

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-847

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1994 DEC 21 PM 2:41
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)	
Amending the Yamhill County)	
Zone Map to Change, on a 40.07)	
acre tract comprised of Tax Lots)	
3204-700, 800, 1001, 1201 and)	
1202, the Zone Map Designation)	ORDINANCE 585
from AF-10 to AF-20; Approving)	
Site Design for the Subject)	
Tract; Planning Dockets Z-4-94)	
and SDR-12-94; Applicant H. J.)	
Medici; Declaring an Emergency.)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board"), sat for the transaction of county business in regular session on December 21, 1994 commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. H. J. Medici ("the applicant") has applied to the Department of Planning and Development for a zone map amendment from AF-10 to AF-20 on a 40.07 acre tract comprised of Tax Lots 3204-700, 800, 1001, 1201 and 1202. The application also seeks site design review to allow establishment of a winery and a filbert processing building.

B. The subject property has a "Agriculture/Forestry Small Holding" comprehensive plan map designation. The existing plan map designation is sufficient to allow a zone map designation of AF-20 without a comprehensive plan map amendment to "Agriculture/Forestry Large Holding."

C. On December 14, 1994 the Yamhill County Planning Commission held a public hearing on the application and unanimously voted to approve the zone change and site design review as requested.

D. Section 1300 of the Yamhill County Zoning Ordinance, No. 310 as amended, provides that a decision of the Planning Commission to approve a zone change is final unless appealed to the Board or ordered to be reviewed by the Board within 15 days of notice of the decision. Since no appeal was filed and the Board did not order review, the Planning Commission's December 1, 1994 decision to approve the application is final subject to enactment of an implementing ordinance by the Board.

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E. The Board finds the decision of the Planning Commission is appropriate for the reasons contained in the findings for approval attached as Exhibit "A"; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of AF-20 on the 40.07 acre tract comprised of Tax Lots 3204-700, 800, 1001, 1201 and 1202.

Section 2. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

Section 3. The site design review application as submitted as Planning Docket S-12-94 is approved subject to the conditions stated on page 4 of Exhibit "A" to this ordinance.

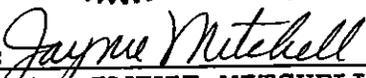
Section 4. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE at McMinnville, Oregon this 21st day of December, 1994.



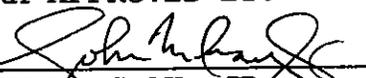
YAMHILL COUNTY BOARD OF COMMISSIONERS


Chairman DENNIS L. GOECKS

By: 
Deputy JAYNIE MITCHELL


Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:


JOHN M. GRAY, JR.
Yamhill County Counsel


Commissioner DEBI OWENS

EXHIBIT "A"
Ordinance 585
(Findings for Approval)

DATE OF PLANNING COMMISSION HEARING: December 1, 1994

DATE OF ORDINANCE ADOPTION: December 21, 1994

DOCKET: Z-4-94/SDR-12-94

REQUEST: Zone change from AF-10 Agriculture/Forestry Small Holding to AF-20 Agriculture/Forestry and a Site Design Review to allow an establishment of a winery and a filbert processing building.

APPLICANT: H. J. Medici

TAX LOT: 3204-700, 800, 1001, 1201, 1202

LOCATION: 28005 NE Bell Rd, Newberg, OR 97132

APPROVAL CRITERIA: Sections 1208 and 1101 of the *Yamhill County Zoning Ordinance*

FINDINGS:

A. Background Facts

1. **Lot Size:** The combined area of the subject tax lots is 40.07 acres. The request applies to all Tax Lots mentioned above.
2. **Access:** Bell Road, a county road
3. **On-Site Land Use:** The property contains 20 acres of grapes, 12 acres of a filbert orchard and the remainder is forested. The applicant's residence and agricultural outbuildings are also on the property. The parcel is sloping from north to south. From Bell Road toward the northern boundary line, the property gains approximately 400 feet in elevation.
4. **Surrounding Land Use:** Land adjacent to the subject property are in grape production, orchards, small woodlots and rural residential uses.
5. **Surrounding Zoning:** All adjacent land is currently zoned AF-10 Agriculture/Forestry Small Holding. Parcels further north across Mountain Top Road are zoned AF-20 Agriculture/Forestry. Parcels further to the south across Bell Road are zoned VLDR-2½ Very Low Density Residential.
6. **Soils:** Sheet 16 of the Yamhill County Soil Survey indicates all of the soils on the subject 40-acre are comprised of Jory clay loam with 12 to 30 percent slopes (JrD and JrE). These soils have an agricultural class of III and IV respectively.
7. **Taxes:** All parcels are currently on farm deferral.
8. **Water:** Existing well.
9. **Sewage Disposal:** Existing septic system.
10. **Previous Actions:** On tax lot 3204-1001, a partitioning was approved under Docket P-602-76, which was a lot-line adjustment to separate the property from Tax Lot 3204-1000 and combine it with Tax Lot 3204-800.

