened from surrounding properties by the 25 acres of vineyard that has been planted. Even with a significant setback and the screening that will be provided by the onsite vineyard, the applicant has taken additional steps to provide future screening of the use from properties to the north and east by planting of 400 cypress trees that follow the property boundary.

b. Comments in support of the application

Don and Judy Leidy and Brian and Linda Rindels are the owners of Quandary Vineyards which is located in the surrounding area of the proposed development. Comments in support of this application were submitted to the Planning Department on May 21, 2022. These comments state that Quandary Vineyards has worked with the applicant for a number of years. The applicant has purchased grapes from Quandary as well as worked alongside, providing vineyard management services and best practices. They state that, in their opinion, Quandary’s future success is quite dependent on having a strong market for selling the fruit that they grow. They state that they believe that a facility such as is being proposed would be, “extremely beneficial for us in terms of grape delivery and future growth.” The letter of support goes on to argue that the proposed use will create additional jobs and increased tax revenue both of which will help bolster the local economy.

Robert K. Matteri, MD is the owner of Matteri Vineyards provided comments in support of this application which were received by Planning on May 23, 2022. Dr. Matteri has worked with the owner of Mt. Richmond LLC, Adam Campbell for the past 13 years. Mr. Campbell has assisted with the establishment and subsequent expansion of the vineyard owned by Dr. Matteri which is located in the local agricultural area. In addition to purchasing fruit grown on proponent’s vineyard, the applicant has also assisted in providing viticulture management, help and advice, as well as lending farm equipment for vineyard management to proponent when the need arises. Dr. Matteri states that he is, “very pleased that they will be so close by with their winery since it makes my winegrowing operations and grape transport so much easier”. He also believes that the applicant is a dynamic supporter of the local community and that they are a tremendous asset.

Nicole Watson, the owner of Bishop Scott Ranch, LLC. provided comments in support of this application which were received by Planning on May 31, 2022. The letter states that Bishop Scott Ranch has experienced, “exceptional partnership” with the applicant who purchases fruit from the

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

Watsons. She states that the proposed winery will reduce the burden of the operations of Bishop Scott Ranch by decreasing the distance for delivering fruit for processing.

CONCLUSIONS FOR APPROVAL:

1. The request is for the construction of a new winery and tasting room on a tract with approximately 25 acres of vineyard.
2. With conditions, the request complies with criteria listed in Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance* and ORS 215.452.
3. The request complies with the goals and policies of the *Yamhill County Comprehensive Plan*.

CONCLUSIONS FOR DENIAL:

1. The request is for the construction of a new winery and tasting room on a tract with approximately 25 acres of vineyard.
2. With conditions, the request does not comply with criteria listed in Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance* and ORS 215.452.
3. The request does not comply with the goals and policies of the *Yamhill County Comprehensive Plan*.

RECOMMENDATION:

A recommendation will be given after the receipt of testimony

If the Planning Commission decides to approve the use, the Planning Staff would recommend the following conditions be placed on any approval:

1. The development shall substantially conform to the site map submitted with this application. The winery facility shall be a minimum of 100 feet from all property lines.
2. Pursuant to ORS 215.452(1)(a), the winery shall produce no more than 50,000 gallons of wine annually.
3. The winery and tasting room shall conform to the applicable standards of ORS 215.452 which includes the following:
 1. (a) *Market and sell wine produced in conjunction with the winery.*

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF
REPORT

(b) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;*
- (B) Wine club activities;*
- (C) Winemaker luncheons and dinners;*
- (D) Winery and vineyard tours;*
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
- (F) Winery staff activities;*
- (G) Open house promotions of wine produced in conjunction with the winery; and*
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.*

(c) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

- (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or*
- (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.*

(d) Host charitable activities for which the winery does not charge a facility rental fee.

2. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public.

3. The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

4. “Agri-tourism or other commercial events” per subsection (2)(d) of ORS 215.452 are not authorized without additional approval. “Agri-tourism or other commercial events”

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT

- include outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings, and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
5. All required building, plumbing, septic and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
 6. Prior to issuance of building permits, the water supply and access shall be required to meet the Yamhill Fire Department standards and conditions.
 7. The applicant shall provide and maintain parking in conformance with Section 1007.02 of the Yamhill County Zoning Ordinance. Parking shall not be permitted on the street or public right-of-way.
 8. The applicant shall obtain all permits required by the Department of Environmental Quality (DEQ), the Oregon Liquor Control Commission (OLCC), and the Oregon Department of Agriculture (ODA).
 9. The use of outdoor amplified music or sound is not permitted.
 10. The use may have one on-premises sign of not more than 24 square feet pursuant to Section 1006 of the YCZO, subject to permit approval.
 11. Any artificial lighting which may be provided shall be placed, shielded or deflected so as not to shine or create glare onto adjacent dwellings or create excessive glare along adjacent roads.
 12. Prior to issuance of building permits, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

“The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law.”
 13. The construction of any additional structures for use as part of the winery or tasting room, or substantial modification to the footprint of the proposed winery or tasting room or change in use of the current structures shall require the submission and approval of a site design review application

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF
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14. Prior to operation of the winery, the applicant shall provide to the Planning Director a copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or a statement that water is supplied from a public or private water provider, along with name, contact information, and a copy of the service contract of the water provider; or proof from the Oregon Water Resource Department that the water to be used is from a source that does not require a water right.
15. This approval shall expire one year from the date of this letter unless the use has been initiated.
16. Modification of any of the above conditions requires approval under Section 1101.02 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the *Yamhill County Zoning Ordinance*.

2. REQUEST FOR HEARING

Mt. Richmond LLC
SDR-10-22

Yamhill County Department of Planning & Development

REQUEST FOR HEARING

Date of Filing: 5-9-22
 Rec'd by: AC
 Receipt #: 917837
 Fee: \$250.00

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Please complete this form fully, and with as much detail as possible.

Person Requesting Hearing

Name

Michael Kimbrell

Address

9030 NW PIKE RD - (mail) P.O. Box 11466 ASTOR OR 97103-9714

Telephone (home)

503-662-3012

(work)

- cell 503-844-1381

Docket number:

SDR-10-22

The Docket request is:

At Richmond LLC - Winery

What is the basis for requesting the hearing? Please indicate which ordinance, Comprehensive Plan, or other regulatory provisions the request will not satisfy. Use extra paper if necessary.

- ① THE DESIGN WILL CAUSE A DANGEROUS INTERFERENCE IN PIKE RD.
- ② I NEED TIME TO CONSULT ATTORNEY TO SEE WHAT MY RIGHTS ARE.
- ③ WHY DO WE HAVE LAWS ON EXCLUSIVE FARM USE WHEN ANYONE CAN PLACE A PREMISES WITHIN 200 FT OF MY FENCE
- ④ NEED TO MAKE SURE NEIGHBORS OR AWARE OF SITUATION
- ⑤ AGAIN PEOPLE WILL BE WITH THIS PLACEMENT OF FENCE BLIND HILL WITH 70-SOME TRAFFIC

This form must be completed and submitted to the Planning Office within 15 days of the date the written notice of the request was mailed, as indicated on the notice. There is a \$250 fee (make check payable to Yamhill County) to offset the cost of the hearing, which must be paid at the time this form is submitted.

Upon receipt of this request and accompanying fee, a public hearing will be scheduled before the Planning Commission. Notice of the date and time of the Planning Commission hearing will be mailed to surrounding property owners and published in the newspaper at least 20 days before the hearing.

All issues and concerns should be raised for consideration by the Planning Commission because an appeal to the Board of County Commissioners shall be confined to the record of the Planning Commission proceeding, pursuant to Section 1403 of the Yamhill County Zoning Ordinance.

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMinnville, Oregon 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information, contact Desiree Lundeen lundeend@co.yamhill.or.us at the Yamhill County Department of Planning and Development.

DOCKET NO.: SDR-10-22

REQUEST: A site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard

APPLICANT: Mt. Richmond LLC

TAX LOT: 2432-00900

LOCATION: The parcel is located immediately east of the property addressed as 9720 NW Pike Rd., Yamhill

ZONE: EF-80, Exclusive Farm use District

CRITERIA: Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance*. ORS 215.453

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space, or attach additional sheets as necessary.

- ① Business within 500ft. of my home
 - ② Delayed notification did not get notice May 1-2 - meeting
that I was supposed to get
 - ③ Location of homes dangerous
 - ④ why do I need zoning
 - ⑤ need time to notify neighbors
 - ⑥ need to get legal advice
- to have hearing (Mia)
Signature _____

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$250.00 hearing fee. Public notice dated April 26, 2022

Mia 5/8/2022

COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN 5:00 p.m., May 11, 2022

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

3. APPLICATION

979-22-000084-PLNG

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

LAND USE APPLICATION

Docket SDR-10-22
 Date 3/21/22
 Rec'd by PJ
 Receipt # 916860
 Fee \$ 1167.00

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Mt. Richmond, LLC					
Last name	First	MI	Last name	First	MI
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
27751 NW Olson Road					
City	State	Zip	City	State	Zip
Gaston	OR	97119			
Telephone			Telephone		
503-985-7760					
E-mail address			E-mail address		
adam@elkcove.com					
If the applicant is not the legal owner, state interest in property:					
PROPERTY INFORMATION					
Tax Lot(s):		R2432-00900	Zone:		EF-80
Size of Tract (include all adjacent tax lots)		38 acres			

1. TYPE OF APPLICATION (what is requested?): Site Design Review for Winery of less than 50,000 gallons

2. JUSTIFICATION FOR REQUEST YCZO Section(s): 420.02(h)

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. Present use of property: In current development for additional vineyard plantings

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):

5. Is there a septic system on the property? Yes No

6. How will water be provided? Well City Other _____

7. What road and/or easement is the property accessed from? Pike Road and Gerrish Valley Road

Land Use Application

Page 2 of 2

8. To your knowledge, do any of the following natural hazards exist on the property?

- Floodplain
- Areas of erosion
- Steep slopes
- Fish or wildlife habitat
- Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.
3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.
4. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Mount Richmond Vineyard, LLC

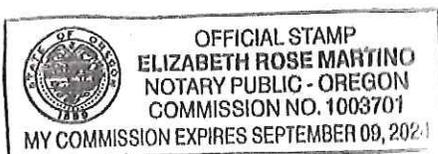
Applicant's signature	Date
By:	3/14/2022
Property owner's signature (if different)	Date

State of Oregon

County of Yamhill

Signed before me on this 10th ^{14th} day of March, 20 22

by Adam Campbell



Notary Public for Oregon
My Commission expires 9/9/2024

APPLICATION NARRATIVE AND PROPOSED FINDINGS

- REQUEST: Approval of a Site Design for a Winery Producing up to 50,000 gallons of wine on a parcel with at least 15 acres of vine grapes, and for a tasting room for the sale of wine and related sales operations year round.
- APPLICANTS: MOUNT RICHMOND VINEYARD, LLC
- TAX LOTS: 2432-900, 2429-200,700, 1001 and 1100
- LOCATION: At the junction of Pike Road and Gerrish Valley Road
- ZONE: EF-80, Exclusive Farm Use
- CRITERIA: The request is subject to Section 402.02(H), 402.10, and 1101 of the *Yamhill County Zoning Ordinance*.

SITE DESIGN REVIEW: 1101.10

1. Wineries and included tasting rooms in conjunction with a minimum of 15 acres of on-site grape vines are a permitted use in the EFU-80 zone per 402.02(H). The present request is for site design approval of a winery producing not more than 50,000 gallons of wine annually and a tasting room with wine and related sales operations year round.

Criteria

- (1) The adjoining and surrounding lands are presently all being commercially farmed for Viticulture or Horticulture or are currently in forestry production.

See Exhibit A which shows Applicants significant adjacent acres of vineyard and vineyard facilities in current operation. At Applicant's Mount Richmond vineyard annual grape production is approximately 450 tons of grapes equating to approximately 75,000 gallons of finished wine production. Also shown are the substantial growing and processing facilities of Bailey Nurseries and the farmed parcels to the East and South of Tax Lot 2432-900.

- (2) The highest and best agricultural use of the property is for viticultural production of grapes and wine. The property is ideally suited for the plating of 21 acres of vineyards. Vines are on order and approximately 25 acres of vines will be planted on Tax Lot 2432-900 during Spring of 2022. Applicant owns and operates its Mount Richmond Vineyard with 200 acres of vineyards on 293 acres of adjacent Tax Lots R2429-200,700, 1001 and 1100.
- (3) The Applicant will develop access to the winery and tasting room facilities from Pike Road to Yamhill County emergency vehicle standards. Additional improvements will include

parking and turn around areas near the winery and tasting room. Approximately 20 new parking spaces and a bus turn-a-round will be constructed adjacent to the tasting room. The access point has clear visibility from both directions.

- (4) The vineyard and winery, and the new tasting room facility will be generally located in a central to eastern position on the 37.5-acre parcel and will not create any unusual level of noise or unsightliness. See the Preliminary Site Plan attached as Exhibit B to this application.
- (5) There are no trees or topographical features of the parcel that will be disturbed in any significant fashion. The property is relatively flat with a gentle slope generally to the North.
- (6) No "hazard area" conditions exist at the site, which is an upland parcel with significant views of the surrounding countryside.
- (7) A large bare root nursery facility is operated by Bailey Nurseries and lies immediately west of the property across Gerrish Valley Road. The properties to the North of Tax Lot R2432-900 include the 293 acres owned by Applicant. Properties to the South and East of Tax Lot R2432-900 are engaged in farming and horticultural pursuits.

General Information

1. Applicant intends to develop the Winery and Tasting room in two phases, with an approximately 2000 square foot winery and temporary tasting room structure to be developed during 2022, and a 5,000 to 8000 square foot Tasting Room and wine storage facility to be constructed during 2024. The proposed locations of the two structures are shown on Exhibit B.
2. The winery and tasting room will be supplied with water from an existing connection to the City of Yamhill water system.
3. The soils area of the portion of the property where the Winery are very likely sufficient to accept septic field effluent subject to County Sanitarian review. Soil composition and mapping are provided as Exhibit C to the application.
4. The proposed tasting room activities will take place primarily indoors. Wineries and tasting rooms do not usually generate significant noise volumes, fumes or vibrations.

Access

1. The access roadway will be designed so that two vehicles will be able to pass each other comfortably.

2. The access roadway will be maintained in excellent condition in conformity with current Emergency Vehicle standards of Yamhill County.
3. Under county emergency vehicle standards for private roads, the Commission has delegated to fire department officials the authority to conduct inspections and make determinations of compliance or non-compliance with county private road standards. The Fire Chief for the Yamhill Fire District will need to inspect and approve the necessary improvements to the access roadway to assure that it is acceptable for the proposed winery and tasting room use.
4. Sufficient parking spaces will be developed at the winery and tasting room to meet County parking standards.
5. The outdoor approach and turnaround area at the tasting room will be constructed with compacted small size gravel or asphalt suitable for maneuverability.
6. No backing or maneuvering on the access right-of-way will be required.
7. The parcel is uniquely suited to the proposed use because:
 - A. It is of sufficient size at over 37.5 acres to offer a significant buffer from immediate contact with neighbors. In combination with adjacent Tax Lots 2429-200, 700, 1001 and 1100 the total area available to the site including buffering to the North is over 290 acres.
 - B. It has significant aesthetic qualities, providing a view of the surrounding area and the valley floor and Cascades mountain range.
 - C. The topography is gentle and relatively flat at the location of the proposed winery and tasting room.
 - D. All existing improvements will be constructed and available to serve the proposed use.
8. No aspect of the proposed winery and tasting room operation is likely to limit, impair or prevent uses of surrounding properties for permitted uses in the EFU zone because the proposed use does not generate noise, glare, fumes, vibration or other disturbances beyond what normally is permitted in the zone.
9. Fire protection and emergency services are available to the site provided by the Yamhill Fire District.
10. No additional public improvements will be required in order to provide services for the proposed use. A zone change is not required.

COMPREHENSIVE PLAN POLICIES

Rural Area Development.

1. Sites which provide scenic and aesthetic views of the valley floor Coastal and Cascade mountains are more usually found in rural areas at higher elevations.
2. Recognizing the unique qualities of such rural sites, and allowing non-disruptive and compatible use of such existing sites for winery and tasting facilities does not compromise the basic goal of urban containment and orderly urban development.
3. The proposed use will not require urban services; and does not fall under the scope of inter-governmental coordination agreements.
4. No objection or other comment to the proposed use has been received from any nearby municipality.
5. The proposed use is appropriately and uniquely suited to the area, considering the higher elevation, aesthetic views, buffered character, and the Applicants adjacent 200 acres of vineyard and agricultural improvements already developed at that farm.
6. The proposed use does not infringe on any hazard area, and will have an adequate water supply.
7. The proposed winery tasting room activity will have little or no impact on the extension of public services and facilities. Pike Road has sufficient capacity to support traffic generated by an additional farming related winery activity.
8. Approval of the proposed site design is consistent with the County's policy to recognize small areas within the County having unique scenic locational and other suitable sites which require very basic levels of service such as local road access, individual wells, on-site sanitary systems, and rural fire protection.

Agricultural Lands: Goal Statement: *To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.*

Goal Statement 2: *To conserve Yamhill County's soil resources in a manner reflecting their suitability for, forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.*

9. Rural Lands goal statements and related implementing policies are intended generally to prohibit non-farm related development of agricultural lands. The proposed winery is a permitted use on EF-80 lands, and location and operation of a tasting room adjacent to a vineyard and winery is a common farm-related winery use.

Forest Lands: Goal Statement: *To conserve and manage efficiently the county's forest and range resources, thereby ensuring a sustained yield of forest products, adequate grazing areas for domestic livestock, habitat for fish and wildlife, protection of forest soils and watershed, and preservation of recreational opportunities.*

10. Forestry and winery production and related sales activities are compatible and co-exist in harmony throughout Yamhill County. While vineyard expansions can result on reductions of forest resources, this EFU-80 zone expressly permits such a conversion. No forestry conversion will, however, occur on this site and so no conflict with forestry policies exists.
11. **Water Resources: Goal Statement:** *To conserve and to manage efficiently our water resources in order-to-sustain and enhance the quantity and quality of laws for all consumptive and non-consumptive uses and to abate flood, erosion and sedimentation problems.*

The use of an existing water service connection for the property will suffice to serve the needs of a winery and tasting room.

Fish and Wildlife:

12. Goals and policies regarding protection of fish and wildlife do not apply to the present application, because there is no identified fish or wildlife habitat on the subject property and the proposed development will not otherwise impact fish or wildlife habitat.

Open Space:

13. The county's goals and policies regarding open space require adoption of an inventory of significant open space and scenic resources as part of the county's Goal 5 inventory. The subject property is not included on any inventory of significant resources under Goal 5, including open space.

The following goals and policies do not apply to the present application: Mineral and Aggregate Resources, Ecologically and Scientifically Significant Natural Areas, Outstanding Scenic Views and Sites, Historic Areas, Sites, Structures and Objects and Cultural Areas, Wild and Scenic Waterways.



Public GIS 2019

Exhibit A-1
of ArcGIS Application Site Instructions
Page 1 of

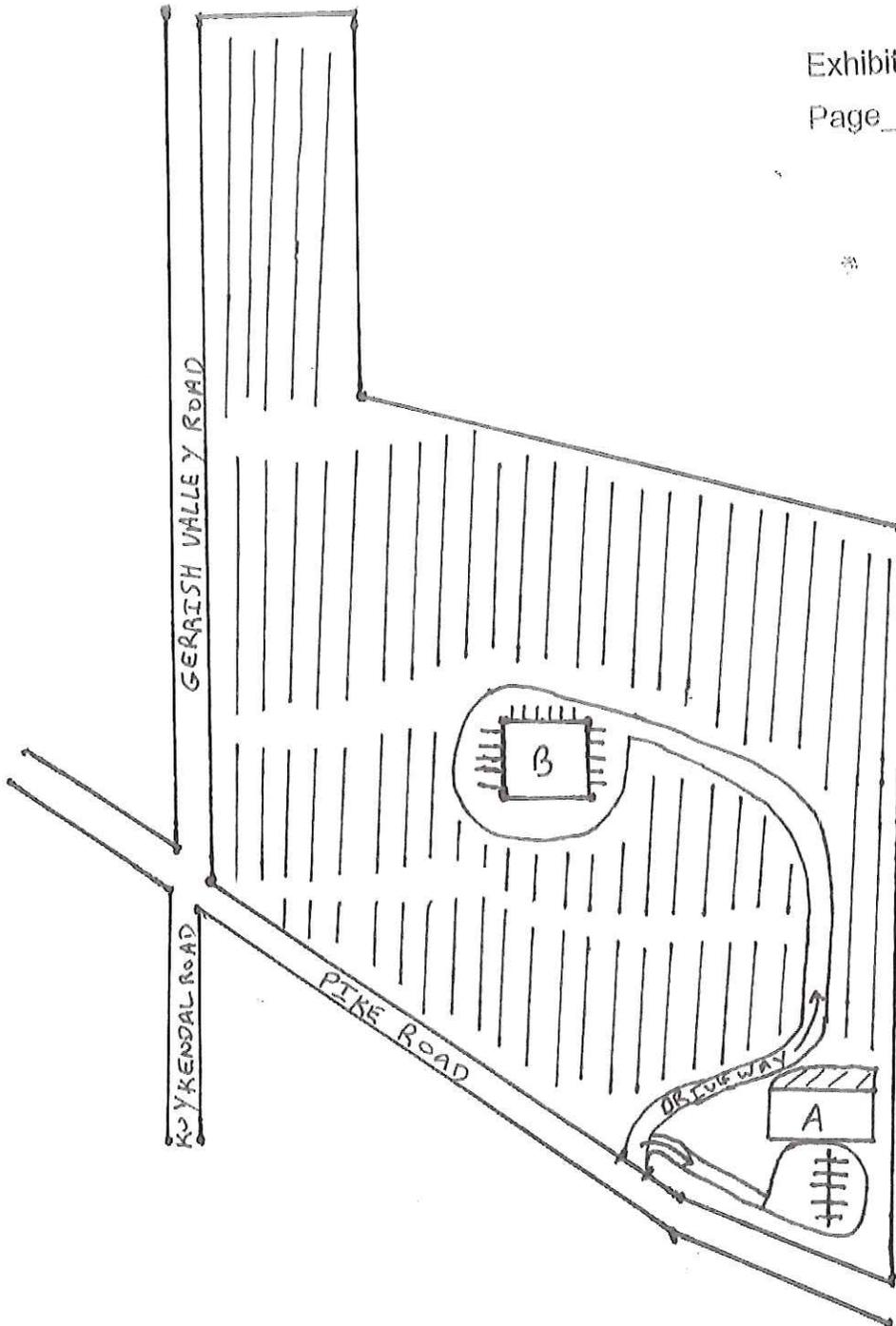


0.2mi
-123.190 45.359 Degrees

38 ACRES

25 PLANTED TO WINE GRAPES

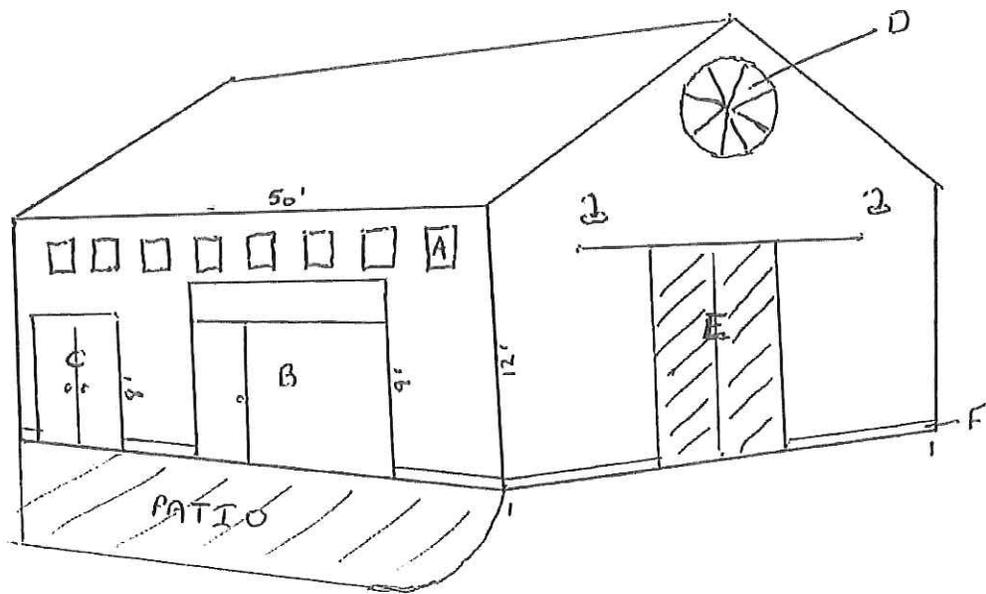
Exhibit B
Page 1 of 4



A - BUILDING #1 (2022) ~2000 sq ft 12 PARKING SPACES

B - BUILDING #2 (2024) ~5000-8000 sq ft 15 PARKING SPACES

Exhibit B
 Page 2 of 4



A - WINDOWS

B - WINDOWS & WINDOWED MAN DOOR

C - SOLID DOUBLE MAN DOOR

D - WINDOW

E - FACADE OF WOODEN SLIDERS OVER 12' ROLL UP DOOR

F - 6" STEM WALL

Exhibit B
Page 3 of 4

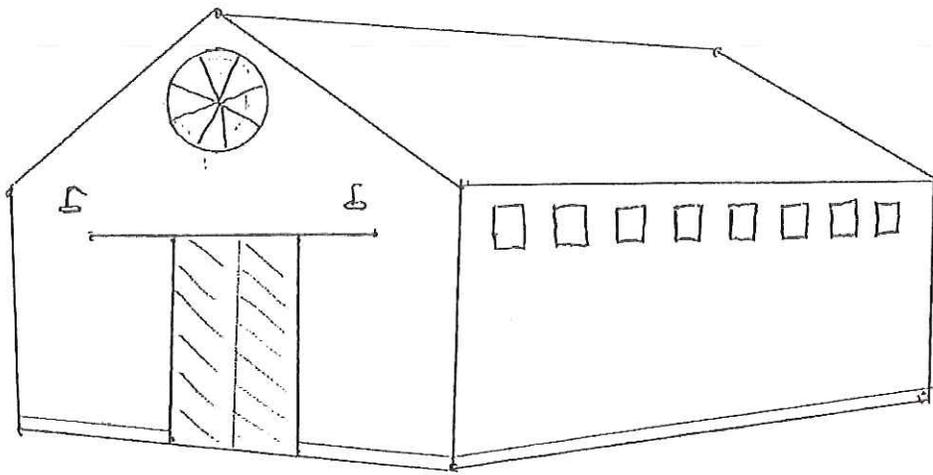
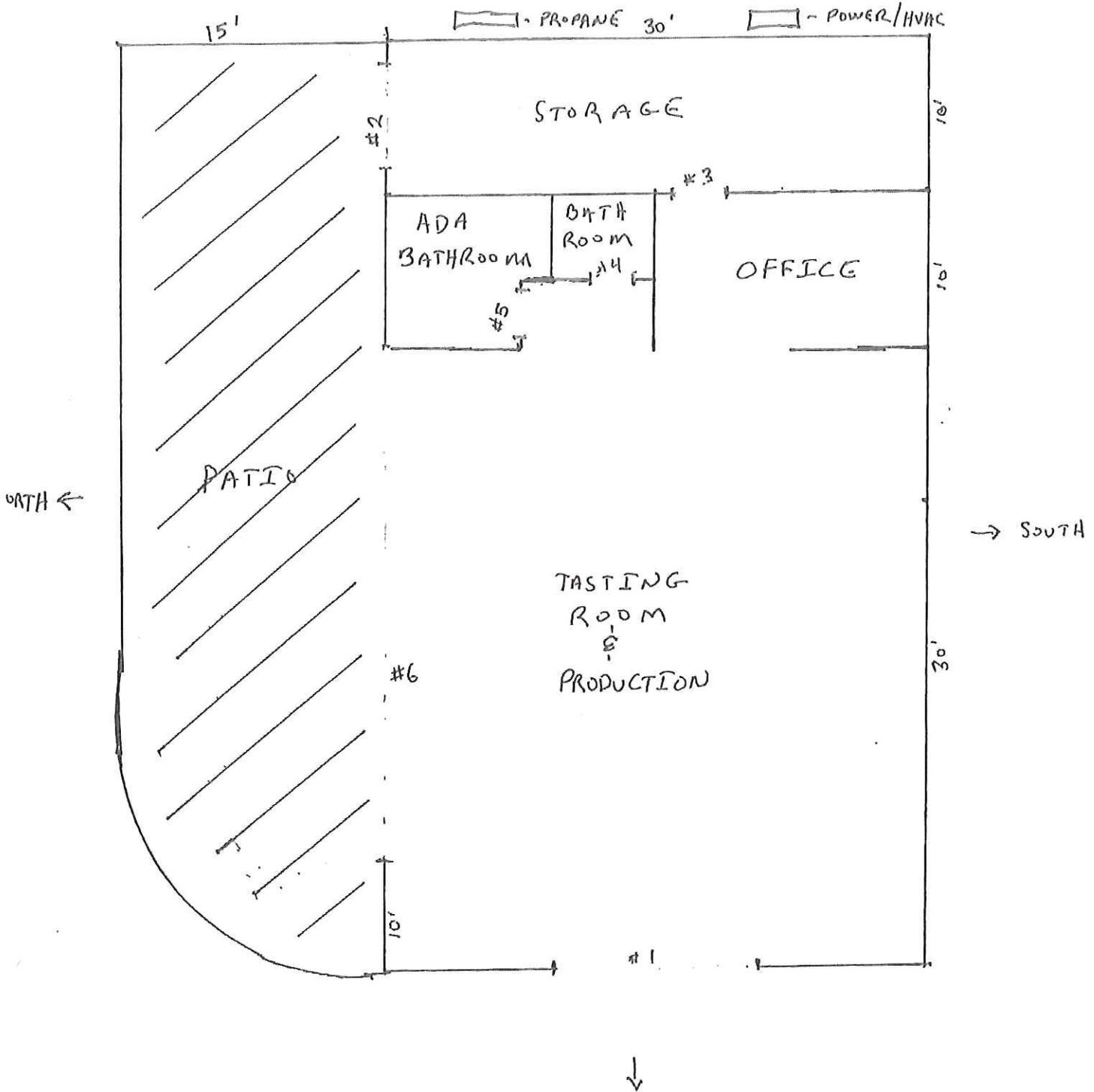


Exhibit B
Page 4 of 4

EAST
↑



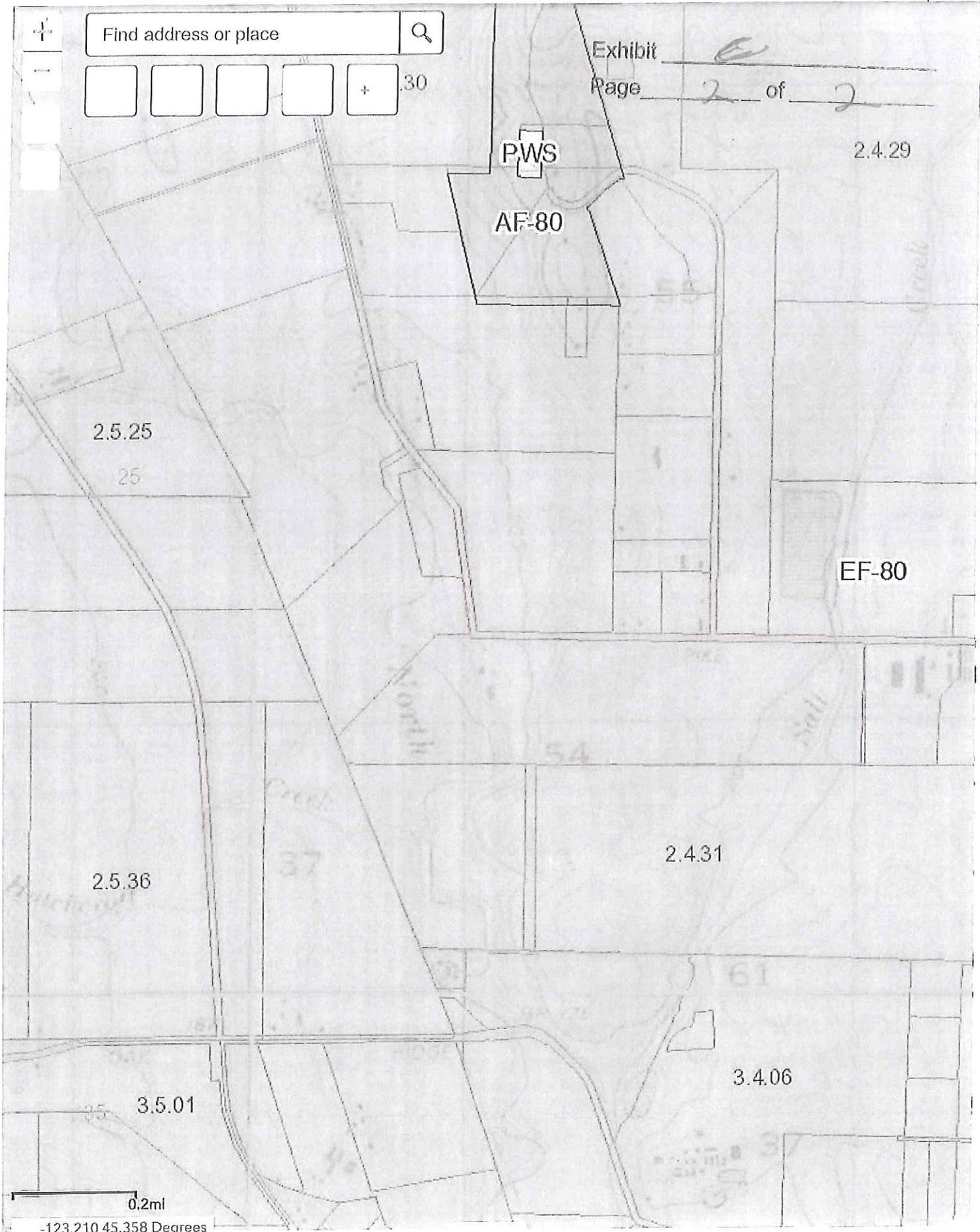
- #1 - ROLL UP DOOR 12'
- #2 - 8' MAN DOUBLE DOOR
- #3 - STANDARD MAN DOOR
- #4 & #5 - " " " (BATHROOM)
- #6 - WINDOWS & WINDOWED MAN DOOR



Find address or place

+ .30

Exhibit 2
Page 2 of 2



0.2mi
-123.210 45.358 Degrees

Desiree Lundeen

From: Adam Campbell <Adam@elkcove.com>
Sent: Tuesday, April 12, 2022 12:25 PM
To: Desiree Lundeen
Cc: Robert Verant; Walt Gowell
Subject: RE: Yamhill County Docket SDR-10-22
Attachments: doc07071120220412121345.pdf

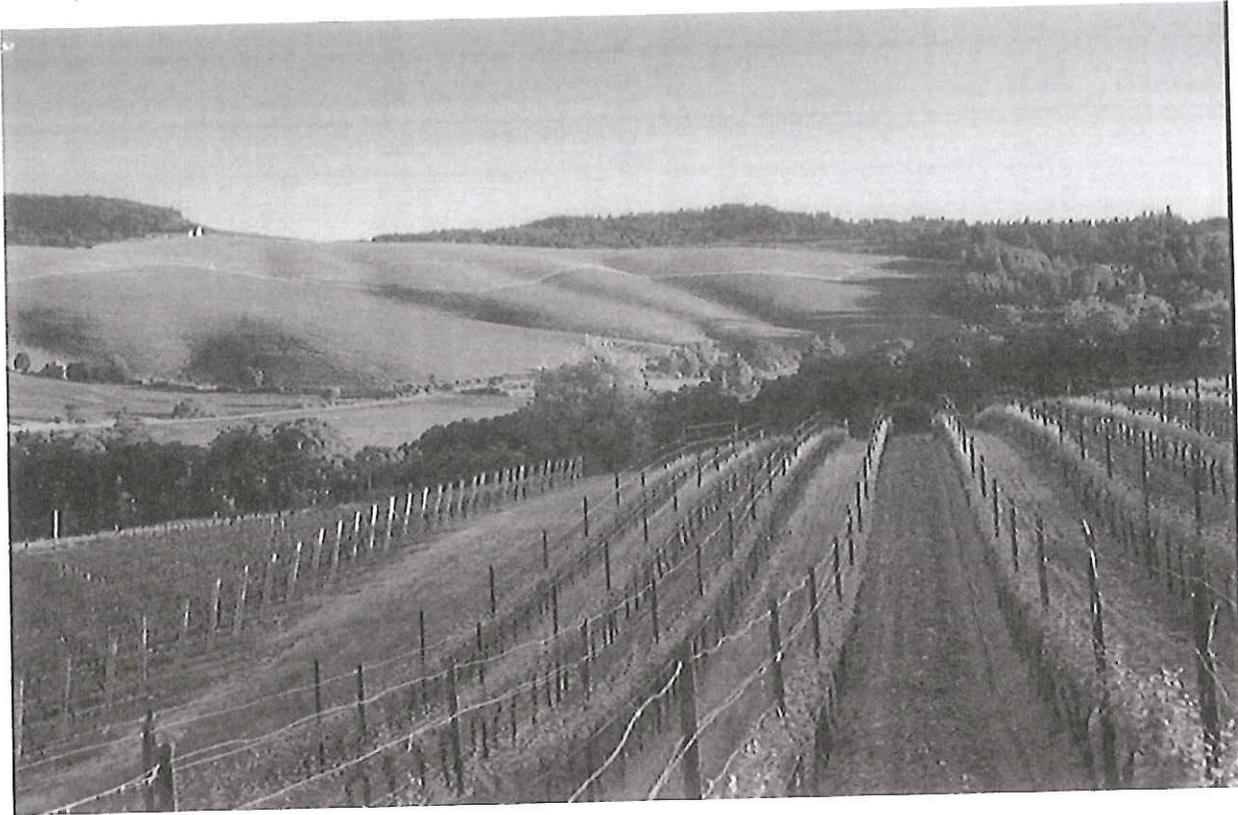
[This email originated outside of Yamhill County]

Desiree – The 100 foot setback for a winery building has altered my plan and timeline a bit. So instead of a two stage building process I want to push them together with the “Building B” being built in 2023 and “Building A” being deleted entirely. I have attached a site plan with marked setbacks for our Winery Building B. I have copied Mr Walt Gowell on this as well so if there is anything else we need to adjust that we are all on the same page. Thanks for your help!

Adam

Adam

Adam Campbell
Owner/Winemaker
Elk Cove and Pike Road Wineries
Cell (503) 997-2931



Mount Richmond with Red Clover – Spring 2019

From: Desiree Lundeen <lundeend@co.yamhill.or.us>
Sent: Tuesday, April 5, 2022 4:02 PM
To: Adam Campbell <Adam@elkcove.com>
Cc: Robert Verant <Rob@elkcove.com>
Subject: RE: Yamhill County Docket SDR-10-22

Good Afternoon Adam,
One final question regarding this application. ORS 215.452 requires that the setbacks for wineries is 100 feet from all property lines. Specifically,

A local government shall apply the standards described in this subsection. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

(a) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and

Can you provide a site plan with marked setbacks? If you are requesting a variance to that setback, can you provide information on why the variance is necessary.

