

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

In the Matter of a Comprehensive Plan Amendment from )  
Very Low Density Residential to Light Industrial, a zone change )  
From VLDR 2.5, Very Low Density Residential to LI, Light )  
Industrial, for Lot 4 of Tax Lot 3324-7912, Applicant ) ORDINANCE 852  
Far West Development Corporation, Docket PAZ-04-09, and )  
Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on March 10, 2010, Commissioners Mary P. Stern, Leslie Lewis and Kathy George being present.

IT APPEARING TO THE BOARD that Far West Development Corporation applied to the Yamhill County Department of Planning (Planning Docket PAZ-04-09) for a Comprehensive Plan amendment from Very Low Density Residential to Light Industrial, a zone change from VLDR-2.5 Very Low Density Residential to LI Light Industrial, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Department at a duly noticed public hearing on February 4, 2010, which voted to recommend approval of the application; and the Board held a duly noticed public hearing March 3, 2010, at which the applicant appeared and testified, there being no opponents at that hearing, and the Board tentatively voted to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 10<sup>th</sup> day of March, 2010, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN  
County Clerk



*Kathy George*  
\_\_\_\_\_  
KATHY GEORGE  
*Mary P. Stern*  
\_\_\_\_\_  
MARY P. STERN

By *Anne Britt*  
Deputy Anne Britt

*Leslie Lewis*  
\_\_\_\_\_  
Commissioner  
LESLIE LEWIS

APPROVED AS TO FORM:

*Rick Sanai*

Rick Sanai, Assistant County Counsel

## FINDINGS AND CONCLUSIONS for Ordinance 852, Exhibit "A"

The following findings of fact and conclusions of law are hereby adopted, and are based on substantial evidence in the record in this case:

1. The Subject Property area currently consists of one lot of approximately 8.5 acres currently zone Very Low Density Residential (VLDR-2.5). The Application will re-zone the property as Light Industrial (LI) with specified restrictions and overlays. The purpose of the plan amendment and zone change is to eventually establish a storage lot for recreational vehicles.
2. The property has an access developed off of Highway 99W. ODOT has submitted a letter of comment. The Oregon Department of Transportation has previously only allowed very limited access onto HWY 99W. In their letter of December 28, 2009, ODOT has noted that the deeded reservation of access may be restricted in a way that would prohibit issuance of an approach road permit for industrial use. However, there is another recreational vehicle storage facility that uses the anticipated access to Highway 99W.
3. The topography of the property is relatively level with a slight slope to the north. The parcel is generally clear of vegetation.
4. With notable exceptions, most of the surrounding area is rural residential in character. Most of the rural residential uses are located on parcels of one to 10 acres in size. Property to the north, west and southeast is zoned VLDR 2.5 Very Low Density Residential. The main exception to this is the one parcel to the north that is zoned HI Heavy Industrial. This 2.13 acre parcel had been used as a wrecking yard. Within the last five years the wrecking yard was closed and replaced by other uses. These uses included RV storage, a body building shop and a marine/boat supply. This Heavy Industrial zone does not have a limited use overlay which limits it to these uses so the property could revert back at any time to a more intensive Heavy Industrial use. Property adjacent to the northeast is zoned VLDR-1. A little further to the northeast is property that is zone Light Industrial. Land to the southwest is a mixture of VLDR-5 and AF-10 Agriculture/Forestry Small Holding. Further to the southwest is an area zoned RI Resource Industrial which has the Duck Pond Cellars winery.
5. The Applicant indicated a desire to construct a caretakers cottage and covered storage. Any water needs for these structures will be obtained from the Hiland Community Water System water sources. Septic systems are the only option for sewage disposal in this area.
6. In the year 2000, application was made to rezone the property from AF-10 to VLDR 2.5. The Board of Commissioners granted final approval of the zone change request. This was appealed to the Land Use Board of Appeals which ultimately affirmed the approval on September 30, 2002 (LUBA No. 2002-064). In 2003, a 6-lot subdivision was granted approval through Docket S-01-03. Later that year a conditional use approval was granted to establish the Hiland Community Water System (Docket C-13-04). In 2008, a four lot

