

IN 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 an Ordinance Amending the)
 Yamhill County Comprehensive Plan (1974) to)
 Change the Designation from Agriculture/)
 Forestry Small Holding to Commercial)
 Amending the Official Zoning Map from)
 Agriculture/Forestry (AF-10) to Recreation)
 Commercial (RC) on Approximately 9 Acres,)
 Tax Lot 6801-3300; Applicant Gene Zinda and)
 Alan Hay; Planning Docket PAZ-6-95; Effective)
 August 6, 1996.)

ORDINANCE 606

FILED
 YAMHILL COUNTY, OREGON
 96 MAY 10 AM 8:50
 CHARLES STERN
 COUNTY CLERK

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on May 8, 1996, Commissioners Robert Johnstone, Thomas E.E. Bunn, and Dennis L. Goecks being present;

WHEREAS, on December 11, 1995, the Department of Planning and Development received an application from Gene Zinda and Alan Hay ("applicant"), Planning Docket PAZ-6-95, to change the comprehensive plan designation from Agriculture/Forestry Small Holding to Commercial and the official Zoning Map from Agriculture/Forestry (AF-10) to Recreation Commercial (RC), on an approximately 9 acre parcel known as Tax Lot 6801-3300; and

WHEREAS, on February 1, 1996 the Yamhill County Planning Commission held a public hearing to consider the application and continued the matter to March 7, 1996, at which time the application failed to receive five votes required for approval and the Planning Commission referred the matter with their comments to the Board; and

WHEREAS, on April 3, 1996, the Board held a public hearing on the application at which testimony and evidence were received, and the matter was continued to April 10, 1996, and that following the close of the hearing and the record, the Board deliberated and by vote of 2 to 1 (with Commissioner Bunn voting against) tentatively approved the application for the comprehensive plan amendment and zone change, and directed staff to prepare an ordinance and findings in support of approval; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference provide a justification for approval of the application; and

WHEREAS, on April 24, 1996, the Board met and heard the first reading of this ordinance and thereafter heard the second reading on May 8, 1996; and

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WHEREAS, the attached Exhibit "A" demonstrates that the proposed amendments to the Yamhill County Comprehensive Plan, Plan Map, and Official Zoning Map of Yamhill County are in the best interests of the citizens of Yamhill County; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS as follows:

Section 1. The Yamhill County Comprehensive Plan and Plan Map (1974) are hereby amended as specified in the attached Exhibit "B", made part of this ordinance by reference, to reflect a plan designation of "Commercial" on the parcel described and shown in Exhibit "B".

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "Recreation Commercial" on the parcel described and shown on Exhibit "B".

Section 3. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 4. In accordance with ORS 203.045(9), this ordinance shall become effective on August 6, 1996.

AYES: Commissioners Johnstone and Goecks.

NAYS: Commissioner Bunn.

DONE at McMinnville, Oregon this 8th day of May, 1996.



CHARLES STERN
County Clerk

By: Jayne Mitchell
Deputy JAYNE MITCHELL

YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone
Chairman ROBERT JOHNSTONE

Thomas E.E. Bunn
Commissioner THOMAS E.E. BUNN

APPROVED AS TO FORM BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Yamhill Assistant County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

EXHIBIT "A"
Ordinance 606

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PLANNING COMMISSION REFERRAL: March 7, 1996

ADOPTION OF ORDINANCE BY BOARD OF COMMISSIONERS: April 24, 1996

DOCKET: PAZ-6-95

REQUEST: Zone change from AF-10, Agriculture Forestry, to RC, Recreation Commercial; Comprehensive Plan map amendment from Agriculture Forestry Small Holding to Commercial, for the purpose of allowing an RV park.

APPLICANT: Gene Zinda and Alan Hay

TAX LOT: 6801-3300

LOCATION: At the southwest corner of the intersection of Grand Ronde Road and Highway 22.

LOT SIZE: 9 acres

REVIEW CRITERIA: Section 1208 of the Yamhill County Zoning Ordinance.