Thank you,

Desiree Lundeen
Associate Planner
Yamhill County Planning Department
525 NE 4th St.
McMinnville, OR 97128
(503)434-7516
Fax (503)434-7544

From: Desiree Lundeen
Sent: Tuesday, April 5, 2022 11:38 AM
To: Adam Campbell <Adam@elkcove.com>
Cc: Robert Verant <Rob@elkcove.com>
Subject: RE: Yamhill County Docket SDR-10-22

Thank you Adam. I will also note in the staff report that 15 acres are already planted as of today.

Thank you,

Desiree Lundeen
Associate Planner
Yamhill County Planning Department
525 NE 4th St.
McMinnville, OR 97128
(503)434-7516
Fax (503)434-7544

From: Adam Campbell <Adam@elkcove.com>
Sent: Tuesday, April 5, 2022 11:17 AM
To: Desiree Lundeen <lundeend@co.yamhill.or.us>
Cc: Robert Verant <Rob@elkcove.com>
Subject: RE: Yamhill County Docket SDR-10-22

[This email originated outside of Yamhill County]

Hi Desiree

I have copied Mr Rob Verant on this email and he can forward you the invoices. I know we have already planted 15,000 vines so we are probably already at 15 acres but I know more are on the way.

Thanks

Adam

Adam Campbell
Owner/Winemaker
Elk Cove and Pike Road Wineries
Cell (503) 997-2931



Mount Richmond with Red Clover – Spring 2019

From: Desiree Lundeen <lundeend@co.yamhill.or.us>
Sent: Tuesday, April 5, 2022 10:54 AM
To: Adam Campbell <Adam@elkcove.com>
Subject: Yamhill County Docket SDR-10-22

Good Morning Adam,

I am the planner who was assigned to review your application for a permitted use winery on Tax Lot 2432-00900. Your application indicates that you will be planting approximately 21 acres to vineyard this spring. Have you already purchased the vines? If so, can you provide me with a receipt or proof of purchase?

Thank you,

Desiree Lundeen
Associate Planner
Yamhill County Planning Department
525 NE 4th St.

McMinnville, OR 97128
(503)434-7516
Fax (503)434-7544

Desiree Lundeen

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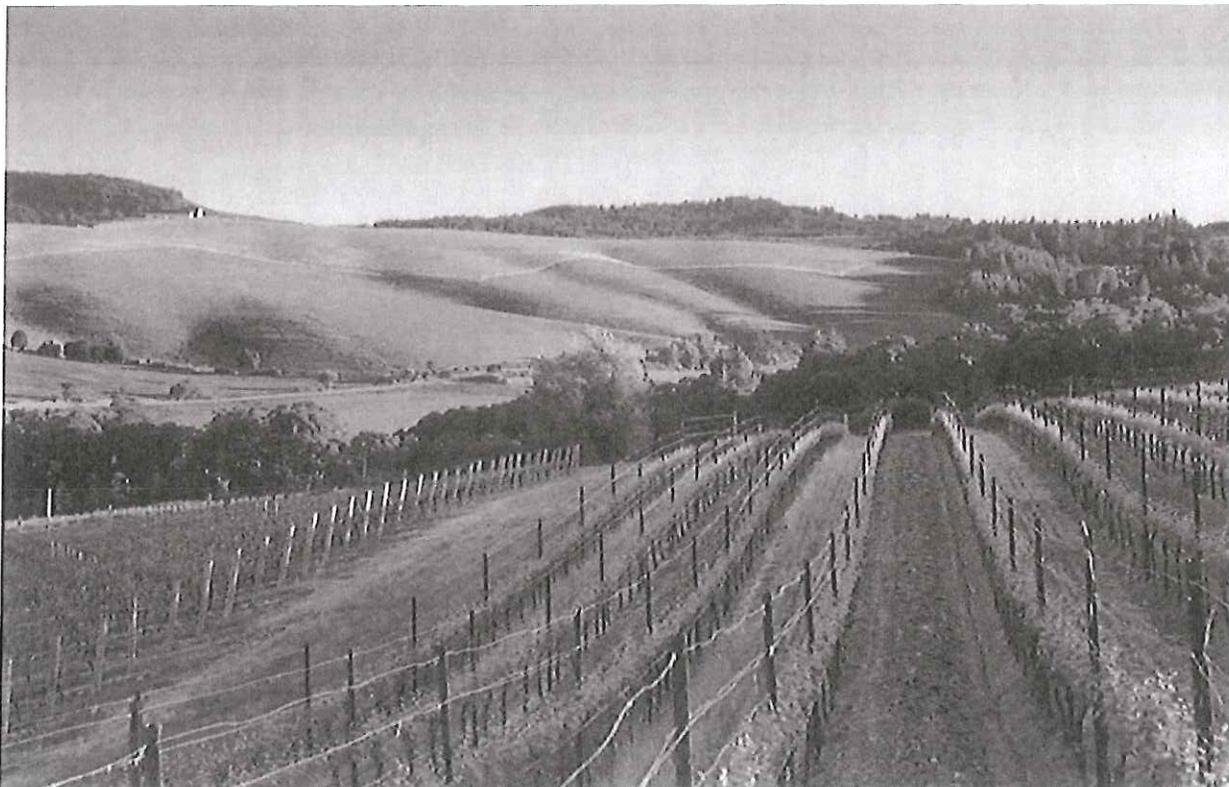
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Associate Planner
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McMinnville, OR 97128
(503)434-7516
Fax (503)434-7544

DocuSign Envelope ID: 536BB574-819D-4AD5-B5A8-E4CED44E9E25

SALES CONFIRMATION

Page 1 of 1

Wonderful Nurseries LLC
 6801 E. Lerdo Highway
 Shafter, CA 93263
www.wonderfulnurseries.com
 Phone: (661) 758-4777
 Fax: (661) 758-4999



Order Type NURS STANDARD
 Order 1073654
 Customer 1005465
 Ship Year 2022
 PO
 Reference
 Original SO
 Ship Method WN FLEET----
 Salesperson NOREN, KEN
 Date 07/29/2021
 Terms 25/50/25 N30

Sold To
 Elk Cove Vineyards
 27751 NW Olson Rd.
 Gaston, OR 97119
 United States

Ship To
 Elk Cove Vineyards
 27751 NW Olson Rd.
 Gaston, OR 97119
 United States

Item Description	Qty Ordered	Qty Shipped	Open	Price	Amount
Inspection Fee	2			\$500.000	\$1,000.00
Lab Testing Fee	2			\$300.000	\$600.00
Phytosanitary Certificate	1			\$300.000	\$300.00
Pinot Gris 04.1 / 1103P Cert Potted	12,500			\$4.100	\$51,250.00
California Grape Rootstock Improvement	12,500			\$.015	\$187.50
Commission Fee1					
Foundation Plant Services Certified Rootstock	12,500			\$.040	\$500.00
Fee					
Foundation Plant Services Certified Scion Fee	12,500			\$.008	\$100.00
				Subtotal	\$53,937.50
				IAB	\$512.50
				Freight	\$2,000.00
				Sales Tax	\$.00
				Total	\$56,450.00

Seller : WONDERFUL NURSERIES LLC
 By : *Mike Doiron*
 Name : MIKE DOIRON
 Title : SVP & GENERAL MANAGER
 Date : 07/29/2021

Buyer : ELK COVE VINEYARDS
 By : *Travis Watson*
 Name : Travis Watson
 Title : _____
 Date : 7/30/2021

We accept all major credit cards; **a 3% fee will be assessed on all credit card transactions.** The terms of this invoice are valid only if countersigned by Buyer within 14 days after the document date listed above. This Sales Confirmation is issued in connection with that certain Master Sales Agreement by and between Buyer and Seller. I acknowledge that I have read and accept the terms and conditions in the Master Sales Agreement and any exhibits thereto, including but not limited to the Limitation of Liability, Dispute Resolution, Arbitration and any applicable Patent and Non-Propagation provisions therein. In the event this sales confirmation is executed after any other sales confirmations related to the order number referenced above, this sales confirmation shall supersede such prior sales confirmations.

Date Printed 07/29/2021

DocuSign Envelope ID: 64286ADD-A3ED-448C-A06E-F6D7B9576B99
1 Vineland Road
Kingsfield CA 93307
(51) 363-8463

INVOICE



Invoice #: E22200.D
Invoice: May 25, 2021
Ship: Jun 15, 2022
Pay Terms: NET 30

Bill To: Elk Cove Vineyard
27751 NW Olson Road
Gaston, OR 97119

Ship To: Elk Cove Vineyard
27751 NW Olson Road
Gaston, OR 97119

Customer Id: ELK01	Salesperson: Sebastian Traviesa C	Order: May 25, 2021
Trade Terms: 0 - ENTERED	Via:	Carrier:
Customer PO:	Currency: USD	Trailer lic: St:

Description	Quantity	UOM	Price	Amount
amay Noir 358 Entav SO4 Green BG 2022 Scion Non Cert.	6225	vine	4.60	28,635.00
not Blanc 54 Entav Schwarz Green BG 2022 Certified	6225	vine	4.60	28,635.00
entav Royalties	12450	vine	.24	2,988.00
TOTAL CONTRACT:	24900			60,258.00
DEPOSIT TOTAL:				30,129.00

2 4 29

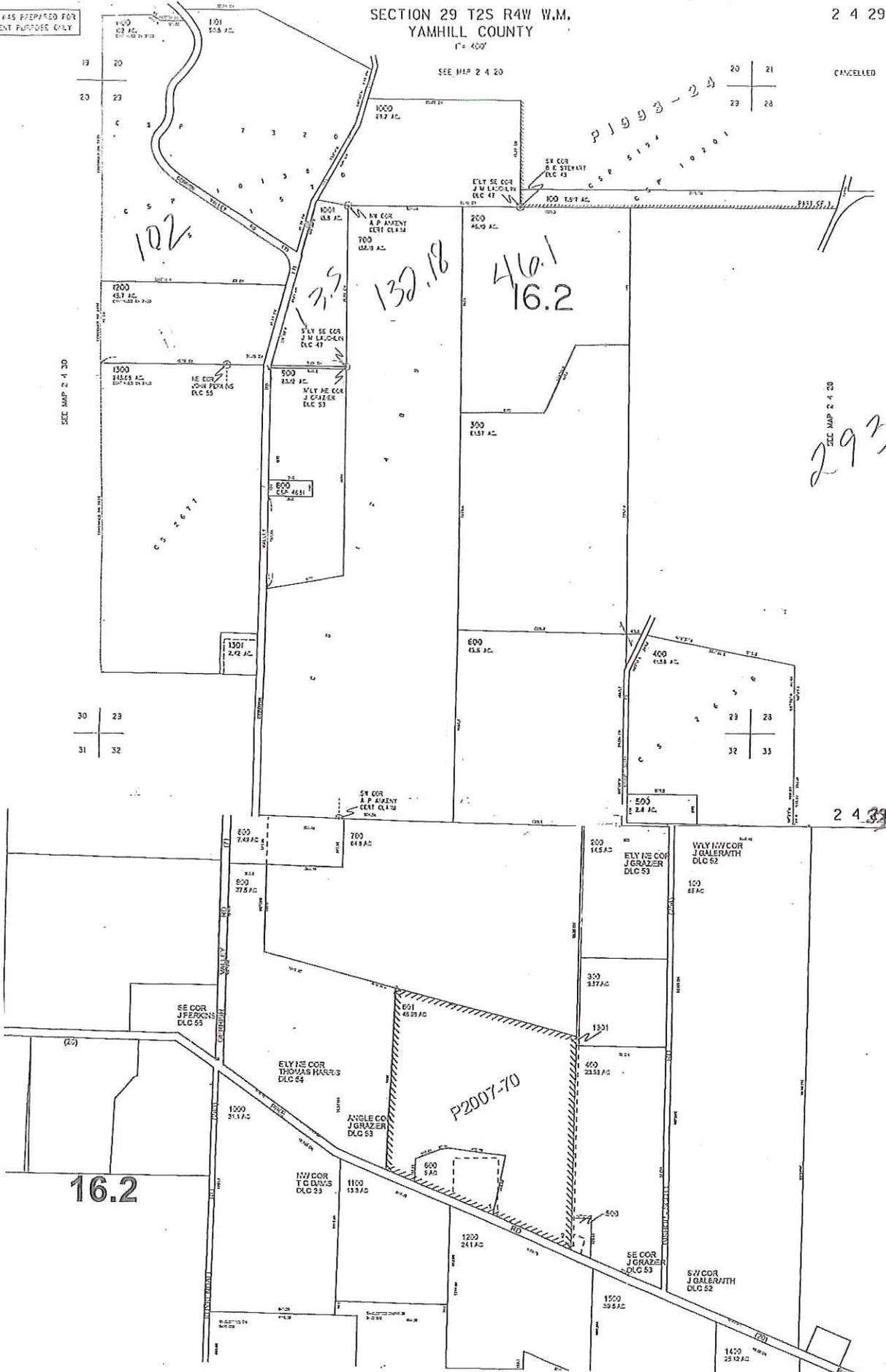
SECTION 29 T2S R4W W.M.
YAMHILL COUNTY

1" = 400'

SEE MAP 2 4 20

CANCELLED

THIS HAS BEEN PREPARED FOR
RECORD PURPOSES ONLY



2 4 29

16.2

3. APPLICATION

a. Amended application narrative

provided by applicant 5/19/22

AMENDED APPLICATION NARRATIVE AND PROPOSED FINDINGS

(5/18/2022)

(Amended language in bold)

- REQUEST: Approval of a Site Design for a Winery Producing up to 50,000 gallons of wine on a parcel with at least 15 acres of vine grapes, and for a tasting room for the sale of wine and related sales operations year round.
- APPLICANTS: MOUNT RICHMOND VINEYARD, LLC
- TAX LOTS: 2432-900, 2429-200,700, 1001 and 1100
- LOCATION: At the junction of Pike Road and Gerrish Valley Road
- ZONE: EF-80, Exclusive Farm Use
- CRITERIA: The request is subject to Section 402.02(H), 402.10, and 1101 of the *Yamhill County Zoning Ordinance*.

SITE DESIGN REVIEW: 1101.10

1. Wineries and included tasting rooms in conjunction with a minimum of 15 acres of on-site grape vines are a permitted use in the EFU-80 zone per 402.02(H). The present request is for site design approval of a winery producing not more than 50,000 gallons of wine annually and a tasting room with wine and related sales operations year round.

Criteria

- (1) The adjoining and surrounding lands are presently all being commercially farmed for Viticulture or Horticulture or are currently in forestry production.

See Exhibit A which shows Applicants significant adjacent acres of vineyard and vineyard facilities in current operation. At Applicant's Mount Richmond vineyard annual grape production is approximately 450 tons of grapes equating to approximately 75,000 gallons of finished wine production. Also shown are the substantial growing and processing facilities of Bailey Nurseries and the farmed parcels to the East and South of Tax Lot 2432-900.

- (2) The highest and best agricultural use of the property is for viticultural production of grapes and wine. The property is ideally suited for the plating of 21 acres of vineyards. Vines are on order and approximately 25 acres of vines will be planted on Tax Lot 2432-900 during Spring of 2022. Applicant owns and operates its Mount Richmond Vineyard with 200 acres of vineyards on 293 acres of adjacent Tax Lots R2429-200,700, 1001 and 1100.

- (3) The Applicant will develop access to the winery and tasting room facilities from Pike Road to Yamhill County emergency vehicle standards. Additional improvements will include parking and turn around areas near the winery and tasting room. Approximately 20 new parking spaces and a bus turn-a-round will be constructed adjacent to the tasting room. The access point has clear visibility from both directions.
- (4) The vineyard and winery, and the new tasting room facility will be generally located in a central to eastern position on the 37.5-acre parcel and will not create any unusual level of noise or unsightliness. See the Preliminary Site Plan attached as Exhibit B to this application.
- (5) There are no trees or topographical features of the parcel that will be disturbed in any significant fashion. The property is relatively flat with a gentle slope generally to the North.
- (6) No "hazard area" conditions exist at the site, which is an upland parcel with significant views of the surrounding countryside.
- (7) A large bare root nursery facility is operated by Bailey Nurseries and lies immediately west of the property across Gerrish Valley Road. The properties to the North of Tax Lot R2432-900 include the 293 acres owned by Applicant. Properties to the South and East of Tax Lot R2432-900 are engaged in farming and horticultural pursuits.

General Information

1. Applicant intends to develop the Winery and Tasting room, with a winery, wine storage and tasting room structure to be developed during 2023, at an approximate size of 8000 square feet, including 2000 square feet of Tasting Room Improvements, as well as an additional 1600 feet of covered deck area outside. The proposed location of the structure is shown on Exhibit B. Applicant's goal is to construct a winery, wine storage and tasting room that fits into the surroundings, accommodating visitors and wine grape processing but also respecting Applicant's friends and neighbors nearby. The impetus for modifying the original multiple structure concept is to locate the winery approximately at the center of the property with the closest neighbor being 700- 800 or more feet away from applicant's property lines. To date, Applicant has planted 25 acres of wine grapes on Tax Lot 900 and is installing high quality and aesthetically pleasing trellis systems, has already installed high quality fencing and gate materials (see attached photos), moved the driveway entrance to a safer location for visibility purposes and planted 400 cypress trees along the parcel's East and North borders as a future visual and sound barrier. The total investment on this parcel, (inclusive of vines) has been over \$290,000 thus far. Once the building is completed Applicant plans is to install an asphalt driveway at considerable expense. Applicant's goal is to enhance the aesthetics of the site while providing a production, storage and tasting room space for Applicant's grapes and those purchased from neighboring farms. It is anticipated that the number of additional employees working in the Winery and Tasting room will vary seasonally between five and eight employees. The number of daily visitors (based on

Applicant's long experience at Elk Cove will have a daily average of about ten cars and twenty visitors.

2. The winery and tasting room will be supplied with water from an existing connection to the City of Yamhill water system.
3. The soils area of the portion of the property where the Winery are very likely sufficient to accept septic field effluent subject to County Sanitarian review. Soil composition and mapping are provided as Exhibit C to the application.
4. The proposed tasting room activities will take place primarily indoors. Wineries and tasting rooms do not usually generate significant noise volumes, fumes or vibrations.

Access

1. The access roadway will be designed so that two vehicles will be able to pass each other comfortably.
2. The access roadway will be maintained in excellent condition in conformity with current Emergency Vehicle standards of Yamhill County. **Applicant will install an asphalt driveway and parking area with approximately fifteen parking spaces for all visitors. Applicant will provide adequate turn around space for Emergency Vehicles and will primarily use smaller box trucks for winery supplies. Applicant has already relocated the entrance to the property in accordance with Yamhill County Public Works Department Permit No. A-78-21 dated November 3, 2021. See attached photo of the new entrance to the property.**
3. Under county emergency vehicle standards for private roads, the Commission has delegated to fire department officials the authority to conduct inspections and make determinations of compliance or non-compliance with county private road standards. The Fire Chief for the Yamhill Fire District will need to inspect and approve the necessary improvements to the access roadway to assure that it is acceptable for the proposed winery and tasting room use.
4. Sufficient parking spaces will be developed at the winery and tasting room to meet County parking standards.
5. The outdoor approach and turnaround area at the tasting room will be constructed with compacted small size gravel or asphalt suitable for maneuverability.
6. No backing or maneuvering on the access right-of-way will be required.
7. The parcel is uniquely suited to the proposed use because:

- A. It is of sufficient size at over 37.5 acres to offer a significant buffer from immediate contact with neighbors. In combination with adjacent Tax Lots 2429-200, 700, 1001 and 1100 the total area available to the site including buffering to the North is over 290 acres.
 - B. It has significant aesthetic qualities, providing a view of the surrounding area and the valley floor and Cascades mountain range.
 - C. The topography is gentle and relatively flat at the location of the proposed winery and tasting room.
 - D. All existing improvements will be constructed and available to serve the proposed use.
8. No aspect of the proposed winery and tasting room operation is likely to limit, impair or prevent uses of surrounding properties for permitted uses in the EFU zone because the proposed use does not generate noise, glare, fumes, vibration or other disturbances beyond what normally is permitted in the zone. **Applicant's choice to site the building in the center of the property is intended to be thoughtful to neighbors some of whom gave input to the project. Applicant has planted the East and North border of Tax Lot 900 with a border of 400 Cypress trees and utilized high quality barrier fencing at a considerable expense in order to mitigate any visual or noise issues**
9. Fire protection and emergency services are available to the site provided by the Yamhill Fire District.
10. No additional public improvements will be required in order to provide services for the proposed use. A zone change is not required.

COMPREHENSIVE PLAN POLICIES

Rural Area Development.

- 1. Sites which provide scenic and aesthetic views of the valley floor Coastal and Cascade mountains are more usually found in rural areas at higher elevations.
- 2. Recognizing the unique qualities of such rural sites, and allowing non-disruptive and compatible use of such existing sites for winery and tasting facilities does not compromise the basic goal of urban containment and orderly urban development.
- 3. The proposed use will not require urban services; and does not fall under the scope of inter-governmental coordination agreements.

4. No objection or other comment to the proposed use has been received from any nearby municipality.
5. The proposed use is appropriately and uniquely suited to the area, considering the higher elevation, aesthetic views, buffered character, and the Applicants adjacent 200 acres of vineyard and agricultural improvements already developed at that farm.
6. The proposed use does not infringe on any hazard area, and will have an adequate water supply.
7. The proposed winery tasting room activity will have little or no impact on the extension of public services and facilities. Pike Road has sufficient capacity to support traffic generated by an additional farming related winery activity.
8. Approval of the proposed site design is consistent with the County's policy to recognize small areas within the County having unique scenic locational and other suitable sites which require very basic levels of service such as local road access, individual wells, on-site sanitary systems, and rural fire protection.

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10. Forestry and winery production and related sales activities are compatible and co-exist in harmony throughout Yamhill County. While vineyard expansions can result on reductions of forest resources, this EFU-80 zone expressly permits such a conversion. No forestry conversion will, however, occur on this site and so no conflict with forestry policies exists.
11. **Water Resources: Goal Statement:** *To conserve and to manage efficiently our water resources in order-to-sustain and enhance the quantity and quality of laws for all consumptive and non-consumptive uses and to abate flood, erosion and sedimentation problems.*

The use of an existing water service connection for the property will suffice to serve the needs of a winery and tasting room.

Fish and Wildlife:

12. Goals and policies regarding protection of fish and wildlife do not apply to the present application, because there is no identified fish or wildlife habitat on the subject property and the proposed development will not otherwise impact fish or wildlife habitat.

Open Space:

13. The county's goals and policies regarding open space require adoption of an inventory of significant open space and scenic resources as part of the county's Goal 5 inventory. The subject property is not included on any inventory of significant resources under Goal 5, including open space.

The following goals and policies do not apply to the present application: Mineral and Aggregate Resources, Ecologically and Scientifically Significant Natural Areas, Outstanding Scenic Views and Sites, Historic Areas, Sites, Structures and Objects and Cultural Areas, Wild and Scenic Waterways.

B - BUTLER RD. (2023) ~ 5000 - 8000 sq. ft. 15 PARKING SPACES

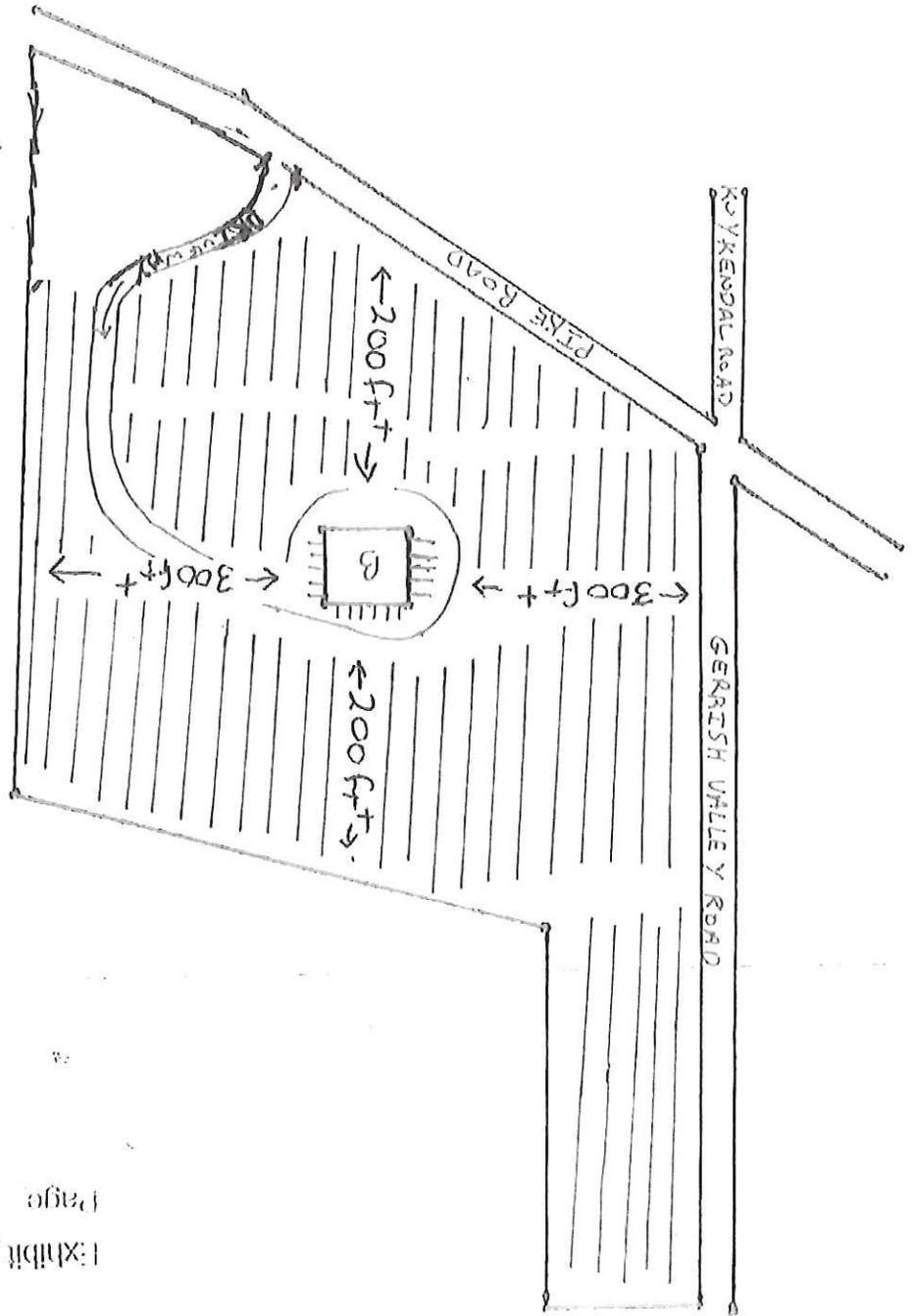
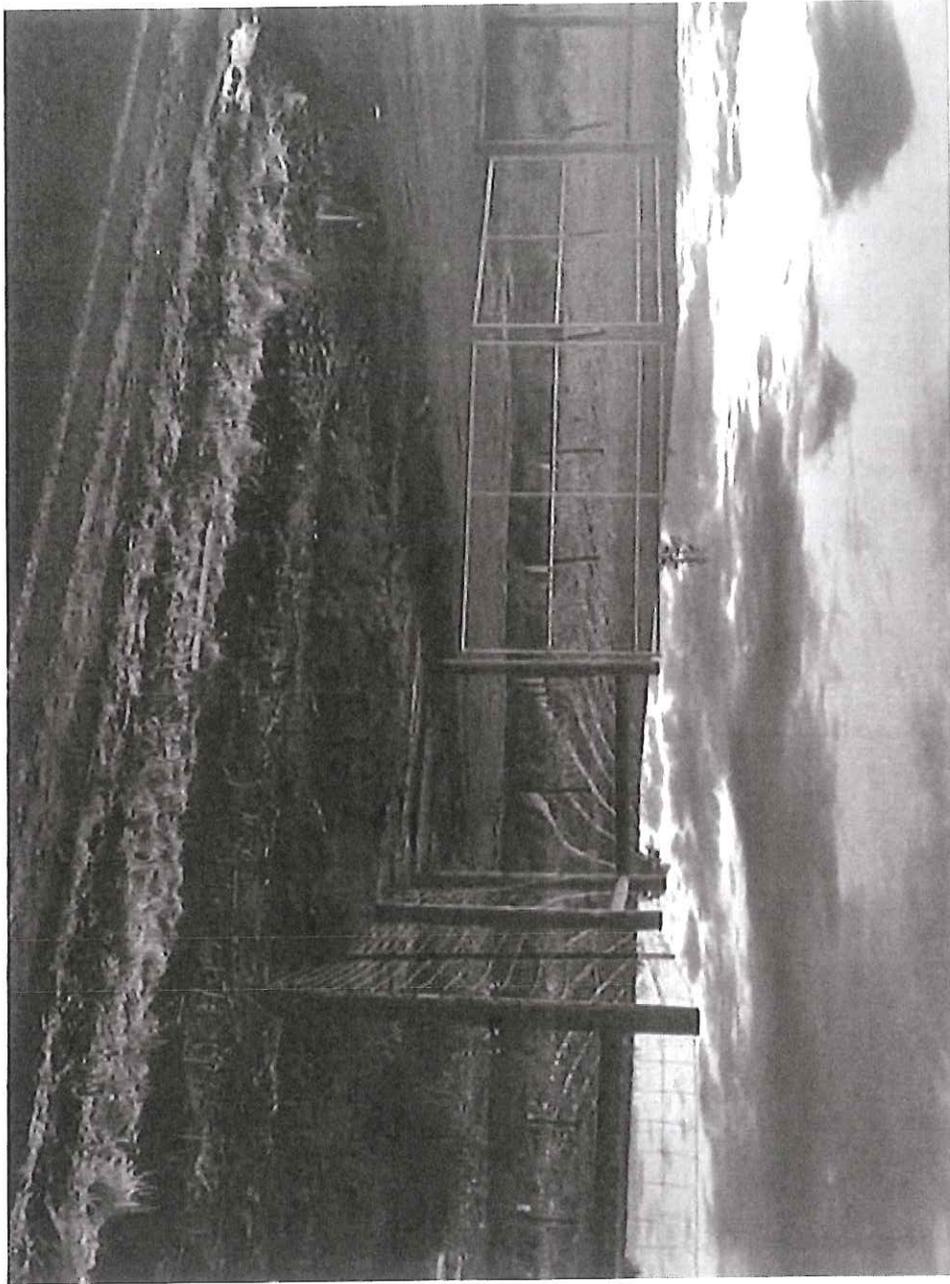


Exhibit B page 4 of 11

WA cont 2/1/23
38 A.R. 2
7.5 PLANNED TO MAKE GARAGE







Permit # A-78-21



Yamhill County Public Works Department 2060 Lafayette Avenue, McMinnville, OR 97128

Mark Lago
Director Public Works
lacom@co.yamhill.or.us
Phone Number (503) 434-7515

Fax. 503-472-4068

Bill Anderson
Permits
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PERMITS: Who needs one?

Any time an individual, contractor, or company needs to perform work within the County Rights-of-Way, whether in the road, along the shoulder, in the ditch, or on trees, a Right-of-Way Permit is required.

Examples of work frequently performed in the Right-of-Way and requiring a permit include subdivisions, drainage issues, utility construction, driveway installation and use changes, tree trimming and brush cutting, private situations and special events.

The purpose of the permit is to insure that activities conducted in the Right-of-Way do not constitute a danger to the travelling public or the individuals involved and that the project does not degrade the right-of-way thereby increasing maintenance costs to the taxpayer.

INSTRUCTIONS:

Complete the "APPLICANT INFORMATION" below by printing. Insufficient information will delay processing. Include ^{one} two sets of plans and if required: (a certificate of insurance, a bond or guarantee of payment and any set fees). Read the reverse side of this form, sign and date your acknowledgement. Special provisions may be added to the permit when and if issued.

***** APPLICANT INFORMATION *****	
APPLICANT: <u>Travis Watson</u>	POSITION: <u>Manager</u>
COMPANY NAME: <u>E. K. COVE Vineyards inc.</u>	
MAILING ADDRESS: <u>27751 NW Olson Rd. Gaston OR. 97119</u>	
E-MAIL ADDRESS: <u>travis.delkove.com</u>	
BUSINESS PHONE: <u>503-985-7760</u>	Cell: <u>503-750-6012</u> FAX: <u>503-985-3525</u>
WORK BEING PERFORMED BY: Company: <input type="checkbox"/> Subcontractor: <input type="checkbox"/> <input checked="" type="checkbox"/> Self: <input type="checkbox"/> Other: <input type="checkbox"/>	
Field supervisors name: <u>Travis Watson</u> Telephone: _____	
Firms name: _____ Telephone: _____	
PROJECT LOCATION: TOWNSHIP: _____ RANGE: _____ SECTION: _____ TAX LOT: _____	
PROJECT ADDRESS: <u>TBD Pike Rd Just west of 9030 NW Pike Rd.</u>	
<u>well before Gervish valley Rd.</u>	
PROJECT DESCRIPTION: <u>install culvert/new entrance to property</u>	

\$184.00, will install stakes

GENERAL PROVISIONS:

- SEE YAMHILL COUNTY ORDINANCE 776 FOR SPECIFIC PROVISIONS, AND "ADDITIONAL CONDITIONS", ATTACHED, WHICH ALSO APPLY TO THE ISSUED PERMIT.

4. SECTION 402 OF YCZO – Exclusive Farm Use, EF-20, 40, 80

Mt. Richmond LLC
SDR-10-22

This section and related information is available at www.co.yamhill.or.us/plan/planning/ordinance/zoning_toc.asp

SECTION 400 – NATURAL RESOURCE DISTRICT

402. EXCLUSIVE FARM USE DISTRICT (EF-80, EF-40, and EF-20)

[Last amended 9/22/11, Ord 867; 5/24/2012 Ord 872; 08/01/18; Ord. 903]

402.01 Purpose.

The purpose of the Exclusive Farm Use District is to identify and protect land designated as Exclusive Farm Use on the Comprehensive Plan that is suitable and desirable for commercial agricultural operations and other uses which are compatible with such operations. Properties in the Exclusive Farm District are primarily large, contiguous relatively flat terrace, valley-floor or low foothill holdings. In Exclusive Farm Use Districts, nonfarm residential and other development which might likely be affected by normal farm management practices, will be limited or prohibited so as to maximize the productivity potential of vicinity farmlands.

402.02 Permitted Uses.

In the Exclusive Farm Use District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 402.09 and any other applicable provisions of this ordinance:

- A. Farm uses as defined in Subsection 402.10.
- B. Farm stands subject to a Type A miscellaneous land use application to evaluate health and safety requirements such as access, parking and sewage disposal, and to determine if:
 - 1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

[Amended 12/05/02; Ord. 720; 5/24/2012; Ord 872]
- C. Propagation and harvesting of a forest product.
- D. Creation of, restoration of, or enhancement of wetlands.
- E. A facility for the processing of farm crops located on a farm operation and provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. The application will also be subject to Section 1101, Site Design Review.

[Added 3/19/98, Ord. 643; amd Ord 872]

- F. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it satisfies the requirements of ORS 215.275. [Amended 12/05/02; Ord. 720]
- G. Accessory uses, including buildings other than dwellings customarily provided in conjunction with farm use.
- H. Winery, as defined in subsection 402.10, subject to Section 1101, Site Design Review. [Amended 11/30/94, Ord. 582]
- I. Operations for the exploration of minerals as defined by ORS 517.750.
- J. Operations for the exploration for and the production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead, subject to the requirements of Section 404.10.
- K. Signs, pursuant to the sign provisions set forth in Section 1006.
- L. The following transportation facilities:
1. Climbing and passing lanes within the right of way existing as of July 1, 1987.
 2. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 4. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system; and
 5. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling replaced under this section shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for

exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

6. A secondary farm dwelling authorized pursuant to Section 402.03(F)(4)(c) may only be replaced by a manufactured dwelling. [Amended 3/19/98, Ord. 643]
- N. Public or private school, including all buildings essential to the operation of a school, subject to the Type B application procedures and Section 1101, Site Design Review. The school must be at least three miles from an urban growth boundary, and is not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced, or expanded. [Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]
- O. Churches and cemeteries in conjunction with churches, subject to the Type B application procedures and Section 1101, Site Design Review. The uses must be at least three miles from an urban growth boundary, and are not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced, or expanded. [Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]
- P. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground. [Added 3/19/98, Ord. 643]
- Q. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), may be conducted subject to ORS 30.930 to 30.947, when it involves no more than 45 days on any site within any one-year period and does not involve erection of sets that would remain in place for longer than any 45-day period. [Added 3/19/98, Ord. 643]
- R. Fire service facilities providing rural fire protection services. [Added 12/05/02; Ord. 720]
- S. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. [Added 12/05/02; Ord. 720]
- T. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
1. A public right of way;
 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

3. The property to be served by the utility. [Added 12/05/02; Ord. 720]
- U. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural, or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the exclusive farm use zone. [Added 12/05/02; Ord. 720]
- V. The maintenance, expansion or enhancement of an existing site on the same tract for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation. The use must satisfy the standards set forth in ORS 215.296(1)(a) and (b) and the standards set forth in Section 1101, Site Design Review. The maintenance, expansion or enhancement of an existing use on the same tract on high-value farmland is permissible only if the existing use is wholly within a farm use zone. No other Yamhill County Zoning Ordinance criteria or Comprehensive Plan goal or policy shall apply as an approval standard for this use. [Added 9/22/11; Ord 867]
- W. A "residential home" as defined in ORS 197.660 may be established in an existing dwelling. [Added 5/24/12; Ord. 872]
- X. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture subject to Section 1013, Agri-Tourism Use Permits. [Added 5/24/12; Ord. 872]

402.03 Permitted Dwellings

The following residential uses shall be permitted in the Exclusive Farm Use District subject to the standards and limitations set forth in Section 402.09 and satisfaction of the criteria specified for each use. Furthermore, the decision-making body may attach reasonable conditions to approvals in order to insure compliance with relevant criteria. The following uses are subject to the type of notice requirements of Section 1301 indicated.

- A. Principal dwelling customarily provided in conjunction with farm use on high-value farmland, subject to the following (Type A notice):
1. The subject tract is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
 2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract. [Subsection A added 3/19/98, Ord. 643]
- B. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, subject to the following (Type A notice):
1. The subject tract is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract. [Amended 12/05/02; Ord. 720]

2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract. [Subsection B added 3/19/98, Ord. 643]
- C. Principal dwelling customarily provided in conjunction with farm use on a parcel at least 160 acres in size that is not high-value farmland, under the following circumstances (Type A notice):
1. The subject tract is currently employed for farm use, as defined in Subsection 402.10(C).
 2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale as defined in subsection 4 of this section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 4. The determination of whether the farm is "commercial" will be based upon whether the farm:
 - (a) Contributes in a substantial way to the area's existing agricultural economy; and
 - (b) Helps maintain agricultural processors and established farm markets;
 - (c) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. [Subsection C amended 3/19/98, Ord. 643]
- D. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, under the following circumstances (Type A notice):
1. The subject tract is at least as large as the median size of those commercial farm tracts capable of generating at least \$10,000 in annual gross sales that are located within the study area defined in subsection (6) of this Section.
 2. The subject tract is capable of producing annual gross sales of county indicator crops, as determined by OAR 660-33-135(4), at a level equal to or greater than the median of those farms within the study area defined in subsection (6) of this Section.
 3. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection (2) of this Section. If no farm use has been established at the time of application, land-use approval shall be subject to a condition that no building permit for a residence may be issued prior to the establishment of the farm use required in this subsection.
 4. The subject lot or parcel on which the dwelling is proposed is at least 10 acres in size.
 5. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.

