



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/24/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment
DLCD File Number 007-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 06, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Ken Friday, Yamhill County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAR 17 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Yamhill County**

Local file number: **PAZ-04-09**

Date of Adoption: **March 10, 2010**

Date Mailed: **March 16, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/7/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To change the zoning from rural residential with a 2.5 acre minimum lot size to LI Light Industrial. The intended use is for RV storage

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **VLDR**

to: **I Industrial**

Zone Map Changed from: **VLDR 2.5**

to: **LI Light Industrial**

Location: **23530 Dunberg Loop, Newberg**

Acres Involved: **8.5**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 007-09 (17752) [16056]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Ken Friday**

Phone: (503) 434-7516 Extension:

Address: 525 NE Fourth St

Fax Number: - -

City: McMinnville

Zip: 97128

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

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 10th day of March, 2010, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN
County Clerk

By *Anne Britt*
Deputy Anne Britt

APPROVED AS TO FORM.



Kathy George
KATHY GEORGE
Mary P. Stern
MARY P. STERN
Leslie Lewis
LESLIE LEWIS

Rick

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.

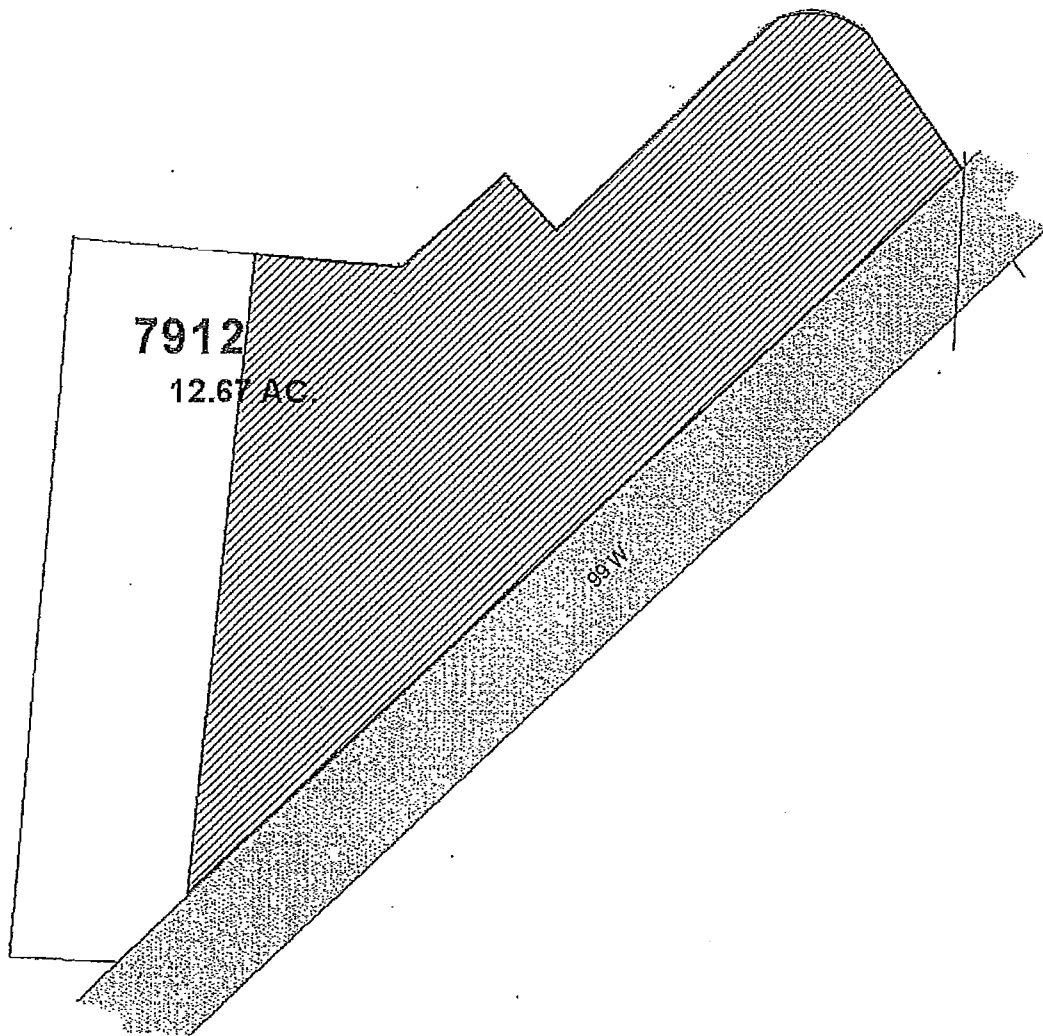
7. One-half of the parcel is classified as Amity silt loam and the other half is Dayton silt loam. While the property does contain soils that are rated as "high-value" agricultural soils, in 1980 the property had an exception to the farm and forest preservation goals.
8. The property was found to be 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

Yamhill County
DEPARTMENT OF PLANNING AND DEVELOPMENT
525 NE Fourth Street
McMinnville, OR 97128
www.co.yamhill.or.us/plan

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REQUESTED**

**PRESORTED
FIRST CLASS**



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ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

PERMITS 97301