FINDINGS:

A. Background Facts

1. **Proposal:** The applicants are requesting a zone change and comprehensive plan amendment in order to develop this property into an RV park. No details as to the exact design of the RV park have been provided at this time. Site design review and compliance with Section 1003 of the YCZO, Travel Trailer Parks, will be required prior to the start of any development.
2. **Access:** The property is adjacent to Grand Ronde Road and Highway 22. Approval from the Oregon Department of Transportation would be required in order to directly access the state highway. ODOT has indicated that it is unlikely that access to the highway would be approved since alternative access is available from Grand Ronde Road.
3. **On-Site Land Use:** The property is currently undeveloped but apparently has been used for agriculture in the past. Agency Creek forms the western property line. Topography is generally level except near the creek.
4. **Surrounding Land Use and Zoning:** The surrounding area contains a mixture of land uses and zoning districts. Land on the eastern side of Grand Ronde Road is zoned VLDR-2.5 and

consists of a number of small lots developed with residences. Land directly north of the subject property is zoned Public Assembly Institutional and is developed with a church. Other lands to the north are also zoned VLDR-2.5 and are developed with residences, although the average lot size in this area is larger than the residential area to the east. The northeast corner of the intersection is zoned Neighborhood Commercial and contains a commercial building that appears to have been used as a store, but is now closed. Lands to the west and south are zoned AF-10. The nearest agricultural or forest resource land is more than 1/4 mile away.

5. Water: The property is within the Grand Ronde Water District. A letter in the file from the water district indicates that they have adequate water supply to serve the proposed RV park.
6. Sewage Disposal: The property is within the Grand Ronde Sewer District. A letter in the file from the sewer district indicates that they have adequate sewer capacity to serve the proposed development.
7. Fire Protection: The property is within the Willamina Rural Fire District, who have indicated that there would be no conflicts related to providing fire service to the site.
8. Taxes: The property is receiving a farm tax deferral.
9. Soils: Sheet 53 of the Soil Survey shows that the area consists entirely of Grand Ronde silty clay loam, Class III. This soil is not high-value farmland.
10. Previous Actions: The parcel was created by partitioning in 1984 (docket P-1396-84).

B. Zone Change Review Criteria and Analysis

1. The request must comply with the standards and criteria in the *Yamhill County Zoning Ordinance* (YCZO) Section 1208.02. These provisions are:

- "A. *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
- "B. *That there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.*
- "C. *That the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to*

support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.

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

"E. *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*"

These criteria are addressed in Findings B.2 through B.6, below.

2. The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan, as required by YCZO § 1208.02A.

2.1 Regarding Comprehensive Plan goals and policies, Policy (h) of Goal I.G.1 addresses commercial development:

"Recreational commercial uses will be encouraged to locate within urban growth areas or in compatible urban commercial areas where their location and space requirements can be most satisfactorily fulfilled."

An RV park normally requires a larger lot than would be found in an urban commercial area. Grand Ronde is an unincorporated community, so has no defined urban growth boundary. The subject property is approximately one mile from the center of the community, so is consistent with this policy.

2.2 Policy (j) of Goal II.C.1. addresses stream protection, as follows:

"It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish habitat" in the comprehensive plan inventory (Natural) Resource Conservation Plan, Yamhill County, Oregon May 1979 - U.S.D.A - Soil Conservation Services), that are not regulated under the Forest Practices Act."

Agency Creek, which borders the western property line of the site, is shown as a spawning and rearing stream for resident trout and anadromous fish. Consequently, any future commercial

development will be required to maintain the 100 foot setback required by the Comprehensive Plan.

3. The Board finds that there is an existing demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone, as required by YCZO §1208.02B.

3.1 There is a demonstrable need for the proposed RV park. Construction of the Spirit Mountain casino has led to an increase in the number of people visiting the Grand Ronde area, and this will generate those visitors who might be interested in overnight RV accommodations. There are no other lands in this area of Yamhill County that are zoned to allow an RV park. A small RV park currently exists in Polk County in the Fort Hill area. An RV park with 72 sites, located on the south side of Highway 18, east of Fire Hall Road, was recently approved by Polk County. The Confederated Tribes of the Grand Ronde also have plans to build an RV park adjacent to the casino. The applicants submitted information from a number of RV clubs in the region attesting to the need for additional RV parks in the area. Given the high volume of traffic on highway 18 there is a demonstrable need for four RV parks in the Fort Hill/Grand Ronde area.

4. The Board finds that the proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district, as required by YCZO §1208.02C.

4.1 The primary surrounding land use is residential, with higher density to the east and north and lower density and larger lot sizes to the west and south. There is a potential for incompatibilities between the established residential areas and the transient visitors who would patronize the RV park, although existing roads and the Agency Creek riparian area would provide some buffering, which will mitigate possible conflicts relate to noise, lighting and increased traffic. The Board finds that the proposed change is appropriate considering the surrounding land uses.

4.2 The primary change which has occurred in the area which supports the need for the proposed amendment is the development of the Spirit Mountain casino, which is attracting visitors to the area and has presumably produced a need for overnight accommodations for casino patrons. The Board finds that the proposed change is appropriate considering the density and pattern of development in the area, and any changes which may have occurred in the vicinity to support the proposed amendment.