6. In order to identify the commercial farm tracts to be used in subsections (1) and (2) of this Section, the gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4) as follows:
- (a) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;
 - (b) Determine for each tract in the study area the number of acres in every land classification from the county assessor's data;
 - (c) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4). Add these to obtain a potential earning capability for each tract;
 - (d) Identify those tracts capable of grossing at least \$10,000 based on the data generated in subsection (6)(c) of this Section;
 - (e) Determine the median size and gross sales capability for those tracts capable of generating at least \$10,000 in annual gross sales to use in subsections (1) and (2) of this Section. [Subsection D added 3/19/98, Ord. 643]
- E. A secondary dwelling for a relative of the farm operator under the following circumstances (Type A notice):
1. The tract is currently employed for farm use, as defined in Subsection 402.10(C), at a commercial scale.
 2. The dwelling shall be located on the same lot or parcel as the dwelling of the farm operator.
 3. The dwelling shall be occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling- niece, nephew, or first cousin of either if the farm operator does, or will require the assistance of the relative in the management and farm use of the existing commercial farm use. [Amended 12/05/02; Ord. 720]
 4. The farm operator shall continue to play the predominant role in the management of the farm. A farm operator is a person who operates a farm, doing the work and making day-to-day decisions about such things as planting, harvesting, feeding, and marketing. [Subsection E amended 3/19/98, Ord. 643]
- F. A secondary dwelling customarily provided in conjunction with farm use for farm help, under the following circumstances (Type A notice):
1. The secondary dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. [Amended 12/05/02; Ord. 720]

2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as a secondary farm dwelling.
 3. The primary farm dwelling to which the proposed dwelling would be accessory satisfies one of the following:
 - (a) On land identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract; or
 - (b) On land not identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
 4. The secondary dwelling will be located:
 - (a) On the same lot or parcel as the primary farm dwelling; or
 - (b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The secondary dwelling may remain if it is re-approved as a principal dwelling under this ordinance; or
[Subsection F added 3/19/98, Ord. 643, Amended 12/05/02; Ord. 720]
 - (d) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
 - (e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable;
[Subsection d and e added 12/05/02; Ord. 720]
- G. A dwelling may be considered customarily provided in conjunction with a commercial dairy if:

1. The subject tract will be employed as a commercial dairy as defined in this ordinance; and
 2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and
 3. Except for seasonal farm worker housing, there is no other dwelling on the subject tract; and
 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 6. The Oregon Department of Agriculture has approved the following:
 - (a) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (b) A Producer License for the sale of dairy products under ORS 621.072.
[Added 12/05/02; Ord. 720]
- H. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as historic property and on the National Register of Historic Places (Type A notice).
- I. Principal dwelling not provided in conjunction with farm use on a lot or parcel created before January 1, 1993, subject to the following standards and criteria (Type B notice):
1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 2. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils. Soil assessments may be submitted from a professional soil classifier pursuant to OAR 660-033-0030. [Amended 5/24/12; Ord. 872]
 3. The dwelling will be sited on a lot or parcel created before January 1, 1993.
 4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the county shall:
 - (a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish

it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

- (b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.) And the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;
 - (c) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
5. The dwelling complies with other conditions the county considers necessary, including but not limited to provision for sewage disposal, emergency vehicle access, and public road approach.
 6. The tract on which the dwelling is to be sited does not include a dwelling.
 7. Prior to issuance of a residential building permit, the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of disqualification has been paid. A parcel that has been disqualified under this subsection shall not re-qualify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

[Subsection I amended 8/13/98, Ord. 657; Amd 5/24/12 Ord 872]

- J. Principal lot of record dwelling not on high-value farmland subject to the following standards and criteria Type A notice):
 1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

- (a) and has been owned continuously by such owner since prior to January 1, 1985;
or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. The lot or parcel is not high-value farmland as defined in Subsection 402.10(E).
 5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 6. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
 7. The County Assessor shall be notified that the county intends to allow the dwelling.
 8. For purposes of this section 402.03(J), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

[Subsection J amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

K. Principal lot of record dwelling not in conjunction with farm use on Class III and IV high-value farmland, subject to the following standards and criteria (Type A notice):

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985;
or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

5. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
 6. The tract on which the dwelling is to be sited is:
 - (a) Composed predominantly of high-value farmland as defined in subsection 402.10(E)(2) or (3); and
 - (b) Twenty-one acres or less in size.
 7. The tract on which the dwelling is to be sited is:
 - (a) Bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993; or
 - (b) Not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. No more than two of the four dwellings may be within an Urban Growth Boundary, but only if the subject tract abuts an urban growth boundary; or
 - (c) A flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary;
 - i. "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - ii. "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot. [Amended 12/05/02; Ord. 720]
 8. The County Assessor shall be notified that the county intends to allow the dwelling.
 9. For purposes of this section 402.03(K), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members. [Subsection K amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]
- L. Principal lot of record dwelling not in conjunction with farm use on Class I and II high-value farmland, subject to the following standards and criteria (Type C notice):

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
5. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
6. The tract on which the dwelling is to be sited is on high-value farmland as defined in subsection 402.10(E)(1).
7. The Planning Commission determines that:
 - (a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - (b) The dwelling will comply with the provisions of Section 402.07(A); and
 - (c) The dwelling will not materially alter the overall land use pattern of the area.
8. The County Assessor shall be notified that the county intends to allow the dwelling.
9. For purposes of this section 402.03(L), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent,

stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

10. The State Department of Agriculture shall be provided notice of the application at least twenty (20) days prior to the public hearing before the Planning Commission.
[Subsection L amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

402.04 Conditional Uses.

The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following: [Amended 12/05/02; Ord. 720]
1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system. [Amended 12/05/02; Ord. 720]
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 402.09(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 3/19/98, Ord. 643/Amended 12/05/02; Ord. 720]
- B. A facility for the primary processing of forest products, subject to Subsection 402.07(B).
- C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 5/24/12; Ord. 872]
- D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural

community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]

- E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
- F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12, Ord 872]
- G. Commercial activities that are in conjunction with farm use as defined in Section 402.10(B), but not including the processing of farm crops which are a permitted use as described in subsection 402.02(E), subject to Section 1101, Site Design Review. [Amended 3/19/98, Ord. 643]
- H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 4. Processing of other mineral resources and other subsurface resources.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004
- J. The following transportation facilities:
1. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.
 3. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- K. Personal use airports subject to subsection 402.07(C).
- L. Golf course, as defined in subsection 402.10(D), except new golf courses are not allowed on a tract identified as high-value farmland. Existing golf courses on high-value farmland that are wholly within a farm use zone may be expanded to a total of no more than 36 holes, subject to conditional use approval and provided the expansion is consistent with the definition in Section 402.10(D). [Amended 3/19/98, Ord. 643]

- M. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height, subject to Subsection 402.07(D) and Section 1101, Site Design Review. Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils. [Amended 08/01/18, Ord. 903]
- N. Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12. [Amended 3/19/98, Ord. 643]
- O. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 402.10(A), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
- P. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947. [Added 8/13/98, Ord. 657]
- Q. Operations for the extraction and bottling of water. [Added 8/13/98, Ord. 657]
- R. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling. [Added 8/13/98, Ord. 657]
- S. "Living History Museum" as defined in Oregon Administrative Rules 660-033-130(21). [Added 12/05/02; Ord. 720]

402.05 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

402.06 Nonconforming Uses.

Nonconforming uses found in the Exclusive Farm Use District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

402.07 Additional Standards for Approval of Conditional Uses

- A. In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:
1. The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
 2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.
- B. A facility for primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 402.10(C). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

- C. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through a waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to applicable rules of the Oregon Aeronautics Division.
- D. A power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise on a tract not identified as high-value farmland. Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils, unless an exception is taken pursuant to OAR 660, Division. [Amended 08/01/18; Ord. 903]

402.08 Permit Expiration Dates and Declaratory Statements for Dwelling Approvals

- A. Notwithstanding other provisions of this Ordinance and except as provided for in subsection 402.08 (D), a discretionary decision, except for a land division, approving a proposed development in the Exclusive Farm Use district is void two years from the date of the final decision if the development action is not initiated in that period. An extension period of up to 12 months may be granted if: [Amended 12/05/02; Ord. 720]
1. An applicant makes a written request for an extension prior to expiration of the development approval period, stating the reasons that prevented the applicant from beginning or continuing development within the approval period; and
 2. The Planning Director determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- B. Approval or denial of an extension granted under this rule is an administrative decision, is not a land-use decision described in ORS 197.015, and is not subject to appeal as a land-use decision. However, the Board, on its own motion, may order review of the decision of the Director within 15 days of the decision.
- C. Additional one-year extensions may be authorized by the Planning Director where applicable criteria for the decision have not changed.
- D. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for four years. Any extension of a permit for residential development shall be valid for two years. For the purpose of this subsection, "residential development" only includes the dwellings provided for under ORS 215.283(1)(s), 215.284, and 215.705(1) to (3). [Added 12/05/02; Ord. 720]
- E. Prior to issuance of any residential building permit for an approved dwelling located within 1 mile of an area which has been designated in the plan or zone or otherwise approved by Yamhill County for mineral resource uses, the landowner shall be required to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records of Yamhill County;

"The subject property is located in an area designated for mineral resource uses. It is the County policy to protect mineral resource operations from conflicting land uses in such

designated areas. Accepted mineral resource and quarry practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the responsibility of the operator of a mineral resource operation to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of State law." [Added 8/13/98, Ord. 657]

- F. Prior to issuance of a residential building permit, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law." [Added 8/13/98, Ord. 657]

402.09. Standards and Limitations.

In the Exclusive Farm Use District, the following standards and limitations shall apply:

- A. Dwelling Density.
1. Not more than one principal dwelling shall be allowed on any parcel.
 2. Permitted Secondary Uses. Not more than one permitted secondary dwelling, as described in Subsection 402.03 A or B, shall be allowed per 40 acres.
 3. Not more than one dwelling not in conjunction with farm use shall be allowed on any parcel.
- B. Parcel Size and Dimension.
1. Newly-Created Parcels.
 - (a) Any new farm parcel proposed to be created shall be a minimum of 80 acres in the EF-80 district, 40 acres in the EF-40 district, and 20 acres in EF-20 district.
 - (b) Any new nonfarm parcel proposed to be created for nonfarm uses other than dwellings shall be no larger than the minimum size necessary for its use.
 2. Lot-line adjustments. Any parcels subject to an alteration in size through a lot-line adjustment shall be shown to be of a size at least as appropriate to maintain the existing commercial agricultural enterprise in the area as were the parcels prior to adjustment. When one or more parcels subject to a proposed adjustment are larger than the minimum lot size in the zone, the same number of parcels shall be as large or larger than the minimum lot size after the adjustment. When all parcels subject to the proposed adjustment are as large or larger than the minimum lot size in the zone, no parcel shall be reduced below the applicable minimum lot size. The lot line adjustment shall not result in an increase in the potential number of dwellings on the parcels. When an area that contains an existing dwelling will be conveyed from one parcel (Parcel A) to the adjacent parcel (Parcel B), Parcel B must either receive land use approval for the

dwelling under the terms of this ordinance, or, in the alternative, a deed affidavit shall be recorded by the owner of Parcel A prohibiting the establishment of any new principal dwellings on the adjusted parcel or parcels. [Amended 3/19/98, Ord. 643; 1/14/99, Ord. 668]

3. Existing Lots. Any permitted or conditional use provided for in this District may be established on an existing lot subject to satisfaction of the applicable requirements of the Exclusive Farm Use District.
4. A division of land smaller than the minimum parcel size noted under 402.09 (A) may be approved for the purpose of establishing a church, including cemeteries in conjunction with the church provided it satisfies the following:
 - (a) The church has been approved under subsection 402.02(O);
 - (b) The newly created lot or parcel is not larger than five acres; and
 - (c) The remaining lot or parcel, not including the church, meets the minimum parcel size described in 402.09(A) by itself or after consolidation with another lot or parcel. [Amended 12/05/02; Ord. 720]
5. A division of land smaller than the minimum parcel size noted under 402.09 (A) may be approved for the purpose of creating a parcel for a park provided it satisfies the following:
 - (a) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - (b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - (c) A parcel created pursuant to this subsection that does not contain a dwelling:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - ii. May not be considered in approving or denying an application for siting any other dwelling;
 - iii. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - iv. May not be smaller than 25 acres unless the purpose of the land division is:
 1. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 2. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property. [Amended 12/05/02; Ord. 720]

C. Setbacks.

The minimum setback for all yards shall be 30 feet for all uses, except as follows:

1. The minimum setback for all yards for a livestock feeding or sales yard shall be 200 feet from the centerline of any watercourse used for domestic water supply, 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202, and 50 feet from property lines in all other circumstances. [Amended 3/19/98, Ord. 643]
2. The minimum setback for signs shall be five feet.
3. An accessory structure not more than 15 feet in height, and at least 60 feet from a road, or off-site dwelling, may be located a minimum distance of three feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five feet from the rear property line.
5. The minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.
6. Fences, Walls, and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection (F). [Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one acre, maximum parcel coverage shall be 15 percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe, and passable means of access by abutting at least 20 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 30 feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding 30 inches in height within a triangle formed by the lot corner nearest the intersection, and the two points 20 feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least 12 feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be 35 feet.

2. The maximum building height for all other structures shall be 45 feet.
3. Structures used for the storage of farm products, and appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles.

1. One recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless the necessary permits have been obtained. [Amended 7/9/98, Ord. 648]
2. Temporary structures as may be required during construction of any authorized permanent structure may be placed. Such temporary structure shall be removed within 30 days of occupancy of the permanent structure.
3. One manufactured dwelling may be stored on a lot or parcel for a period not to exceed nine months upon approval of the Director, with one extension of up to nine months if unusual circumstances are shown to exist. In no case shall a stored manufactured dwelling be connected to water or sewage disposal facilities.

I. Off-Street Parking.

1. In the Exclusive Farm Use District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one emergency vehicle turnaround.
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the Exclusive Farm Use District shall be determined by the Director, subject to the provisions of Section 1007.

402.10 Definition of Terms Used in this Section

The following terms apply only to Section 402, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

- A. Campground - Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designated and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers to existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. The campground may also provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle

shall not exceed a total of 30 days during any consecutive 6 month period. The park or campground may be public or private.

[Amended 8/13/98, Ord. 657/Amended 12/05/02; Ord. 720]

B. Commercial Activities in Conjunction with Farm Use - As authorized under subsection 402.04(G), a commercial activity in conjunction with farm use is:

1. The processing, packaging, and wholesale distribution and storage of a product not derived primarily from farm activities on the premises;
2. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following:
 - Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture
 - Livestock auction or sales yards
 - Farm equipment storage and repair facilities
 - Storage, repair, or sale of fencing, irrigation pipe and pumps, and other commercial farm-related equipment and implements
 - Veterinarian clinics
 - Slaughtering of animals, including attendant retail and wholesale sales
 - Wineries not listed as a permitted use
 - Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site.
 - Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than 750 visitors daily. An "event" shall not exceed three consecutive days.

[Subsection B amended 11/30/94, Ord. 582]

C. Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the

provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1) (3) or 321.824(3).
 [Amended 5/24/12; Ord. 872]

"Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products.

"Products or by-products raised on such land" means the those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring on land being used for the primary purposes of obtaining a profit in money from the farm use of the land. [Subsection C amended 3/19/98, Ord. 643; Added to 09/02/04, Ord 746]

"Current employment" of land for farm use includes:

- Farmland, the operation or use of which is subject to any farm-related government program;
- Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- Land planted in orchards or other perennials prior to maturity;
- Wasteland, dry or covered with water, neither economically tillable nor grazeable, lying in adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- Except for land under a single family dwelling, land under buildings supporting accepted farming practices, including the processing facilities allowed by ORS 215.283(1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a);
- Water impoundments lying in or adjacent to and in common ownership with farm use land;
- Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot in not utilized in conjunction with farm use;
- Land lying fallow for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family;
- Any land described under ORS 321.267 (1)(e) or 321.415 (5);
- Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming;
- Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - (i) Only the crops of the landowner are being processed;

- (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
- (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their sale or use.

As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

"Cultured Christmas trees" means trees:

- (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (b) Of a marketable species;
- (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

[Amended 5/24/12; Ord. 872]

- D. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
 2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
 3. A "non-regulation golf course" means a golf course or golf course-like development that does not meet this definition of golf course, including but not limited to executive golf courses, par three golf courses, pitch and putt courses, miniature golf courses, and driving ranges. Non-regulation golf courses are not permitted by this section.
 4. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:
 - a. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course or golf tournament.

- b. Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
 - c. A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.
 - d. Commercial activities such as a pro shop are accessory to a golf course only when located in the clubhouse.
 - e. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
[Amended 09/02/04, Ord. 746]
- E. High-value farmland - A tract composed predominantly of:
- 1. Soils rated Class I, II, prime, or unique, either irrigated or not irrigated.
 - 2. The following Class III soils: Carlton, Chehalem, Dayton, Jory, Laurelwood, Nekia, Willakenzie, Woodburn, and Yamhill.
 - 3. The following Class IV soils: Carlton, Dayton, Jory, Laurelwood, Willakenzie, and Yamhill.
- Soil classes, soil ratings or other soil designations used in or made pursuant to the lot of record dwelling are those of the Natural Resource Conservation Service Internet soil survey for that class, rating or designation before November 4, 1993. For purposes of approving a lot of record dwelling, the soil class, soil rating or other soil designation of the parcel may be changed if the property owner submits a statement of agreement from the Natural Resources Conservation Service that the class, rating or designation should be adjusted based on new information; or if the property owner submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the class, rating or designation should be changed, along with a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis to be soundly and scientifically based.
[Amended 8/13/98, Ord. 657]
- F. Public parks - includes only the uses specified under OAR 660-034-0035.
[Added 8/13/98, Ord. 657]
- G. Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash and other related activities.
- H. Tract - One or more contiguous lots or parcels under the same ownership.

- I. Winery - As authorized under subsection 402.02(H), a winery is a facility that produces and sells wine and conforms to the following attributes: [Amended 5/24/12; Ord. 872]
1. A winery herein defined has a maximum annual production of:
 - (a) Less than 50,000 gallons and:
 - i. Owns an on-site vineyard of at least 15 acres;
 - ii. Owns a contiguous vineyard of at least 15 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; or
 - (b) At least 50,000 gallons and no more than 100,000 gallons and:
 - i. Owns an on-site vineyard of at least 40 acres;
 - ii. Owns a contiguous vineyard of at least 40 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above.
 - (c) Prior to the issuance of building permits, the applicant shall provide evidence that the vineyards described in subsections (a) and (b) have been planted, or the contract has been executed, as applicable. [Added 3/19/98, Ord. 643]
 2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery; and
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
 3. Permitted on-site marketing of wine includes up to three events of one to three days in duration during a calendar year intended to draw customers to the site for the tasting and purchase of wine, with an anticipated maximum of 750 daily visitors. The frequency and duration of these events may be limited through site design review approval based on the adequacy of public facilities. Rent or lease of space within or adjacent to the winery facility for events such as parties, receptions, and banquets that are not directly related to promotion of the wine is not included in this definition of a winery.
 4. A facility for production and sale of wine that does not conform to the attributes described in subsections 402.10(I)(1) through (3) above may be deemed a commercial activity in conjunction with farm use pursuant to subsection 402.04(G). [Amended 5/24/12; Ord. 872]

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5. SECTION 1101 OF YCZO – Site Design Review

Mt. Richmond LLC
SDR-10-22

This section and related information is available at www.co.yamhill.or.us/plan/planning/ordinance/zoning_toc.asp

SECTION 1100 – SITE DESIGN

1101. SITE DESIGN REVIEW PROCESS AND STANDARDS

[Last amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]

1101.01 Purpose.

The site design review process is intended to guide future growth and development in accordance with the Comprehensive Plan and other related county ordinances, to provide for an effective process and framework to review commercial and industrial development proposals, to insure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment, and to resolve potential conflicts that may arise between proposed developments and adjacent uses. This section shall apply to all development in all Commercial, Industrial, and Public Facilities Districts, all development in the PRO District, and all other uses as may be required by this ordinance in the AF, EF, F-80, AF-10, VLDR and LDR Districts.

1101.02 Evaluation of Site Development Plans.

- A. The review of a site development plan shall be based upon consideration of the following:
1. Characteristics of adjoining and surrounding uses;
 2. Economic factors relating to the proposed use;
 3. Traffic safety, internal circulation and parking;
 4. Provisions for adequate noise and/or visual buffering from noncompatible uses;
 5. Retention of existing natural features on site;
 6. Problems that may arise due to development within potential hazard areas.
 7. Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.
- B. All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed, upon determining that requirements requested to be waived are not necessary for an effective evaluation of the site development plan.

1101.03 Site Development Plan Review Procedures.

The Director shall review site development plans subject to the following procedures:

- A. Pre-application Conference. A pre-application conference shall be held prior to submittal. An application form together with appropriate ordinance requirements shall be provided to the applicant at the pre-application conference.

- B. Preliminary Site Development Plan Submittal and Review. A preliminary plan, together with a site design review application, shall be submitted for review in accordance with the requirements of this section and the underlying zoning district. The Director shall determine whether the application will be reviewed under the Type A or Type B application procedures set forth in Section 1301, based on the type, scale, location and potential impacts of the development. The Director shall inform the applicant in writing concerning compliance with applicable ordinance and development standards, and shall stipulate any modifications or changes necessary for final plan approval. If modifications or changes are not required, a preliminary plan may be approved as a final plan. [Amended 7/9/98, Ord. 648]
- C. Final Site Development Plan Submittal. If a final site development plan is required, the final plan shall be submitted for review in accordance with the requirements of this section. The Director shall inform the applicant in writing within fifteen (15) days of receipt of the final site plan of action taken for approval.
- D. Appeal of Director's Decision. The decision of the Director may be appealed to the Board, pursuant to the provisions of Section 1404 for appeals.

1101.04 Preliminary Site Development Plan Requirements.

The following site design information shall be represented at a scale of 1"=5', or an appropriate scale as may be approved by the Director:

- A. Existing site conditions as follows:
1. Site topography at the following minimum intervals:
 - (a) Two (2) foot intervals for slopes of up to 15%;
 - (b) Five (5) or ten (10) foot intervals for slopes in excess of 15%; and
 - (c) Identification of areas exceeding 35% slopes.
 2. Site drainage, creeks, ponds or areas of standing water, potential flooding and soil or geologic hazard;
 3. Major trees 8" in diameter at five (5) feet height, together with areas of significant natural vegetation. Where the site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted; and only those trees that will be affected by the proposed development need be sited accurately;
 4. Classification of soil types within the site and discussion of their suitable uses;
 5. Existing structures, improvements, roadway access and utilities, together with the film volume and page number of all easements affecting the property; and
 6. Existing land uses, ownerships, property lines and building locations on adjoining and adjacent property within three hundred and fifty (350) feet of the subject property.
- B. Proposed changes and improvements to the site as follows:
1. Proposed site improvements, including:

- (a) Boundary lines and dimensions for the property and proposed topographical changes;
 - (b) All proposed structures, including finish floor elevations and setbacks;
 - (c) Vehicular and pedestrian circulation patterns and parking, loading and service areas;
 - (d) Site drainage plan, including location of sumps or settling ponds; and
 - (e) A boundary survey and cross sections, and profiles as may be required by the Director.
- 2. Proposed utilities, including subsurface sewerage, water supply system and electrical services. Inverse elevations shall be shown for all underground transmission lines.
 - 3. Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems.
 - 4. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses.
 - 5. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks.
- C. A written statement to accompany the site development plan, containing the following:
- 1. A statement of present ownership of all lands included within the proposed development; and
 - 2. A schedule of expected development.

1101.05 Final Site Plan Requirements.

The final development plans shall include the same information required for a preliminary plan together with any revisions, adjustments or refinements that may be required for compliance with the general development standards.

- A. The final plan shall include the following information and shall be labeled by the Director as follows:
- Exhibit A - Proposed Schedule of Development
 - Exhibit B- Site Analysis (map of existing conditions)
 - Exhibit C - Site plan
 - Exhibit D - Final Grading Plan
 - Exhibit E - Landscape Plan in accordance with Section 1010
 - Exhibit F - Cross Sections, Elevations and/or Architectural Drawings of Proposed Structures

- B. If submittal of any of the above exhibits are waived by the Director, justification to support such a decision shall be provided by the Director.
- C. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures set forth under this section.

1101.06 Compliance with Site Development Plans.

Compliance with conditions imposed in granting a site design review and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke any site design review approval for failure to comply with any prescribed condition of the approval or for any other violation of this ordinance.

[Amended 12/05/02; Ord. 720]

1101.07 Revocation of a Site Design Review.

[Added 12/05/02; Ord. 720]

The procedure for the revocation of a site design review shall be as follows:

- A. If, upon review by the Director, a failure to comply with any condition imposed in granting a site design review or other violations of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the site design review. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the site design review. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.
- B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the site design review has been revoked, and that any subsequent action on the application will require a new application for site design review approval.

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6. PUBLIC NOTICE

Mt. Richmond LLC
SDR-10-22

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET | McMinnville, OREGON 97128

Phone: (503) 434-7516 | Fax: (503) 434-7544 | TTY: (800) 735-2900 | Internet Address: <http://www.co.yamhill.or.us/planning/>

NOTICE OF PUBLIC HEARING

Thursday, August 18, 2022, 10:00 AM

Yamhill County Courthouse, Room 32

535 NE 5th Street

McMinnville, Oregon

And virtually via Zoom at the following URL:

<https://zoom.us/j/92847709143> Webinar ID: 928 4770 9143

The Yamhill County Board of Commissioners will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Board of Commissioners an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals (LUBA) on that issue.

A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. All materials submitted by the applicant are also available for inspection, and copies may be purchased at a reasonable cost. For further information, contact Desiree Lundeen (lundeend@co.yamhill.or.us) at the Yamhill County Department of Planning and Development, 525 N.E. Fourth, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: SDR-10-22

REQUEST: An appeal of the Planning Commission's approval of a site design review application for a new winery and tasting room on a tract with at least 15 acres of vineyard.

APPLICANT: Adam Campbell for Mount Richmond Vineyard LLC

OWNER: Mount Richmond Vineyard LLC

APPELLANT: Michael Kimbrell

TAX LOTS: 2432-00900, 2429-00200, 2429-00700, 2429-01001, and 2429-01100

LOCATION: 21300, 20370, and 21701 NW Gerrish Valley Rd., Yamhill

ZONE: EF-80, Exclusive Farm Use District

CRITERIA: Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance*. ORS 215.452

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Procedures Regarding Hearings by the Board of Commissioners Acting on Quasi-judicial and Legislative Actions in Yamhill County

The Nature and Conduct of Public Hearings

1. Parties to quasi-judicial proceedings are entitled to an opportunity to appear, either in person or through a representative, to present and rebut testimony and evidence before an impartial authority, to record the proceedings, and to receive a written notice of the decision, based on the record made at the hearing.
2. The following persons qualify as parties:
 - (a) the applicant;
 - (b) all persons that are entitled by ordinance to receive a notice of the hearing; and
 - (c) other persons who demonstrate that the action affects a substantial right of those persons.
3. No person shall testify without:
 - (a) receiving recognition from the chairperson;
 - (b) stating his or her full name and address; and
 - (c) if requested, stating the basis on which he or she is entitled to status as a party. A challenge to this status may be made by the Board or another party. A ruling shall be made by the Board regarding the person's right to testify.
4. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Audience demonstrations, applause, and display signs shall not be permitted. The chairperson of the Board of Commissioners shall have the authority to inform, reprimand, or remove any person or persons for violation of the rules of conduct.

Rules of Evidence

1. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
2. Testimony and evidence must be directed toward the criteria applicable to the subject hearing.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Commissioners and parties an opportunity to respond to the issue precludes appeal based on that issue beyond the local level.

Hearing Procedure

In the conduct of a hearing, the chairperson shall have the authority to:

1. Determine who qualifies as a party;
2. Regulate the course, sequence, and decorum of the hearing;
3. Dispose of procedural requirements or similar matters;
4. Rule on offers of proof and relevancy of evidence and testimony;
5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, and rebuttal testimony;
6. Grant, deny, or approve with conditions the matter being heard, or remand the matter to the initial decision maker for additional review or information.

Burden of Proof

The burden of proof is placed upon the applicant. Such proof shall show that the request complies with all applicable standards and criteria of the Comprehensive Plan and Zoning Ordinance.

Order of Procedure

1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;
2. Ask for disclosure of any potential conflicts of interest or ex parte contact by those on the Board;
3. Ask parties of the hearing if there is a challenge to the ability of any member of the Board to make an unbiased decision on the case;
4. State that testimony and evidence must be directed toward the relevant criteria or other criteria in the plan or ordinance which a person believes to apply to the decision;
5. State that failure to raise an issue accompanied by statements or evidence sufficient to afford the Board and parties an opportunity to respond to the issue precludes appeal beyond the local level;
6. Request the Planning Director or the Directors designee to present a summary of staff findings; and the criteria applicable to the request.
7. Allow the applicant to be heard first, testifying on their own behalf or by a representative.
8. Allow parties or witnesses in favor of the proposal to be heard;
9. Allow parties or witnesses opposed to the proposal to be heard;
10. Ask for comments submitted by governmental agencies;
11. Allow rebuttal testimony;
12. Ask for the staff recommendation.

13. Prior to the conclusion of the initial hearing, any party may request an opportunity to present additional testimony or evidence regarding the application. The Board shall grant such a request by continuing the public hearing or leaving the record open for additional written evidence or testimony.
14. Upon conclusion of the initial hearing, if there is no request to present additional testimony or evidence, the Board shall decide whether to close the hearing and render a decision or continue the hearing to a later date. The Board may request proposed findings and conclusions from any party to the hearing.

Appeal of Board Decisions

1. A decision of the Board of County Commissioners may be appealed to the Land Use Board of Appeals for review. A petition for review must be submitted to the Land Use Board of Appeals within twenty-one (21) days of the date of decision.
2. Only parties to the subject action may appeal the Board's decision.

Accommodation of Physical Impairments

Please notify the Board of Commissioners of any special physical or language needs as far in advance of the hearing as possible. The hearing rooms are handicapped accessible.

TDD 503-434-7519.

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00 "EXHIBIT A"

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Yamhill County Planning Commission will hold a public hearing on July 7, 2022, at 7:00 P.M. in room 32 of the Yamhill County Courthouse, located at 535 East Fifth Street, McMinnville. DOCKET SDR-10-22, a request by Adam Campbell for Mount Richmond Vineyard LLC for a site design review application for a new winery and tasting room on a tract with at least 15 acres of vineyard. The parcels are identified as Tax Lots 2432-900, 2429-200, 2429-700, 2429-1001, and 2429-1100 and are located at 21300, 20370, and 21701 NW Gerrish Valley Rd., Yamhill. This application is being reviewed based on criteria in Sections 402.02(H) and 1101.02 of the Yamhill County Zoning Ordinance and ORS 215.452. Interested parties are invited to send written comment or may appear and testify at the hearing. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Planning Commission an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Board of Commissioners on that issue.

To participate in the hearing using Zoom please use the link below to join the webinar.

<https://us06web.zoom.us/j/97354678574>

Dated June 10, 2022 Ken Friday, Planning Director.

NR Published June 10, 2022

News-Register

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PLANNING DEPARTMENT

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STATE OF OREGON } ss.

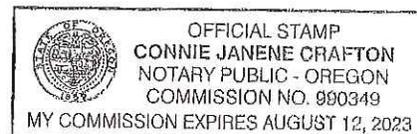
County of Yamhill

I, Terri Hartt
being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that Yamhill County Department of Planning & Development - Public Notice Docket SDR-10-22- - June 10, 2022
Subscribed and sworn before me this 6/14/2022 .

Terri Hartt

Connie Janene Crafton

Notary Public for Oregon
My Commission Expires 08/12/2023



Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMINNVILLE, OREGON 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

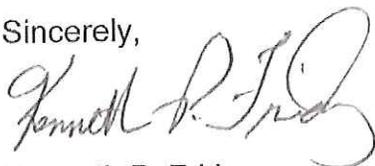
June 6, 2022

VIA EMAIL: legals@newsregister.com

News Register
P.O. 727
611 E Third St.
McMinnville, Oregon 97128

Please publish the following notice of public hearing in the June 10, 2022 issue of the News Register. Please bill this office and supply us with an affidavit of publication.

Sincerely,



Kenneth P. Friday
Planning Director

KF:sc

PUBLIC NOTICE IS HEREBY GIVEN that the Yamhill County Planning Commission will hold a public hearing on July 7, 2022, at 7:00 P.M. in room 32 of the Yamhill County Courthouse, located at 535 East Fifth Street, McMinnville: **DOCKET SDR-10-22**, a request by Adam Campbell for Mount Richmond Vineyard LLC for a site design review application for a new winery and tasting room on a tract with at least 15 acres of vineyard. The parcels are identified as Tax Lots 2432-900, 2429-200, 2429-700, 2429-1001, and 2429-1100 and are located at 21300, 20370, and 21701 NW Gerrish Valley Rd., Yamhill. This application is being reviewed based on criteria in Sections 402.02(H) and 1101.02 of the Yamhill County Zoning Ordinance and ORS 215.452. Interested parties are invited to send written comment or may appear and testify at the hearing. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Planning Commission an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Board of Commissioners on that issue.

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<https://us06web.zoom.us/j/97354678574>

Dated June 10, 2022 Ken Friday, Planning Director.

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMINNVILLE, OREGON 97128
 Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address:

PUBLIC HEARING

July 7, 2022, 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE 5th Street

McMinnville, Oregon

Attend via Zoom: <https://us06web.zoom.us/j/97354678574>

Webinar ID: 97354678574

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing either in person or via Zoom. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. All issues and concerns should be raised for consideration by the Planning Commission prior to the close of the hearing because any appeal may be limited to the record of the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Planning Department if you will need any special accommodations to attend or participate in the meeting. For further information, contact Desiree Lundeen at the Yamhill County Department of Planning and Development, 525 N.E. Fourth Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: SDR-10-22

REQUEST: A site design review application for a new winery and tasting room on a tract with at least 15 acres of vineyard.

APPLICANT: Adam Campbell for Mount Richmond Vineyard LLC

OWNER: Mount Richmond Vineyard LLC

OPPONENT: Michael Kimbrell

TAX LOTS: 2432-00900, 2429-00200, 2429-00700, 2429-01001, and 2429-01100

LOCATION: 21300, 20370, and 21701 NW Gerrish Valley Rd., Yamhill

ZONE: EF-80, Exclusive Farm Use District

CRITERIA: Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance*. ORS 215.452

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2. The following persons qualify as parties:
 - (a) the applicant;
 - (b) all persons that are entitled by ordinance to receive a notice of the hearing; and
 - (c) other persons who demonstrate that the action affects a substantial right of those persons.
3. No person shall testify without:
 - (a) receiving recognition from the Planning Commission chairperson;
 - (b) stating his or her full name and address; and
 - (c) if requested, stating the basis on which he or she is entitled to status as a party. A challenge to this status may be made by the Planning Commission or another party. A ruling shall be made by the Planning Commission regarding the person's right to testify.
4. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Audience demonstrations, applause, and display signs shall not be permitted. The chairperson of the Commission shall have the authority to inform, reprimand, or remove any person or persons for violation of the rules of conduct.

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3. Dispose of procedural requirements or similar matters;
4. Rule on offers of proof and relevancy of evidence and testimony;
5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations and rebuttal testimony;
6. Grant, deny, or approve with conditions the matter being heard.

Burden of Proof

The burden of proof is placed upon the applicant. Such proof shall show that the request complies with all applicable standards and criteria of the Comprehensive Plan and Zoning Ordinance.

-
1. Announce the nature and purpose of the hearing;
 2. Ask for disclosure of any potential conflicts of interest or ex parte contact by those on the Commission;
 3. Ask parties of the hearing if there is a challenge to the ability of any member of the Commission to make an unbiased decision on the case;
 4. State that testimony and evidence must be directed toward the relevant criteria or other criteria in the plan or ordinance which a person believes to apply to the decision;
 5. State that failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes appeal beyond the local level;
 6. Request the Planning Director or his designee to present a summary of staff findings and the criteria applicable to the request;
 7. Allow the applicant to be heard first, testifying on his own behalf or by a representative.
 8. Allow parties or witnesses in favor of the proposal to be heard;
 9. Allow parties or witnesses opposed to the proposal to be heard;
 10. Ask for comments submitted by governmental agencies;
 11. Allow rebuttal testimony;
 12. Ask for the staff recommendation.
 13. Prior to the conclusion of the initial hearing, any party may request an opportunity to present additional testimony or evidence regarding the application. The Commission shall grant such a request by continuing the public hearing or leaving the record open for additional written evidence or testimony.
 14. Upon conclusion of the initial hearing, if there is no request to present additional testimony or evidence, the Commission shall decide whether to close the hearing and render a decision or continue the hearing to a later date. The Commission may request proposed findings and conclusions from any party to the hearing.

Appeal of Commission Decisions

1. A decision of the Planning Commission may be appealed to the Board of County Commissioners for review. A petition for review must be submitted to the Planning Department within fifteen (15) days of the date of decision. The date of decision is the date the notice of decision is mailed, not the date of the hearing.
2. Only parties to the subject action may appeal the Commission's decision.

Accommodation of Physical Impairments

Please notify the Planning Department of any special physical or language needs as far in advance of the hearing as possible. The courthouse is handicapped accessible.
TDD 503-434-7519.

RECEIVED

MAY 05 2022

YAMHILL COUNTY
PLANNING DEPARTMENT

3qw 0.
0.

00 "EXHIBIT A"

News-Register

KEEPING YOU CONNECTED

611 NE Third Street • (503) 472-5114 • www.NewsRegister.com
PO Box 727

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the following application is being reviewed by the Yamhill County Department of Planning and Development: **SDR-10-22**, a request by Mt. Richmond LLC for site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard. The parcel is identified as Tax Lot 2432-900 and is located immediately east of the property addressed as 9720 NW Pike Rd, Yamhill. This application is being reviewed based on criteria in Sections 402.02(H) and 1101.02 of the Yamhill County Zoning Ordinance. ORS 215.453. Interested persons may respond in writing by 5 p.m. May 9, 2022, to comment on, or to request the above application be considered at a public hearing. A request for a hearing must state the basis for the request and must be accompanied by a \$250 fee. Dated April 26, 2022, by Ken Friday, Planning Director.

NR Published April 26, 2022

AFFIDAVIT OF PUBLICATION

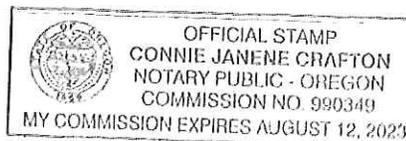
STATE OF OREGON } ss.
County of Yamhill

I, Terri Hartt
being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that Yamhill County Department of Planning & Development - Public Notice Docket SDR-10-22- - April 26, 2022
Subscribed and sworn before me this 5/3/2022 .

Terri Hartt

Connie Janene Crafton

Notary Public for Oregon
My Commission Expires 08/12/2023



Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMinnville, OREGON 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address:

<http://www.co.yamhill.or.us/planning>

April 15, 2022

VIA EMAIL: legals@newsregister.com

News Register
611 E Third St.
McMinnville, Oregon 97128

Please publish the following public notice in the April 26, 2022, issue of the News Register. Please bill this office and supply us with an affidavit of publication.

