

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

84-496

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED  
YAMHILL COUNTY, OREGON  
1984 OCT -2 AM 10:48  
CHARLES STERN  
COUNTY CLERK

In the Matter of an Ordinance to Implement )  
Planning Commission Resolution 84-20, Au- )  
thorizing an Amendment to the Yamhill Coun- )  
ty Zoning Ordinance, No. 310, 1982, to )  
Amend the Official Zoning Map on Tax Lot ) ORDINANCE NO. 391  
4303-1100, to Change the Official Zoning )  
From EF-40 to HC as Requested by Mark and )  
Shirley Blanchard )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 26th day of September, 1984, sat for the transaction of County business in special session, Commissioners David E. Bishop, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, Mark and Shirley Blanchard have applied to the Yamhill County Department of Planning and Development to change the Official Zoning Map on Tax Lot 4303-1100 from EF-40 to HC in conjunction with a request for a Plan amendment on said property; and

WHEREAS, on August 2, 1984, the Yamhill County Planning Commission voted unanimously to approve said zone change for the reasons set forth in said Resolution and the attached Exhibit "A" constituting the findings of fact and conclusionary findings for approval; and

WHEREAS, on August 22, 1984, the Board held a public hearing on the question of whether to allow said zone change request and voted unanimously to allow an amendment to the Official Zoning Map of Yamhill County Zoning Ordinance, No. 310, 1982 to change the official zoning on Tax Lot 4303-1100 from EF-40 to HC as more particularly identified on the attached Exhibit "B" for the reasons set forth in Resolution 84-20, and the attached Exhibit "A", constituting the findings of fact and conclusionary findings for approval;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Yamhill County Board of Commissioners as follows:

Section 1. The Official Zoning Map of Yamhill County Zoning Ordinance, No. 310, 1982 be and hereby is amended to change the official zoning on Tax Lot 4303-1100 as identified on the attached Exhibit "B" incorporated herein by this reference from EF-40 to HC for the reasons set forth in the attached Resolution 84-20 and the attached Exhibit "A", incorporated herein by this reference, constituting the findings of fact and conclusionary findings for approval.

Section 2. This Ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE this 26th day of September, 1984 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

*David E. Bishop*  
Chairman DAVID E. BISHOP

By: *Blaine Pearcey*  
Deputy BLAINE PEARCEY

*Ted Lopuszynski*  
Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:

*Robin J. Hamblet*  
Commissioner ROBIN J. HAMBLET

*John M. Gray, Jr.*  
JOHN M. GRAY, JR.  
Assistant County Counsel

In the Matter of an Amendment to the )  
Yamhill County Zoning Ordinance, )  
No. 310, 1982 as requested by )  
Mark and Shirley Blanchard

RESOLUTION NO. 84-20

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 2nd of August, 1984 sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Bennette, Miller, Philpott, Schatz, Treadway and Weidemann were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, No. 310 in December, 1982, being the Yamhill County Zoning Ordinance text and Official Zoning Map; and

WHEREAS, ORS 215.020 provides that a governing body may create a county planning commission and, pursuant to ORS 215.406, may designate the planning commission to serve as a hearings officer with all the power and duties of a hearings officer as prescribed by ORS 215.010 and 215.402 to 215.422; and

WHEREAS, the Yamhill County Board of Commissioners created the Yamhill County Planning Commission by adoption of an unnumbered Board Order on the 6th of November, 1957 and designated that planning commission as the hearings body for petitions for amendments to the Yamhill County Zoning Ordinance by adoption of Ordinance No. 138 on the 1st day of June, 1977; and

WHEREAS, it appears to the Planning Commission that a petition submitted on behalf of Mark and Shirley Blanchard has been filed with the Yamhill County Department of Planning and Development, pursuant to Section 1207 of Ordinance No. 310 to amend said Ordinance, and change the Official Zoning Map designation from Exclusive Farm-40 (EF-40) for a parcel described as being a 1.2 acre tract; and