4.3 Regarding the availability of utilities and services that will be needed by the RV park, the applicant has submitted letters indicating that the subject property could be served by the Grand Ronde Community Water Association and Grand Ronde Sanitary District. The availability of these utilities makes this site more appropriate for an RV park than most other areas of the county,

which would have to rely on septic systems and wells. The Willamina Fire District, which serves the area, has not indicated any problems with providing fire protection services.

4.4 The adequacy of the existing transportation system requires consideration. Several letters have been submitted, and testimony was offered at the Planning Commission hearing expressing concerns about traffic safety, particularly at the intersection of Grand Ronde Road and Highway 22. The applicants have submitted a traffic impact study prepared by Associated Transportation Engineering and Planning (ATEP). That study indicates that an RV park at the site will generate approximately 320 vehicle trips per weekend day. The study finds that this will have no net impact on the surrounding street system, but does recommend construction of a 150' left turn lane for northbound traffic into the site from Grand Ronde Road.

OAR 660-12, the Transportation Planning Rule that administers Goal 12, requires that any amendment to the Comprehensive Plan that will affect a transportation facility must assure that the allowed use is consistent with the function, capacity and level of service of the facility. Since the ATEP study indicates that the RV park would not change the functional classification of the roads in the area, the proposed zone change and comprehensive plan amendment comply with requirements of the Transportation Planning Rule. The Director of Public Works has indicated a specific concern about pedestrian traffic in the area and the lack of shoulders or other safe walking areas.

The Board finds that compliance with this provision in YCZO §1208.02C will be assured by imposing a condition which will require the applicants to construct a left turn lane into the site on Grand Ronde Road, and provide a paved shoulder for bicycle and pedestrian traffic adjacent to the site.

4.5 The Yamhill County Department of Public Works indicated staff reviewed the file and find no conflicts with our interests. Any new road approaches to the county road will require a permit. ODOT submitted a letter expressing concerns about impact on the transportation network. The project is subject to the Transportation Planning Rule, which requires that the use be consistent with the function, capacity and level of services of transportation facilities. Traffic would have a direct impact on Highways 18 and 22, and add to congestion at the Highway 18 - Highway 22 and Highway 18 - Grand Ronde Road intersections. ODOT requests that a transportation impact study be prepared by the applicant and approved by both the county and ODOT prior to approval of the zone change. Access to the site from Highway 22 is unlikely to be approved. In response to ODOT's concerns, applicants submitted a transportation impact study for approval by both the county and ODOT.

The Board finds that the transportation impact study satisfies the concerns expressed by ODOT, and that the proposed change is appropriate considering the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.

5. The Board finds that other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors, as required by YCZO §1208.02D as follows.

5.1 The RC district is the only zoning district that permits private RV parks. (The Parks, Recreation and Open Space, PRO district allows public travel trailer parks, such as might be operated by the State Parks Department, but not private parks.) The applicants have indicated that this location has been chosen in order to be within reasonable distance of the Spirit Mountain casino.

There is no other land in Yamhill County zoned RC within the vicinity of the casino (although, as discussed in Finding B.3, there is other land in Polk County that may be rezoned for an RV park, and there is tribal land near the casino which may be used for an RV park). There is other undeveloped land zoned RC near the Flying M Ranch, but its location is obviously not as well-suited to serve casino clientele. All other land in the county zoned RC is already developed.

6. The Board finds that the amendment complies with YCZO §1208.02E. The property is zoned AF-10, so an exception to Statewide Planning Goals 3 and 4 has already been taken. As indicated in Finding B.4, the request is consistent with Goal 12, the Transportation Planning Rule, so an exception to that goal is not required.

CONCLUSIONS:

1. The request is for an amendment to the Yamhill County Comprehensive Plan map from Agriculture/Forestry Small Holding to Commercial, and a zone change from AF-10 Agriculture/Forestry to RC Recreation Commercial.
2. The proposal complies with the criteria YCZO §1208.02.

DECISION:

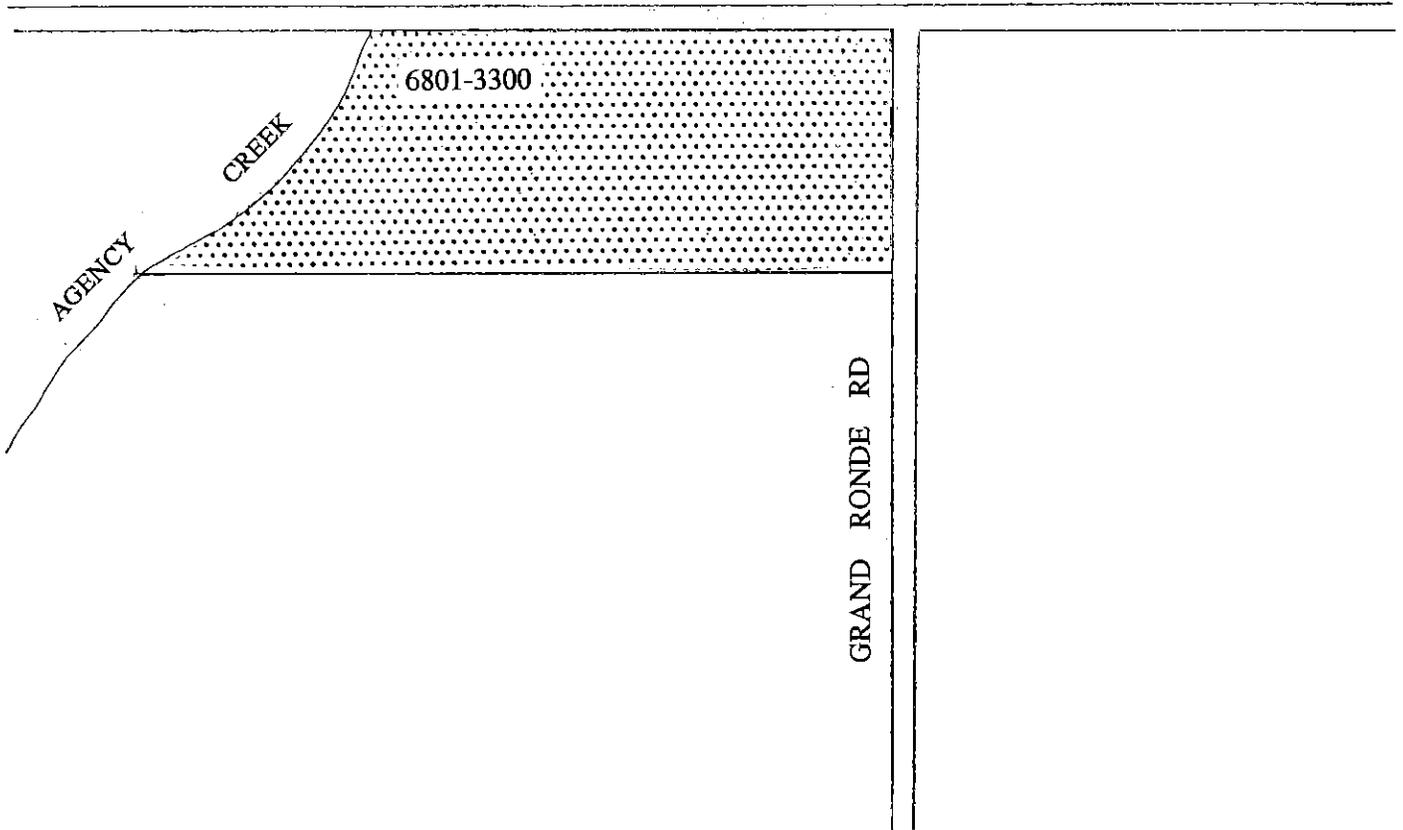
Based on the findings and conclusions, the request for a zone change from AF-10 to RC, and a Comprehensive Plan amendment from Agriculture Forestry Small Holding to Commercial for the purpose of allowing an RV park on Tax Lot 6801-3300, is hereby approved, subject to the following conditions:

1. Prior to any development of the property, the applicant shall receive site design approval, pursuant to Section 1101 of the Yamhill County Zoning Ordinance.
2. Any development shall maintain a 100 foot setback from the normal high water mark of Agency Creek, and all existing riparian vegetation shall be maintained within this setback area.
3. At the time of site development, the developers shall be responsible for construction of a 150 foot long left turn lane on Grand Ronde Road to provide access to northbound traffic, and shall widen the shoulders along Grand Ronde Road adjacent to the site for pedestrian and bicycle traffic. In the alternative, and if approved by the County Public Works Director, a bond may be posted to insure future construction of these improvements.

EXHIBIT "B" FOR ORDINANCE No. 606

ZONING AND COMPREHENSIVE PLAN
MAP AMENDMENT
TO CHANGE THE ZONING MAP
DESIGNATION FROM
"AF-10" AGRICULTURE/FORESTRY SMALL HOLDING
TO "RC" RECREATION COMMERCIAL

STATE HIGHWAY 22



NOT TO SCALE

AREA SUBJECT TO COMPREHENSIVE
PLAN AND ZONE MAP AMENDMENT
TAX LOT 6801-3300

PREPARED BY YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

ORDINANCE 606
Exhibit "B"