Sincerely,

Kenneth P. Friday
Planning Director

KF:sc

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the following application is being reviewed by the Yamhill County Department of Planning and Development: **SDR-10-22**, a request by Mt. Richmond LLC for site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard. The parcel is identified as Tax Lot 2432-900 and is located immediately east of the property addressed as 9720 NW Pike Rd, Yamhill. This application is being reviewed based on criteria in Sections 402.02(H) and 1101.02 of the Yamhill County Zoning Ordinance. ORS 215.453. Interested persons may respond in writing by 5 p.m. May 11, 2022, to comment on, or to request the above application be considered at a public hearing. A request for a hearing must state the basis for the request and must be accompanied by a \$250 fee. Dated April 26, 2022, by Ken Friday, Planning Director.

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMINNVILLE, OREGON 97128
 Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

Date: April 26, 2022

- To:
- | | |
|--|---|
| <input type="checkbox"/> Public Works
<input type="checkbox"/> Yamhill Fire
<input type="checkbox"/> Department of Agriculture
<input type="checkbox"/> Watermaster
<input type="checkbox"/> DEQ | <input type="checkbox"/> Health Department
<input type="checkbox"/> Sanitarian
<input type="checkbox"/> SWCD
<input type="checkbox"/> ODOT
<input type="checkbox"/> Oregon Water Resources Department |
|--|---|

Re: **Docket SDR-10-22 (D.L)**
 Mt. Richmond Vineyard LLC, Tax Lot 2432-00900

The referenced docket is currently under consideration by Yamhill County. A site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard. The property is located immediately east of the property addressed as 9720 NW Pike Rd., Yamhill. The enclosed material has been referred to you for your inspection and official comments. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by: **May 11, 2022**

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below, and provide any comments you wish in the space provided, or on additional sheets.

PLEASE NOTE

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization, and make its decision accordingly.

- | | |
|--|--|
| <input type="checkbox"/> 1. We have reviewed the file and find no conflicts with our interests.

<input type="checkbox"/> 2. A formal recommendation is under consideration and will be submitted to you by: _____ | <input type="checkbox"/> 3. Please refer to the enclosed letter.

<input type="checkbox"/> 4. All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided. |
|--|--|

Comments:

Signed _____ Title _____ Date _____

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMinnville, Oregon 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

NOTICE OF PENDING ADMINISTRATIVE ACTION

Notice is hereby given that the Director of the Yamhill County Department of Planning and Development has received an application to approve the request described below. For further information, contact Desiree Lundeen lundeend@co.yamhill.or.us at the Yamhill County Department of Planning and Development.

DOCKET NO.: SDR-10-22

REQUEST: A site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard

APPLICANT: Mt. Richmond LLC

TAX LOT: 2432-00900

LOCATION: The parcel is located immediately east of the property addressed as 9720 NW Pike Rd., Yamhill

ZONE: EF-80, Exclusive Farm use District

CRITERIA: Sections 402.02(H) and 1101.02 of the *Yamhill County Zoning Ordinance*. ORS 215.453

Interested parties are invited to review the application and make comments or suggestions regarding the proposed use. Provide comments in the following space, or attach additional sheets as necessary.

Signature _____

Alternatively, you may request that the application be considered at a public hearing before the Planning Commission. A request for hearing must state the basis for the request and be accompanied by a \$250.00 hearing fee. Public notice dated April 26, 2022

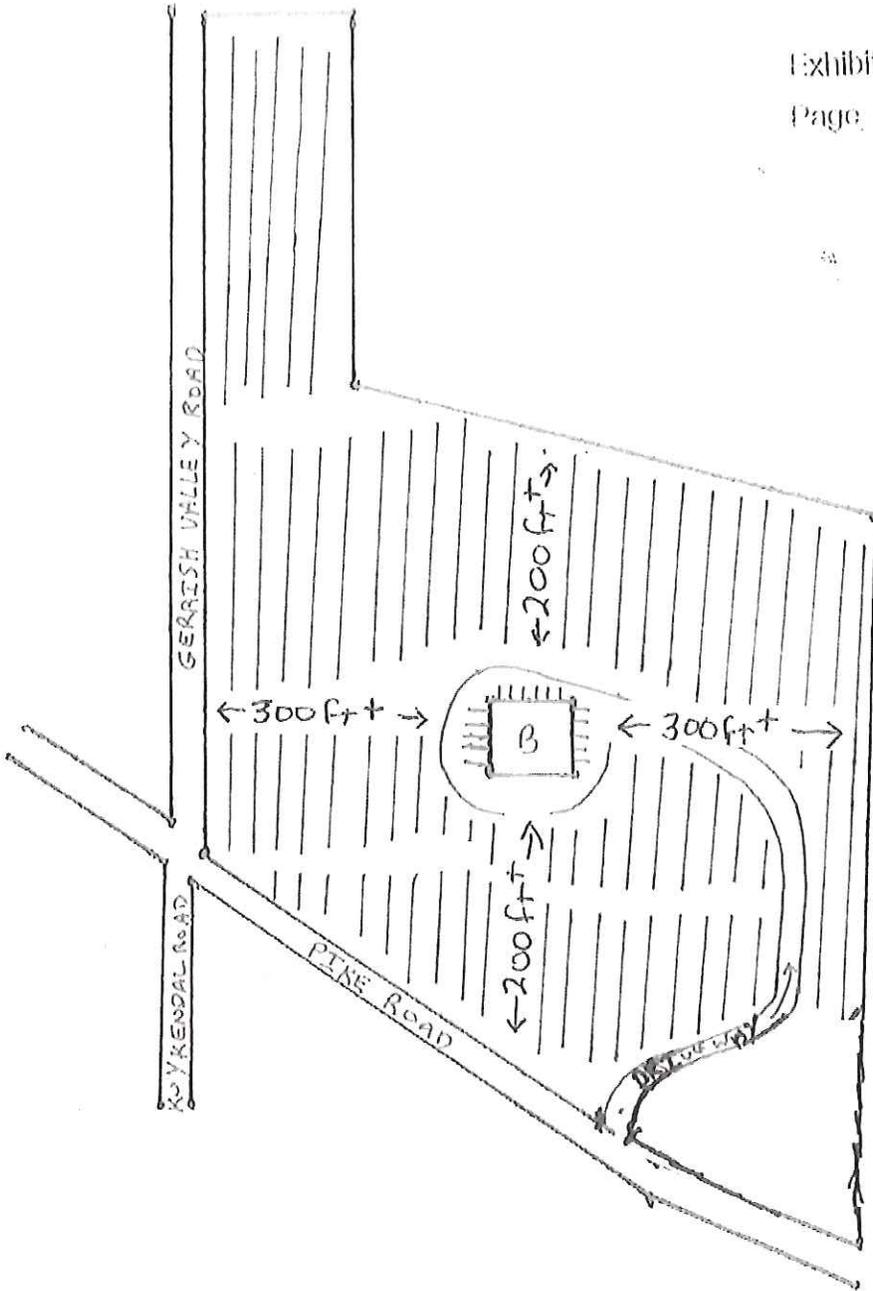
**COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN
5:00 p.m., May 11, 2022**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

MS CO# 2439 7000
38 A.R.C.

25 PLANTED IN UJING GRAPES

Exhibit B
Page 1 of 4



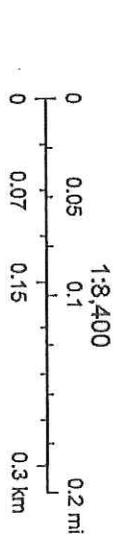
B - BUILDING #2 (2023) ~ 5000 - 8000 sq. ft 15 PARKING SPACES

Yamhill County Map



April 13, 2022

- Sl
- County
- UGB_YamhillCo
- Urban Reserve Area
- City Boundary
- Wetlands
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community; Source: Esri, DigitalGlobe.

Yamhill County GIS
Yamhill County 2018

7. PUBLIC AGENCY REPORTS

Mt. Richmond LLC
SDR-10-22

Permit # A-78-21



**Yamhill County
Public Works Department
2060 Lafayette Avenue, McMinnville, OR 97128**

Mark Lago
Director Public Works
laqom@co.yamhill.or.us
Phone Number (503) 434-7515

Fax: 503-472-4068

Bill Anderson
Permits
andersonb@co.yamhill.or.us
503-434-7515

PERMITS: Who needs one?

Any time an individual, contractor, or company needs to perform work within the County Rights-of-Way, whether in the road, along the shoulder, in the ditch, or on trees, a Right-of-Way Permit is required.

Examples of work frequently performed in the Right-of-Way and requiring a permit include subdivisions, drainage issues, utility construction, driveway installation and use changes, tree trimming and brush cutting, private situations and special events.

The purpose of the permit is to insure that activities conducted in the Right-of-Way do not constitute a danger to the traveling public or the individuals involved and that the project does not degrade the right-of-way thereby increasing maintenance costs to the taxpayer.

INSTRUCTIONS:

Complete the "APPLICANT INFORMATION" below by printing. Insufficient information will delay processing. Include ^{one} two sets of plans and if required: (a certificate of insurance, a bond or guarantee of payment and any set fees). Read the reverse side of this form, sign and date your acknowledgement. Special provisions may be added to the permit when and if issued.

***** APPLICANT INFORMATION *****			
APPLICANT:	<u>Trevi's Watson</u>	POSITION:	<u>Manager</u>
COMPANY NAME:	<u>Elk Cove Vineyards inc.</u>		
MAILING ADDRESS:	<u>27751 NW Olson Rd. Gaston OR. 97119</u>		
E-MAIL ADDRESS:	<u>trevi's@elkove.com</u>		
BUSINESS PHONE:	<u>503-985-7760</u>	Cell:	<u>503-750-6012</u>
		FAX:	<u>503-985-3525</u>
WORK BEING PERFORMED BY:	Company: []	Subcontractor: []	Self: [<input checked="" type="checkbox"/>]
Other:	[]		
Field supervisors name:	<u>Trevi's Watson</u>		
Firms name:	_____		
	Telephone: _____		
PROJECT LOCATION:	TOWNSHIP: _____	RANGE: _____	SECTION: _____
	TAX LOT: _____		
PROJECT ADDRESS:	<u>TBD Pike Rd Just west of 9030 NW Pike Rd.</u>		
	<u>well before Gervish valley Rd.</u>		
PROJECT DESCRIPTION:	<u>install culvert/new entrance to property</u>		

\$184.00, will install stakes

GENERAL PROVISIONS:

- SEE YAMHILL COUNTY ORDINANCE 776 FOR SPECIFIC PROVISIONS, AND "ADDITIONAL CONDITIONS", ATTACHED, WHICH ALSO APPLY TO THE ISSUED PERMIT.

2. CALL YAMHILL COUNTY PUBLIC WORKS AT 503-434-7370, one working day prior to start of activity and no later than 7:00 A.M. the day work commences TO SCHEDULE INSPECTION OF YOUR PROJECT. Give a contact name, call back telephone number, location of work, type of work, time the work is scheduled to start and the permit number. Delays of work longer than one day require additional notification.
3. Oregon law requires excavators to follow rules adopted by the Oregon Utility Notification Center. Copies may be obtained by calling the center at 503-232-1987 or 1-800-332-2344.
4. A copy of an "APPROVED" permit and project plans must be on the site at all times work is in progress.
5. Traffic control shall conform to the requirements of the Manual On Uniform Traffic Control Devices.
6. Permits for construction expire 6 months from date of issue.
7. Yamhill County is allowing the requested work and improvements in the specified public right-of-way at the request of, and for the convenience of, the applicant. By accepting this permit the applicant agrees to indemnify and hold harmless Yamhill County, its Board of Commissioners, officers and employees from all suits, actions, or claims of any character, brought because of injuries or damages to persons, or the property of the applicant or a third party, when such arises out of the operations of the applicant or its agents, contractors or subcontractors in the public right-of-way or as a result of applicant's or its agents, contractors or subcontractors negligence or willful misconduct in performing the work authorized under this permit. Upon receipt of such claim, Yamhill County shall promptly notify the applicant and provide a copy of the claim. Either party may be entitled to participate in the defense of the claim with counsel of its own choosing. Yamhill County agrees not to settle any such claim without first providing applicant with notice. Notwithstanding the foregoing, applicant shall not be liable for (and the foregoing indemnity shall not cover) any claim, damage, loss, liability, cost or expense to the extent the same resulted from the negligence, willful misconduct or strict liability of any person other than the applicant or its agents, contractors or subcontractors. Consistent with ORS 758.010 and subject to ORS 758.025, Yamhill County reserves the right to revoke this permit and to use the right-of-way for any public use and, in such a case, to remove or relocate, or require that the applicant remove or relocate any and all improvements and/or landscaping placed in the right-of-way by the Applicant.

The Applicant hereby applies to Yamhill County Public Works Department for permission to perform operations within Rights-of-Way under Yamhill County jurisdiction. This is subject to and with full knowledge of the appropriate General Provisions contained in Yamhill County Ordinance 776 and supplemented by design standards and/or modified by any special provisions. It shall be the obligation of the applicant to obtain a copy of Ordinance 776 and all specified attachments from Yamhill County Public Works Department before commencement of any project covered under a permit and to comply with all applicable requirements.

ADDITIONAL CONDITIONS

PERMIT TO WORK WITHIN THE COUNTY RIGHT OF WAY PRIVATE USE OF PUBLIC RIGHT-OF-WAY

In addition to the above provisions and the requirements, conditions and limitations of Yamhill County Ordinance 776 (attached), the following conditions also apply to and govern work in, and continued use of, public right-of-way for private purposes.

1. Applicant acknowledges and agrees that there are sensitive, endangered and/or protected habitat areas in Yamhill County where the conservation of certain species of plants and insects is of critical concern to citizens and governing entities. Applicant further acknowledges and agrees that these areas may be legally preserved and protected and cannot be encroached upon without incurring potential liability.
2. Public Works staff will review all permit applications received to determine whether the proposed activity would occur within the County's endangered and/or protected habitat areas. If so, prior to issuance of a permit and prior to performing the proposed work within the County managed right-of-way, applicants shall be responsible for obtaining required permits and approvals from federal and/or state regulatory agencies, including but not limited to the US Fish and Wildlife Service and the Oregon Department of Agriculture.

Failure to do so may be a violation of federal and/or state law. Yamhill County shall require proof of such permits or approvals before issuing a permit.

3. If the applicant inadvertently impacts a legally protected/regulated resource or area, the applicant shall be responsible for all mitigation and/or rehabilitation costs. Applicant shall follow all State and Federal regulations while working in close proximity to any legally protected and/or regulated environmental resource or area, including compliance with all applicable federal and state laws, including the federal and state Endangered Species Acts.

APPLICANT'S SIGNATURE: [Signature] DATE: 10/28/21

* * * * * COUNTY'S RECORD * * * * *	
PERMIT: _____	INSURANCE: _____ BOND/GUARANTEE AMOUNT: _____
TWO SETS OF CONSTRUCTION PLANS SUBMITTED: _____	FEE AMOUNT: _____
PROVISIONS AND DRAWINGS ATTACHED: _____	
SPECIAL PROVISIONS: _____	
<u>Install 12" Culvert</u>	

DIRECTOR: _____ DATE: _____

PERMIT SPECIALIST: Wen Prudeman DATE: 11-1-21

INITIAL SITE REVIEW BY: _____ DATE: _____

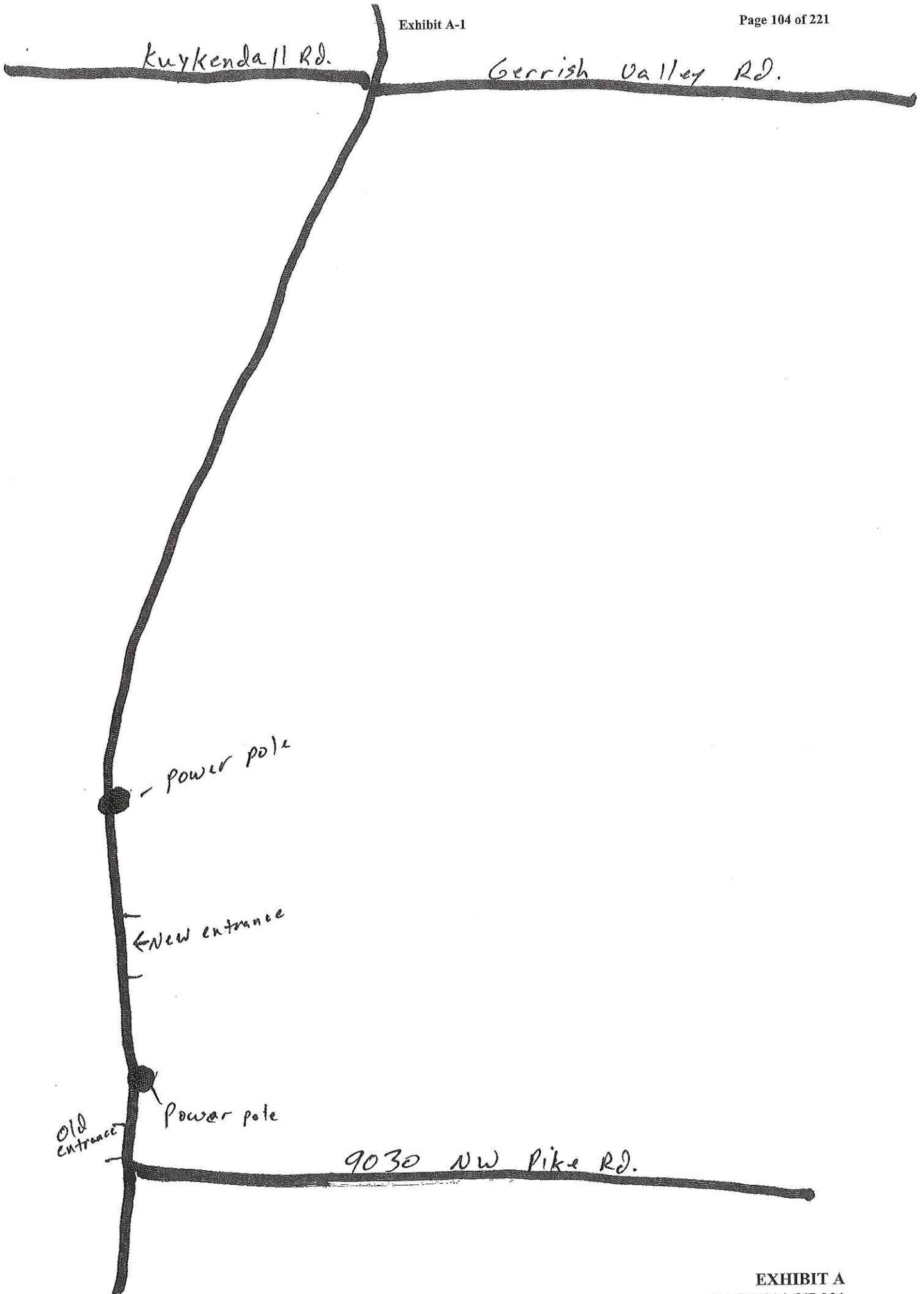
PERMIT ISSUED BY: Janet Henderson VIA: email DATE: 11-3-21

START WORK NOTICE BY: _____ C# _____ DATE: _____

CONSTRUCTION APPROVED BY: _____ DATE: _____

NOTES: _____

FINAL INSPECTION APPROVED BY: _____ DATE: _____



YAMHILL COUNTY PUBLIC WORKS

2060 N.E. Lafayette Ave.
McMinnville, Oregon 97128
OFFICIAL RECEIPT

Date 10/28, 2021

YAMHILL COUNTY PUBLIC WO
2060 NE LAFAYETTE AVE
MCMINNVILLE, OR. 97128
503-434-7515

RECEIVED OF Travis Watson

11-60-322.16

SALE

REF#: 00000001
Batch #: 149
10/28/21 11:44:46
APPR CODE: 02845Q
Trace: 1
MASTERCARD Chip
*****9416 **/**

AMOUNT \$184.00

APPROVED

Mastercard
AID: A0000000041010
TVR: 00 00 00 80 00
TS: E8 00

THANK YOU

CASH	CHECK	CODE	AMOUNT	
			ITEM	
			access permit	184 00
			Total Received	184 00

All items are received for collection only and this receipt shall be cancelled for no-payment of any item.

By Pamela Kitchin

19989

Yamhill County
DEPARTMENT OF PLANNING AND DEVELOPMENT
 525 NE 4TH STREET • McMinnville, Oregon 97128
 Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/planning>

Date: April 26, 2022

- To: Public Works Health Department
 Yamhill Fire Sanitarian
 Department of Agriculture SWCD
 Watermaster ODOT
 DEQ Oregon Water Resources Department

Re: **Docket SDR-10-22 (D.L)**
Mt. Richmond Vineyard LLC, Tax Lot 2432-00900

The referenced docket is currently under consideration by Yamhill County. A site design review for the construction of a new winery and tasting room on a parcel with approximately 15 acres of vineyard. The property is located immediately east of the property addressed as 9720 NW Pike Rd., Yamhill. The enclosed material has been referred to you for your inspection and official comments. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by: **May 11, 2022**

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below, and provide any comments you wish in the space provided, or on additional sheets.

PLEASE NOTE

If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization, and make its decision accordingly.

1. We have reviewed the file and find no conflicts with our interests.
2. A formal recommendation is under consideration and will be submitted to you by: _____
3. Please refer to the enclosed letter.
4. All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided.

Comments:

Signed  Title RENS Date 4/28/2022

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMINNVILLE, OREGON 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address:
<http://www.co.yamhill.or.us/plan>

April 28, 2022

Docket SDR-10-22 Mt. Richmond Vineyards LLC Tax lot(s) 2432 00900

Re: Sanitarian Notes

Site evaluations to determine soil suitability for septic installation are required prior to permitting. Sizing of the proposed septic systems will be based on the number of employees, total seating capacity of the tasting room (including outdoor seating areas), and type of food service.

A grease interceptor may be required on any food prep/dish washing plumbing prior to a proposed septic system.

No wine production wastes may be disposed of into septic systems. Disposable of wine production wastes must be by a method or system approved by the Department of Environmental Quality. If any proposed system or combination of systems on a single parcel has/have a calculated flow rate of more than 2500 gallons per day, then permitting through the Department of Environmental Quality is required.

Please contact me directly if you have any questions regarding septic requirements. I can be reached at richardsons@co.yamhill.or.us or at (503)434-7516.

Suzanne Richardson, REHS
Yamhill County Environmental Health Specialist

8. COMMENTS RECEIVED PRIOR TO 7/7/22 PC HEARING

Mt. Richmond LLC
SDR-10-22

APPEAL POINTS AND APPLICANT RESPONSES

Appellant Kimbrell Has Alleged:

1. **Existing setback requirements will not be met pursuant under the Site Plan submitted:**

Response: Applicant submitted a Site Plan with the application which shows the location for the proposed winery and tasting room. It also reflects the approximate location of the proposed building. The location of the structure will, of course, be required to comply with all applicable setback requirements per a suitable Condition of Approval. A photo of the site showing the unplanted square area planned for location of the Winery/Tasting Room is attached to these Responses. The construction site will be located 700-800 feet distant from Appellant's residential structure.

2. **“ Why do we have laws on Exclusive Farming when anyone can build a ___???” within 200 feet of my home?” and “Business within 250 feet of my home”:**

Response: Residences located within Exclusive Farm zones are not protected from construction of permitted agricultural and farming structures subject to compliance with appropriate site design criteria. In this instance, where setbacks will be exceeded by a factor of 6X to 8X and given that most winery-related activities at the site will occur indoors on nearly all days, the remaining impacts on Appellant's residence will be mostly visual and aesthetic. Applicant has been proactive in planting a visual barrier of 400 fast growing cedar trees along all of the boundary with adjacent property owners. Pictures of these newly planted trees are in the Record.

In Oregon, there are no “view zone” rights for adjacent parcels. No such concept appears in the criteria relevant to this application. Oregon law does permit the creation of voluntary View Easements between property owners which are enforceable in the Circuit Court according to their terms. Such easements usually involve payment of a monetary consideration or are reserved as a part of the sale of real property. In this instance no View Easement exists which would limit or restrict the use of Applicant's property, nor has Appellant made any offer to Applicant for any such easement.

3. **“The Design will create a dangerous entrance onto Pike Road” and “People will die with this placement of Entrance ___??___hill with 70-80 mph traffic”:**

Response: Prior to 2021, the entrance to this parcel was located near the intersection of Pike Road and Gerrish Valley Road. To maximize safety and comply with County clear vision roadway standards the new entrance to the property was relocated, approved, permitted and constructed Westerly from the Southeasterly corner of the property. A photo of the newly constructed entrance is in Applicant's Materials. Applicant is not aware of significant speeding on Pike Road, and does not believe that existing employees of Applicant, or anticipated visitors to the Tasting Room are currently or will be driving at such high speeds.

4. "Why do I have to pay for a hearing":

Response: This is a function of Appellant having an opportunity to avoid the issuance of an administrative decision and reflects allocation of a portion of the costs associated with a hearing before the Planning Commission that would not otherwise be required.

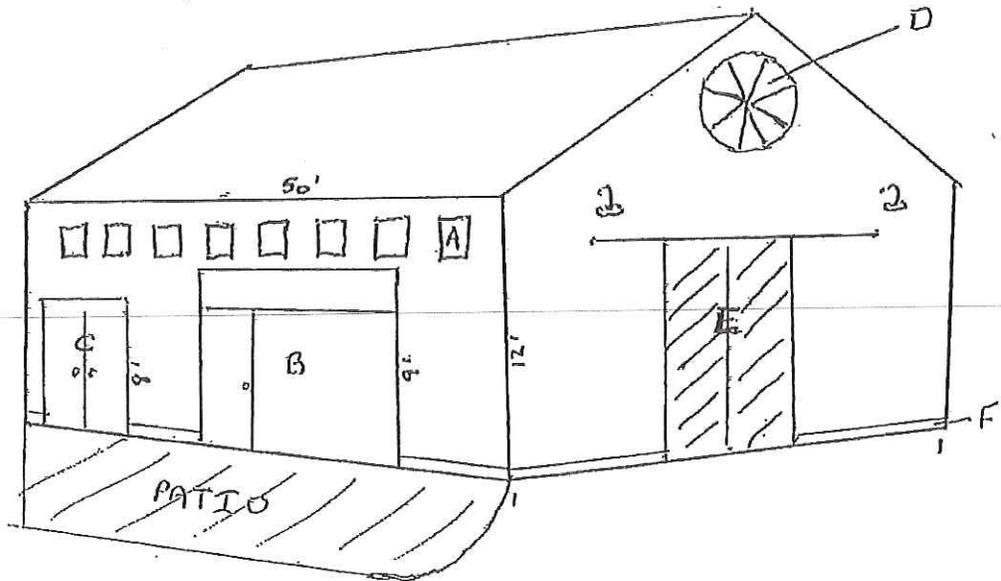
5. "Location of road dangerous":

Responses: Applicant has already relocated the entrance to the property in accordance with Yamhill County Public Works Department Permit No. A-78-21 dated November 3, 2021. See attached photo of the new entrance to the property. The new entrance is located at a slight angle corner of Pike Road which provides clear vision from the entrance exceeding 1000 feet in both Easterly and Westerly directions.

County Road and Emergency Vehicle access standards govern the design, width, grade, subsurface base, drainage, turnout requirements and surface and clear vision requirements for private access roads to structures and residences. Approval if this application will be conditioned upon compliance with all applicable building code and permit standards.

Subject to compliance by Applicant with clear vision access standards and emergency vehicle standards, there is no reason why Applicant should be made to comply with higher or different roadway standards than those required by the County, which standards are uniformly applied to other properties undertaking agricultural development.

Exhibit Amended B
Page 2 of 4



- A - WINDOWS
- B - WINDOWS & WINDOWED MAN DOOR
- C - SOLID DOUBLE MAN DOOR
- D - WINDOW
- E - ~~FACADE~~ OF WOODEN SLIDERS OVER 12' ROLL UP DOOR
- F - 6" STEM WALL
- G - Finished Floor Elevation OR MAX. 200

H. Surface Drainage into the vineyard

Recorded by Blanche Walker Deputy
12/238 (19848)7

HAZEL BELSHE TO THE CITY OF YAMHILL

WATER RIGHT

THIS INDENTURE WITNESSETH: That Hazel Belshé, widow for the consideration of the sum of Fifty DOLLARS and other valuable consideration, the receipt of which is hereby acknowledged, do hereby bargain, sell and convey unto the City of Yamhill, a municipal corporation of the State of Oregon, the right and privilege to enter upon and construct and maintain a water pipe line over and across the following described premises, to wit:

That certain tract of land belonging to the grantors hereinabove named and situated in the Northeast corner of the Thomas C. Davis Donation Land Claim in T. 2 S. R. 4 W. of the Willamette Meridian, in Yamhill County, Orego.

Hereby giving and granting unto the City of Yamhill the right to go upon and along said right of way and dig the necessary trench and lay such water pipe therein as the City of Yamhill may desire and to back-fill such trench also including the right to go upon such premises for the purpose of making any repairs to said water pipe line, the grantors reserving the right to use said premises, subject to the terms provided herein.

Said grantors do hereby covenant to and with the said City of Yamhill, its successors and assigns that they are the owners of said premises above described and that they will warrant and defend the same against all lawful claims of any persons whomsoever. Provided that any future damage to crops shall be paid for by the City of Yamhill.

TO HAVE AND TO HOLD said right of way and easement unto the said City of Yamhill as long as it shall be used for the purposes herein named.

IN WITNESS WHEREOF, the grantors have hereunto subscribed their names and affixed their seals this the 24th day of May, 1943.

Hazel Belshé

(SEAL)

STATE OF OREGON }
County of Yamhill } ss.

On this the 24th day of May, 1943, personally appeared before me, a Notary Public in and for said county and state, the within named Hazel Belshé, a widow, personally known to me to be the identical persons described in and who executed the foregoing instrument, and acknowledged to me that they executed the same for the purposes therein named.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal this the 24th day of May, 1943.

(Notary Seal)

Blanche Walker
Notary Public for Oregon
My commission expires July 14, 1945

Filed July 21, 1943 at 2:24 p.m.
John Herring Jr., County Clerk
By Eva H. Debolt, Deputy

Recorded by Mary Herring Deputy

(19849)7 2452-900

CHAS. NISTLER ET AL TO THE CITY OF YAMHILL

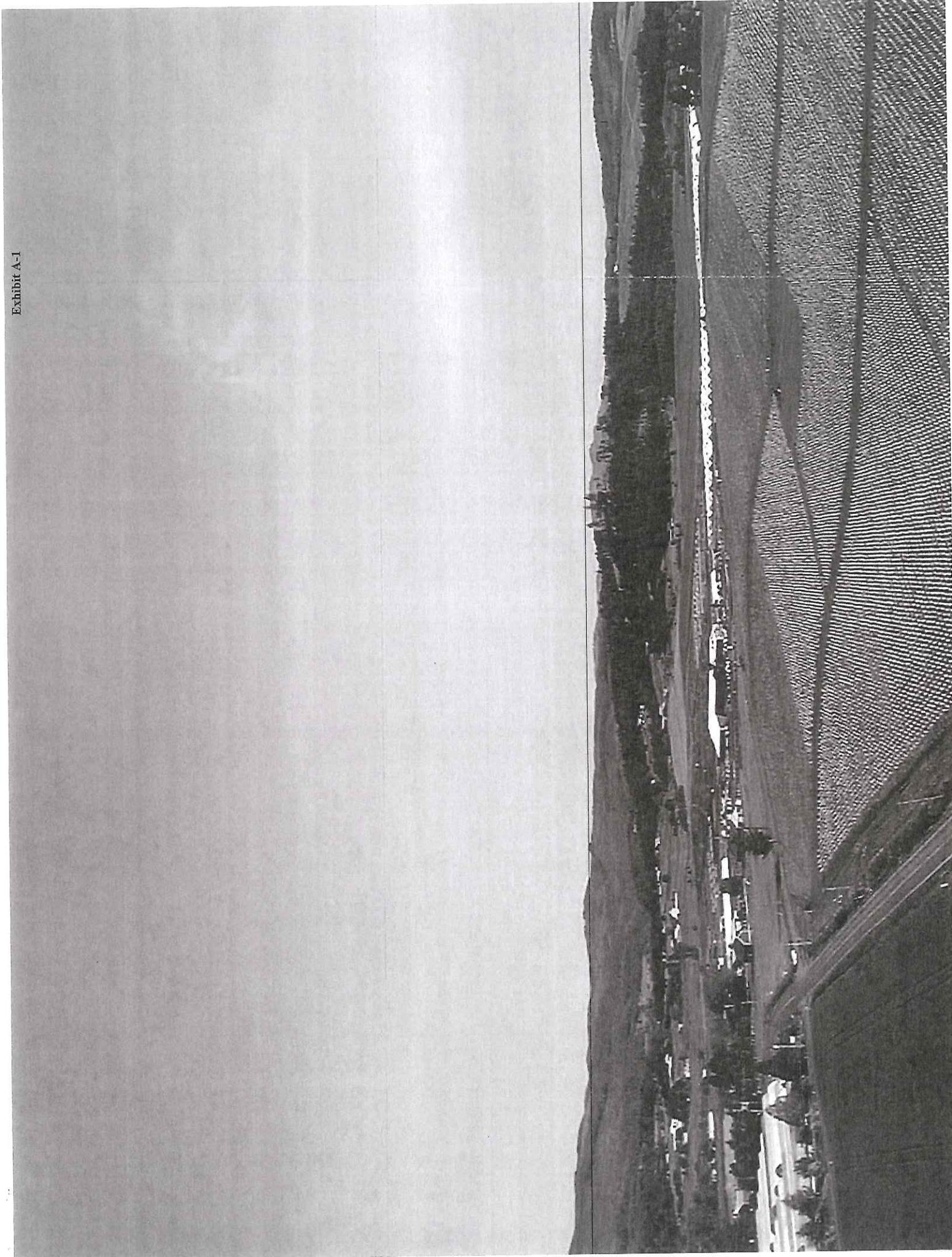
WATER RIGHT

THIS INDENTURE WITNESSETH: That Chas. Nistler and Anna Nistler, his wife, A. M. Tuller, his wife for the consideration of the sum of ONE DOLLAR and other valuable consideration, the receipt of which is hereby acknowledged, do hereby bargain, sell and convey unto the City of Yamhill, a municipal corporation of the State of Oregon, the right and privilege to enter upon and construct and maintain a water pipe line over and across the following described premises, to wit:

All that certain tract of land owned by the grantors herein, situated in Section 32, in T. 2 S. R. 4 W. of the Willamette Meridian, in Yamhill County, State of Oregon, and being part of the Thomas Harris D.L.C. and the J. Grazier D.L.C.

Hereby giving and granting unto the City of Yamhill the right to go upon and along said right of way and dig the necessary trench and lay such water pipe therein as the City of Yamhill may desire and to back-fill such trench, also including the right to go upon said premises for the purpose of making any repairs to said water pipe line, the grantors reserving the right to use said premises, subject to the terms herein provided.

Exhibit A-1



Desiree Lundeen

From: Adam Campbell <Adam@elkcove.com>
Sent: Friday, May 20, 2022 1:49 PM
To: Walt Gowell; Desiree Lundeen
Subject: RE: SDR-10-22

Follow Up Flag: Follow up
Flag Status: Flagged

[This email originated outside of Yamhill County]

Desiree

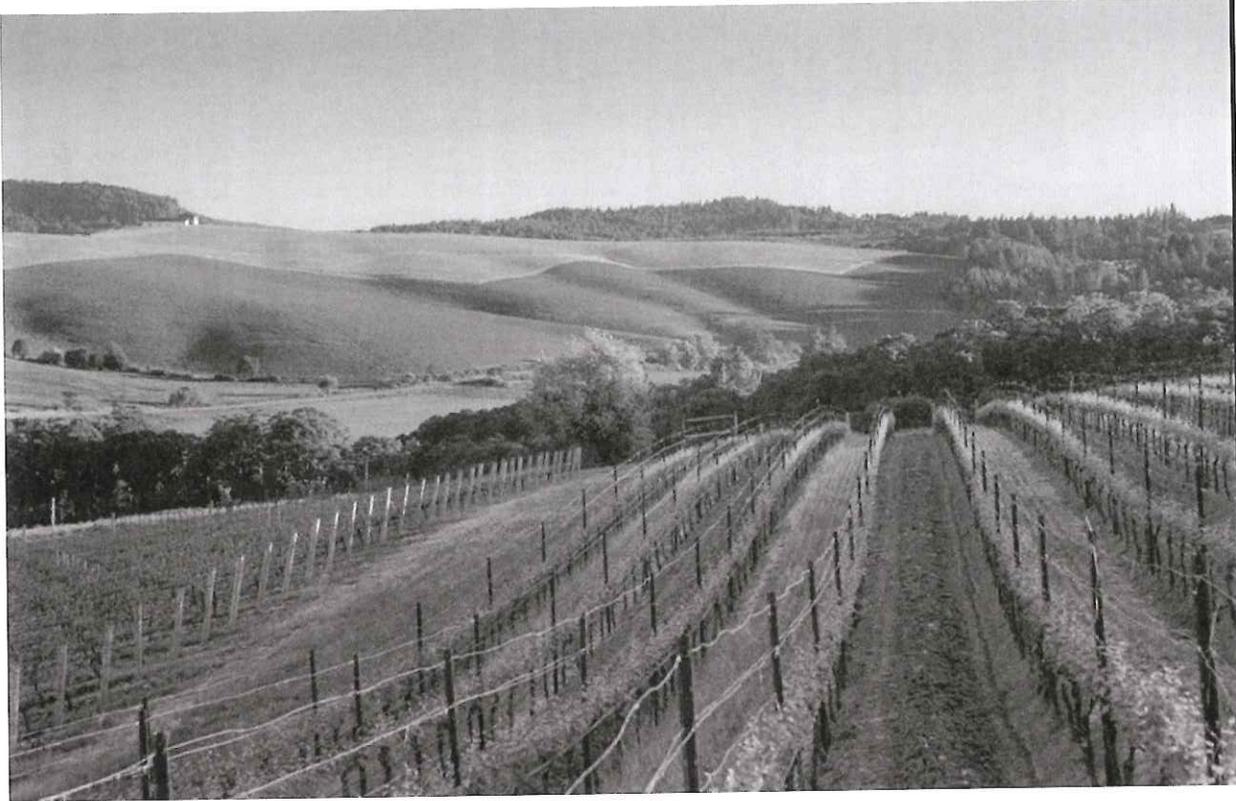
Yes public space (for tasting) will be more in line with Walt's assessment. We also know that the ultimate # will be determined with submitted drawings and will of course conform. We will also have separate parking for employees that I did not account for here.

Thanks!

Adam

Adam

Adam Campbell
Owner/Winemaker
Elk Cove and Pike Road Wineries
Cell (503) 997-2931



Mount Richmond with Red Clover – Spring 2019

From: Walt Gowell <wgowell@hrglawyers.com>
Sent: Friday, May 20, 2022 12:33 PM
To: Desiree Lundeen <lundeend@co.yamhill.or.us>
Cc: Adam Campbell <Adam@elkcove.com>
Subject: RE: SDR-10-22

Desiree:

While I am just surmising, from my experience less than one-half of the tasting room area is normally accessible to the public and so the floor area available for public use may be 1000 or less.

The applicant certainly understands the required parking will need to conform to the minimum parking standards based on the final construction drawings submitted for review.

I will forward this email to Adam so he can comment further as appropriate.

Walt

From: Desiree Lundeen <lundeend@co.yamhill.or.us>
Sent: Thursday, May 19, 2022 3:01 PM
To: Walt Gowell <wgowell@hrglawyers.com>
Subject: SDR-10-22

Good Afternoon Walt,

Just a quick question about the number of parking space. The amended narrative states that there are approximately 2000 square feet of tasting room. The application notes that the number of employees will vary over the year from 5-8. The narrative notes that there are 15 parking spaces proposed.