11. Discussion: The applicant wishes to construct a winery and a filbert processing plant. This activity is not allowed as a permitted use in AF-10 zoning district. It is allowed in AF-20 zoning district subject to a Site Design Review approval.

B. Ordinance Provisions 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, respectively, in Findings B.2 through B.6 below.

2. The 1976 Comprehensive Plan Map indicated the land is plan designated AFSH Agriculture/Forestry Small Holding. This was reaffirmed by the 1980 Exception Process as part of a Code Area 1.2. The smallest minimum lot size this plan designation allows is ten acres. The present zoning on the subject property is AF-10. The proposed zoning designation of AF-20 allows the smallest minimum lot size of 20 acres, however, since Yamhill County is under 80 acre minimum lot size provision this parcel will be nonconforming to that provision. This condition exists due to minimum lots size standard incorporated into HB 3661, 1993.

Regarding Comprehensive Plan goals and policies, the land is currently planned and zoned for farm use. Policy II.A.1.a states:

Yamhill County will provide for preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various financial incentives.

In addition, Policy II.A.2.a states:

Yamhill County will continue to preserve areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

The site is predominantly Class III and IV soils and is primarily committed to an agricultural production of grapes and filberts.

The Comprehensive Plan commits the county to protect farm resources, so present use of the parcel should be the determining factor for an approval of this application. The site has a significant quantity grapes and filbert trees. (Finding A.3).

3. Regarding criterion (b), the need relevant to this request is related to the requirements of the applicant. The applicants desire to establish a winery and a filbert processing plant. The present zoning does not allow wineries and processing plants as a permitted use.
4. Regarding criterion (c), as noted in Finding A.4, the surrounding property consists of small scale farm uses. Approval of this zone change would allow establishment of winery and a filbert processing plant which are similar to farm uses in the surrounding area. Additionally, the request would limit the creation of parcels to 20 acre or greater instead of 10-acre lot size presently on the subject parcel. However, since Yamhill County is under 80 acre minimum lot size provision this parcel will be nonconforming to that provision.
5. Regarding criterion (d), the farm use is already established on the subject tract, see Finding B.3, above.
6. Regarding criterion (e), no exception is required.

C. Site Design Review Criteria and Analysis

1. YCZO Section 1101.02 lists several considerations to be employed in the review of site development plans. These considerations are:
 - (a) Characteristics of adjoining and surrounding uses;
 - (b) Economic factors related to the proposed use;
 - (c) Traffic safety, internal circulation, and parking;
 - (d) Provision for adequate noise and/or visual buffering from noncompatible uses;
 - (e) Retention of existing natural features on the site;
 - (f) Problems that may arise due to development within potential hazard areas; and
 - (g) Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.

These criteria are addressed, respectively, in Findings C.2 through C.7 below.

2. See Findings A.4 and A.5 of this report that describe surrounding land uses. Regarding subsection (a) above, most of the surrounding area is a typical area consisting of small farms and with some rural residential uses on parcels averaging approximately five to six acres. Bell Road, a county roadway with a moderate amount of traffic travelling between Mountaintop/Springbrook roadway system and Highway 219/North Valley Road system.

In consideration of surrounding uses, the potential effects of the proposed facility should be addressed. There were no detrimental effects identified by the staff that could potentially cause any harmful effects to the surrounding properties. The expansion of the facility should not significantly increase the detrimental effects in the area.

3. No economic factors relating to the request have been identified that would lead to any modifications in the site development plan.

4. Regarding traffic safety, there might be a slight increase in a traffic flow on Bell Road, however the overall proposal should not have that great of impact as long as the existing conditions prevail.
5. Regarding (d) above, any detrimental effects are agricultural in nature located in an area that is predominantly agricultural in its character.
6. There have been no natural features identified on the subject site that would be potentially disturbed by the project.
7. No comments of the surrounding property owners were received by this office at the time of this report.