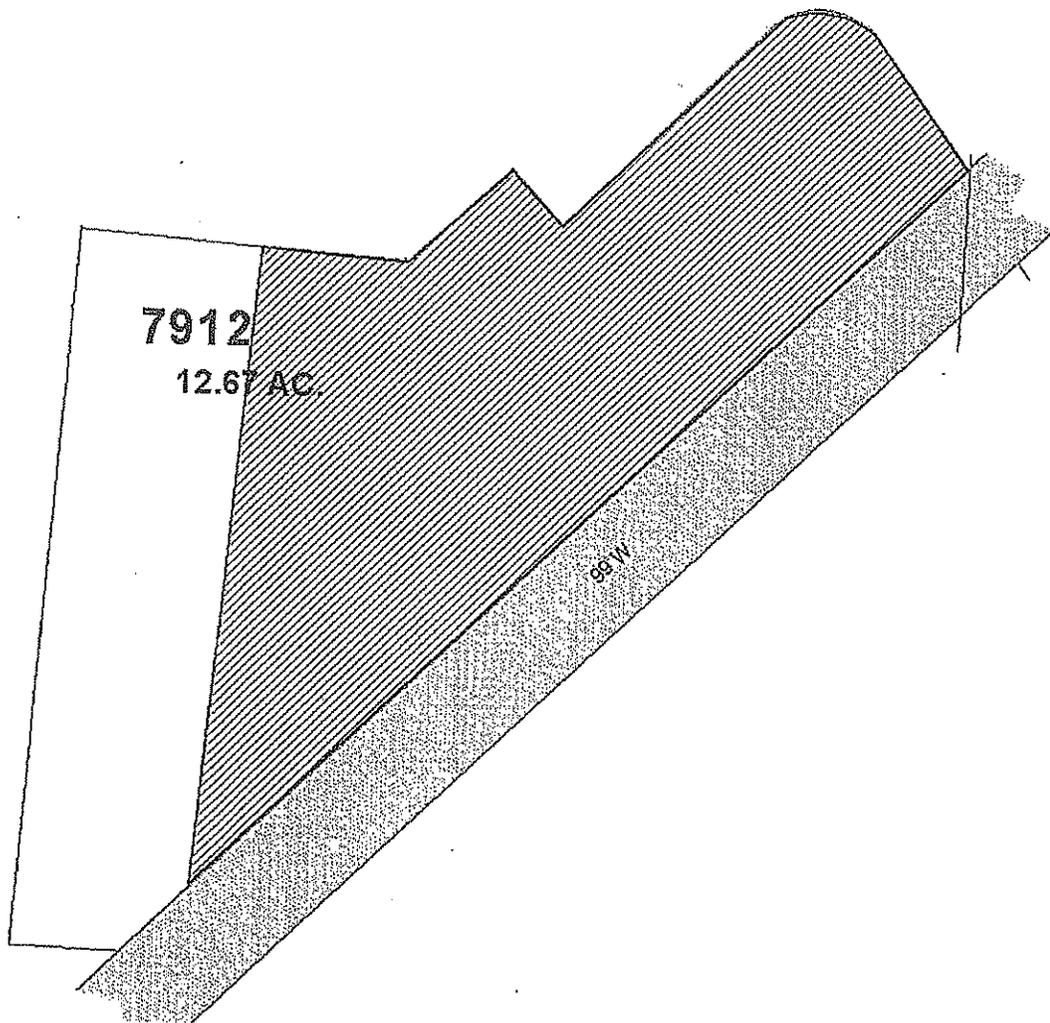
subdivision was approved by Yamhill County through Docket S-02-08. The final plat for that subdivision has just been recorded. The subject parcel is Lot 4 of this subdivision.

7. One-half of the parcel is classified as Amity silt loam and the other half is Dayton silt loam. While the property does contain soils that are rated as “high-value” agricultural soils, in 1980 the property had an exception to the farm and forest preservation goals.
8. The property was found to be a committed exception in Code Area 1.8, adopted by Exception’s Statement II, April 23, 1980 and was plan designated VLDR Very Low Density Residential. The property is not on any county adopted fish and wildlife habitat plan.
9. The cities of Newberg and Dundee both submitted written objections to the application. Applicant held a meeting with the city planners for Newberg and Dundee to address these objections. As part of this meeting, Applicant agreed to a restriction requiring a site review to address issues that include, but are not limited to, landscaping, screening, lighting, and access, and including a 30-foot wide vegetative buffer along Highway 99W that includes blue spruces or other similar fast growing trees.
10. The subject property is located just outside of the Interchange Overlay District.
11. The Planning Commission and the Board of Commissioners determined that the Application complied with and satisfied the criteria of Yamhill County Comprehensive Plan Section 1208.02, including the Yamhill County Revised Goals and Policies.
12. The Board of Commissioners determined that the applicant has provided adequate justification to show there is an existing demonstrable need for recreational vehicle storage in the area, that there is an excess supply of residential property in the area, and that this zoning change adequately meets those needs.
13. The Board of Commissioners determined that no exception to Goal 14 is required because there will be a limited use overlay prohibiting the construction of building area greater than 35,000 square feet of floor area. Further, the Board of Commissioners determined that a limited use overlay restricting the use of the property to recreational vehicle storage is appropriate.
14. The Board of Commissioners and the Planning Commission determined that the application satisfied Goal 12, the Transportation Planning Rule, and OAR 660-12-060 with regard to this application.
15. The Board of Commissioners and Planning Commission found that a limited use overlay is appropriate. The Board of Commissioners determined that a limited use overlay with the following restrictions is appropriate:
  - a. The use shall be limited to the storage of recreational vehicles;

- b. Construction of total enclosed building area greater than 35,000 square feet in floor area shall be prohibited;
- c. Prior to the storage of recreational vehicles, the owner shall obtain site design review approval to address issues that include, but are not limited to, landscaping, screening, lighting, and access. The site design review shall include a 30-foot wide vegetative buffer along Highway 99W that includes blue spruces or similar fast-growing trees.

**END.**

EXHIBIT MAP FOR ORDINANCE NO. 852  
PLAN AMENDMENT  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
March 10, 2010  
FOR A COMPREHENSIVE PLAN AMENDMENT FROM  
VERY LOW DENSITY RESIDENTIAL TO LIGHT INDUSTRIAL  
AND A ZONE CHANGE FROM VLDR 2.5 VERY LOW DENSITY RESIDENTIAL  
TO LI LIGHT INDUSTRIAL  
AND TO ADOPT A LIMITED USE OVERLAY ZONE



CHANGE APPLIES TO THE ABOVE PORTION OF TAX LOT 3324-7912 AS IDENTIFIED ABOVE.  
APPROXIMATE SCALE - 1 INCH = 200 FEET

B.O. 10-143