Section 1007 outlines the off street parking requirements for uses in the county. For wine tasting rooms the standard is One (1) space per one-hundred (100) square feet of floor area, plus one (1) space for each employee on maximum working shift.

From my count, this would be 20 parking spaces for visitors and 8 for employees on maximum working shift. My question is, will the full 2000 square feet be area that is open to the public for the tasting room or is a portion of that 2000 square feet bathrooms, offices, storage, or area that is not part of the parking requirement calculation?

Thanks in advance.

Thank you,

Desiree Lundeen
Associate Planner
Yamhill County Planning Department
525 NE 4th St.
McMinnville, OR 97128
(503)434-7516
Fax (503)434-7544

May 21, 2022

Ken Friday, Planning Director
Yamhill County Planning and Development Dept.
525 NE 4th St.
McMinnville, OR 97128

RE: Pike Road building project

Dear Mr. Friday,

We wish to offer our strong encouragement for the approval of this building project to be located at Gerrish and Pike.

Our company, Quandary Vineyards, is a Yamhill County vineyard located just east of Elk Cove's Mount Richmond vineyard. As a relatively new vineyard in this county, we were very pleased to form a partnership in our early years with Elk Cove and Pike Road. We have been selling fruit to them for the past several years. They work closely with us and our vineyard management company to share best farming practices and assure a healthy, vibrant crop. Both companies are on a growth curve. Our company will begin to plant 30 additional acres of vines next Spring. And Elk Cove/Pike Road continues to expand their vineyards and has dreams of a new winery and tasting room. Our future success is quite dependent on having a strong market for selling our fruit and we know that a facility very close to our vineyard will be extremely beneficial for us in terms of grape delivery and future growth.

In our opinion, the development of a new winery/tasting room is the kind of business which Yamhill County needs. Additional jobs and increased tax revenue will help bolster the local economy. Elk Cove/Pike Road are a model business for this community. They pay bills on time, they give back to the community in innumerable ways, they take care of their workers and they set a high bar for creating a product which rivals the very best in the wine industry. Expanding their footprint in this county will pay dividends to their workers, the schools, their business partners such as us and to the growing Oregon wine industry.

We would like to be on record as a fervent supporter of this building project.

With strongest support,

Quandary Vineyards
20330 NW Bishop-Scott Rd
Don & Judy Leidy
Brian & Linda Rindels

May 21, 2022

Ken Friday, Planning Director
Yamhill County Planning and Development Dept.
525 NE 4th St.
McMinnville, OR 97128

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With strongest support,

Quandary Vineyards
20330 NW Bishop-Scott Rd
Don & Judy Leidy
Brian & Linda Rindels

May 23, 2022

Ken Friday
Planning Director, Yamhill County
525 NE 4th St.
McMinnville, OR 97128



Re: Pike Road Letter of Support

Dear Mr. Friday,

As owner and operator of Bishop Scott Ranch, LLC, I am writing in support of Elk Cove and Pike Road building a winery located near the intersection of NW Gerrish Valley and NW Pike Road.

Bishop Scott Ranch has experienced exceptional partnership with Elk Cove Vineyards and Pike Road Wines, who support our local family farming operations through the purchase of our annual fruit crops. They further partner with Bishop Scott Ranch by sharing farming information, industry news and inclusion in marketing and local events. Additionally, a winery facility located near our farm will reduce burden to our operations by decreasing the distance for delivering our fruit.

Elk Cove Vineyards is a local family-owned business that significantly supports local economic growth and the agricultural industry since the 1970s. They provide secure employment, and are a reputable business within Yamhill County. Hindering the success of Elk Cove Vineyards and Pike Road Wines compromises our ability to farm successfully and expand our family operations.

Bishop Scott Ranch offers its full support for the building of a winery for Pike Road Wines.

Sincerely

A handwritten signature in black ink, appearing to read "Nicole Watson".

Nicole Watson
Bishop Scott Ranch, LLC
PO Box 3492
Hillsboro, OR 97123

503-754-1231

Robert K. Matteri, MD
Owner
Matteri Farm and Vineyard
8831 NW Pleasant Smith Rd
Yamhill, Oregon 97148



Ken Friday
Planning Director
525 NE 4th Street
McMinnville, Oregon 97128

19 May 2022

Dear Mr. Friday,

I wanted to write this letter to you in support of the proposed development of a new winery and tasting room by Pike Road Wines on their property at the corner of Pike Road and Gerrish Valley Road. As the owner of the very near by Matteri Vineyards, I have worked with Elk Cove and Pike Road since the founding of my vineyard 13 years ago. Adam Campbell, Elk Cove's owner, was and has been a great supporter of my efforts in establishing a vineyard and then purchasing my grapes as they have matured. Without his and his family's helping efforts, the establishment and then the expansion of my vineyard would have been much more difficult. As a neighbor, they have been supportive of my efforts since the beginning.

Adam and his family are true Oregon wine pioneers, and have kept their vineyards and winery as a family owned operation here in the Yamhill Carlton American Viticultural Area (AVA). They have supported their own, in house, viticulture management team throughout these times of covid induced cutbacks, and during the recent smoke disaster to the wine industry, fully supported their growers. Further, when I have needed help with my wine growing, or have had equipment problems in my own vineyard, Elk Cove and Pike Road's team has always provided very friendly help and advice. They have even lent me equipment to use that I didn't have myself for the vineyard. They have stayed true to their roots here in the county-----the winery and vineyards have remained in the family, they are run and managed by the family, and they have been both great supporters of my vineyard and the local winegrowing community as well. I am very pleased that they will be so close by with their winery since it makes my winegrowing operations and grape transport so much easier.

In the wine growing industry, the Campbell's and their Elk Cove/Pike Road operations, are known for being dynamic supporters of the local community, and are truly committed to our local community values. This can be seen in efforts that the family has made to be ecologically responsible with their land use. Their efforts to make their vineyards and winery attractive, certainly have improved the standing of the Yamhill Carlton AVA amongst all Oregon AVAs. They are held in very high esteem by other winegrowers in the Yamhill Carlton AVA because of their values and quality. As I expand my winegrowing efforts, it is with the knowledge that Elk Cove/Pike Road is very near by to consider purchasing my fruit.

As you can see, I am a strong supporter of the development of the Pike Road Winery and Tasting Room so close to my Farm and Vineyard. They are a tremendous asset to our winegrowing community here in Yamhill County. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "R.K. Matteri".

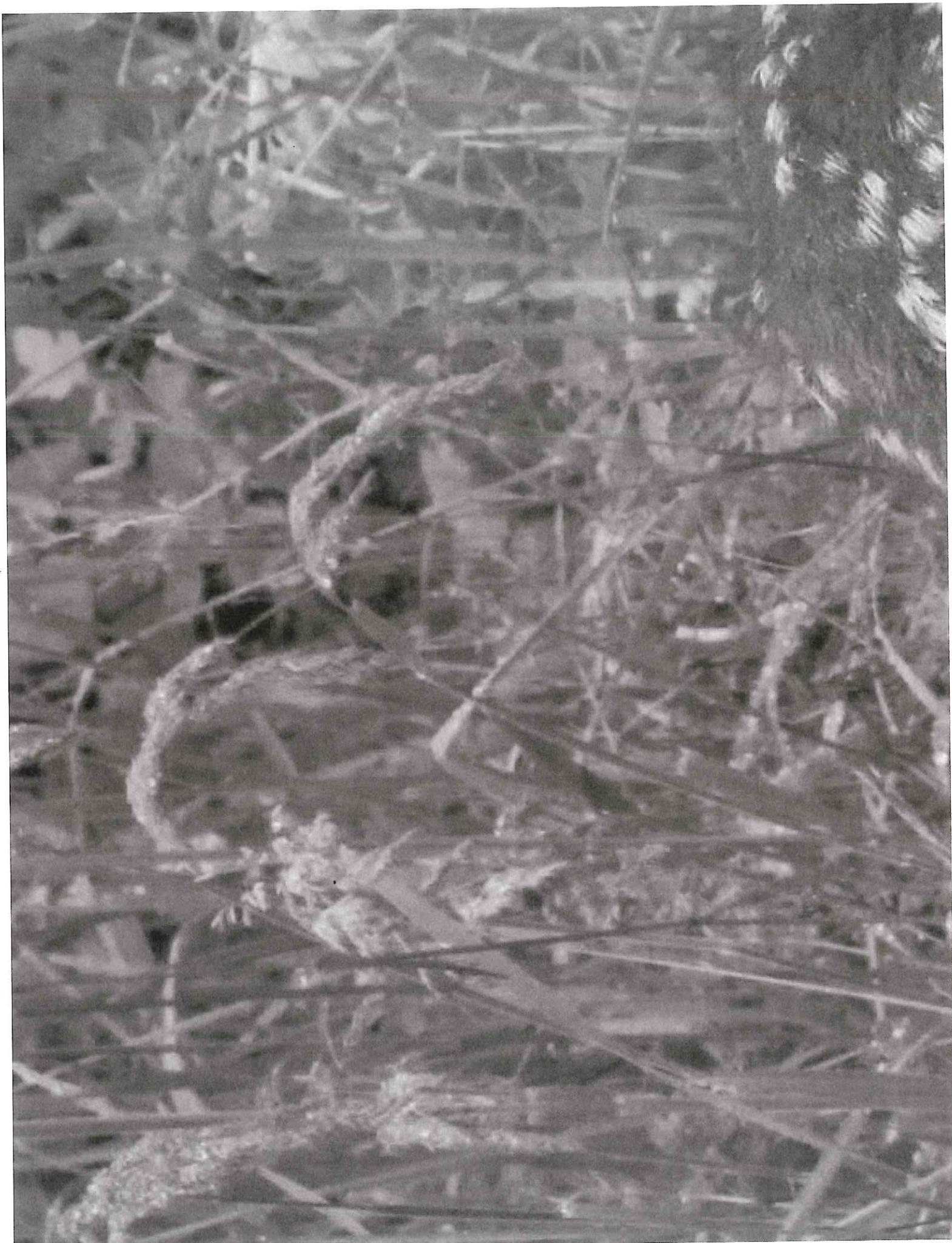
Robert K. Matteri, MD
Founder/Owner
Matteri Vineyards
503-936-9934
MatteriVineyards@gmail.com

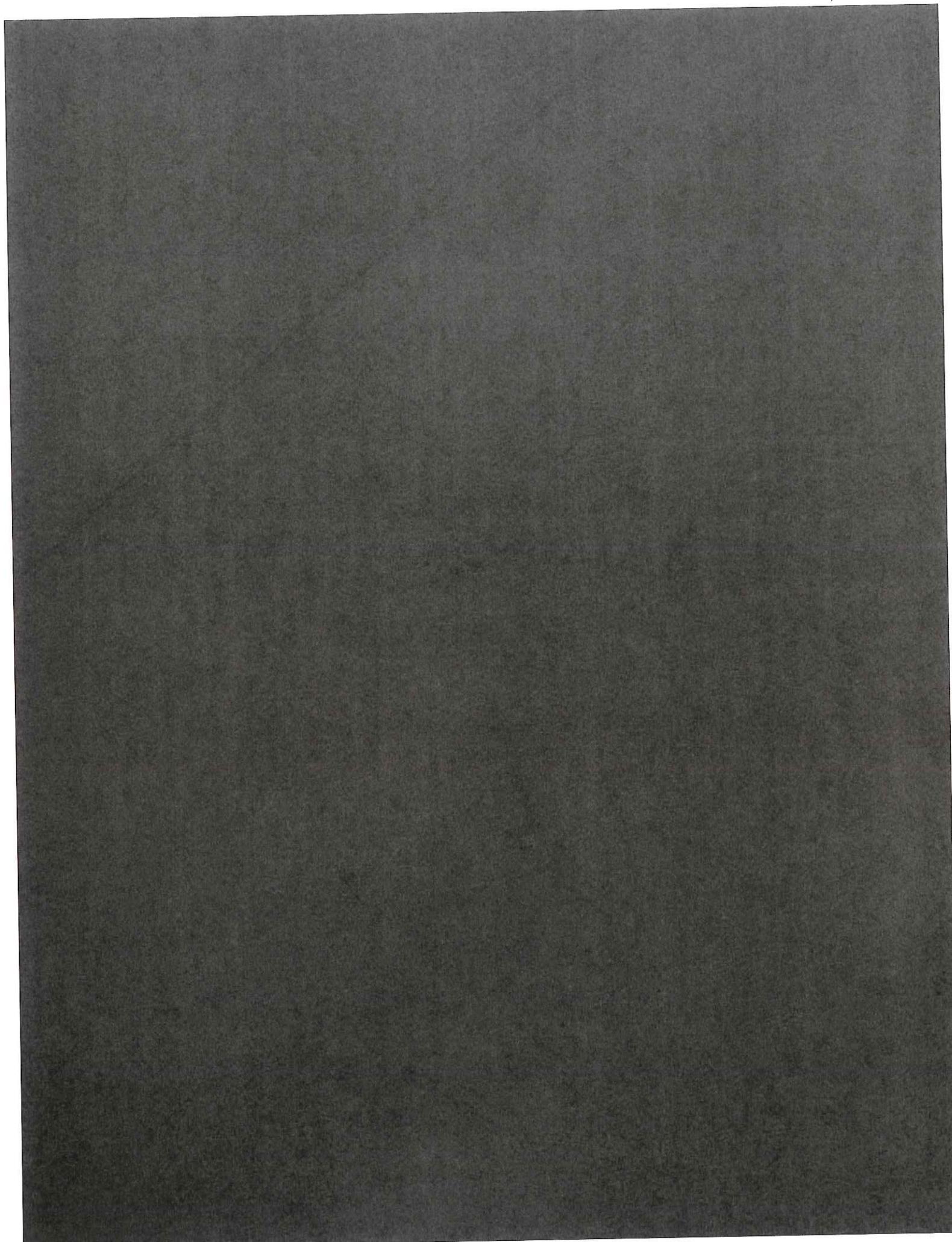
9. COMMENTS RECEIVED AT 7/7/22 PC HEARING

Mt. Richmond LLC
SDR-10-22

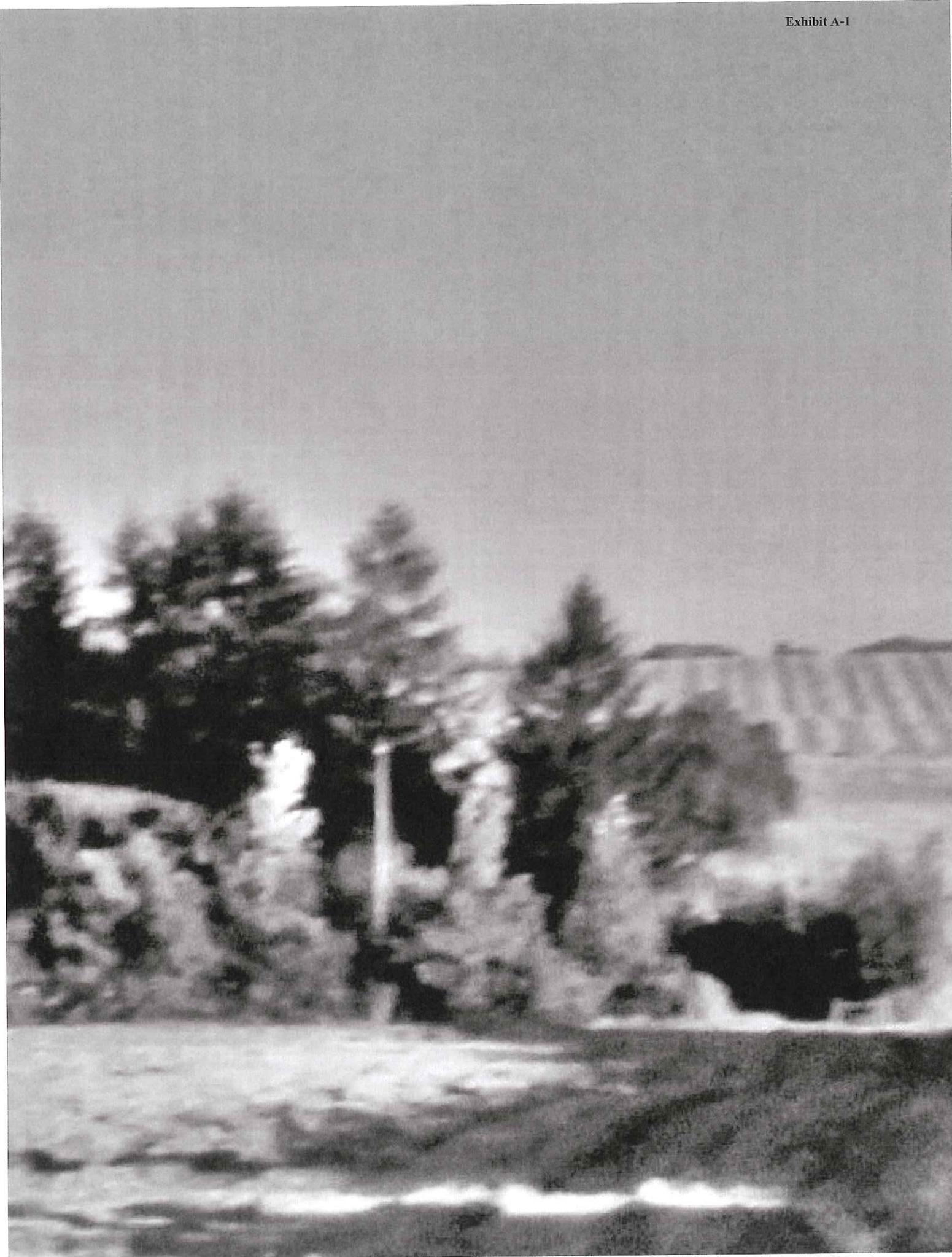
Warrant - July 7, 2022 PC Hearing
by opponent.

- ① INTRODUCTION
- ② WHY ARE WE HERE
- ③ PROBLEMS WITH THIS APPLICATION
 - ① VIOLATION OF GOAL #1 OF STRATEGIC PLAN OF 800'S PLAN FROM LCDC - 2014 - 2022.
- FOUND ON PAGE 6 OF LCDC STRATEGIC PLAN FOR 2014-2022
 - ② Responding to GOAL #3 LOCATED ON PAGE 10 OF CURRENT LCDC STRATEGIC 800'S PLAN.
 - ③ I AM COMPLYING WITH GOAL #4 TO IMPROVE THE CAPACITY OF LOCAL GOVERNMENTS TO CARRY OUT THEIR LAND USE RESPONSIBILITIES PAGE 12 OF LCDC STRATEGIC 800'S PLAN.
- ④ DISTANCES ARE INSERTED ON APPLICATION - PURE FABRICATIONS
- ⑤ UNCLEAR ABOUT EVENTS??
- ⑥ CITY WATER - YAMMILL NOT INVOLVED
HOW DID THEY GET WATER.
- ⑦ DRAIN FIELDS FOR ACTIVITY.
- ⑧ DESTRUCTION OF KINSLIFE HABITAT. - MUD STONES







