

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

83-241 FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
JUN 9 4 37 PM '83
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
to Implement Planning Commission)
Resolution No. 83-7 Authorizing) ORDINANCE NO. 343
an Amendment to the Yamhill County)
Zoning Ordinance, No. 310, 1982,)
requested by Denis R. Burger)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board) on the 8th day of June, 1983, sat for the transaction of County business, in special session, Commissioners Robin J. Hamblet, Dave Bishop, and Ted Lopuszynski being present.

WHEREAS, pursuant to ORS 215.402 to 215.422 and 1301.01 (C)(8) of the Yamhill County Zoning Ordinance, decisions by the Yamhill County Planning Commission to approve or deny requests for amendment to the Zoning Ordinance are final, unless an aggrieved party appeals to the Board within fifteen days, or unless the Board in its discretion elects pursuant to §1301.05 of the Zoning Ordinance to review the decision on its own motion within fifteen days, and

WHEREAS, the Planning Commission has adopted a Resolution approving an amendment to the Zoning Ordinance upon the application of the above named person(s), a copy of said Resolution being attached hereto and by this reference incorporated herein as if fully set forth herein, and

WHEREAS, more than fifteen days have elapsed since this decision was announced by the Planning Commission and no appeals to or reviews by the Board have been requested, NOW, THEREFORE, based upon and for the reasons set forth in the attached Resolution,

IT IS HEREBY ORDAINED BY THE BOARD that the Official Zoning Map of the Yamhill County Zoning Ordinance be and hereby is amended consistent with and as set forth in the attached Resolution of the Yamhill County Planning Commission.

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

DONE this 8th day of June, 1983 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Robin J. Hamblet
Chairman ROBIN J. HAMBLET

By: *Elaine B. Bargey*
Deputy ELAINE B. BARGEY

Dave Bishop
Commissioner DAVE BISHOP

APPROVED AS TO FORM:

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

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,)
Ordinance No. 310, 1982 as requested)
by Denis R. Burger)

RESOLUTION NO. 83-7

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 2nd day of June sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Treadway, Bunn, Miller, Stockhoff, Grimm, Weidemann, Bennette and Sadler were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 on the 1st day of 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 hearing 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 day of November, 1957 and designated that planning commission as the hearings body for petitions for amendments to the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 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 Denis R. Burger 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 Agriculture/Forestry Large Holding to Light Industrial for a parcel described as being a two (2) acre portion of a forty-four (44) acre tract; and

WHEREAS, the Planning Commission, on the 2nd of June held a 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 two (2) acre portion of Yamhill County Tax Lot 5510-1801 as Light Industrial 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.

DONE this 2nd day of June, 1983.

AYES: Treadway, Bunn, Weidemann, Grimm, Miller, Stockhoff, Bennette,
Sadler

NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman this 2nd day of June, 1983

ATTEST:



Lynn Steiger
Planning Director

YAMHILL COUNTY PLANNING COMMISSION



Dick Sadler, Chairman

3. Docket:
Request:

PA-125-83/Z-235-83

An amendment to the Yamhill County Comprehensive Plan, 1974 to change the Plan Map designation from "Agriculture/Forestry Large Holding" to "Light Industrial" on a two (2) acre portion of a forty-four acre tract. An amendment to the Yamhill County Zoning Ordinance, No. 310, 1982 to change the official zoning map from "EF-40/AF-20" to "RI" on a two (2) acre portion of a forty-four (44) acre tract.

Location:

Approximately five (5) miles Southwest of the City of McMinnville, West of County Road No. 431, in the Southeast 1/4 of Section 10, T5S-R5W, Tax Lot 5510-1801.

Applicant:

Denis R. Burger

Findings of Fact

1. The applicant has requested a plan amendment/zone change on a two (2) acre portion of the subject property to allow for development and operation of a winery.
2. There is currently a one thousand one hundred and fifty (1,150) square foot pole building located on the property. Approximately twenty (20) acres of the property are planted to grapes and the remainder of the property is predominantly in grain and hay crops. The proposed winery site is in a wooded portion of the property that previously has not been cultivated.
3. The proposed winery site is served by a ten (10) foot wide gravel road with a sixty (60) foot right-of-way. The applicant has indicated plans to widen the road surface to twenty (20) feet.
4. In addition to the twenty (20) acres of grapes recently planted on the property, the applicant has indicated plans to plant an additional twenty (20) acres of grapes in 1984 and twenty (20) acres more in 1985. The proposed grape plantings would result in an additional thirty (30) acres of uncultivated land coming into production.
5. The proposed winery would process grapes grown on the property and from local vineyards. The final capacity of the winery is expected to be 25,000 gallons annually. It is anticipated that the winery would be built in 1984.
6. The impact of the winery on water supplies in the area is expected to be minimal. The winery would depend on water for cleaning equipment, etc. There is no irrigation required for grapes.
7. The applicant has indicated that the winery needs to be located near the vineyards for both expense and product quality considerations.
8. Soils on the proposed two (2) acre winery site are agricultural Class IV, Yamhill silt loam with slopes of between 7 to 20 percent.
9. Surrounding properties are characterized by intensive agricultural production including grain and hay crops, livestock grazing and woodlots. An adjacent property owner has indicated that he has no objection to the proposed winery so long as the winery doesn't adversely impact water supply in the area and as long as the access roadway is improved to necessary standards.
10. Parcels in the area of the subject property range in size from approximately three (3) acres to over one hundred (100) acres. Properties to the northeast are zoned "AF-10" and were excepted during the County Exceptions Process (Code Area 6.11). The predominant zoning in the area is "EF-40" and "AF-20."
11. The County definition of farm use includes "the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise."
12. The County Sanitarian has indicated that a site evaluation needs to be approved for the parcel.
13. The County Engineer has reviewed the proposal and has found no conflicts with the Road Department's interests.