CONCLUSIONS:

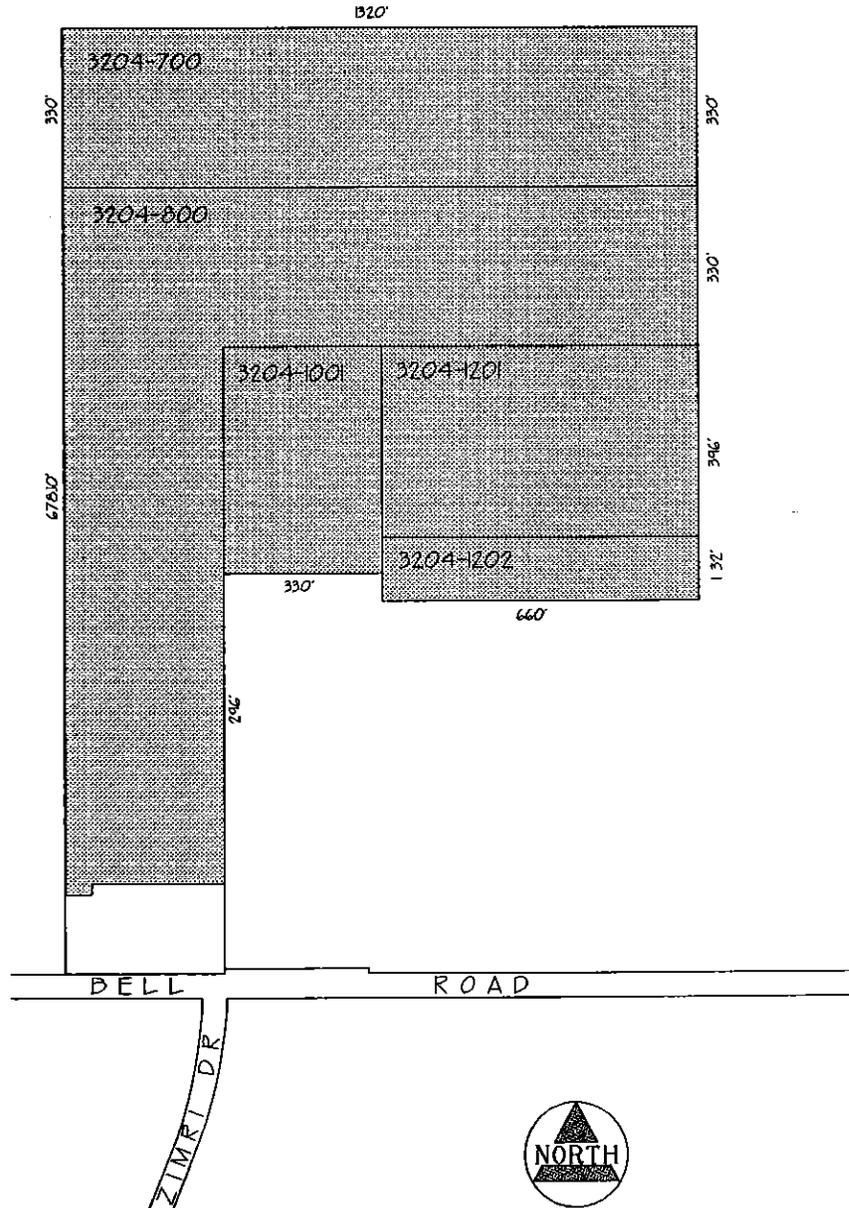
1. The request is for a zone change from AF-10 Agriculture/ Forestry Small Holding to AF-20 Agriculture/Forestry for the purpose of establishing a winery and a filbert processing plant.
2. The request complies with the Comprehensive Plan Goals and Policies.
3. The requested use is appropriate for the area considering the level of services needed and available, and considering surrounding development.
4. With conditions, the request complies with the site design review standards in Section 1101.02 of the *Yamhill County Zoning Ordinance*.

DECISION:

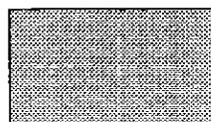
The zone change is approved as provided in the implementing ordinance. Site design review on Tax Lots 3204-700, 800, 1001, 1201 and 1202 is approved subject to the following conditions:

1. The applicant shall obtain all state and local permits required for any construction on the subject parcel.
2. The development shall substantially conform to the preliminary site plan submitted with the application.
3. All winery and filbert packing activities shall be confined to areas indicated on the submitted plan.
4. Any expansion or new use on the site shall require a new site design review approval.

EXHIBIT "B" FOR ORDINANCE No. 585
 ZONING MAP AMENDMENT
 TO CHANGE THE ZONING MAP
 DESIGNATION FROM
 "AF-10" AGRICULTURE/FORESTRY SMALL HOLDING
 TO "AF-20" AGRICULTURE/FORESTRY LARGE HOLDING



NOT TO SCALE



AREA SUBJECT TO COMPREHENSIVE
 PLAN AND ZONE MAP AMENDMENT