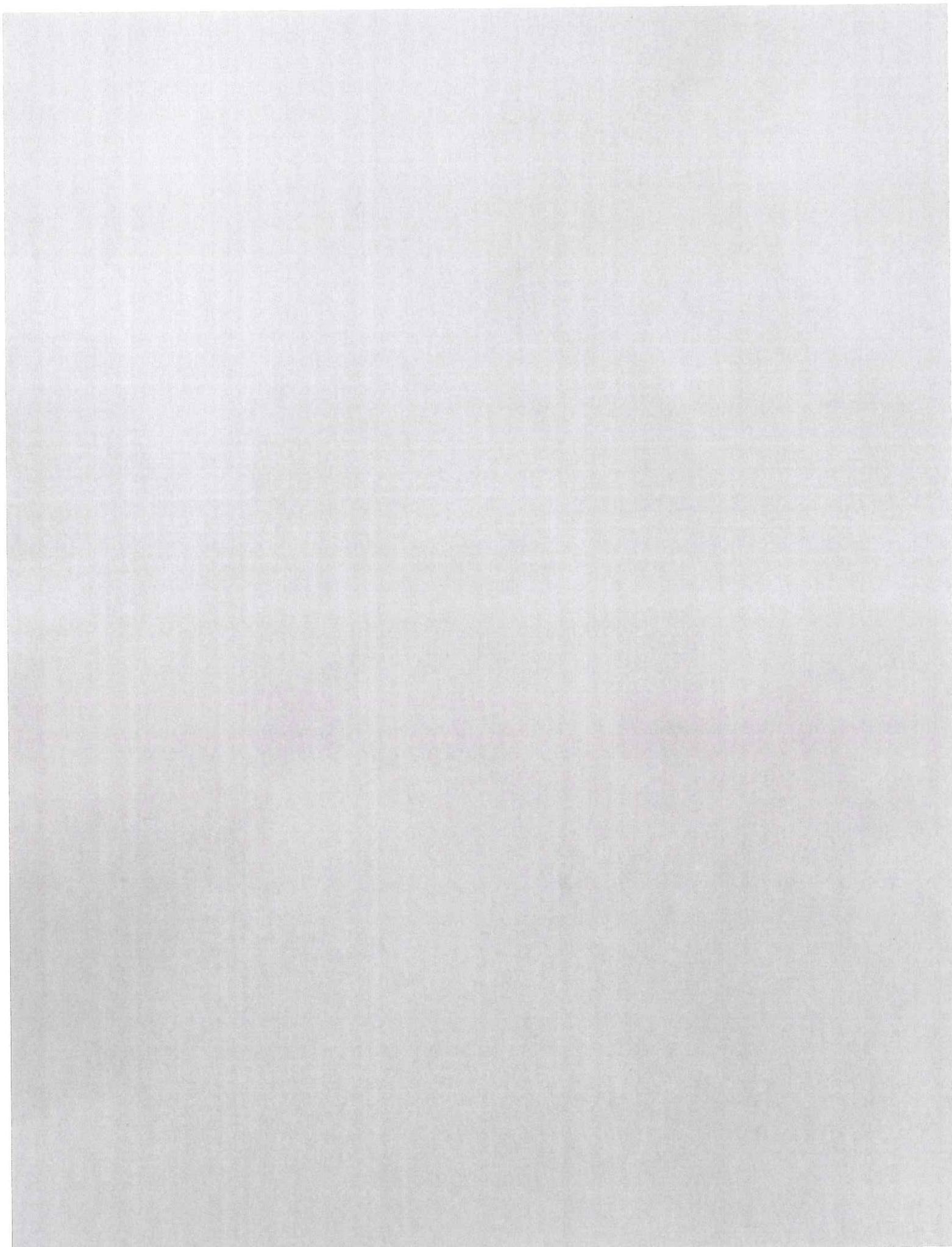


















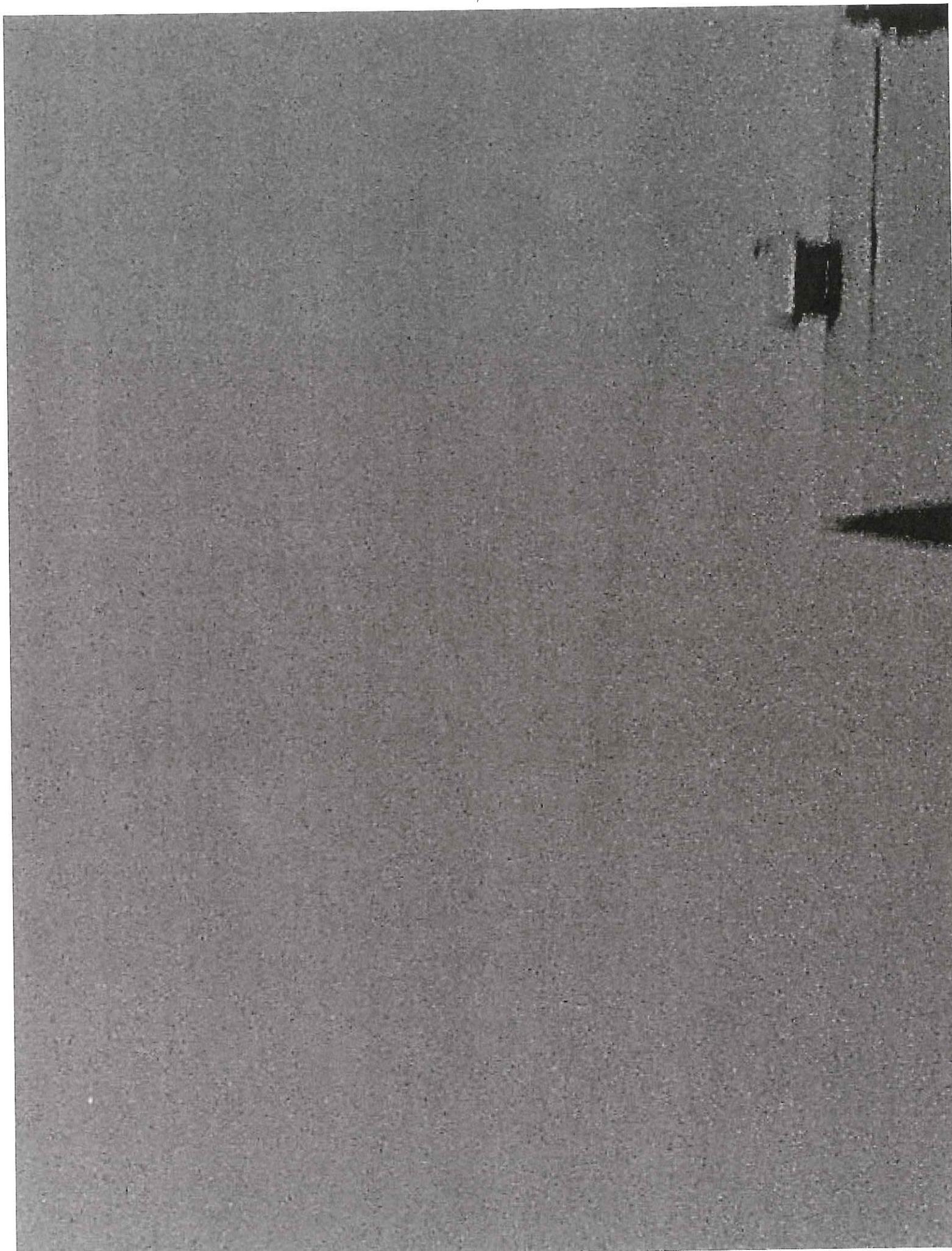








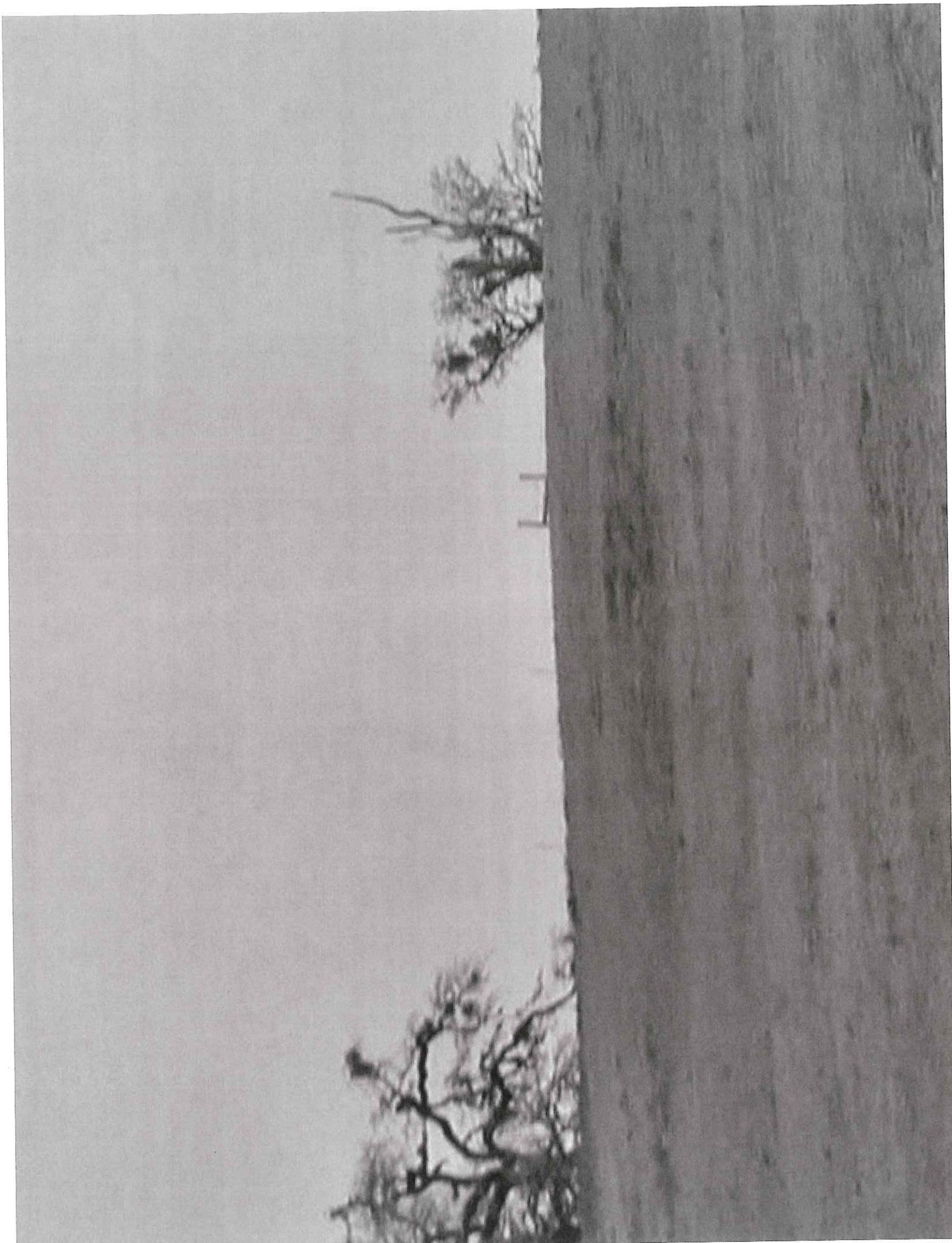


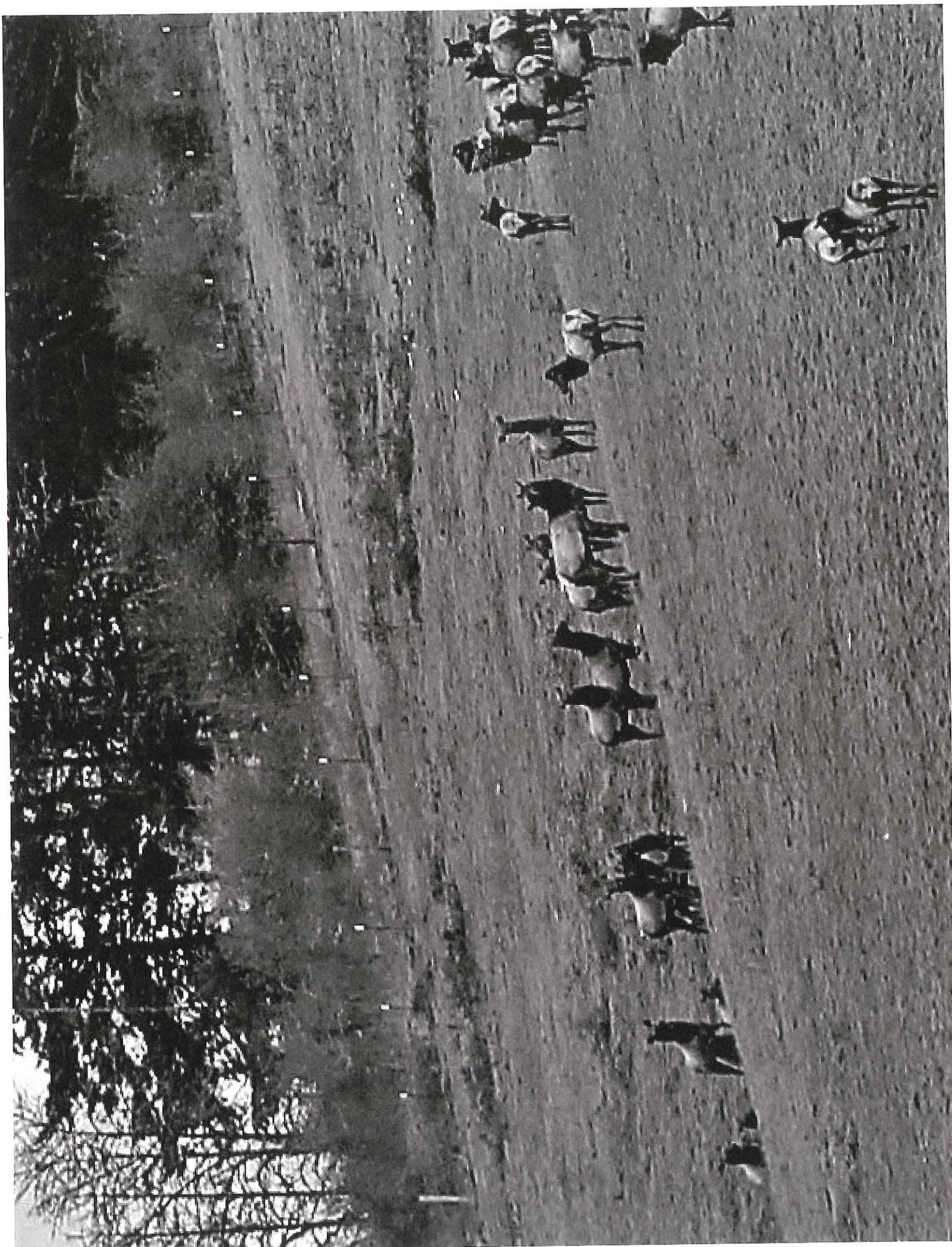


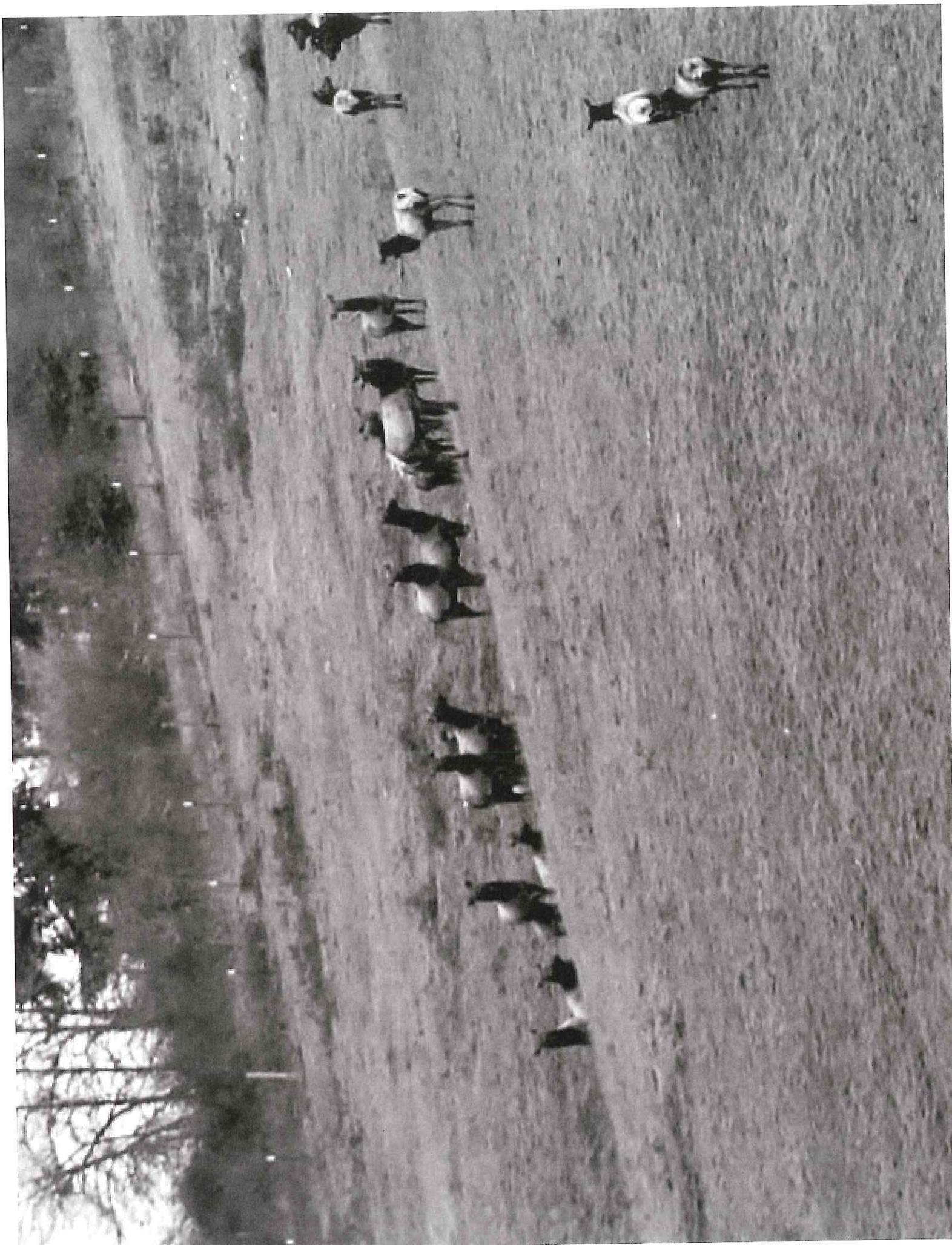


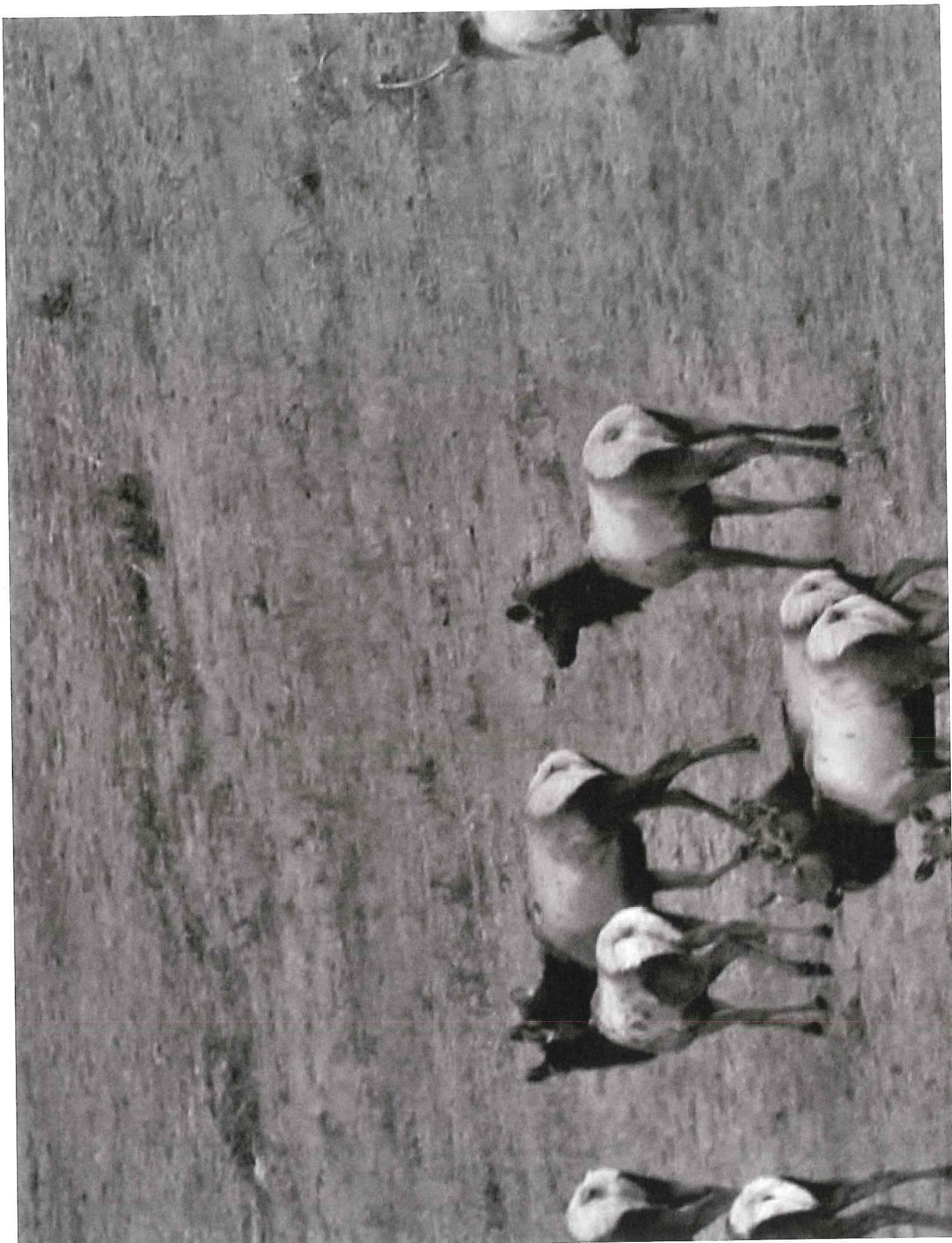


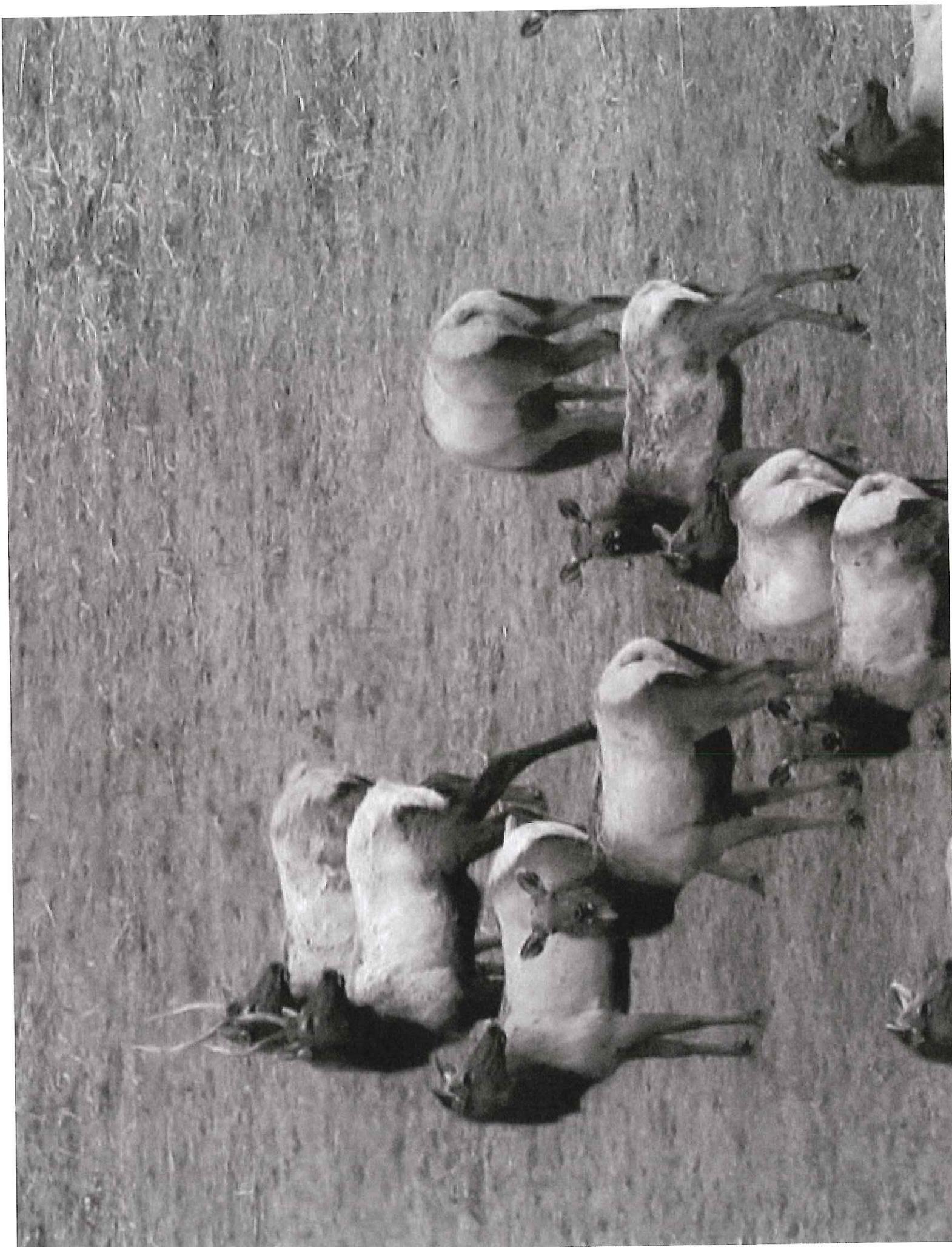












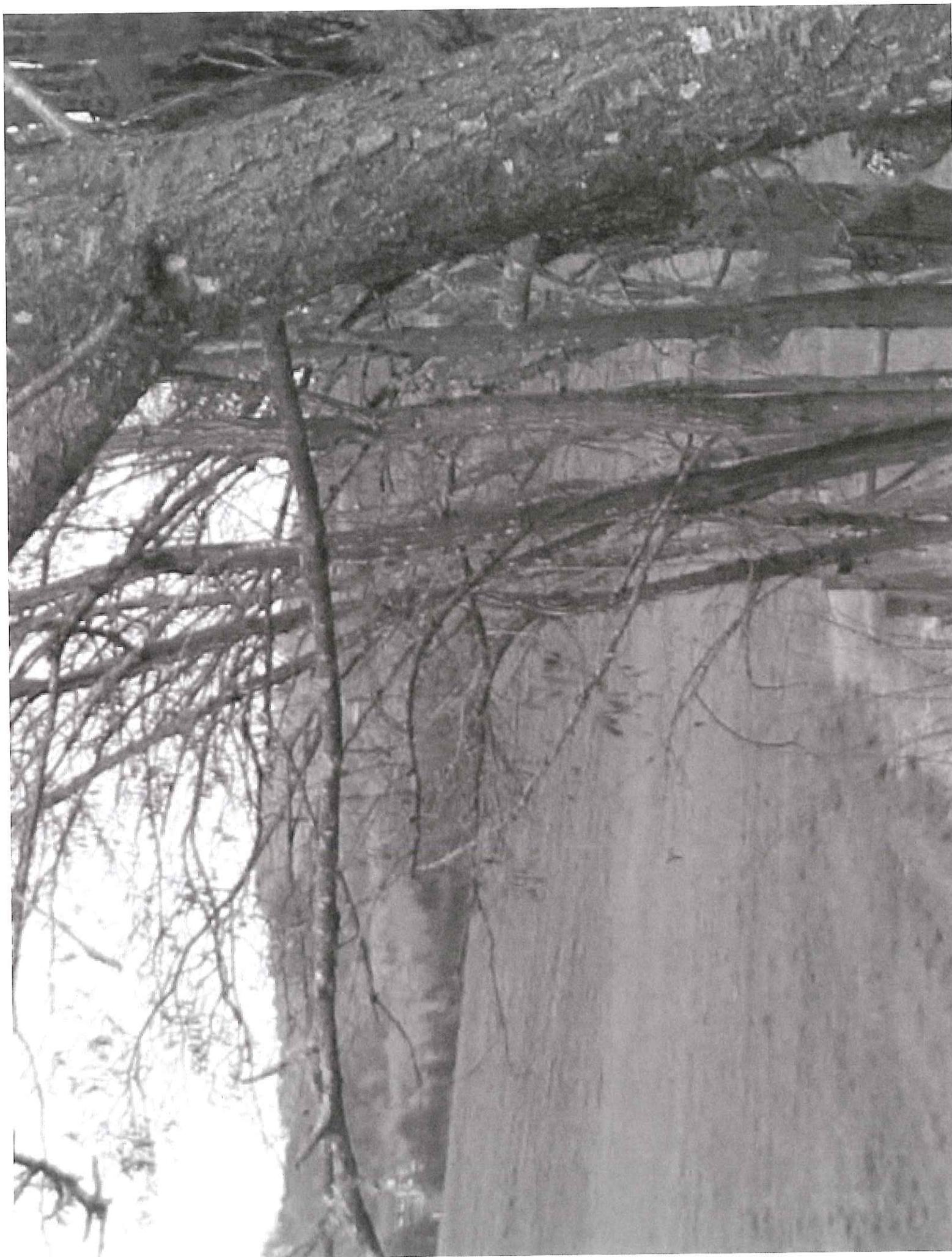


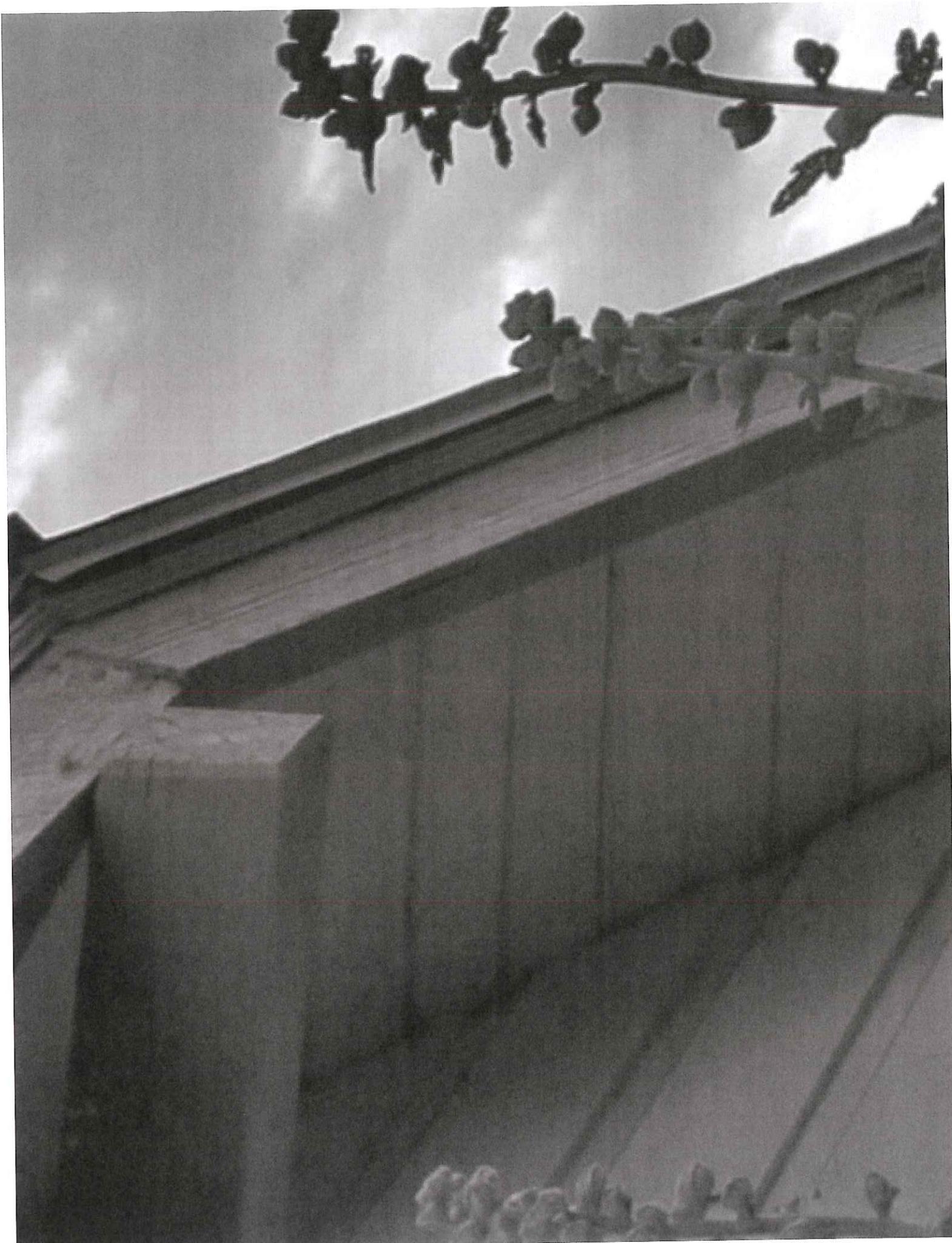






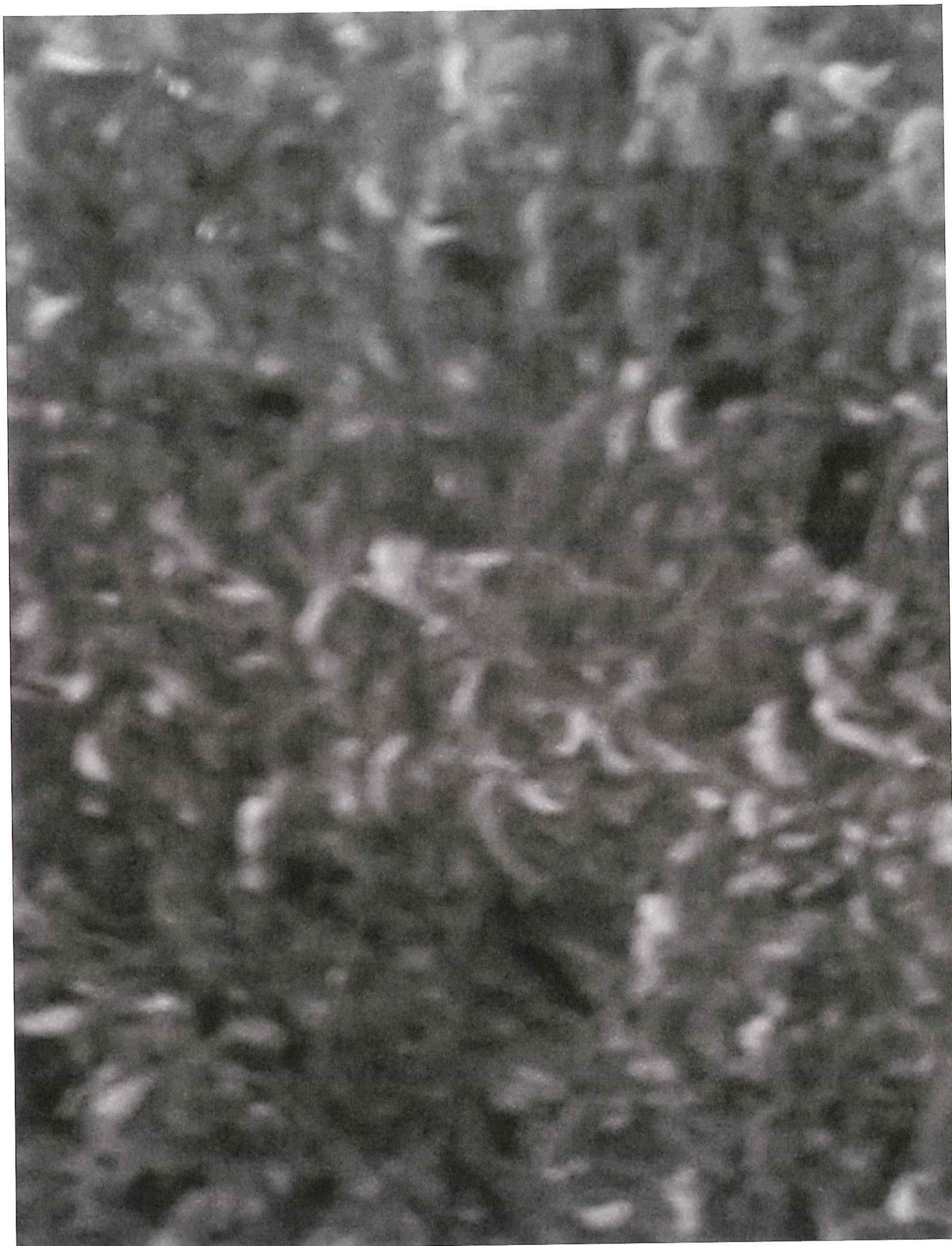