EXHIBIT

A

14. The DEQ has reviewed the proposal and has found no conflicts with the Department's interests.
15. The Yamhill SWCD has reviewed the proposal and has found no conflicts with the District's interests.
16. The Sheridan PAC reviewed the application at their May 2, 1983 meeting and recommended approval of the request by a unanimous vote.

Conclusionary Findings

Approval

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

1. Approval of the request would assist in maintaining an appropriate rate and pattern of economic growth consistent with the agricultural character of the County by complimenting vineyard production proposed for the parcel and vineyard production throughout the County.
2. The proposal is consistent with those industrial policies regarding proximity to agricultural resources in that the proposed winery would facilitate on-site vineyard production.
3. In that the site of the proposed "RI" zone and winery is located in an uncultivated area of the property and because the winery would facilitate a thirty (30) acre increase of lands in production on the property, the request would be consistent with County policies regarding preservation of agricultural lands.
4. In that the proposed winery would facilitate proposed and existing agricultural production within the County (i.e. vineyards), the use would be consistent with the overall intent and purpose of the Comprehensive Plan.
5. Approval of the requested zone change would be in the public interest and would serve a need in that the proposed winery would facilitate further agricultural production within the County and would enhance the reputation of an increasingly popular and economically viable Yamhill County industry. Further, waste water disposal is regulated by DEQ standards and development is subject to County site design review requirements and, therefore, any impacts the winery may have on adjacent lands would be minimal.
6. The requested zone change is timely considering the existence of a twenty (20) acre vineyard on the subject property and the continued expansion of grape production throughout the County. Further, the proposed winery would be dependent upon on-site utilities and services and would not necessitate expansion of public services.
7. Although there are other "RI" zoned lands in the County, they are essentially developed and it is beneficial from a production and economic standpoint to have a winery near the vineyard. Further, the intended use of the property as a winery is similar to the definition of farm use as set forth in ORS 215.203(2)(a) in that the operation of the proposed winery would include the preparation, storage and marketing of grapes grown on the site. Therefore, the requested zone change from "AF-20" to "RI" would be minor and the applicant's burden of proof can be considered relatively light.
8. The public need is best served by the proposed action in that establishment of a winery necessitates a significant investment and approval of the zone change provides the applicant with certainty that such an investment will be recognized as an authorized permitted use. Further, the applicant is basing proposed vineyard production on the ability to operate a winery on the site while having the flexibility to process grapes grown off-site. County policy recognizes the plan amendment/zone change procedure as the appropriate method of authorizing such a use.

The following conclusionary findings can be made in support of taking an exception to the applicable County resource goals:

1. The proposed winery facility should be provided for because the use is oriented to agricultural resources. The winery will enhance the agricultural character of the County by processing grapes grown on Yamhill County vineyards and will help maintain the economic growth of the County by adding to the growing wine industry of Yamhill County.
2. Although a winery could be established in other locations throughout the County, the applicant has indicated an intention to substantially commit this property to grape production and in order to process these grapes in an economic manner, the winery should be located on-site.
3. Denial of this request would essentially prevent agricultural use of agricultural lands in that the County's policy has been to consider the "RI" District as a further refinement of County resource zones and as a further means of promoting and preserving agricultural production within the County. Changing the site from an agricultural designation to a resource industrial designation would enhance rather than hinder the agricultural character of the property and the County.
4. The proposed winery facility would be consistent with permitted uses on adjacent lands in that the winery is agriculturally related and adjacent lands are plan and zone designated for agricultural uses. Further, environmental concerns associated with the proposal are regulated by DEQ and County site design standards to minimize impacts on adjacent lands.

US
LOT 4

NW COR
S. BOYD
D.L.C. No 58

Exhibit B

882.61'

314.29' 117.54' 142.63'

US
LOT 5

2 acre
R.I.

44 acre tract

US
LOT 6

SW COR
S. BOYD
D.L.C. No. 58

COUNTY ROAD No. 431

DESCRIPTION: Beginning at the N.W. corner of the John Boyd claim number 58, in Township 5 south, Range 5, West of the Willamette Meridian in Yamhill County; thence south $0^{\circ}33'30''$ West along the West line of said John Boyd Land Claim, 882.61 feet to a point thence north $85^{\circ}29'$ East 314.29 feet; thence North $88^{\circ}06'$ East 117.54 feet; thence South $70^{\circ}36'$ East 142.63 feet to point (A) which is the N.W. corner of the 2 acre tract being changed to Resource Industrial; thence South 20° East 310 feet to point (B) thence South 60° East 438 feet to point (C) thence North 20° West 310 feet to point (D) thence West 60° North 438 feet returning to point A. Points A, B, C, D scribe a parallelogram encompassing the 2 acre R.I. site.