WHEREAS, the Newberg/Dundee Planning Advisory Committee reviewed the amendment request at a public meeting and approved the request; and

WHEREAS, the Planning Commission, on the 2nd of August, 1984 held public hearing as required by ORS 215.223 and 215.416 on the proposed amendment and voted to approve the request based on the findings and conclusions attached hereto as Exhibit "A" and by this reference made a part hereof:

NOW THEREFORE, IT IS HEREBY RESOLVED that the Official Zoning Map be and hereby is amended to show the Zoning Designation on a 1.2 acre portion of Yamhill County, Tax Lot 4303-1100 as Highway Commercial (HC) as shown on the sketch plan attached hereto as Exhibit "B" and by this reference made a part hereof.

This resolution shall be in force and effect from and after the date the change is properly recorded on the Official Zoning Map. The Yamhill County Planning Director be and hereby is directed and authorized to amend said Official Zoning Map in conformance with this Ordinance.

Such amendment is to be done in conjunction with a Comprehensive Plan map change from Agriculture/Forestry Large Holding (AFLH) to Commercial (C) recommended by the Planning Commission to be approved by the Board of Commissioners for the same area.

DONE this 2nd day of August, 1984

AYES: Bennette, Miller, Philpott, Schatz, Treadway and Weidemann

NAYES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

Approved by the Chairman on this 2nd day of August, 1984

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION

  
Lynn Steiger  
Planning Director

  
Dick Sadler, Chairman

Findings of Fact

1. The applicant has requested a plan amendment/zone change on the 1.2 acre subject property from AFLH/EF-40 to Commercial/HC.
2. The applicant has not specified proposed uses for the property, other than possibly a tourist information center; however, during a pre-application conference with the applicant it was indicated that other potential uses would cater to the traveling public, would be tourist oriented and generally based on local economic, historic and agricultural resources. After reviewing the types of uses allowed and the purposes of the County Commercial Districts, the applicant determined that the HC District would best accommodate the anticipated uses for the property.
3. At the present time, structures on the subject property include a commercial building used as a bee supply business and an apartment, a dwelling, a barn and two storage buildings. The parcel has approximately 400 feet of frontage on Highway 99W and is approximately 175 feet in depth. The State right-of-way is 80 feet from centerline of Highway 99W. The parcel fronts the east side of Blanchard Lane.
4. The subject property has been used for a variety of commercial activities since 1947. Previous uses have included a grocery store, service station, upholstery shop, cultured marble manufacturing and sales, carpet outlet, second hand store and presently a bee supply business and produce stand.  
  
Since 1980, there have been 4 applications filed with the County to allow firewood-barkdust sales, a second hand store, a convenience market and a produce market-bee supply sales. Three of the applications were approved, one application was withdrawn. In reviewing the previous applications, the main land use issues have focussed on adequacy of parking space available in the frontyard of the property, adjacent to Highway 99W, the limitations and potential hazards of access to the site, the availability of adequate replacement area for a septic to serve the site.
5. The applicant has not submitted a specific site plan affording the Planning staff an opportunity to review the layout and development plan of the property for consistency with the site design review requirements of the Zoning Ordinance. However, in consideration of land use concerns raised in previous applications, the applicant has submitted the following:
  - a. An aerial photo indicating existing and proposed parking areas in addition to the parking area within State right-of-way;
  - b. A copy of the recorded agreement from the adjacent property owner granting an easement for a replacement septic system area. The easement has been approved by the County Sanitarian.
  - c. A copy of an indenture of access from the State Highway Division, granting a 35 foot wide access to and from the north side of Highway 99W, unrestricted as to use, and documentation referring to two other access points, including Blanchard Lane; and
  - d. A letter from the adjacent landowner to the north indicating that if the State expands the highway in such a manner as to force the applicant to relocate, as much as 3 acres would be made available to the applicant.
6. The subject property is presently served by electric and telephone utilities and has a septic systems and well located on it.
7. A review of the HC zoned and/or plan designated sites in the County indicated the following:
  - a. At the present time the only HC zoned and plan designated property in the County along Highway 99W is the Double D Auction, northeast of Dundee. The seven acre site is presently used as an auction yard.
  - b. There are 8 other HC zoned sites in the County. Seven of these sites are located along Highway 18, between McMinnville and Sheridan, and one site is located on State Highway 140 within the Newberg Urban Growth Boundary.
  - c. Of the nine existing HC zoned sites in the County, eight have existing structures located on them and six sites are devoted to existing commercial operations.
8. Soils on the subject property are agricultural Class II, Woodburn silt loam.
9. Surrounding land uses include rural residences, small to large scale farm operations, a winery, an Oregon State Highway Division weigh scale, a fruit stand and a warehousing and wholesale distribution business.