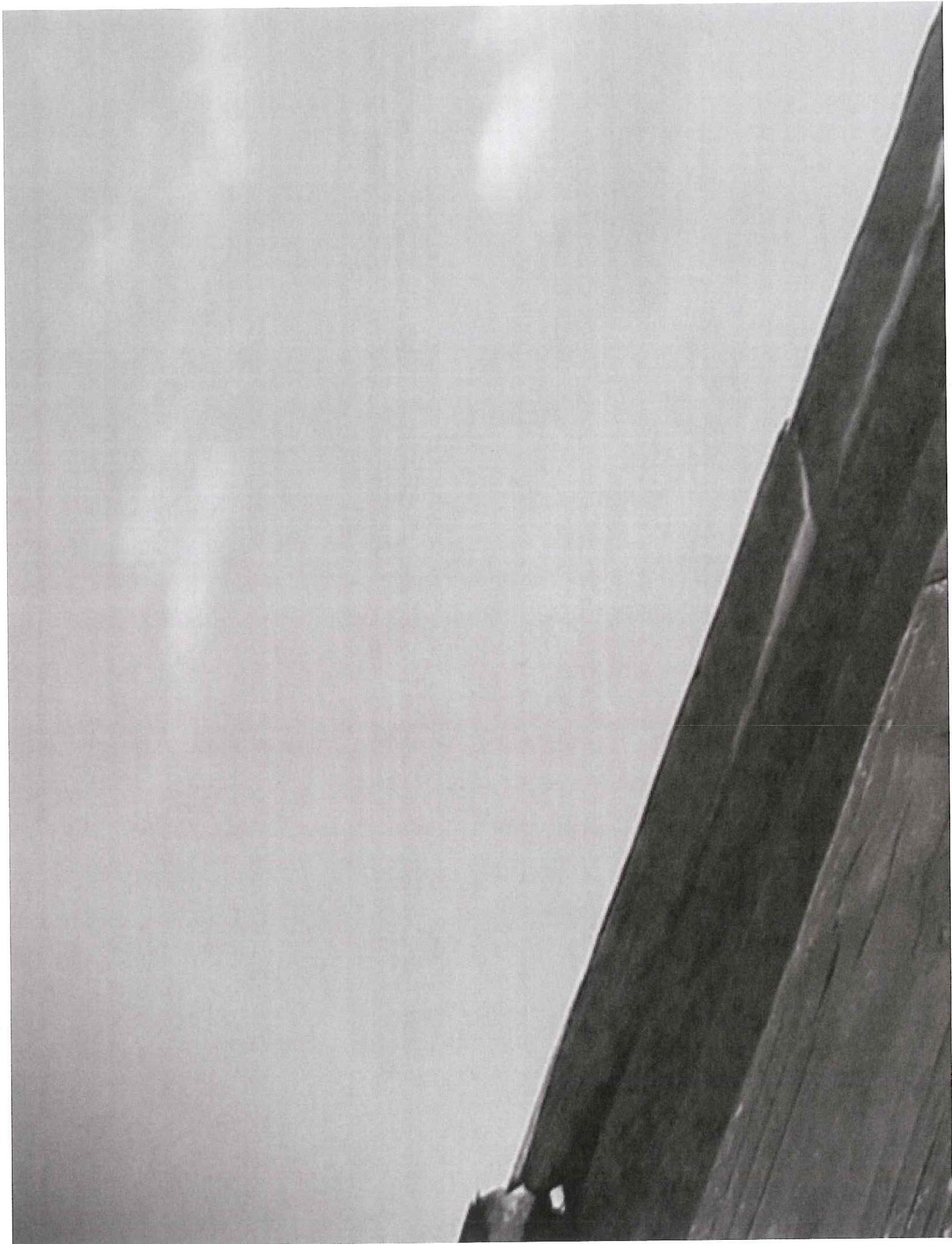




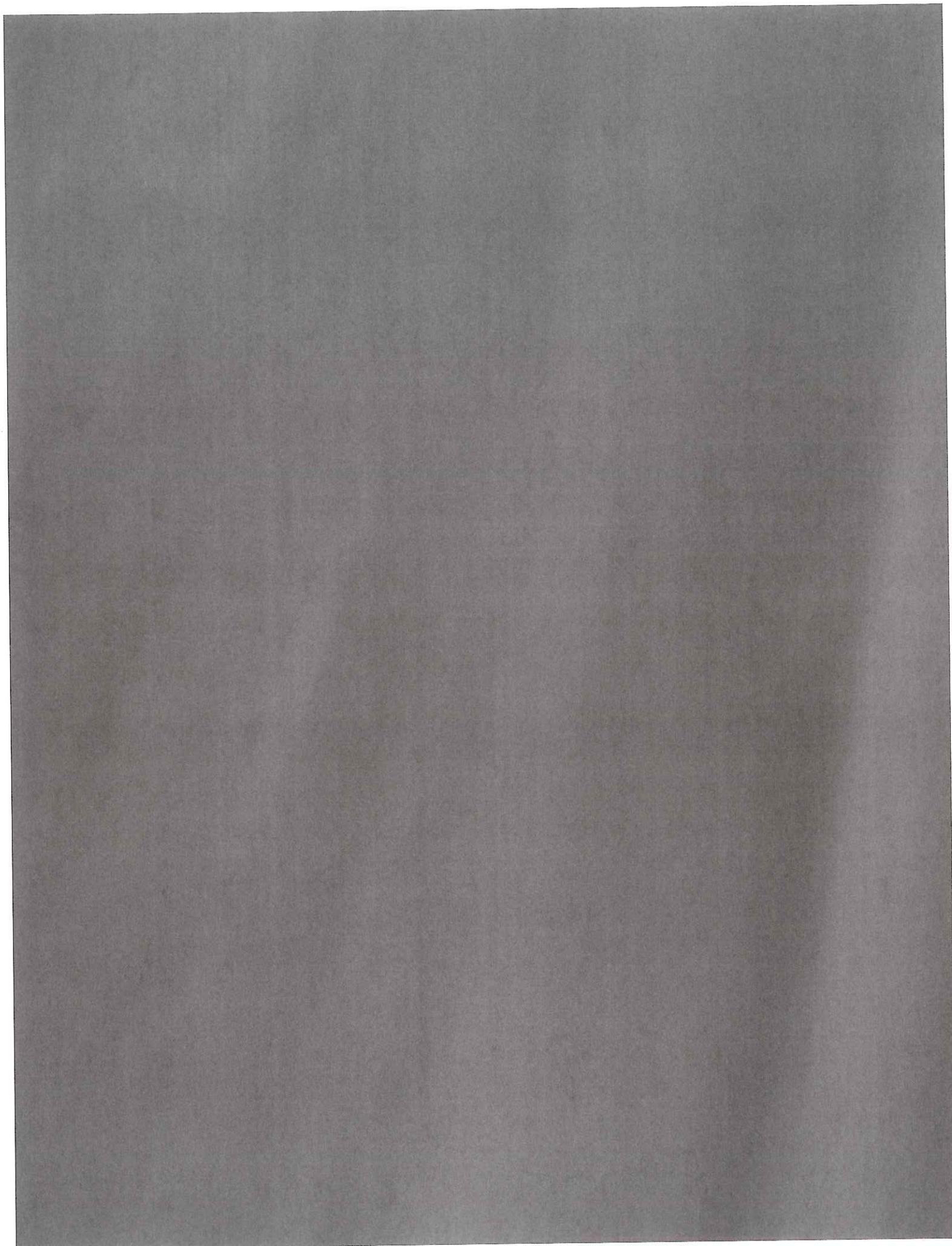




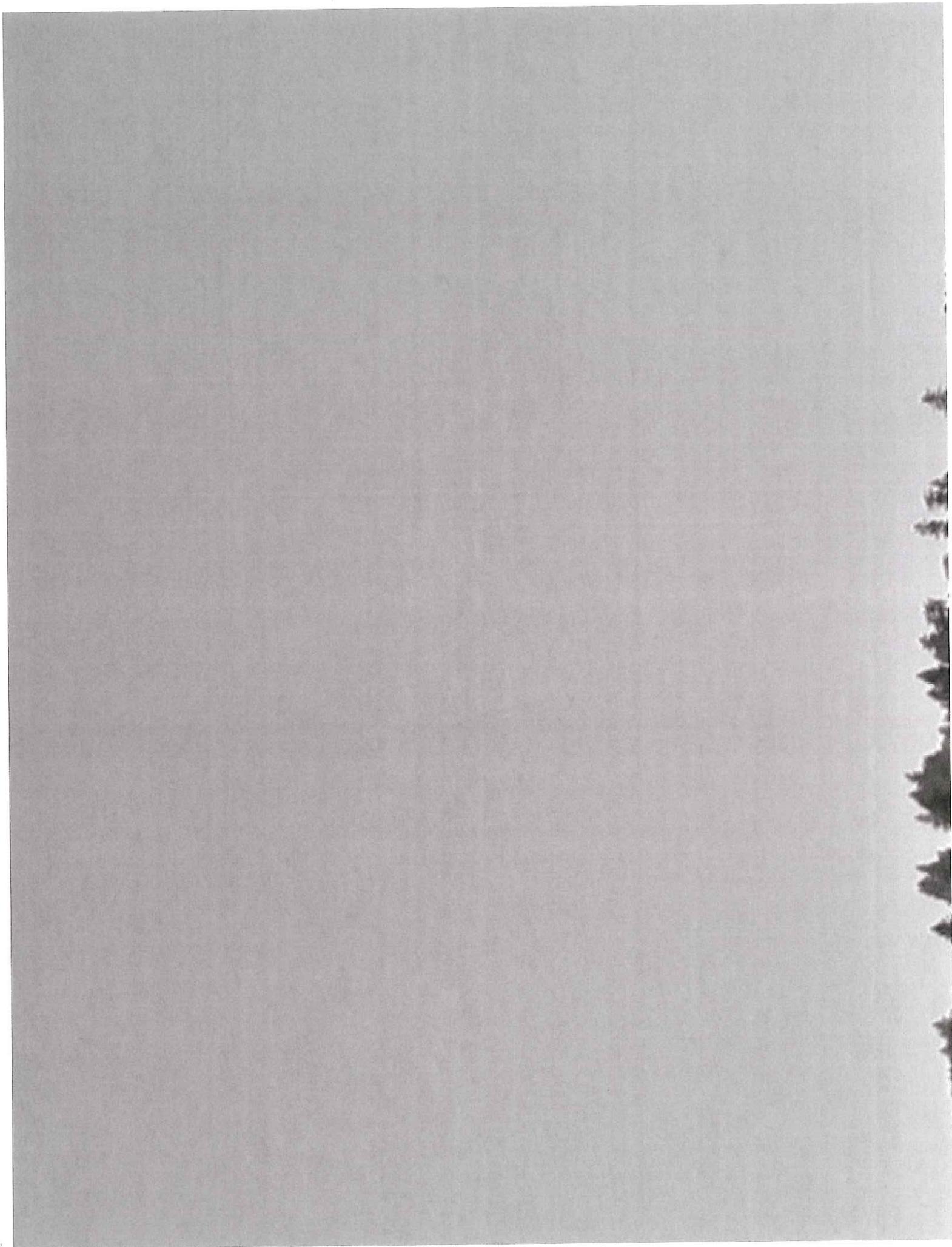


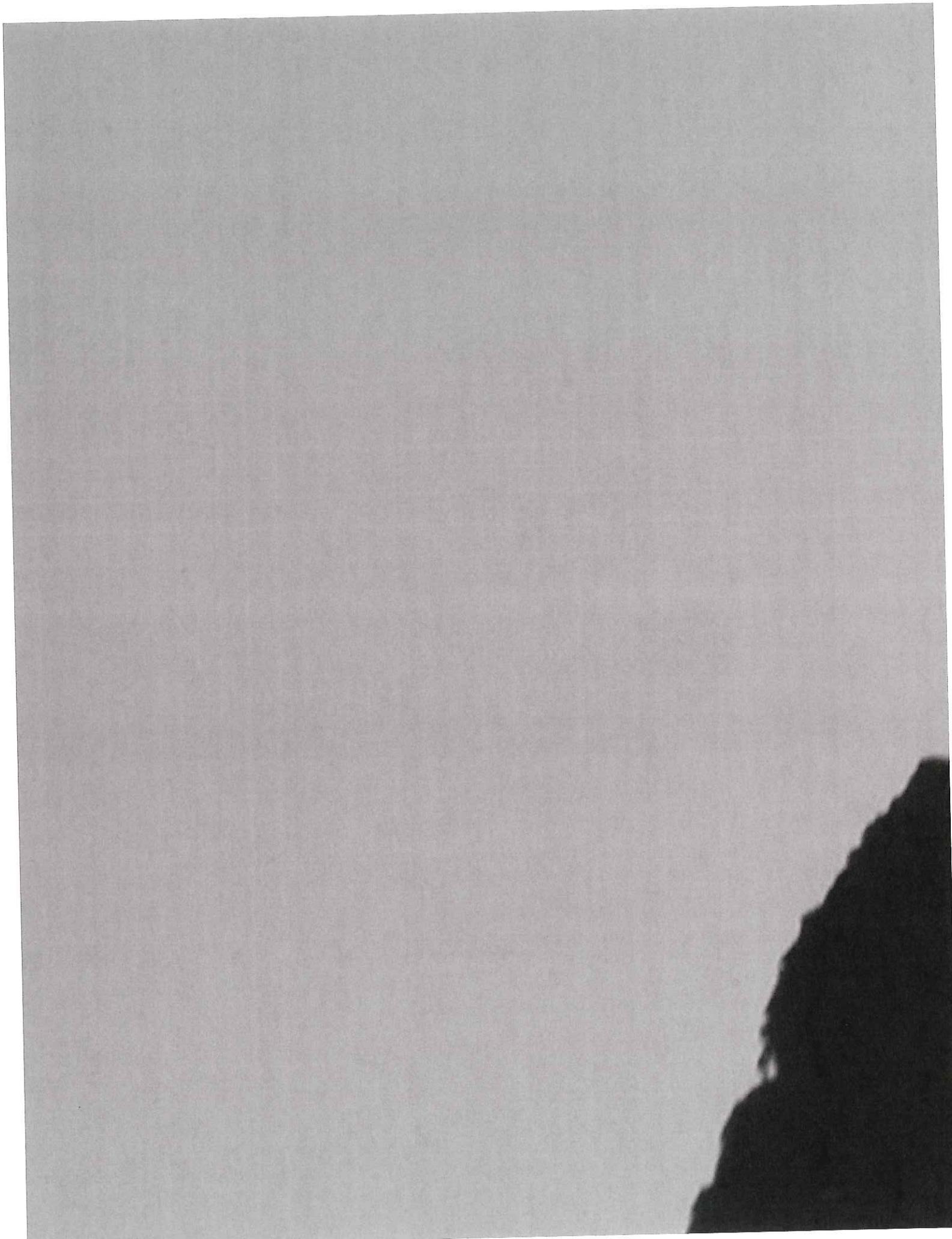


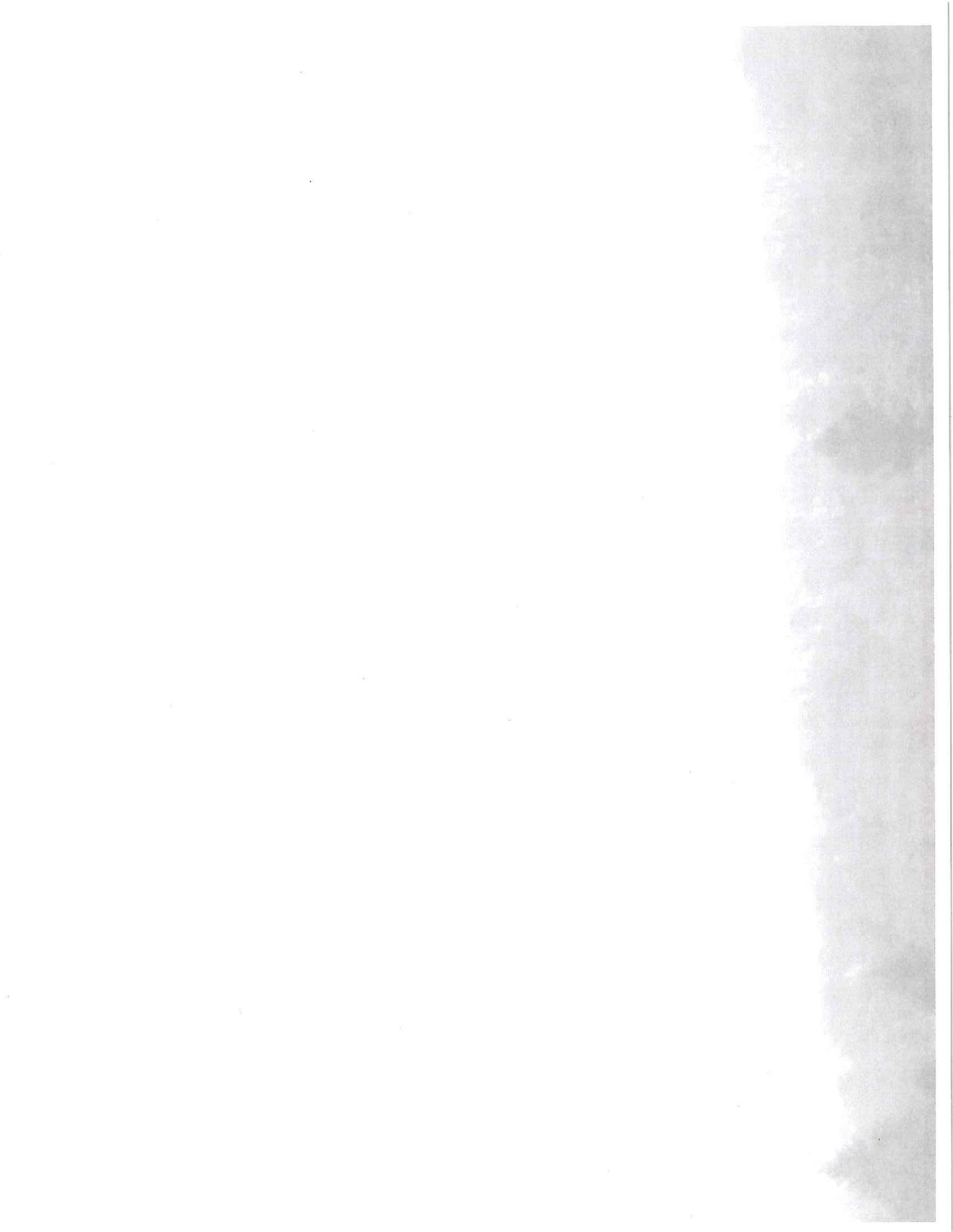








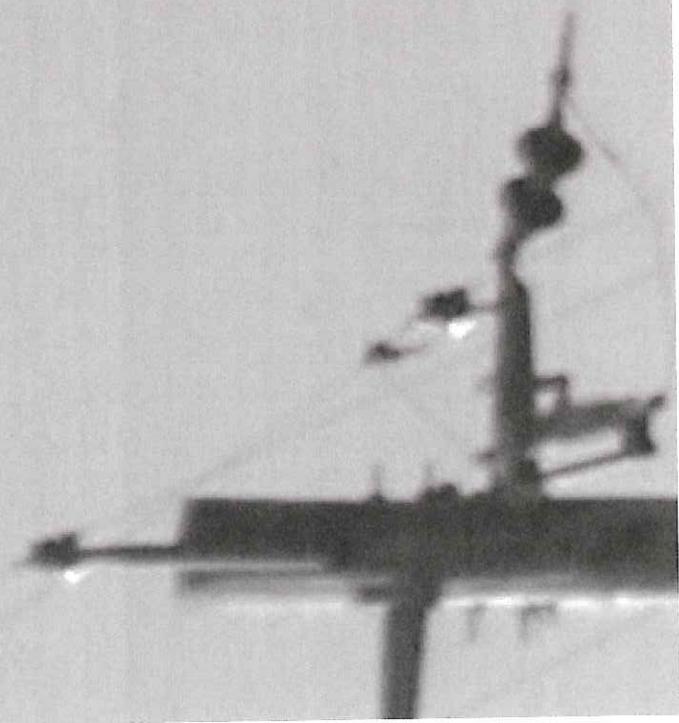


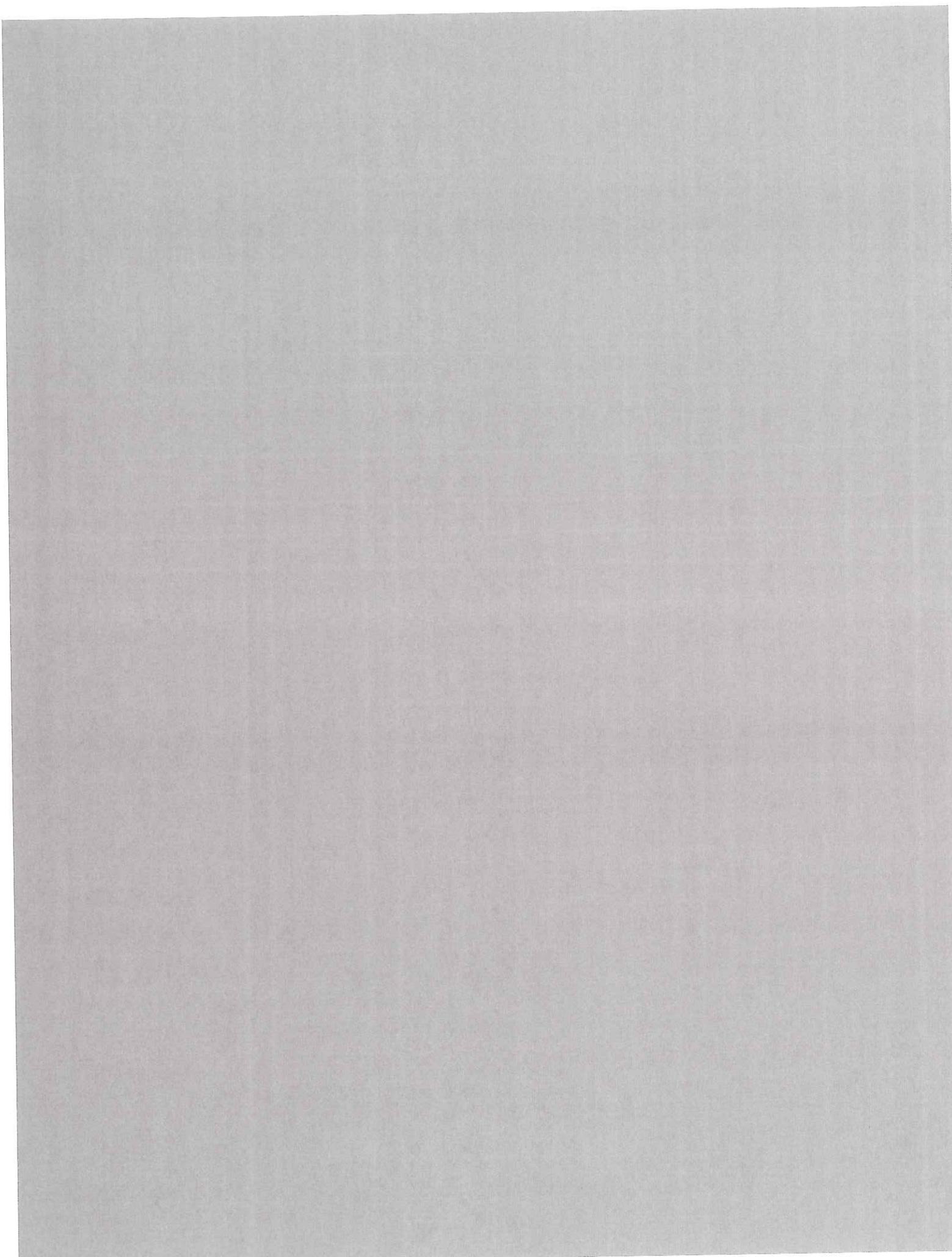


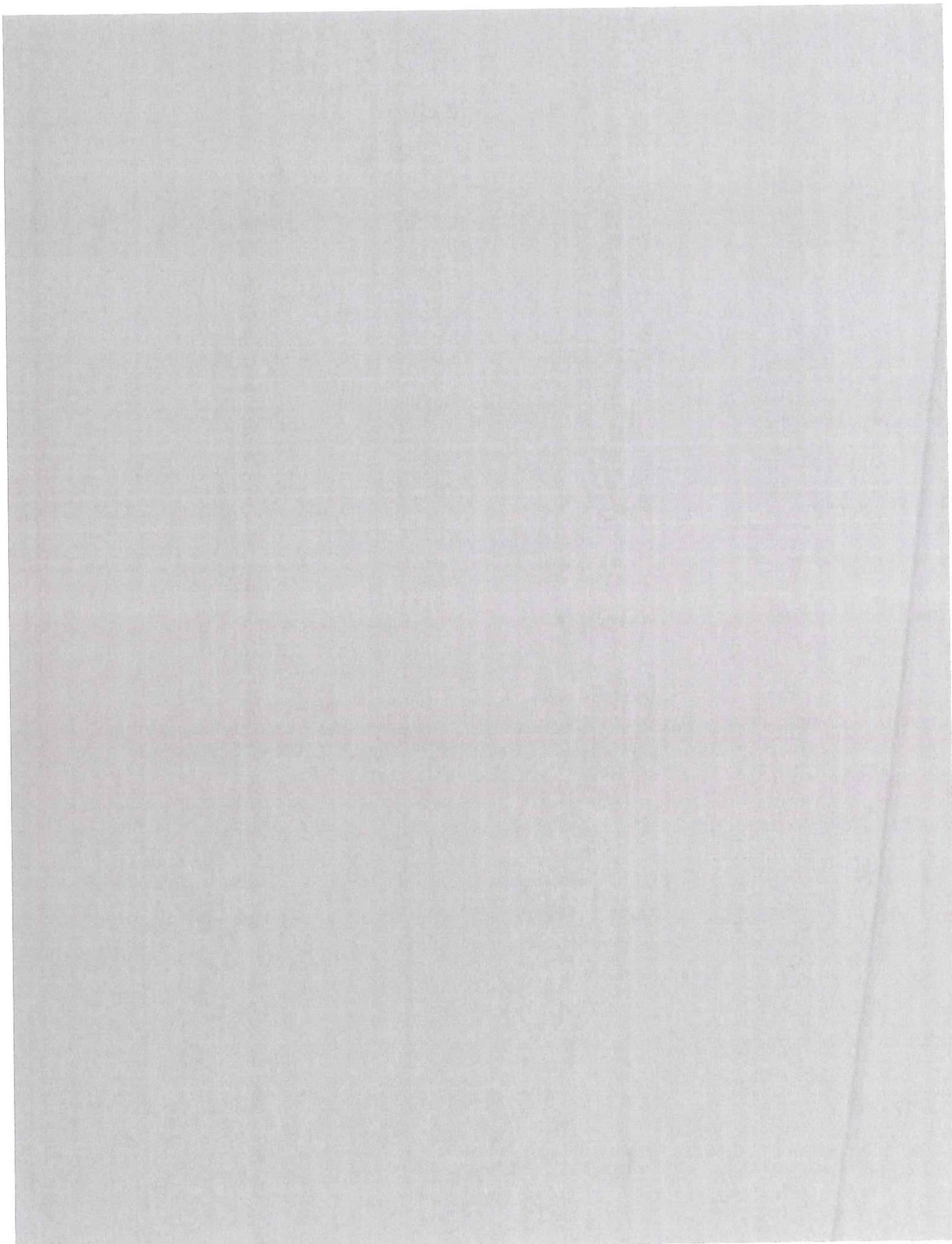


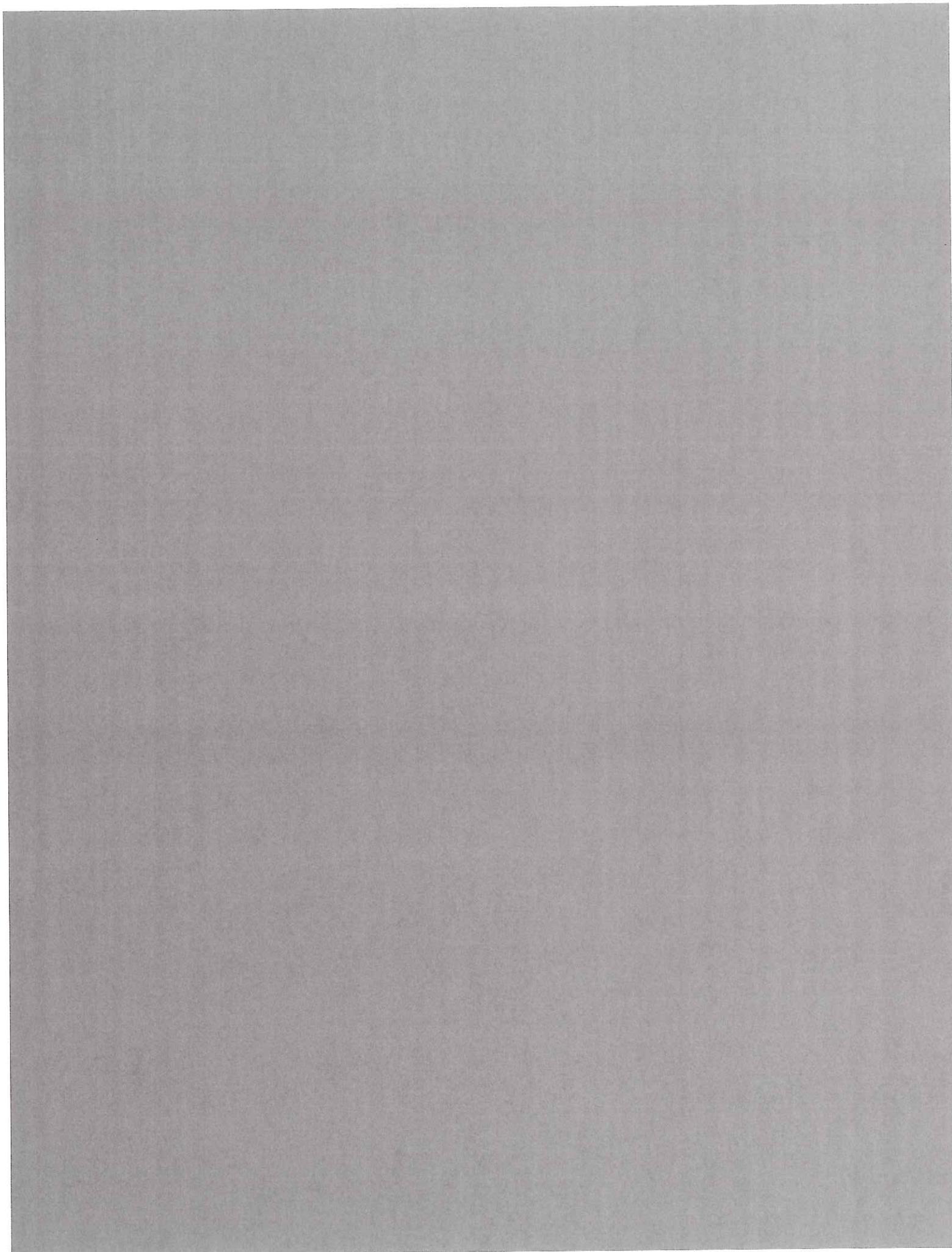




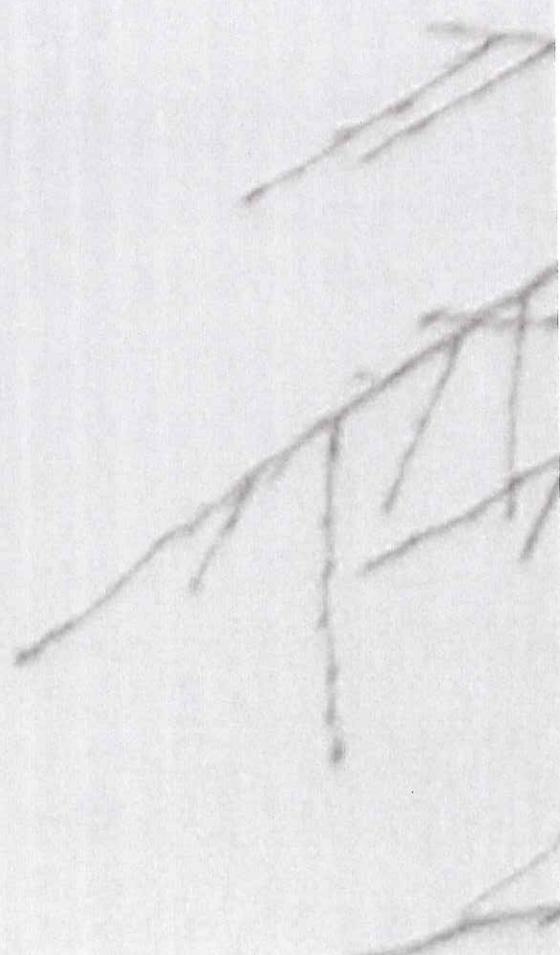
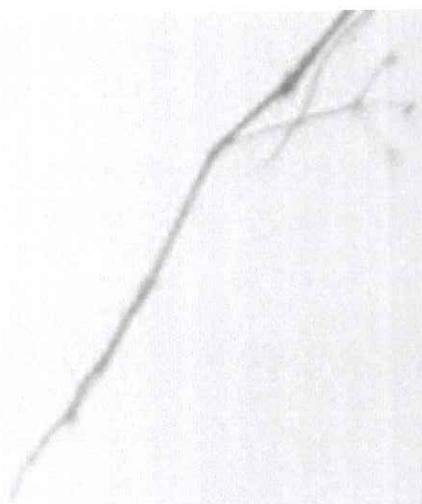


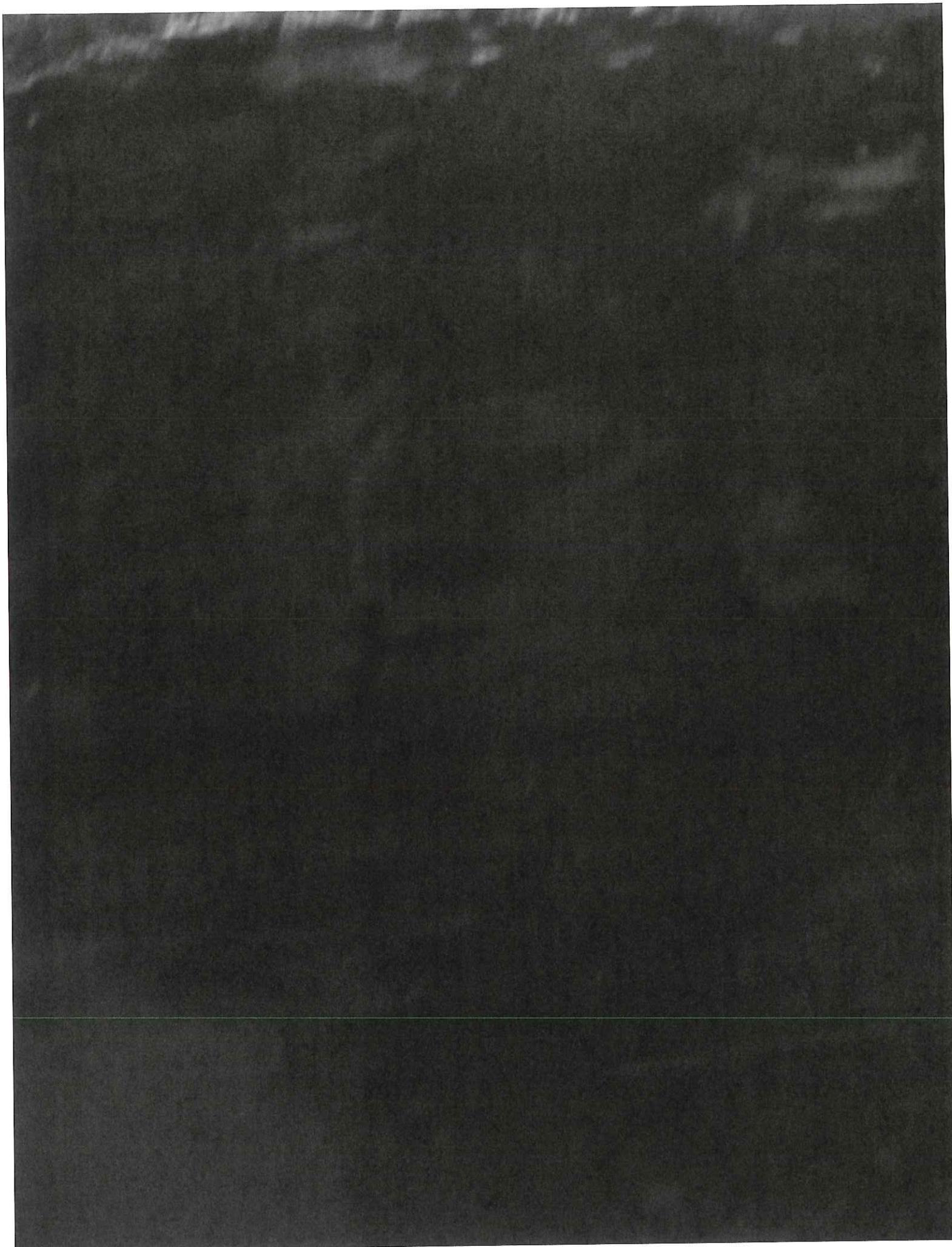














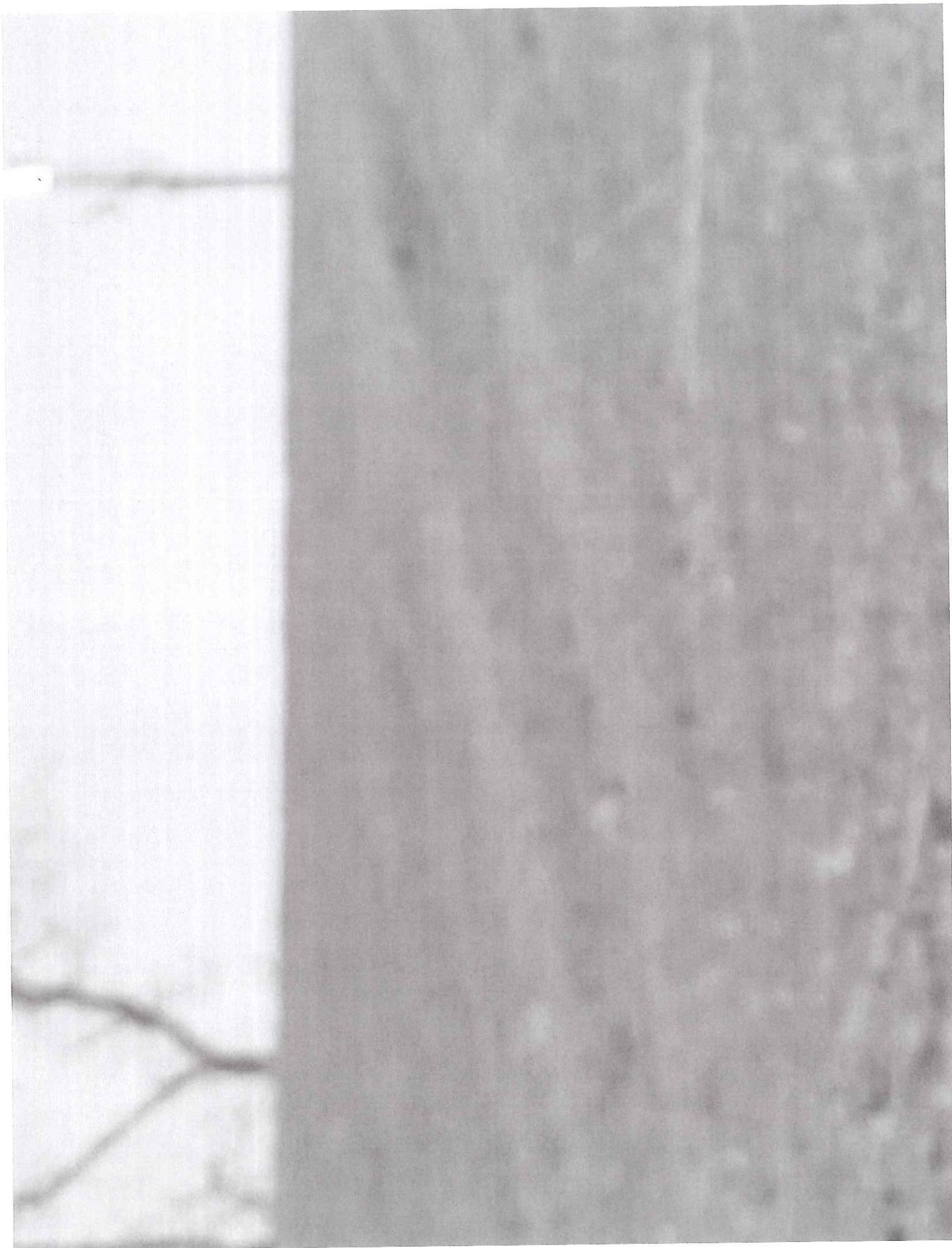








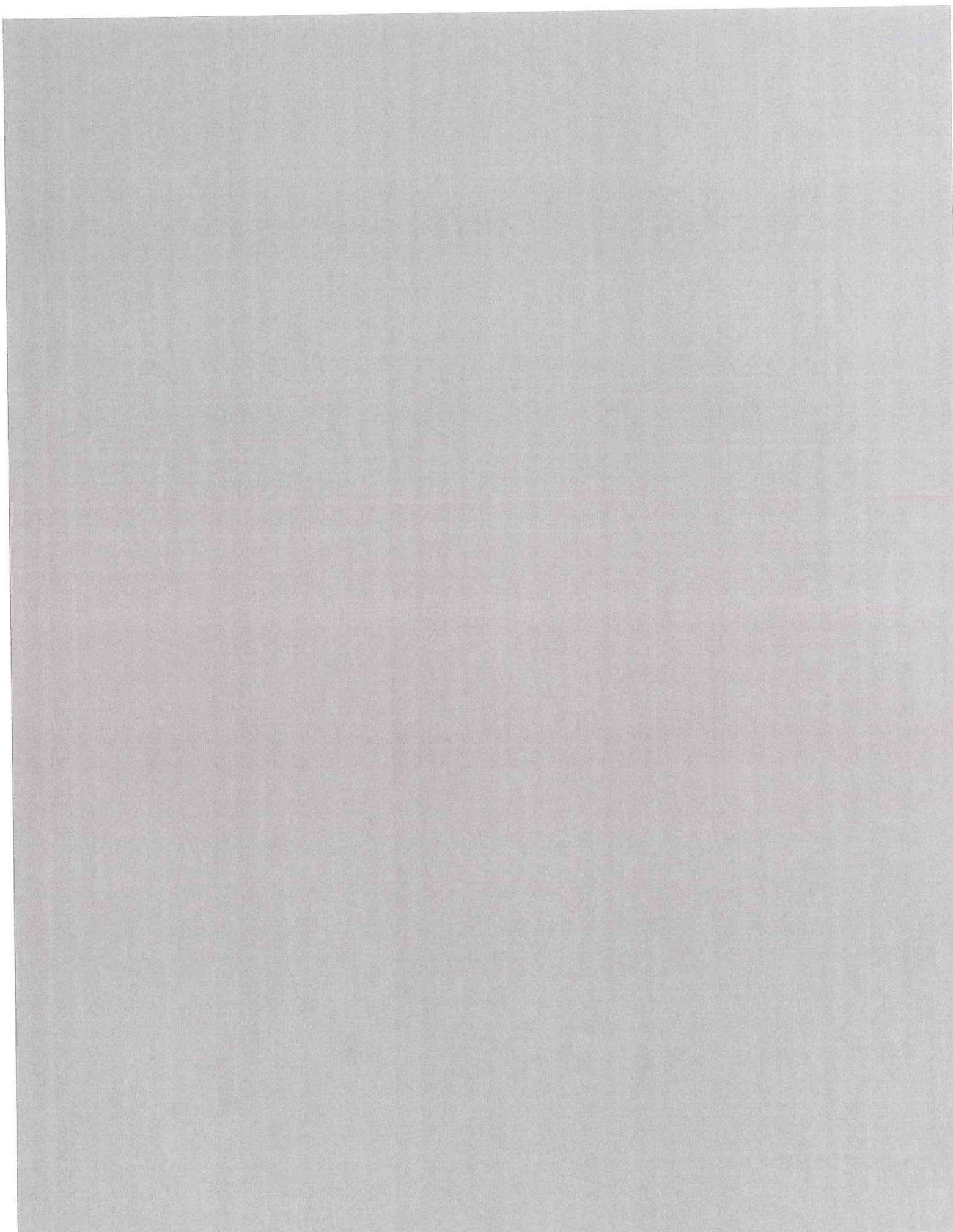




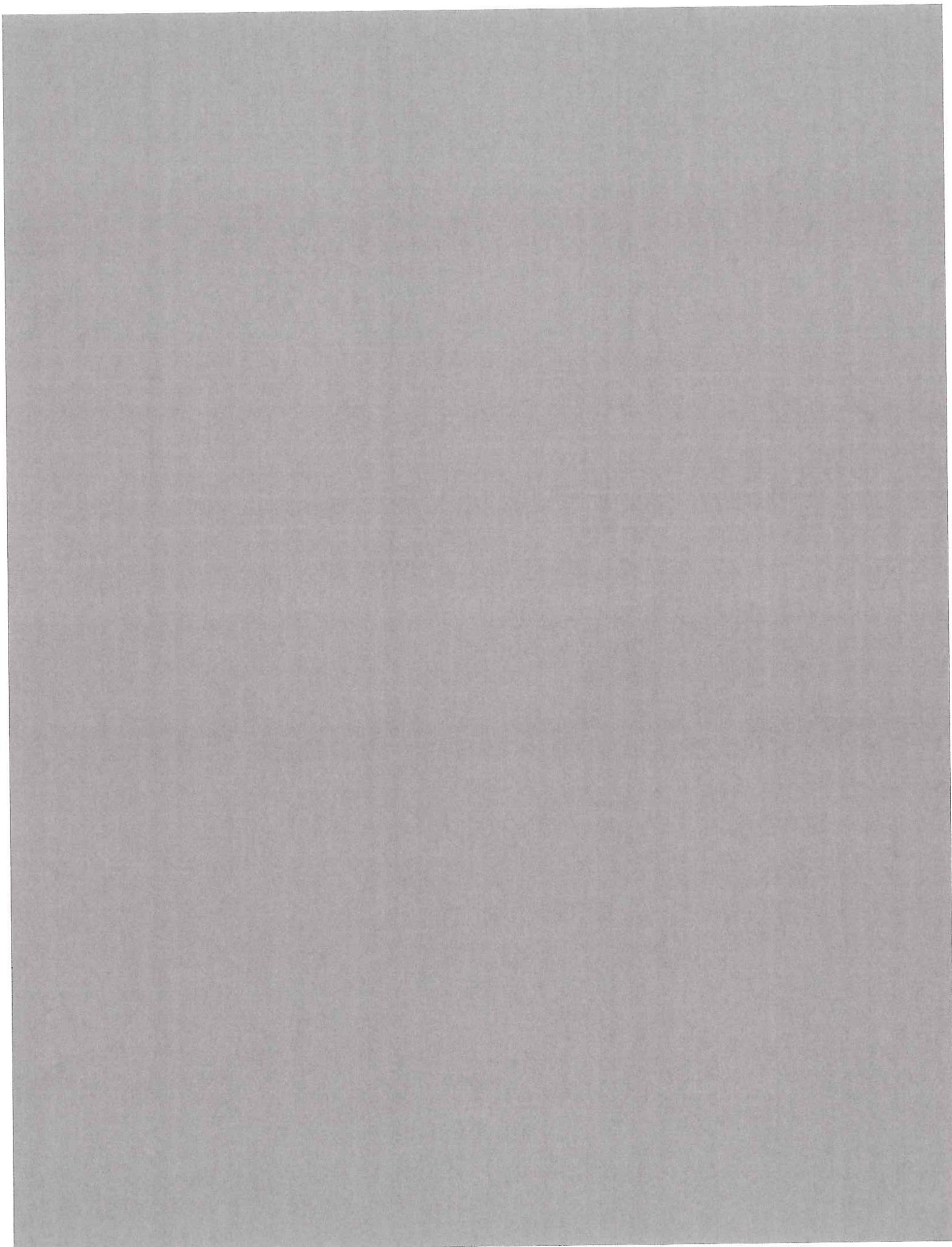




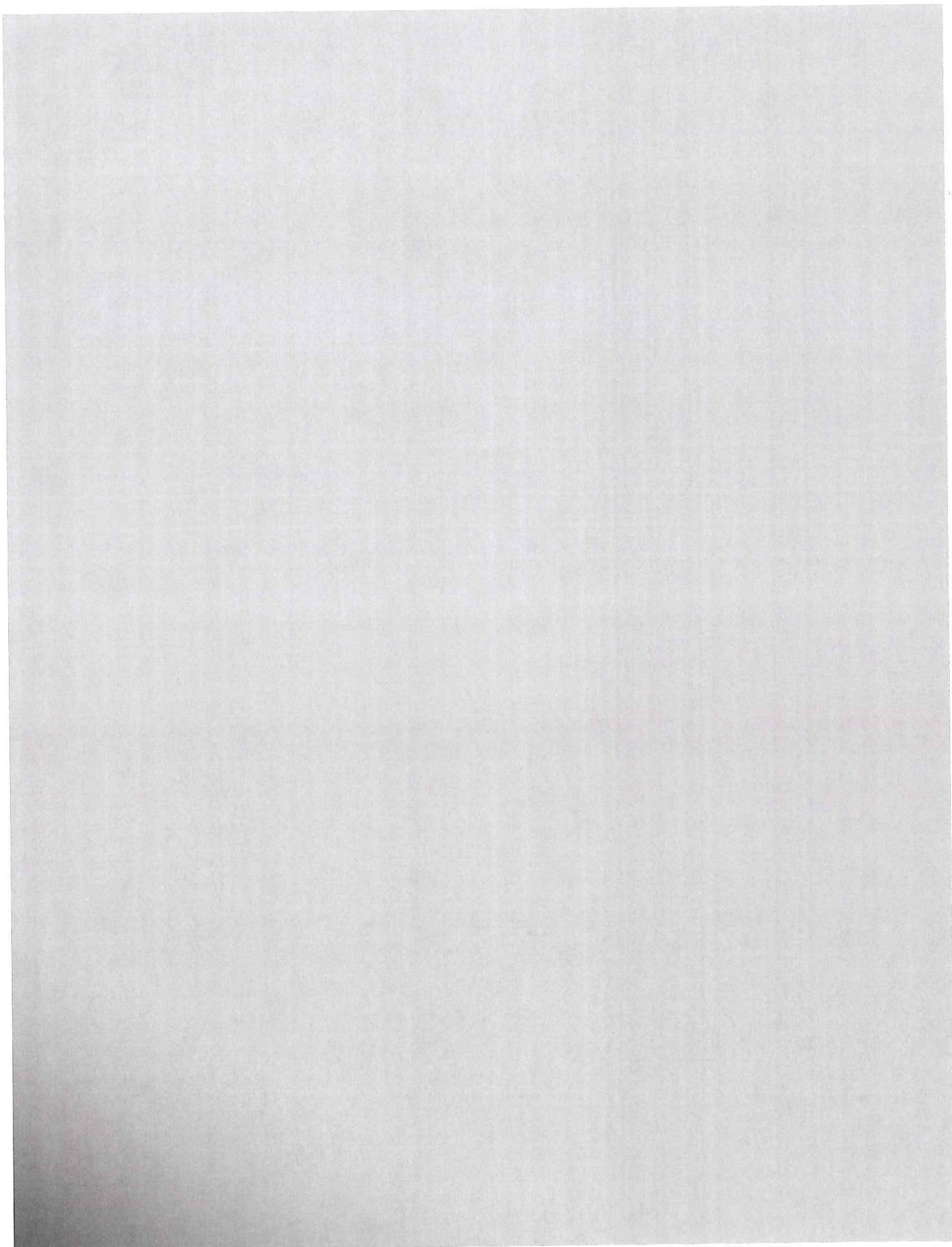


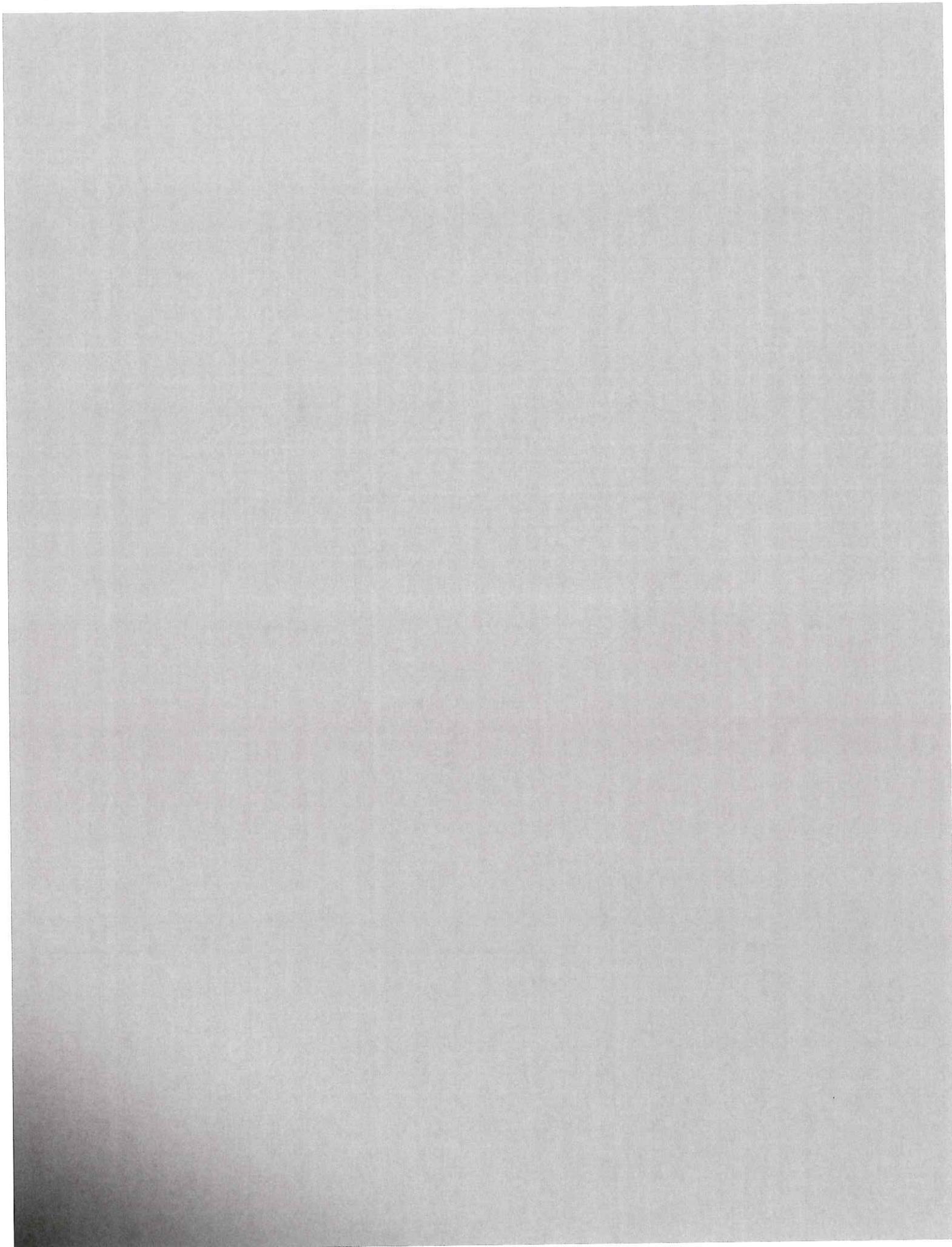


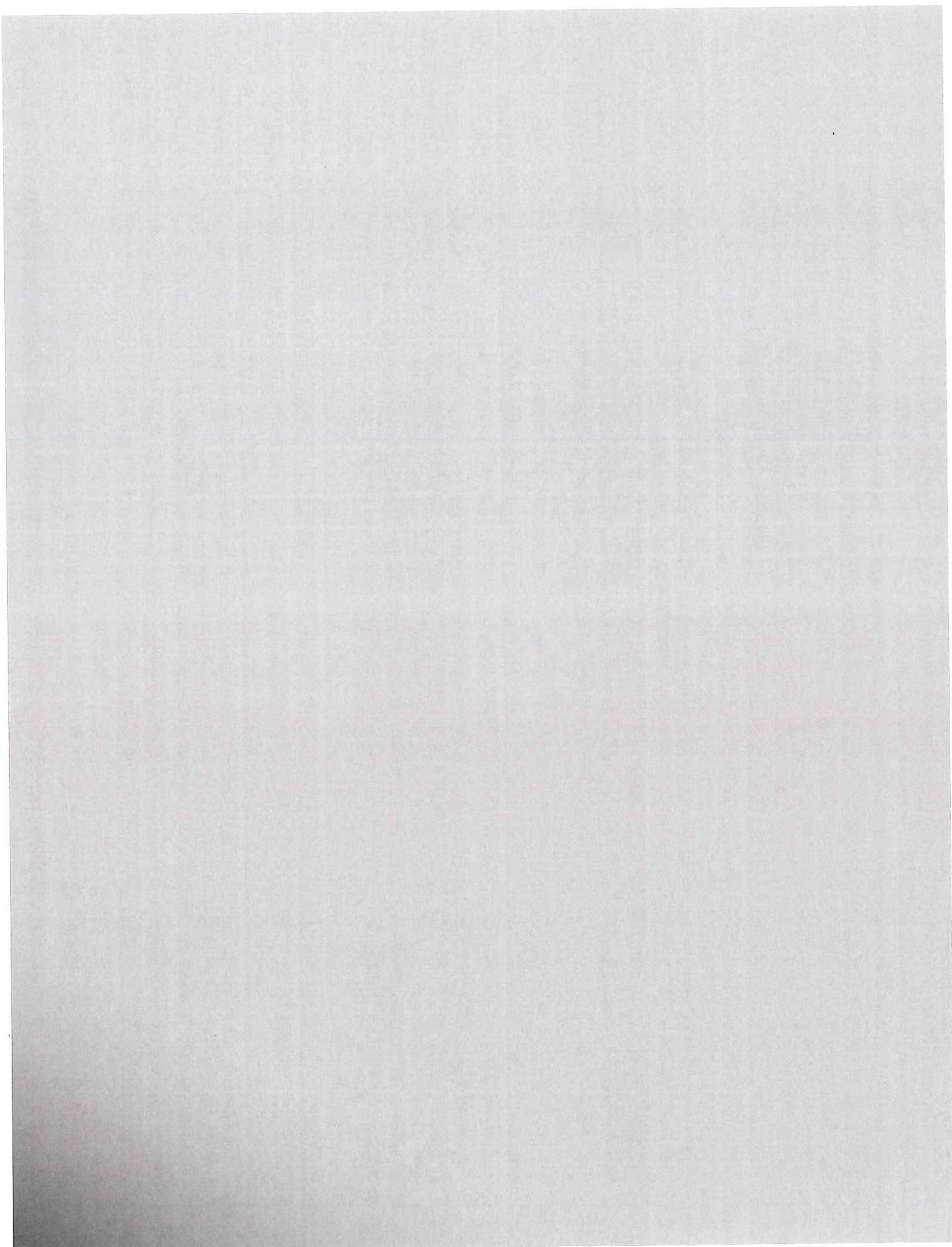


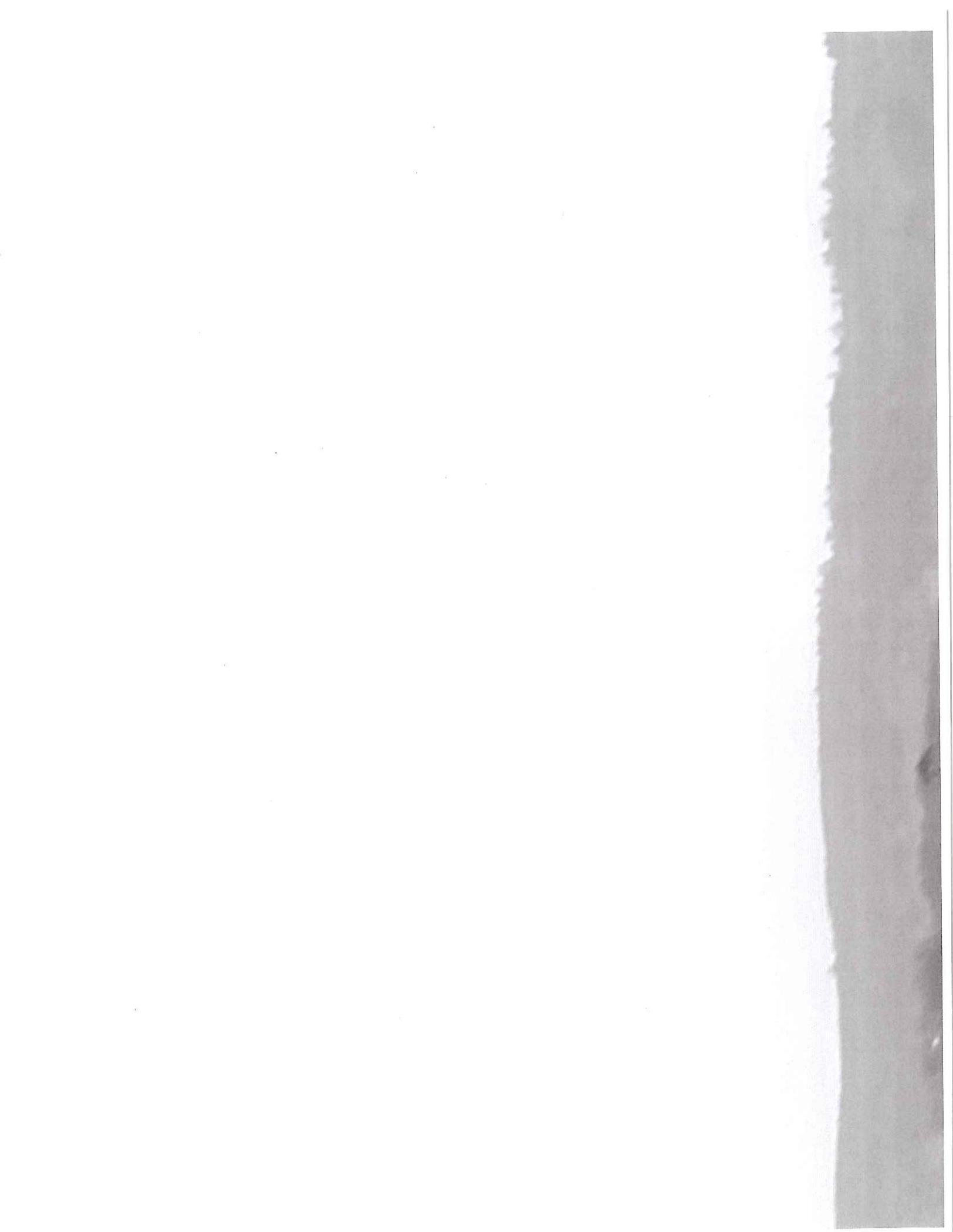




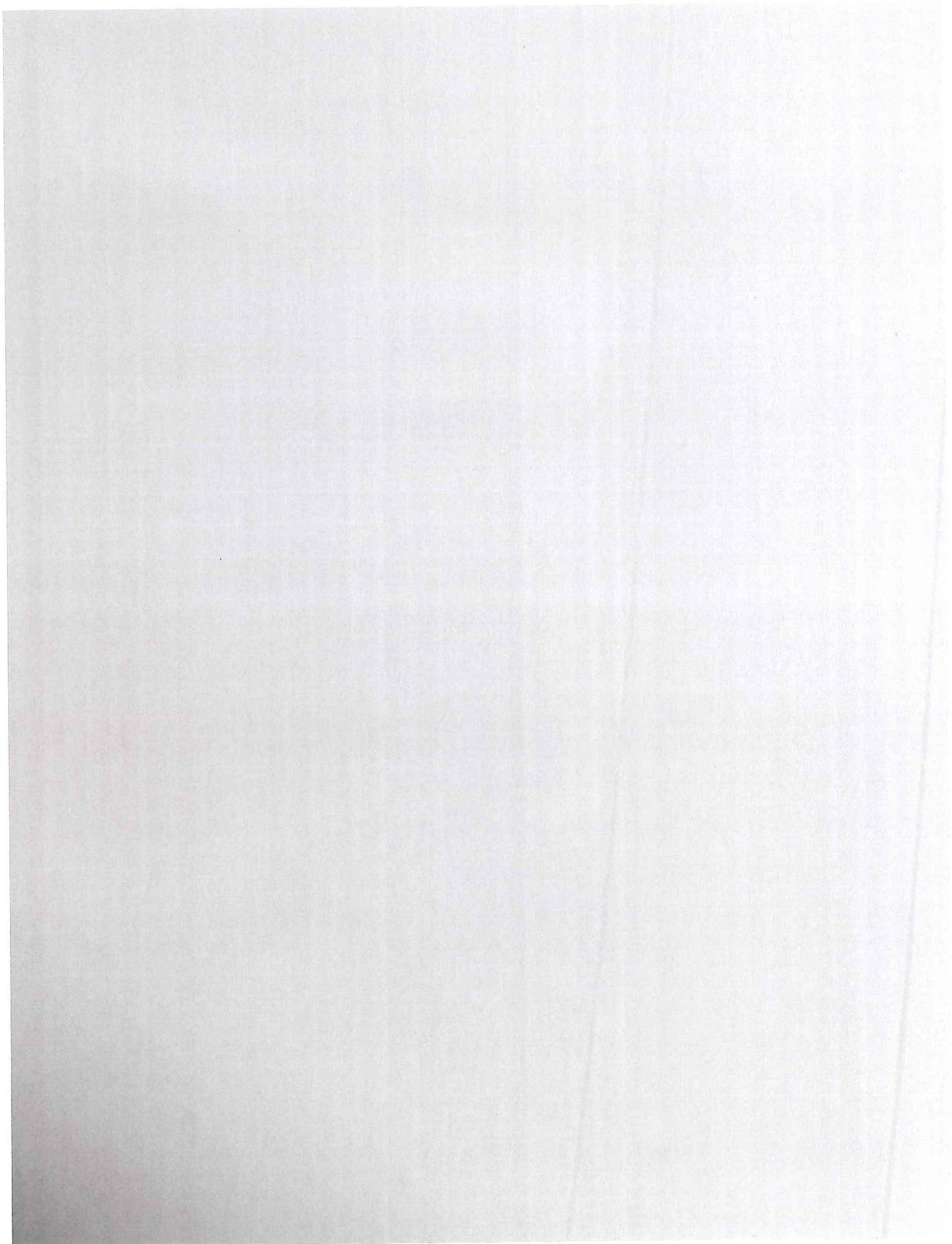


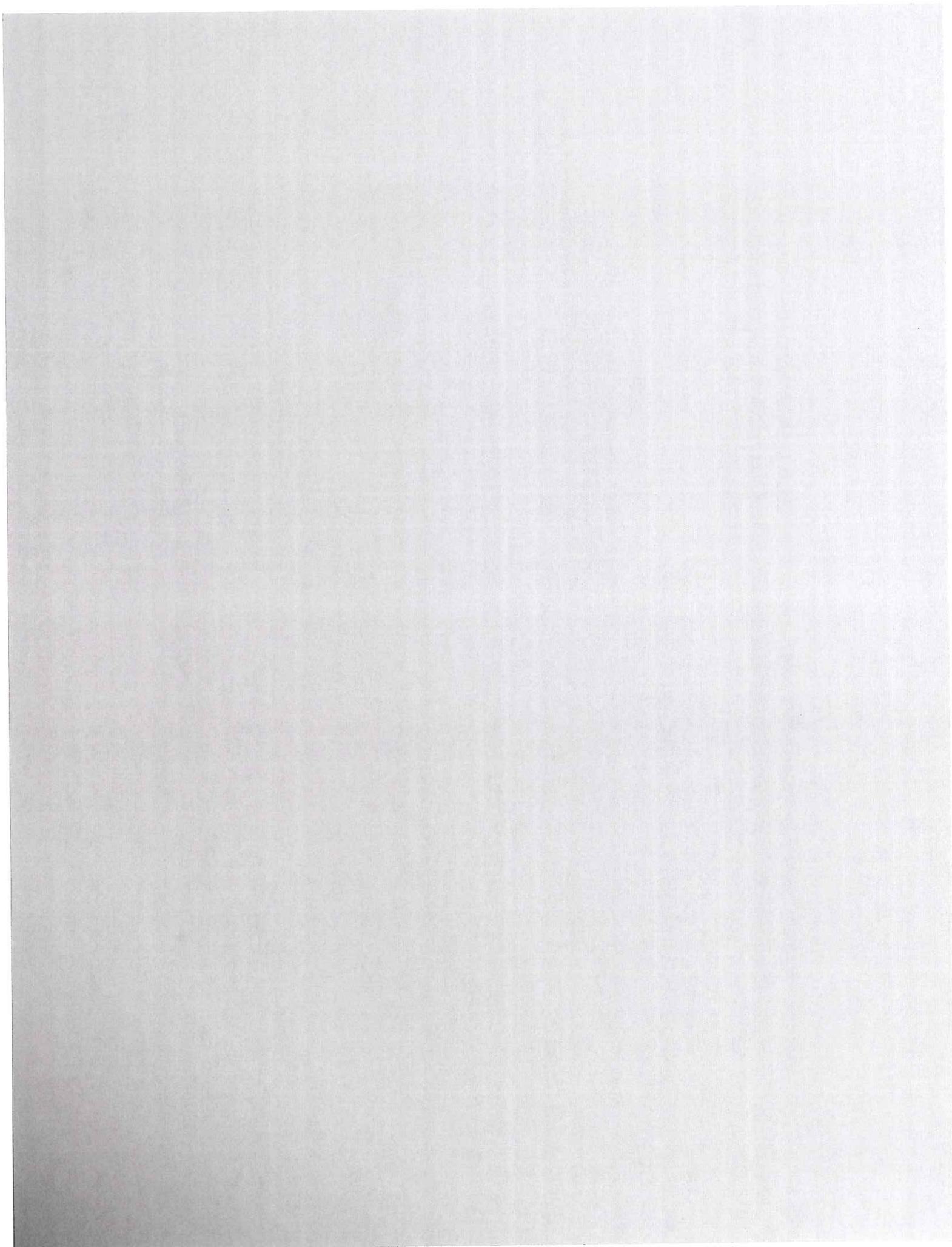


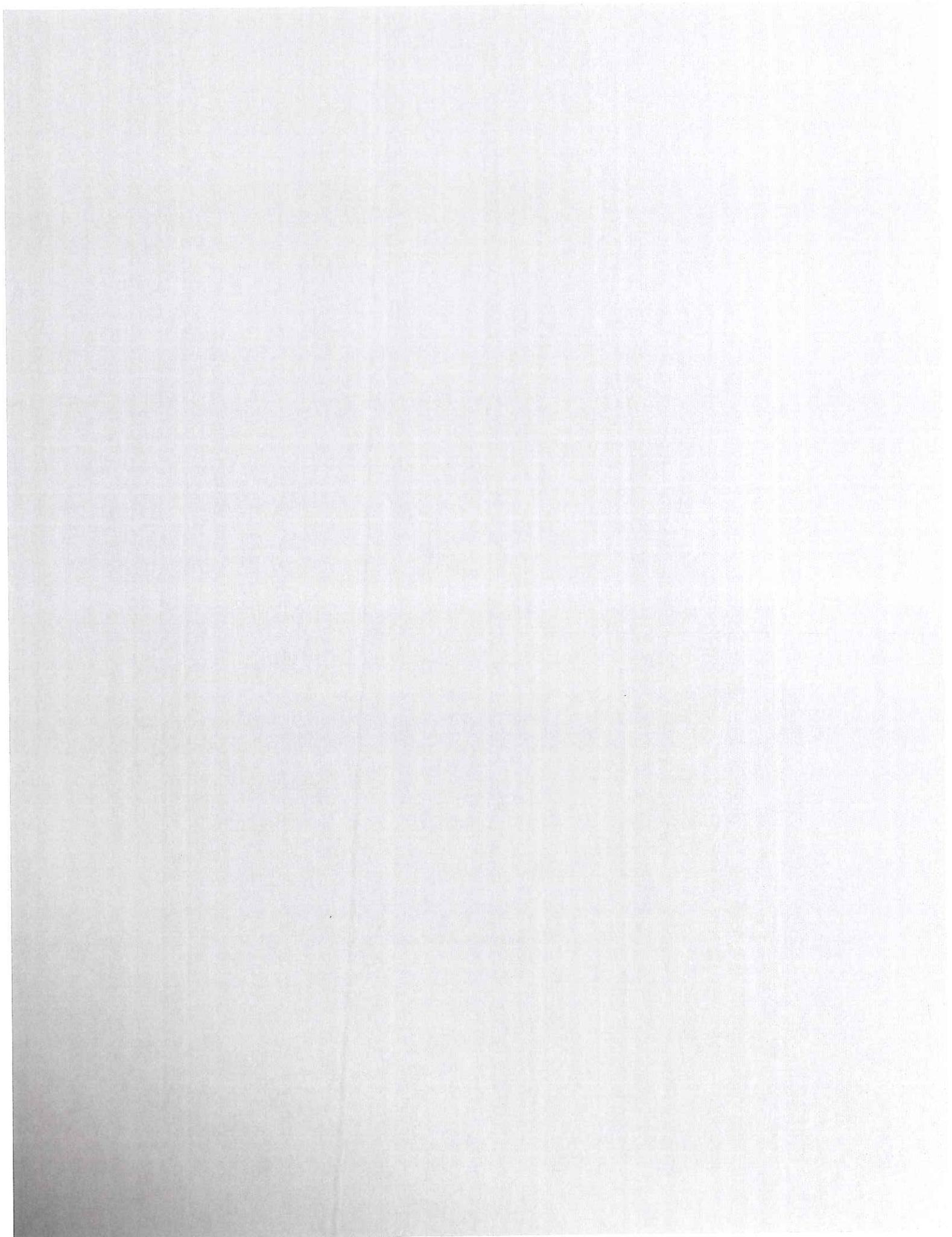


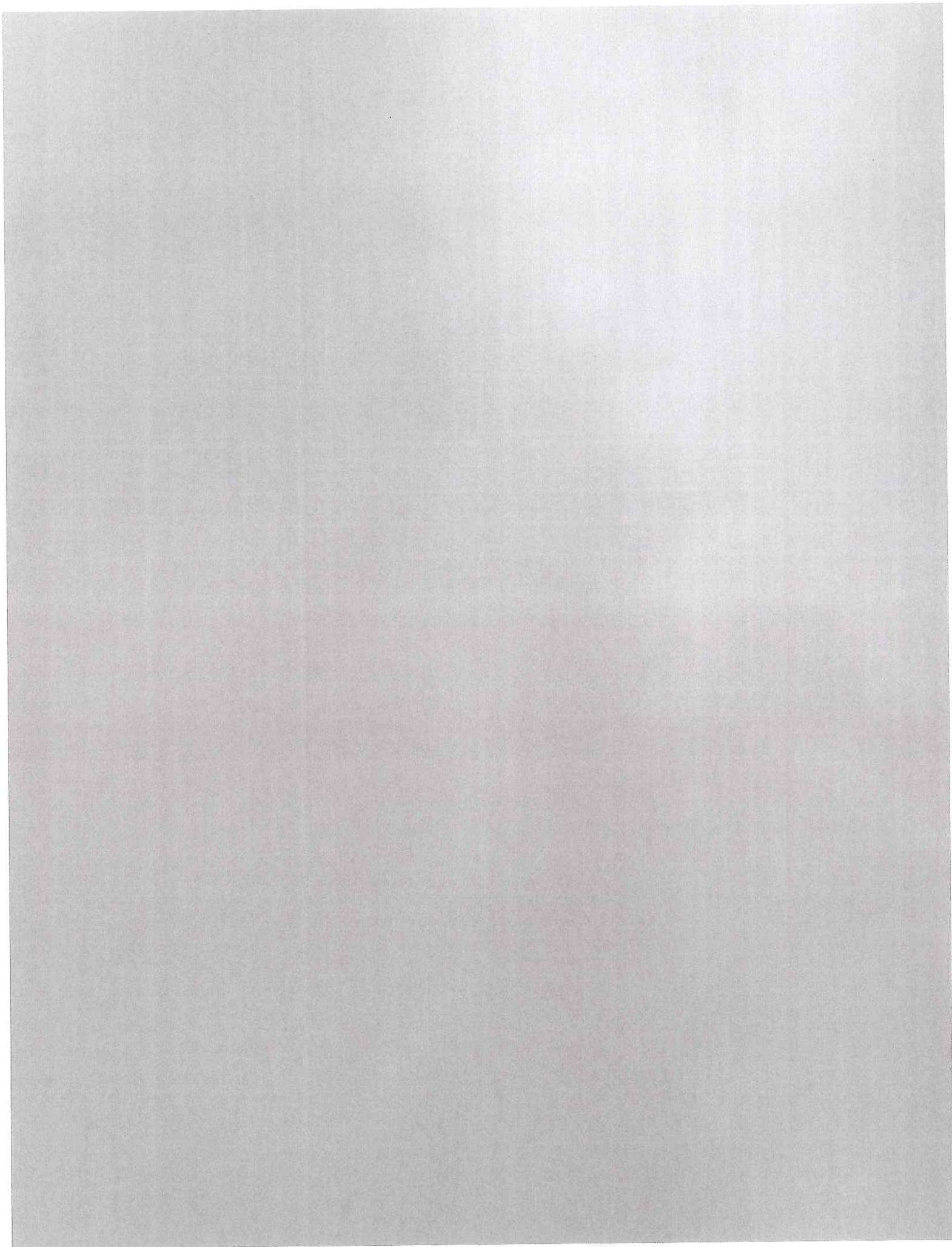


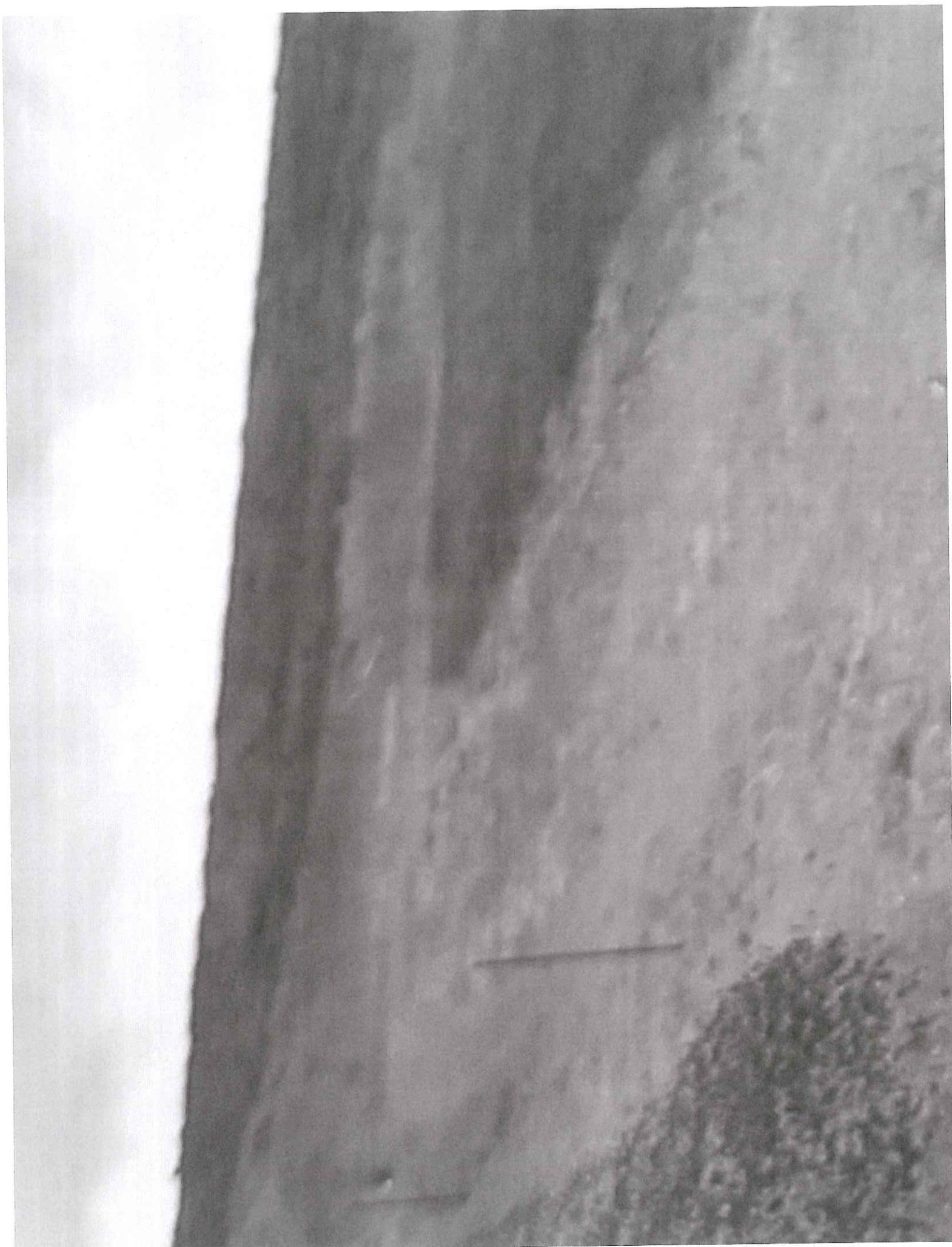


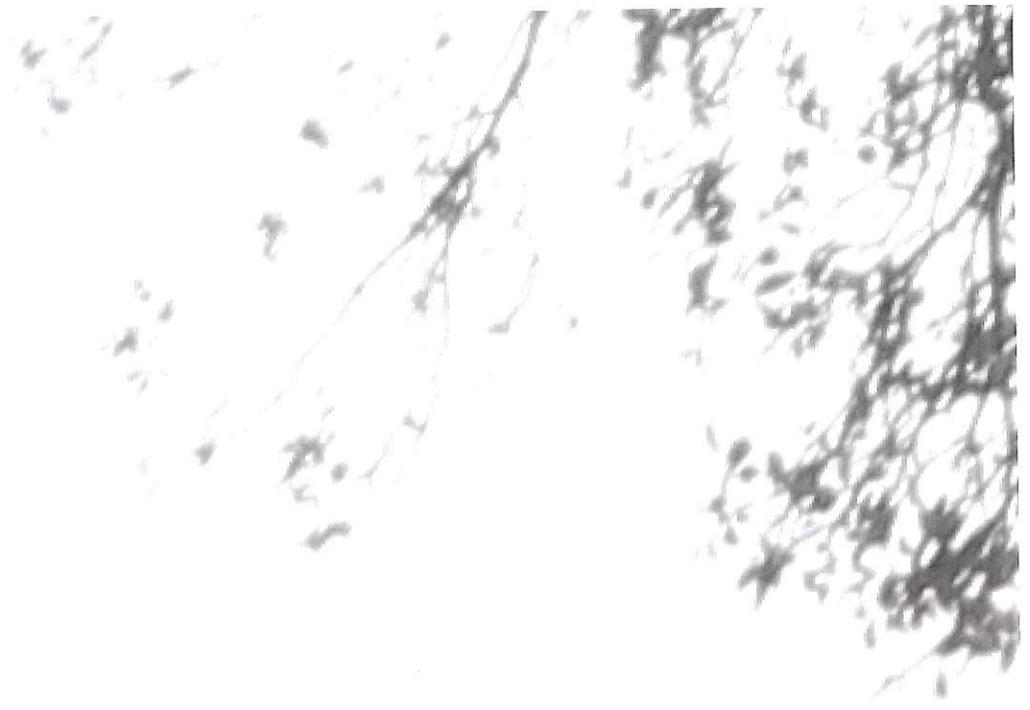










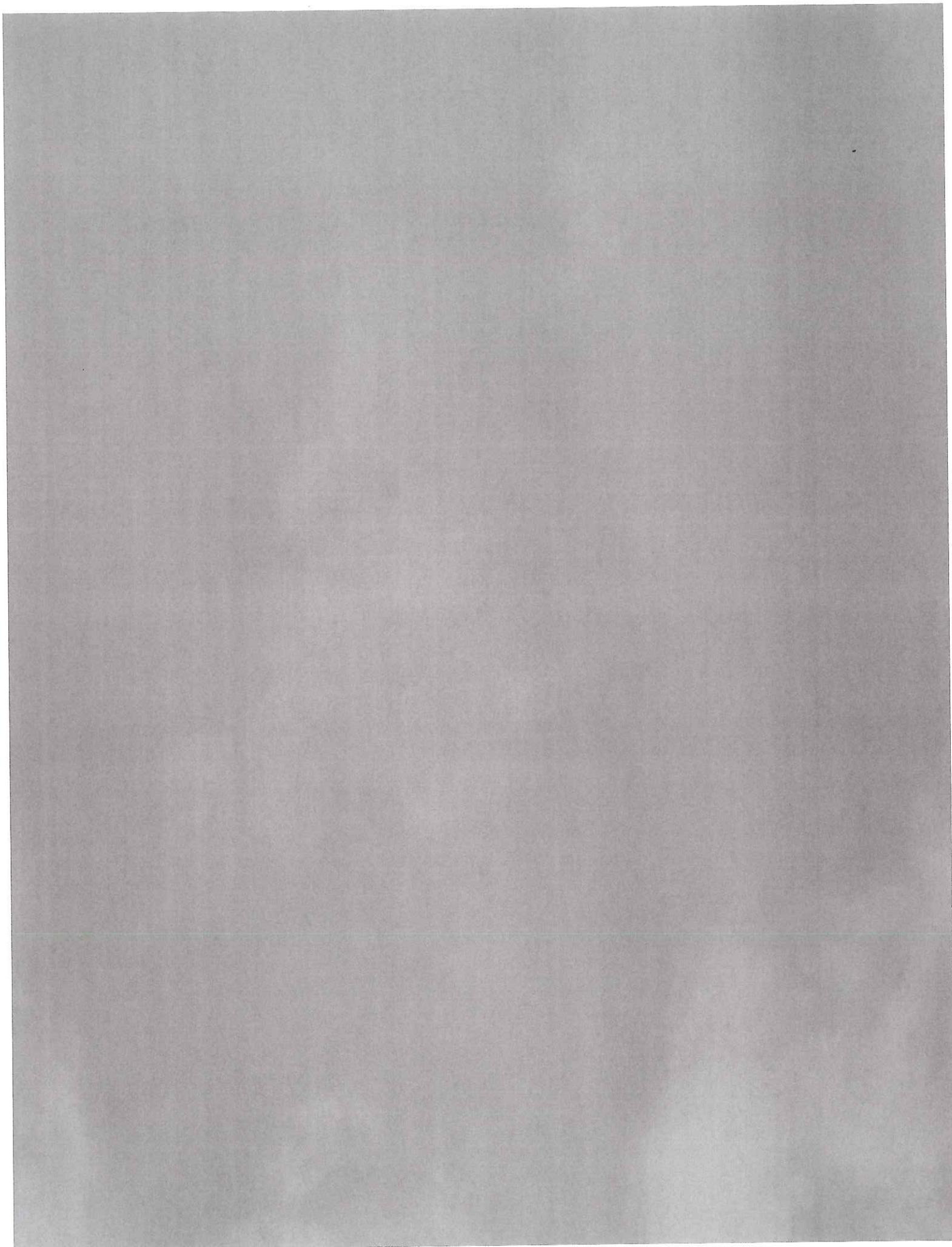


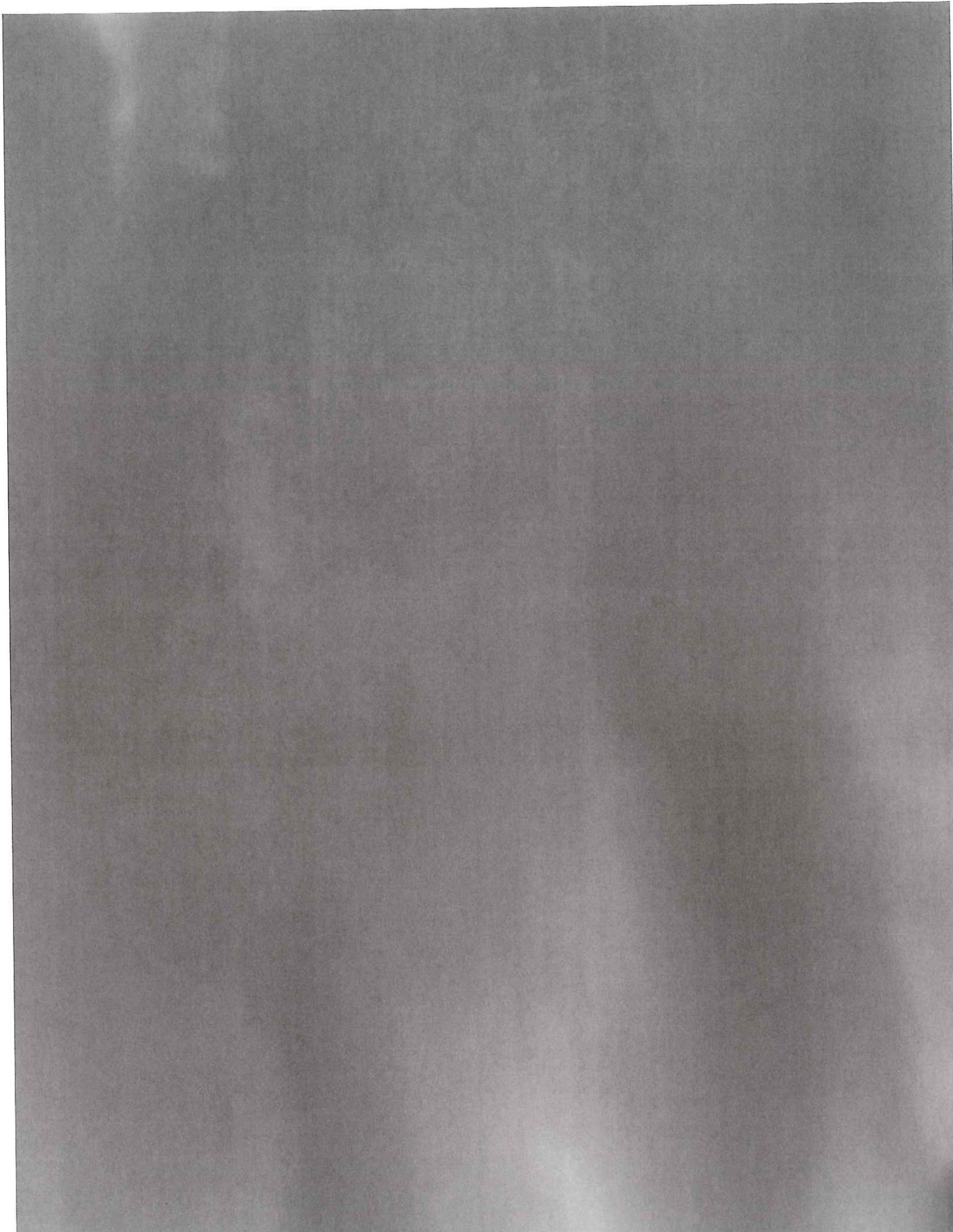


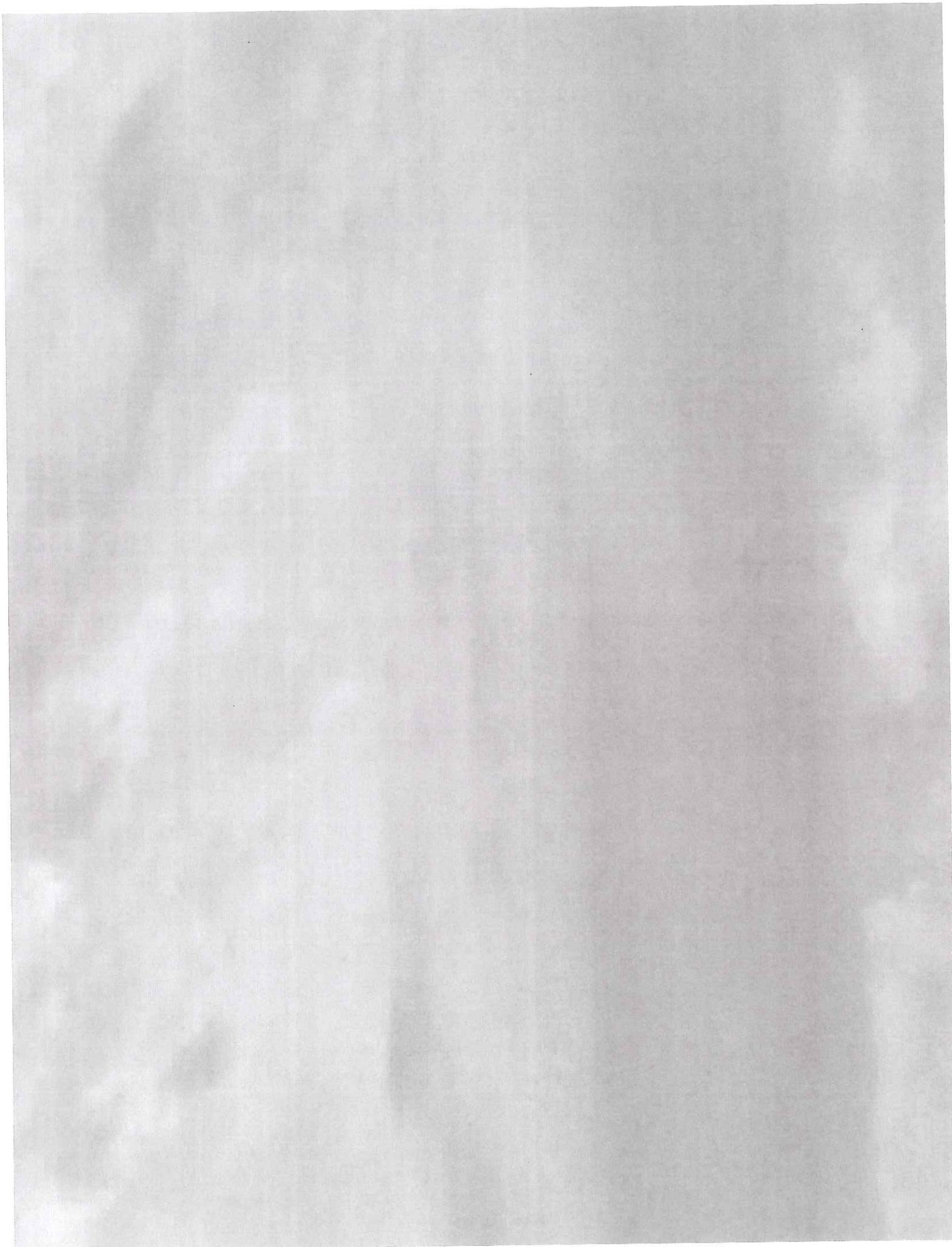






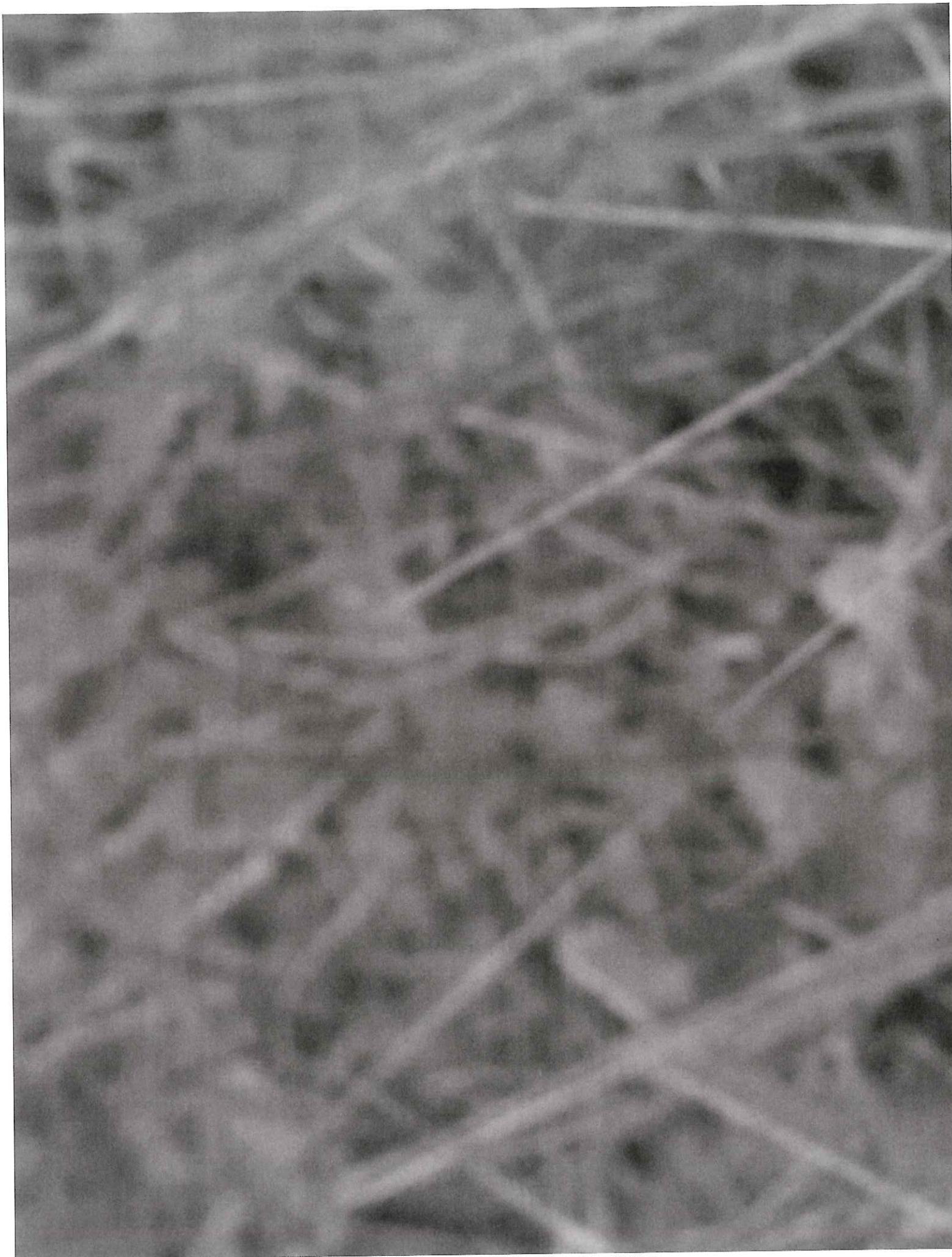














Docket SDB-19-22
Page 218 of 221
submitted 7/7/22
by opponent.

THE TWO GLASSES

There sat two glasses filled to
the brim,
On a rich mans table, rim to
rim;
One was ruddy and red as
blood,
And one as clear as the crystal
flood.

Said the glass of wine to the
paler brother:
Let us tell the tales of the past
to each other;
I can tell of banquet and revel
and mirth,
And the proudest and grandest
souls on earth
Fell under my touch as though
struck by blight,
Where I was king, for I ruled
in might;
From the heads of kings I
have torn the crown,
From the heights of fame I
have hurled men down:
I have blasted many an
honored name;
I have taken virtue and given
shame;
I have tempted the youth with
a sip, a taste,
That has made his future a
barren waste.
Greater, far greater than king
am I,
Or than any army beneath the
sky.

Exhibit A-1

I have made the arm of the
driver fail,
And sent the train from the
iron rail;
I have made good ships go
down at sea,
And the shrieks of the lost
were sweet to me,
For they said, Behold how
great you be!
Fame, strength, wealth, genius
before you fall,
For your might and power are
over all.
Ho! ho! pale brother, laughed
the wine,
Can you boast of deeds as
great as mine?

Said the water of glass: I
cannot boast
Of a king dethroned or a
murdered host;
But I can tell of a heart once
sad,
By my crystal drops made
light and glad;
Of thirsts I've quenched, of
brows I've laved,
Of hands I have cooled, and
souls I've saved;
I have leaped through the
valley, dashed down the
mountain,
Flowed in the river and played
in the fountain,
Slept in the sunshine and
dropped from the sky,
And everywhere gladdened
the landscape and eye.

Exhibit A-1

I have eased the hot forehead
of fever and pain;
I have made the parched
meadows grow fertile with
grain;
I can tell of the powerful
wheel of the mill,
That ground the flour and
turned at my will.
I can tell of manhood debased
by you,
That I have lifted and crowned
anew.
I cheer, I help, I strengthened
and aid;
I gladden the heart of man and
maid;
I set the chained wine-captive
free;
And all are better for knowing
me.

These are the tales they told
each other,
The glass of wine and the
paler brother,
As they sat together filled to
the brim,
On the rich mans table, rim to
rim.

Shells by Ella Wheeler Wilcox
Milwaukee: Hauser & Storey, 1873.

1872.

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A Glass Of Wine

"What's in a glass of wine?"
 There, set the glass where I can look within.
 Now listen to me, friend, while I begin
 And tell you what I see-
 What I behold with my far-reaching eyes,
 And what I know to be
 Below the laughing bubbles that arise
 Within this glass of wine.
 There is a little spirit, night and day,

That chies one word, for ever and alway:
 That single word is 'More!'
 And who-so drinks a glass of wine, drinks him:
 You fill the goblet full unto the brim,
 And strive to silence him.

Glasse after glasse you drain to quench his thirst,
 Each glass contains a spirit like the first:
 And all their voices cry
 Untill they shriek and clamor, howl and rave,
 And shout 'More!' noisily,
 Till welcome death prepares the drunkard's grave,
 And stills the imps that rave.

That see I in the wine:
 And tears so many that I cannot guess:
 And all these drops are labelled with 'Distress.'
 I know you cannot see,
 And at the bottom are the dregs of shame:
 Oh! it is plain to me.
 And there are woes too terrible to name:
 Now drink your glass of wine.

Ella Wheeler Wilcox

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