12. The Newberg/Dundee Planning Advisory Committee considered the application at their meeting of July 25, 1984 and unanimously recommended approval of the request.

#### Decision-Making Criteria

The Planning Commission's decision must be based upon the Revised Goals and Policies of the County Comprehensive Plan, upon the amendment review criteria as set forth in Section 1207 of the Zoning Ordinance and upon the criteria for the taking of an exception as set forth in Section 19(a) (1) of HB 2295.

#### Conclusionary Findings

##### Approval

The following conclusionary findings can be made for approval of the application:

1. The proposal is consistent with the Comprehensive Plan as follows:
  - a. In that the subject property has access onto a public road and a State Highway, has septic and water service on-site and is served by electric and telephone utilities, the proposed commercial use of the property will not require the extension of urban services to the site.
  - b. In that the subject property has been continuously used for a variety of commercial activities since the 1940's and would be allowed to continue to be used for commercial purposes even were the plan amendment/zone change request denied, the proposal would appear to be consistent with County commercial development goals.
  - c. Because the subject property is only 1.2 acres in size and has existing commercial and residential development located on it, approval of the requested amendment will not be inconsistent with County goals and policies regarding the preservation of productive farm lands and lands with agricultural Class I-IV soils.
2. In that the request pertains to property with on-going commercial activities and because approval of the requested action will provide the landowner with certainty as to the scope of uses that will be allowed on the property, there is an existing demonstrable need of: the proposed amendment. Further, in that potential commercial uses on the site include tourist oriented facilities and the sale and promotion of local agricultural products, the proposed amendment will assist in fostering economic development and the agricultural character of the County.
3. The requested amendment is timely considering that the application pertains to property that has been used for commercial purposes since the 1940's and that currently has all necessary services and utilities provided to it. Further, in that the applicant has made 4 land use applications on the property since 1980 to allow modification and continuation of the commercial activities on the property and because these procedures have caused the applicant loss of potential commercial tenants, the requested amendment is needed at this time.
4. Although there are nine other HC zoned sites in the County, all but one of these sites is presently physically developed and the one underdeveloped site is within the Newberg Urban Growth Boundary. Additionally, only one HC zoned site exists along the Highway 99W corridor, within the County and that site is developed and committed to an existing business and, therefore, there are no undeveloped lands in the County, outside of urban growth boundaries that are zoned HC. Further, because the request pertains to a property with on-going commercial activities, the subject property is the only site suitable for the proposed amendment.
5. The following findings can be made for taking an exception to applicable County resource goals:

In that the subject property is 1.2 acres in size and has a commercial store/apartment building, a dwelling and 3 accessory buildings located on it, the property is physically developed to the extent that it is no longer available for agricultural or forestry uses. Further, in that a variety of commercial businesses have operated on the subject property on an on-going basis since the 1940's, it appears likely that the subject property could have been included in the previous County action that excepted those parcels recognized as being developed or substantially committed to nonfarm/nonforest uses.

EXHIBIT "B"

8.3

